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REPORT
ON
CANADIAN ARCHIVES

BY
DOUGLAS BRYMNER, LL.D., F.R.S.C.
ARCHIVIST

1897

(Being an Appendix to Report of the Minister of Agriculture.)

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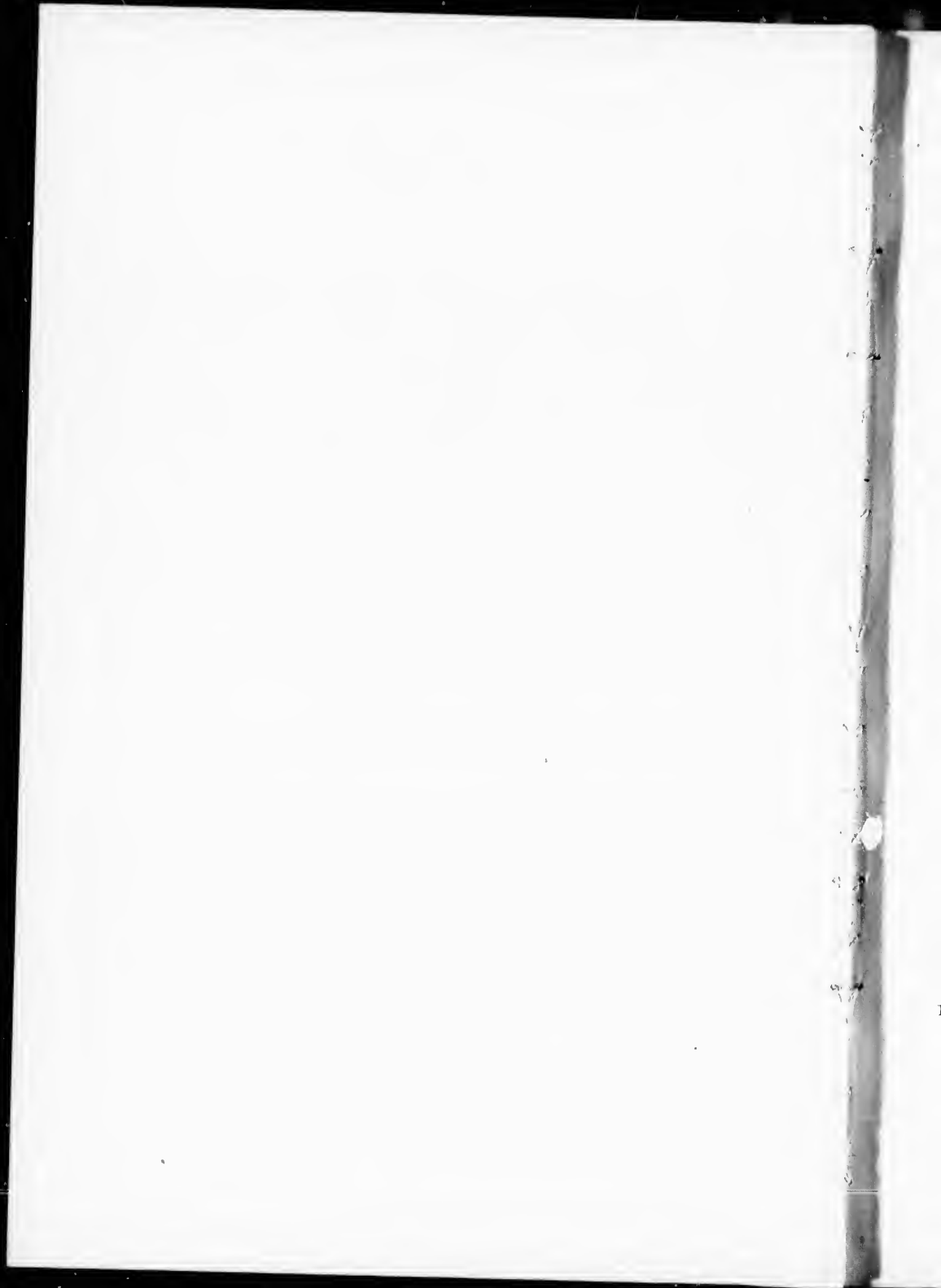


OTTAWA

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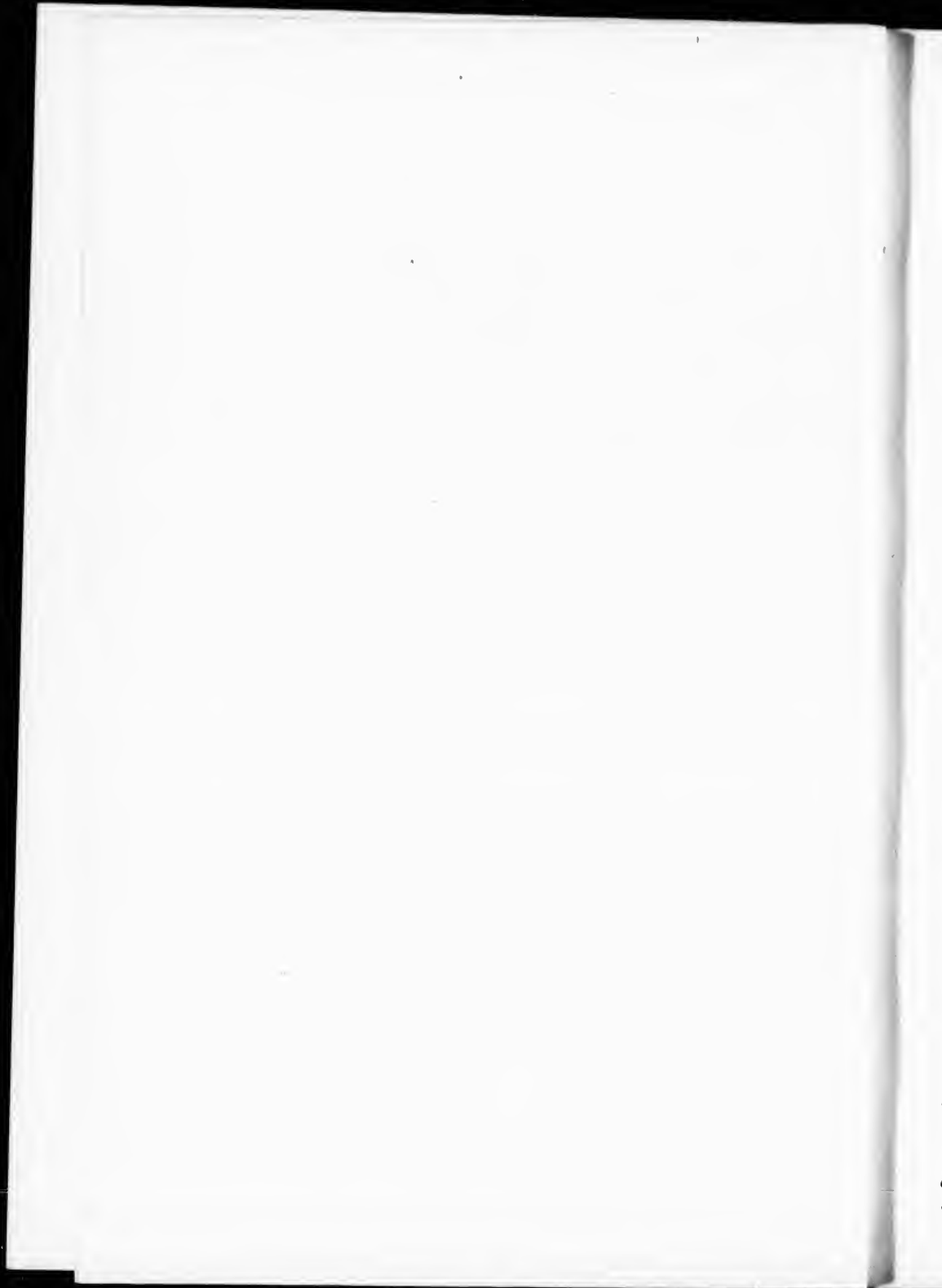
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REPORT ON CANADIAN ARCHIVES

DOUGLAS BRYMNER, LL.D., F.R.S.C., ARCHIVIST.

Honourable SYDNEY A. FISHER,
Minister of Agriculture,
&c., &c., &c.

SIR,—I have the honour to present the report on Archives for 1897.

The copying of the State papers in London and Paris is proceeding regularly and systematically. The transcripts received from Paris cover the dates from 1575 to 1741, the work being carried on under the careful supervision of M. Victor Tautet. Mr. E. Richard has been sent to Paris to continue investigations begun by Mr. Marmette in 1883. The work of transcribing the papers relating to Nova Scotia has been begun in London. A calendar of these was published in the report for 1894, abstracts having been made from the original documents in the Public Record Office and Departments of State in London, England.

It is with much regret that I have to report that in consequence of a fire in the Western Block, in which the Archives were deposited, they had to be removed and are now stored in a place of safety in the Departmental Building in Wellington street. The removal was effected by your instructions, thanks to which and to the energetic action of Mr. Jarvis, Secretary of the Department, they were transferred to the present place of deposit without the loss of a single document, the only injury sustained being that caused by water to the binding of a few volumes, which was easily repaired. I was at the time confined to bed from an attack of influenza. Until preparations, now in progress, are completed for the reception of the documents, access cannot easily be obtained to them, they being piled on the floors of the rooms in which they are stored, although an orderly arrangement has been made as is possible under the circumstances. Some of the transcripts and other papers last received have from necessity been left in the cases in which they arrived. It is hoped that before long the work of preparation for the arrangement of the Archives may have so far advanced as to warrant a beginning being made of the orderly arrangement of the papers, to be carried to completion as shortly thereafter as possible, so as to admit of the same facility of reference as existed before the fire. Notwithstanding the obstacles caused by the fire and by the difficulty of obtaining ready access to the papers, it will be seen by the calendar that no effort has been wanting to make the report as complete as has been the case hitherto.

Inquiries continue to be made in yearly increasing numbers from various parts of Canada, the United States and elsewhere for information on matters of interest, and contributions have, as in former years, been received from learned societies and

individuals, which will be found acknowledged in the list of books, &c., presented. Among these are the works on Parliamentary Government by the late Alpheus Todd, with the author's autograph notes for further editions; they have been presented by his son, Mr. A. Hamlyn Todd, part of the volume last year (1896) and the remainder this year (1897). The valuable reports of the Historical Manuscripts Commission of England, as well as the publications of the Public Record Office, London, continue to be received, many of them containing facts that throw light on Canadian transactions.

A photograph of the Cabot map of 1544 was obtained in Paris, of which a photolithograph accompanies this report. Dr. S. E. Dawson, the Queen's Printer, who received permission to use the map to illustrate his paper on the Cabots, read before the Royal Society, having given special attention to the subject of Cabot's voyages, I requested him to prepare a memorandum on the map, which he kindly consented to do. The memorandum which follows Note E., with the legends, is printed as written by Dr. Dawson, who is one of the recognized authorities on the question of the Cabot discoveries.

As usual a sketch of the events treated of in the correspondence is here given, the facts being taken from the letters and other papers, with occasional comments.

In the report for 1896, papers relating to the events preceding the war of 1812 were published in full, and the calendar in the same report enables the inquirer to trace the progress of hostilities from beginning to end. Numerous inquiries have been made respecting the uniform worn by the militia during that war, but the reports from the military commanders contain no account of the style of clothing. A letter from the agent in London for Upper Canada, dated 31st January, 1821, contains the information asked for, which is here given for the benefit of inquirers, however little is the satisfaction it is calculated to afford. The letter says: "A field officer of the line who served with the incorporated militia for some time says that they had no regular uniform whatever. Some had red coats and blue or red facings, some had green coats, but most of them had no coats at all." (Q. 330—p. 9.)

During the war the two provinces of Upper and Lower Canada worked in harmony. But after peace was restored there was a divergence of feeling amounting, it may be said, to hostility, and disagreements of an aggravated kind took place between the two legislatures, largely on account of disputes respecting the proportion of duties coming to each of the provinces. The arrangement to be embodied in an Act, it was proposed in 1821 should be as follows, renewing a previous arrangement:

That from and after the passing of this Act all Goods, Wares, Merchandize and Commodities of the growth, production or manufacture of the Province of Upper Canada, or legally imported into the said Province of Upper Canada, shall and may be freely imported by land or inland navigation from the said Province of Upper Canada into the said Province of Lower Canada free and exempt from all duties whatever upon such importation and all Goods . . . of the growth, production or manufacture of the Province of Lower Canada or legally imported into the said Province of Lower Canada shall and may in like manner be freely imported by land or inland navigation from the said Province of Lower Canada into the said Province of Upper Canada free and exempt from all Duties whatever upon such importation.

And be it further enacted that of all duties which from and after the passing of this Act shall be levied in the Province of Lower Canada upon any goods imported by sea into the said Province of Lower Canada, the Province of Upper Canada shall be entitled to receive one-fifth part as the proportion of such duties arising and due upon the quantity of such goods so imported into the said Province of Lower Canada but exported from thence into the said Province of Upper Canada and consumed therein.—And of all duties which from and after the passing of this Act shall be levied in the Province of Upper Canada upon any goods imported by land or inland navigation into the said Province of Upper Canada, the Province of Lower Canada shall be entitled to have and receive one-fifth part as the proportion of such Duties arising and due upon the quantity of such goods so imported into the said Province of Upper Canada but exported from thence into the said Province of Lower Canada and consumed therein. (Q. 329, pp. 204, 205.)

This appears to have been intended as a renewal of an old agreement, which was made in 1817, by which Upper Canada was entitled to one-fifth of the duties levied at Quebec less the expenses of collection, but this agreement was limited to the 1st of July, 1819, and no provision was made for its renewal in case of the legislature of Lower Canada not meeting, and as a consequence the withholding of revenue caused great difficulties. (Q. 163—2, p. 318.)

Throughout 1821, the complaints from Upper Canada were numerous. In May, Sir Peregrine Maitland called attention to acts of injustice, which he complained Lower Canada inflicted on Upper Canada. (Q. 329, p. 214.) In August he reported that there was no prospect of agreement between the two provinces as to the proportion of duties each was to receive. (Q. 329, p. 296.) In this letter are enclosed reports of scale of duties, and the proceedings of the commissioners meeting on behalf of the two provinces, from which his assertion that there was no chance of agreement was derived. In the same month, he wrote to Lord Dalhousie on the subject of the embarrassment caused by withholding the proportion of duties from Upper Canada that was due by Lower Canada. (Q. 332, p. 82.) In September he wrote to the Treasury to which he sent a copy of the estimates and of the revenue applicable to defraying the amount of these, pointing out the large sum that the proportion from the duties levied at Quebec bore to the whole revenue of Upper Canada. So irritated did Upper Canada become that a joint memorial was sent from the Council and Assembly praying Parliament to assume the entire and exclusive control of all imports and exports at the port of Quebec. (Q. 331, p. 9.) On the same date (8th January, 1822) a dispatch reported that for twenty years no dispute had taken place between Upper and Lower Canada, but since the lapse of the agreement of 1817, the misunderstanding, leading to the withholding of the proportion by Lower Canada, had caused great embarrassment financially to Upper Canada. In March of 1822, the Treasury called on Bathurst to take steps to have a proper arrangement, and in the following month (April) Attorney General Robinson wrote, but not in answer to the Treasury, whose demand could not then have been received, that there was no hope of a settlement between Upper and Lower Canada except by the interposition of the King and the Imperial Parliament, to procure indemnity for the injuries suffered by Upper Canada at the hands of Lower Canada. A demand of this nature appears to have been made, but not for some time, as it was not till the end of October, 1823, that the Treasury sent a list of the claims of Upper Canada on Lower Canada, which should be settled. (Q. 167—1, p. 213.) It was held by the

upper province that large arrears were due under the agreement, for the settlement of which no understanding had been arrived at, and that Upper Canada would either have to abandon its claims or to appeal to the Crown and Imperial Parliament (Q. 163—2, p. 328), but this had already been done in the memorial of 8th January, 1822, that is to say practically, when the Imperial Parliament was asked officially by the Council and Assembly of Upper Canada to assume the entire and exclusive control of all imports and exports at the port of Quebec.

Some account was given in the report for 1889 of the efforts to establish schools in Lower Canada in the earlier years after the conquest and during the progress of the revolutionary war. The first teacher in Montreal was the Reverend John Stuart, afterwards rector of the Anglican Church at Kingston, who appears to have been desirous to attract Protestants to send their children to his school, but this discrimination was objected to by Governor Halliday, who changed the advertisement sent by Mr. Stuart for his approval and intimated the change to him in these terms: "Your advertisement will be published to-morrow, but I directed the words '*principally intended for the children of Protestants*' to be left out, as it is a distinction which could not fail to create jealousies, at all times improper, but more particularly so at present." The schools undertaken by private enterprise do not appear to have been successful, and in 1802 an Act was passed to establish the "Board of Royal Institution for the advancement of learning" by which it was intended to give permanency to an efficient system of education in the province, but the intention was not carried out. It was not till the 8th of October, 1818, that the Governor in chief granted letters patent constituting trustees for the Royal Institution, but, from various causes, nothing was done by the trustees, so far as appears by the correspondence, although some communication must have been made to Lord Bathurst, Colonial Secretary, as on the 27th of April, 1819, His Lordship wrote to the Lord Bishop of Quebec on the subject. The following is an extract from the letter:—

The measure of forming some fit establishment for the education of youth in the Canadas has long been under the serious consideration of His Majesty's Government. I am happy to inform you that final instructions have at length been transmitted to the Duke of Richmond authorising him to found a college at Montreal and placing at his disposal the funds necessary for the commencement of the undertaking. (Q. 168—2, p. 277.)

In December of that year (1819) Chief Justice Monk, who was acting as administrator consequent on the death of the Duke of Richmond, reported that it had been difficult to get the members of the Board together, but that the number of trustees had been increased, and that ample means had been created to effect the "execution of the laws." It is difficult to believe that the "ample means" were pecuniary, as so far as can be seen by the documents, drawing an inference rather than coming to an absolute conclusion founded on a definite statement of facts, the funds the Duke of Richmond was directed to use for the founding of a college at Montreal were to be derived from the Jesuit Estates, the revenues of which had been already disposed of to a larger extent than their amount would bear. This is corroborated by an application made on the 16th May, 1823, by the Reverend Dr. Stewart to Lord Bathurst for assistance towards the establishment of the projected college, on the ground that His Lordship had informed the Duke of Richmond in 1819 that funds had been pro-

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vided, which application certainly goes to show that the promise of 1819 had not been fulfilled. In addition to this, as a fresh proof that the Royal Institution was not furnished with "ample means," the administration was persuaded that the trustees would make a demand on the executors under Mr. McGill's will for the transfer to them of the funds bequeathed for the erection of a college. By that will made in 1811, Mr. James McGill, who had filled various official positions, besides being a successful merchant, bequeathed the land known as Burnside and ten thousand pounds in money, to erect within ten years after his death, a college to be called McGill college, and to form part of a projected university.

The following letter will show the steps that were intended to be taken by the Royal Institution, but unexpected obstacles were met with in the attempt to obtain the property and money, the acting executor, Mr. desRivières, holding that until the college was in actual working condition the bequest was not to be paid over to the Royal Institution. The letter is from the Lord Bishop of Quebec to Lord Bathurst.

QUEBEC, 11th January, 1820.

MY LORD,—I have the honour to inform Your Lordship that the Royal Institution for the Advancement of Learning held their first regular meeting, under their charter, on Tuesday last, when the proper steps were taken for obtaining from the trustees of Mr. McGill's will a conveyance of the estate bequeathed to them by him; and the foundation was laid for several ulterior proceedings of considerable importance.

I have also the honour of submitting to Your Lordship, at the desire of the institution, for Your Lordship's consideration and corrections, a draught of a charter such as they humbly conceive to be not unsuitable to the circumstances of the case. It having appeared to them to be Your Lordship's wish to forward without loss of time the erection of an University or College & the same wish having been earnestly expressed by the Administrator of His Majesty's Government in this Province, they have been anxious, by submitting their ideas respecting a charter in this stage of the business to supply Your Lordship, so far as may depend on their endeavours, with the means of giving a more early completion to this object.

They hope to be enabled to inform Your Lordship by the next Packet that the land and House in question have been conveyed to them by the Trustees of the will & to submit to Your Lordship their petition to the Prince Regent that he would be pleased to confer the necessary charter.

I have the honour, &c.,

J. Quebec,
Principal of the Royal Institution.

(Q. 155—1, p. 76.)

The proposed charter will be found at page 78 of the same volume (Q. 155—1). It contains an error in the date of the will, unless there were two wills of similar purport, which does not, under the circumstances, seem probable. The will is stated in this proposed charter to have been dated on the 8th of January, 1810, but all the other documents state it to have been made a year later, namely, 8th January, 1811. Mr. McGill's death took place in 1813, and in terms of the will the college was to be built within ten years after that event, that is, not later than 1823, or the bequest would lapse. Apparently in view of this contingency the Royal Institution applied to the Governor General for means to carry into effect the will of James McGill and asked for a permanent revenue from the Jesuit Estates, a request refused

by Lord Dalhousie, who then held the office of Governor. (Q. 166—3, p. 498.) The acting executor, Mr. desRivières, as already stated, refused to transfer the property, &c., and after being defeated in the court of first instance and in the Court of Appeal, carried the case to the Privy Council, so that it was not until 1829 that the dispute was settled and the hopes so often raised of assistance from government, finally abandoned, so far as the papers show, so that the building was begun with the means supplied by the bequest of Mr. McGill, afterwards supplemented by the liberality of Mr. W. Molson, another Montreal merchant.

To whom belongs the credit of having originated the system of issuing Army bills to take the place of specie of which there was an absolute dearth in Canada during the war of 1812? There were two claimants for the honour, one was the Honourable John Young, the other Chief Justice Sewell. The claim advanced was not founded on a mere sentimental desire for distinction, but was rather influenced by material considerations, the object being to obtain a government appointment for the son of one or other of the claimants, each asserting the prior right to the position for his son on the plea of being the author of the measure, the case being taken up by Mr. Young's friends after his death. The facts seem to show that neither had the exclusive right to the authorship of the system. Mr. Young made the suggestion for the establishment of a method of supplying the want of specie, but was unable to formulate a workable plan; the Chief Justice adopted the suggestion and was able to give it a practical shape. The correspondence shows that on the 17th of November, 1817, Mr. Young alleged that he was the author of the Army bill system, and gave a circumstantial account of the process by which he succeeded in having his plan adopted. In this he was supported by Mr. H. W. Ryland (Q. 153—2, p. 347.) and by the Lord Bishop of Quebec, but on the 31st January, 1820, the latter expressed regret that he should have spoken so positively from memory of Mr. Young being the originator of the Army bill system, although he first suggested the idea, but to which Chief Justice Sewell gave practical effect. The rest of the correspondence does not appear to throw additional light on the subject, as those present (Mr. Ryland and the Lord Bishop) are the best witnesses and agree on the fact that of Mr. Young making the proposal when the civil and military chests of both the Canadas were destitute of specie, the difference between the two being that Mr. Ryland ignores the part taken by the Chief Justice, to whom, on the other hand, the Bishop gives the credit of making practical what before his intervention was only a suggestion.

The difference with respect to the control now exercised over the receipts, custody and expenditure of public funds as compared with what existed less than eighty years ago is well seen in the case of the Hon. John Caldwell, Receiver General of Lower Canada. On the 22nd of April, 1823, the Audit office reported that large balances were held by Mr. Caldwell, and that they were rapidly increasing, and the officials recommended that precautions should be taken to guard against the risk of loss. (Q. 167—1, p. 196.) At page 203, is a list compiled by the Audit office, showing the balances held by the Receiver General at the end of each year from 1811 to 1821, as a means of emphasising their statement on the minds of the Lords of the Treasury.

This appears to have aroused attention, for on the 10th of May, the resolution being probably taken at the first meeting after the warning was given, a demand was made for the list of securities given by the Receiver General as a protection against loss through his negligence or criminality. (Q. 167—1, p. 204.) So far as appears by the correspondence, the security did not cover ten per cent of the balances held by Mr. Caldwell, as occupant of the office of the Receiver General. It was at the same period as the Audit office reported the risk attendant on the holding of large balances by the Receiver General, that Lord Dalhousie wrote that formerly he had been obliged to confront financial difficulties, from the want of appropriations by the Legislature; now that was changed, the appropriations were liberal, but the Receiver General had not funds to meet public obligations, although the accounts showed that he had, or ought to have had, a sufficient balance. Great sympathy appears to have been felt for Mr. Caldwell. He asked for an advance from the military chest. Lord Dalhousie thought that delaying the payment of the public accounts would enable Mr. Caldwell to recover his financial ability, all that he required, it was believed, being a temporary relief of short duration. A committee of the Council reported that the Receiver General being an official of the Crown, it was for the Imperial Government to deal with him, and that the case should be referred to it. The committee, however, added statements showing how the accounts stood and what were the sums that Mr. Caldwell urged should be credited to him as a set off. (Q. 166—1—2, pp. 194 to 250.)

Apparently, however, the efforts to save Mr. Caldwell were ineffectual, and on the 20th of August (1823) Lord Dalhousie reported to Lord Bathurst that Mr. Caldwell's inability to meet the warrants drawn upon him as Receiver General was really an acknowledgment of bankruptcy; the Bank of Montreal was, however, still willing to advance the money required on the condition that it was to be repaid with interest from the public funds. There is nothing to show that this offer was accepted, and in the meantime Mr. Caldwell was practically suspended and two commissioners, comptrollers they are called, were appointed to receive and disburse the public money, Mr. Caldwell being still nominally Receiver General. The two commissioners were Mr. Coltman and Mr. Oldham, representing respectively the Executive Council and the Legislative Assembly. (Q. 166—3, p. 878.) The end was not long delayed, as on the 24th of August (four days after the previous letter had been written) Lord Dalhousie reported that Mr. Caldwell was bankrupt "in the widest sense of the term," but that in order not to destroy the value of his property great forbearance had been shown, by which forbearance the property might when brought to sale be of greater value than it would have been if forced into the market, and that no risk was run by government because of the postponement as the Crown was the first creditor. (Q. 166—3, p. 487.) Apparently Lord Dalhousie had advised that legal steps should be taken against Mr. Caldwell, for on the 9th of October the Secretary of the Treasury wrote to His Lordship:

It appears to my Lords that as the use of the public money was a recognized emolument of the office of Receiver General, it would not be expedient to take such measures against the Receiver General to compel him immediately to liquidate the balance as they would under other circumstances be disposed to direct, but the practice of permitting an individual to make use of the public money as a means of affording him remuneration for the duties of an office appears to my Lords to be generally so objectionable in principle, that it should be discontinued with respect to the office of the Receiver General in Canada. (Q. 167—1, p. 209.)

A different course was followed in the case of Lord Melville, not for using but for not preventing a subordinate from using public money, when he was treasurer to the Navy. In the session of 1805 of the Imperial Parliament, when Lord Melville was first Lord of the Admiralty, a court of inquiry which had been sitting for some time reported that during the time Lord Melville was treasurer of the Navy his paymaster had used public balances for his private purposes, although with no loss to the Treasury. Lord Melville was condemned for this neglect, and an address was proposed to be sent, asking for his removal from the Privy Council, but before a resolution to that effect could be passed he resigned. (Rosebery's Pitt, p. 249.) In the case of Caldwell, the Lords of the Treasury considered that if his means were ample to meet his liabilities, he should have time to realise. If not, and that he could not find security, he was to be suspended and all his property seized. (Q. 167—1, p. 210.)

Following on this, but whether the Treasury letter of 9th of October had been received is not clear, Mr. Caldwell was suspended on the 25th of November, his duties being restricted to the making up of the public accounts. (Q. 166—3, p. 541.) In order to throw obstructions in the way of a seizure of his property, the conditions of the will of his father, the late Henry Caldwell, were pleaded, but in November (no day of the month given) the law officers of the Crown reported that the will was invalid in several respects and could not affect the hypothec of the Crown. They reported how the claims of the Crown might be enforced, but recommended that for the benefit of all the creditors (including the Crown) all the Receiver General's property should be put under trustees. (Q. 166—3, p. 545.) The last letter in 1823 on the subject is one written by Caldwell on the 22nd December to Wilmot Horton, Under Secretary of State, in which he expressed the hope that the apparent balance due by him would be largely diminished by his counter claims being recognized. (Q. 167—3, p. 353.)

On the 29th July, 1818, the Duke of Richmond arrived at Quebec and assumed the duties of the office of Governor. He did not fill the office long, as on the 28th of August, 1819, thirteen months after his arrival, according to the report made by Chief Justice Sewell, who filled the office of administrator temporarily until the arrival of Chief Justice Monk, the Duke died at Richmond, a village which, according to Chief Justice Sewell, the Duke "had himself established as an asylum for the officers and soldiers who served in the late war." (Q. 152-2, p. 353.) The village of Richmond is distant about 20 or 21 miles from the city of Ottawa, but tradition has it, that the Duke did not die there but at a hamlet called Fallowfield, a few miles from Richmond. Chief Justice Monk, after his arrival at Quebec, to assume the office of administrator, reported on the 20th of September the death of the Duke at a place near Montreal after his return from an exploration of "the extended parts of Upper Canada" and continued: "I am pained to add (as I am informed) strong symptoms of hydrophobia being the cause of his inevitable death." (Q. 152-2, p. 358.) That the report mentioned by Chief Justice Monk was well founded appears by a letter from Mr. Charles Cambridge, addressed to Lord Bathurst, from Belfast, dated 14th October, 1819. The writer had left Lower Canada on the 8th of September, and wrote of the death with a full knowledge, so far as appears, of the circumstances. After stating the object of the exploration the Duke

had made in Upper Canada, his enlightened intentions, his parting with Lord William and Lady Mary Lennox at Kingston, and other minor incidents, the writer continues:

On the 23rd August, the Duke dined with a detachment of officers stationed at Perth, and it was only on the 25th that the first symptoms of that cruel disorder presented themselves which only three days afterwards terminated in death. Early on that morning his valet found His Grace alarmed at the appearance of some trees which were near a window where he slept and which he insisted were people looking in and shortly afterwards when a basin of water was presented to him, he elicited (evinced?) evident abhorrence at the sight of it, and on several other occasions on that day and on the 26th the same symptoms were but too obvious whenever any liquid was presented and which it now appeared His Grace partook of with extreme reluctance. On this day at dinner he had requested Lieut. Col. Cockburn to take wine with him, but His Grace had no sooner lifted the liquid to his lips than unable to control the violence of his disease, he replaced the glass on the table observing "now is not this excessively ridiculous, well I will take it when I don't think of it." The same evening an assistant surgeon, the only one in the vicinity, was sent for, who bled him and His Excellency apparently found so much relief from the operation that he arose early the next morning and proposed walking thro' Richmond wood to the new settlement of that name which had recently received its appellation from its illustrious founder, who was now about to immortalize it, by the catastrophe of his death.

He had in his progress thro' the wood started off hearing a dog bark and was with difficulty overtaken and, on the party's arrival at the skirts of the wood, at the sight of some stagnant water, His Grace hastily leaped over a fence and rushed into an adjoining barn whither his dismayed companions eagerly followed him. The paroxysm of his disorder was now at its height. It was a most a miracle that His Grace did not die in the barn—he was with difficulty removed to a miserable hovel in the neighbourhood and early in the morning of the fatal 28th the Duke of Richmond expired in the arms of a faithful Swiss, who had never quitted his beloved master for a moment.

Whilst in this miserable log hut, reason occasionally resumed her empire and His Grace accordingly availed himself of those lucid intervals to address a letter to Lady Mary Lennox, in which he reminded her that a favourite dog belonging to the household being in a room at the Castle of St. Louis at a time (5 months before) when the Duke shaving cut his chin, the dog was lifted up in order to lick the wound, when the animal bit His Grace's chin.

The recollection of this circumstance gave His Grace but too sure a presentiment, the dog having subsequently been mad, of his approaching fate and His Grace therefore in his letter to Lady Mary expressed his conviction (which indeed appears an irresistible conclusion) that his disorder was hydrophobia.

His Grace recommended the line of conduct to be observed by his children in the painful situation in which they would be placed at his death and it is said requested to be buried in Quebec on the ramparts like a soldier there to remain.

His Grace's sufferings were extreme yet his mind soared above his agony. He directed Colonel Cockburn not to attend to his orders any* [more] "For you see the [state I am] reduced to" and during a paroxysm of pain he [said] "For shame Richmond! shame Charles Lennox bear your sufferings like a man." He died shortly after, on the 28th and his body arrived at Montreal on the 30th, the day on which it had been announced he would hold a levée.

In Dr. Kingsford's history, vol. ix, p. 182, is an account varying somewhat from the above, but the two narratives do not essentially differ. Other historians mention the fact of the death, but give no particulars.

* The words in brackets are supplied, part of the letter being torn.

The postal arrangements in Canada do not appear to have been in a satisfactory condition, although the post office authorities maintained that everything practicable was done to facilitate the transmission of mails and that any deficiency in the quality of the service arose from the paucity of funds, it being the rule to establish no mail route that did not at least pay expenses. Whatever were the defects of the administration, there can be no doubt that the resident postmasters, charged with the superintendence and management of the mail routes had many difficulties to contend with and that owing to the cost of postage every sort of evasion was made use of to avoid payment. Passengers by the steamers had the task thrust on them of conveying letters to their destination causing, there can be no doubt, both trouble and annoyance to the unwilling carriers, who did not wish to refuse to act in that capacity, probably with a view to the obligation being returned on a future occasion. The postal authorities tried to put a stop to the practice (Q 154 p. 198), but apparently in vain, the steamboat officers and even the military departments openly setting the law at defiance. In Upper Canada, the people refused to pay postage on letters at all, on the ground that the charge was illegal. An attempt was made to enforce the collection, but for some reason it was abandoned, apparently, as the letter from Freeling to Goulburn says, from the question of enforcing penalties being one of great delicacy.

There is nothing in the documents to show what was the financial result of the establishment of steamers on the St. Lawrence, (which took place in 1809) nor was any special account of the affairs of a commercial company likely to be found there, but whatever the result was, the steamboat owners apparently required assistance to meet their liabilities, or to extend their business, for some time in 1819,—the document is undated—a recommendation was ordered to be drawn up for the Treasury that it should grant assistance to the steamboats in the manner previously recommended by the Duke of Richmond. The memorandum was, there can be little doubt from the date of the answer, drawn up by the Duke's secretary, as the answer was dated 9th June, some time before the Duke's death. So far as the answer shows, the recommendation by the Duke was to take shares in the steamers, which the Treasury declined it not being considered expedient to do so, but the Lords of the Treasury authorised the commissariat to advance from £1,500 to £2,000 to the steamboat owners, to be repaid by instalments, the steamers to have the preference for freight, the amount of which would no doubt go a long way to extinguish the debt constituted by the advance.

From a financial point of view the incorporation of the Bank of Montreal was a matter of consequence to Canada. The Act to incorporate that institution had for one reason or another been reserved by the Governor for the consideration of His Majesty and it was not till 1822, some years after the Act had passed both branches of the legislature, that the Order-in-Council on the 18th May of that year confirmed the Act of incorporation, thus putting an end to doubt and uncertainty on the subject.

Letters and papers relating to Robert Gourlay, author of a statistical account of Upper Canada, are to be found noted in the calendar of the State Papers of Upper Canada contained in this report. Diverse opinions are entertained of Gourlay, who at one time filled a large space in the public mind of Canada, being on the one hand

regarded as a pernicious agitator and on the other as a much maligned political martyr. It would be obviously improper in a report of this nature to discuss, far less to express a decided judgment on political questions, but sufficient time has elapsed to allow of an impartial estimate of the man himself being formed. In respect to his actions, it may easily be seen that, however benevolent were the views and unselfish the aims Gourlay entertained, he was by temperament and disposition unfitted to be the successful advocate of measures of improvement, no matter how beneficial they might be.

Gourlay was born in a good position in life and with fair prospects, but his opinionative and uncontrolled temper rendered these nugatory. In 1799, according to a petition he presented to the King in 1818, he was appointed to command a corps of volunteers in Fifeshire, Scotland, in which case he must have been placed in that position at an unusually early age. In consequence of a long absence from Scotland he resigned the command and in 1803 became a private in a troop of yeomanry cavalry. His brother troopers must have been obstinate men, since according to his own account of his resignation he resigned in 1805 or 1806 because they declined to accept his advice. He engaged in farming, but was not successful and had besides made himself exceedingly disliked by his free and acrimonious criticisms of his neighbours, no matter where he took up his residence. It is evidence of his self-sufficiency that three months after his arrival in Upper Canada in 1817, he considered he had mastered all the intricate problems of the country and was in a position to advise every one how he was to conduct his business. He issued an address to the land owners which, whilst, no doubt, well meant and calculated to be useful might almost as easily have been written without his having visited the country. Certainly a residence of three months does not appear sufficient to justify the belief that a newly arrived stranger has acquired sufficient knowledge to prescribe a suitable remedy for defects in the method of settling a new country like Canada. The address, in fact, rather points out the necessity of a vent being provided for the redundant population of the mother country, and calling in general terms on the land holders to take measures for that purpose, than as a proposal for the advantage of Canada. The address, such as it is, forms to a large extent an introduction to the series of questions on the answers to which Gourlay's statistical work was founded (Q. 150—1 pp. 24, 39) which with all its faults, and they are numerous, contains much that is of value. Gourlay when he arrived in 1817 said that he found the state of Upper Canada most critical, he described it as ruined by mismanagement and the exercise of arbitrary power; besides the public faith being violated. On these grounds he urged the people to send a commission to intreat the King's interference. It was, he alleged, on account of this and other lawful endeavours to call attention to abuses that he was subjected to two trials for libel and after being acquitted in both, was ordered to leave Upper Canada in virtue of a statute directed, as he held and probably correctly, solely against aliens, but which by its terms could be applied generally to all persons who had not been resident in Upper Canada for six months, or who had not taken the oath of allegiance. It was held that if there had not been a six months' residence, or if the oath of allegiance had not been taken, that the person not fulfilling the conditions was subject to the penalty provided in the Act. So far as appears by the evidence, Gourlay had been longer in the province than the six months demanded by the Act and as for the oath of allegiance, that, he contended, he

as a British subject, was not compelled to take in a British colony, except in cases specially provided for, but to set any doubt on this point at rest, he took the oath of allegiance. A copy of this Act will be found in Series Q., vol. 332-1 of the Archives beginning at page 162; it was enacted in 1804 and, so far as the papers show, Gourlay's contention is correct that the Act was strained to bring him within the grasp of the law. The papers transmitted by Gourlay respecting his case to be found in Q. 332-1 are voluminous, but the dates are so loosely given, that it is difficult to trace the sequence of events. In 1841, a committee of the Legislative Assembly reported on a petition from Gourlay, in which the treatment adopted towards him was condemned. After stating the circumstances of his imprisonment at Niagara and his treatment there, the committee reported that his confinement

threw both his body and mind into such a state as to render him totally unfit to defend himself upon his trial, or even to comprehend his arraignment. The result of the trial was, that he was banished the province for life, under pain of death should he return—his alleged crime being that he neglected to quit the country upon the order of two legislative Councillors, acting under an unjust construction of an unconstitutional statute most illegally exercised.

Your Committee do not think it necessary to comment on such proceedings.

From the evidence adduced, Your Committee are of opinion that the arrest and imprisonment of the petitioner in Niagara, in 1819, was illegal, unconstitutional and without the possibility of excuse or palliation; that debarring him from an interview with his friends or counsel was also illegal, unjust and unconstitutional. That preventing magistrates of a county, or district, from visiting the gaol of that county or district, is a violation of all propriety and, if persisted in, would lead to the most pernicious consequences.

Your Committee are further of opinion, that his trial and sentence when in a state of bodily and mental weakness, from the sufferings he had undergone, which prevented him from defending himself, was unjust, unconstitutional and cruel.

Your Committee cannot but express a hope that Your Honourable House will do the petitioner that justice which has been so long denied him and pass an address to His Excellency the Governor General, declaratory of the above opinions, in order that the Crown may repudiate the transaction by which the petitioner has been persecuted to his ruin and that the Legislature may declare his sentence of banishment null and void compensating him for the losses he has sustained by this unwarrantable exercise of authority. In the meantime that some allowance be made to him to defray his personal expenses, while in attendance before the Legislature, defending the rights of a British subject.

The report was signed by Dr. Dunlop, chairman of the committee, and is given as it was originally presented, it being, undoubtedly the foundation of Mr. Dent's account of the criminal proceedings against Gourlay in his "Canadian Portrait Gallery" and his "Story of the Upper Canadian Rebellion." The report, however much it condemned Gourlay's opponents and recommended that compensation should be made to him, was not satisfactory to him and he refused to return to Canada or to accept the pension granted him; although he subsequently returned.

It is undoubted that those who took part in the convention called by Gourlay and which the Assembly considered as infringing on its rights, were made to feel the displeasure of the ruling powers, those who were entitled to grants of land but had attended the meetings had the grants withheld until a complete confession of their offence was made with a recantation of their errors. An example of this is

given in the case of Ensign Nathan Hicoek, who had been excluded from the benefit of a land grant for the offence of being a member of the convention, but, having acknowledged his error, Sir Peregrine Maitland recommended his case to Lord Bathurst for favourable consideration (Q. 331 p. 230). As Hicoek's petition is short it is given in full, as it exhibits the system in vogue in 1822.

To HIS EXCELLENCY Sir Peregrine Maitland,
 &c., &c., &c.

The petition of Ensign Nathan Hicoek of the 2nd regiment of Leeds Militia,
 Humbly sheweth,

That your petitioner served in the late war in the flank company of the second regiment of Leeds Militia and as such would have been entitled to His Majesty's gracious bounty of a grant of Militia land had he not forfeited his claim by having been a member of Gourlay's convention; that your petitioner was not at the time aware of the motives of Mr. Gourlay and was influenced by others. That your petitioner has long since been convinced by (of?) his error and deeply regrets having taken part in the proceedings of Mr. Gourlay. Wherefore your petitioner humbly hopes that Your Excellency will pardon his past indiscretion and obliterate the stigma now on his character and humbly prays that Your Excellency will be pleased to direct the adjutant general of Militia to grant him the usual certificate of service to entitle him to a grant of land as an ensign of a flank company of the 2nd regiment of Leeds Militia on service during the campaign of 1812. And your petitioner as in duty bound will ever pray.

16th October, 1822.

NATHAN HICOEK (Q. 331 p. 232).

In December of 1823, Gourlay wrote to Mr. Wilmot Horton that he desired to have an opportunity to lay before the House of Commons not only a statement of grievance, but an exposure of the weaknesses and wickedness of the provincial government (Q. 334 p. 167). From his own statement that deputies had come from Canada, conferred with ministers and returned to Canada, without calling to see him—it may be inferred that his influence had to a great extent ceased to exist. As another instance of his absolute want of discretion, if he had the slightest idea of obtaining the help of men who might assist him in his measures for improving the condition of those in whom he was interested, may be cited his criticism of the report of the select committee on emigration, which approved of the principles laid down by Mr. Wilmot Horton and of the experiment founded on them, which Mr. Gourlay, writing to Mr. Wilmot Horton declared to be all wrong. Much of the disfavour which he suffered from arose, there can be little doubt, from his unconsciousness of his offending by his rudeness (which would no doubt be called candour by his admirers) those who would otherwise have been disposed to act with him in carrying out his benevolent purposes. After dilating, in the letter just referred to, on the importance of emigration and settlement, he continued in the same strain, as if looking down from the heights of his superior knowledge:

The subject of emigration and settlement has never yet been understood, though capable of being reduced to a science. Citizens of America, who have had most to do with its practice and whose interests are most nearly concerned, are yet ignorant of its right principles, and through ignorance of these go on to barbarize and weaken their country. You then need not be too much abashed with having your errors proclaimed—you, nor your eulogists, the select committee of the House of Commons (Q. 334, p. 170.)

In illustration, he gives instances of the ignorance of the true principles of settlement. Penn, with every advantage, "was driven mad with the confusion of his schemes and the discord of his settlers," and Selkirk with all his zeal and ability "began with blundering, proceeded in the mesh of error, recorded his want of knowledge and died defeated, disheartened and despairing." (Q. 334, pp. 170, 171.) He alone, according to his own account, discovered the true principles of emigration and settlement, and six years before (that is in 1817) he had determined that 50,000 people should be annually removed from Great Britain to the colonies by the adoption of a proper system of emigration, this was to be done with "comfort to the individuals and profit to the nation." He tells Mr. Wilmot Horton plainly, "with regard to sound principles of emigration you are as blind as a mole." In consequence, his friends alleged, of the persecution to which he was exposed, of his imprisonment and the harsh treatment to which he was subjected whilst in prison, his mind became unbalanced and he was subject to paroxysms of insanity, of which some of his letters and other writings give evidence. After having several times refused the offer of permission to come back to Canada, he returned in 1849, stood as a candidate to represent the county of Oxford in 1858, but was hopelessly defeated. He died in 1863, his very existence almost forgotten for some time before his death. His work good or bad, had been done in the early years of the century and of the settlement of Upper Canada, when a man of his character and disposition was perhaps needed, but in more recent times he would have been an anachronism.

The question of the union of the two provinces in 1822 caused great agitation in both. The financial question was not the only cause of disturbance, although it had considerable influence, for other feelings were aroused which might have led to grave consequences had the proposed Act been passed by the Imperial Parliament, as was at first intended, without its being referred to the provinces concerned, or time being afforded in them for the consideration of its provisions and effects. In a memorial prepared by Dr. Strachan (undated) he stated at some length the causes which led to the original division into two provinces and argued that a reunion would make both discontented, perhaps rebellious, and that the inhabitants of the upper province would be helpless against a French majority. On the existing condition of affairs, Dr. Strachan said:

The two Canadas are at variance on the subject of finance, for Quebec, the only part by which they can communicate with the sea, lies within the province of Lower Canada and the legislature, taking advantage of this circumstance, determines in future to treat the sister province of Upper Canada like a foreign nation.

Respecting that determination, he was clear, however, that the legislature of Lower Canada had no such power in this respect as it contended it had. He said:

The contest between the provinces in respect to revenue arises from the assumption of powers by the provincial legislatures which the constitution did not grant them. All their imposts upon goods . . . coming from Great Britain, from other colonies, or foreign states, are illegal because this power is retained by the Imperial Parliament (Q. 163—7, p. 90.)

Dr. Strachan believed that a long preparation was necessary before a union between the two provinces could be effected and held that one at that time would serve to increase the evils it might be intended to cure. He held, however, that

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some strong measure must soon be taken by the parent state respecting the Canadas and that this was evident from the fact that the existing policy was daily separating them more and more and rendering them foreigners to one another. (Q. 163, p. 93.)

In respect to the proposed union, Garneau says :

The union of the Canadas had from the beginning been the secret thought of the British party of Montreal, whose ill will toward the ancient inhabitants increased with the desire to rule over them. Avarice as much as ambition nourished this hatred. Favoured by national and religious prejudices and by the help of calumny, that party had retained the sympathy of the British people; from that party the Colonial office received its inspiration and the governors usually sought its friendship to secure its influence in London, where the Canadians were regarded as strangers. *(Garneau 4me edition, tome III p. 239).

In respect to the same subject, Bibaud says :

The British government saw no remedy for the evils complained of by the Upper Canadians and for the financial difficulties of Lower Canada than by a union of the two provinces for legislation, based upon provisions restrictive of political liberty and anticipating the anglicisation of the Lower Canadians. The remedy was violent, perhaps counselled by machiavellism and instead of curing the evil, it would probably have rendered it worse than it was by carrying to the outside, amongst the different populations quarrels and dissensions to which they had been hitherto almost indifferent, they having only been exhibited in the two Houses of Parliament. † (Bibaud, vol. II., p. 234).

Christie says :

The intended union, when made known in Lower Canada produced great excitement, as a project interfering with the national rights of the people, particularly those of French origin. The Canada trade Act was considered of little or no importance contrasted with the mischief anticipated from the extinguishment of the influence and ascendancy which the population of French descent maintained, under the existing constitutions, in the legislature of the province and of which those of British birth and descent began loudly to complain as opposed to and prejudicial to improvement and to the introduction of British enterprise and capital. (Vol. II, page 384.)

Kingsford in his history gives an account of this abortive attempt to bring about a union of the two Canadas, but his work is so recently published that it is unnecessary to quote from it or further to enlarge on the state of feeling that was created by the anticipated Act of Union, which the voluminous documents published in note A will serve to make abundantly clear.

The claims for losses sustained by inhabitants of Upper Canada during the war of 1812 were placed for collection and arrangement in the hands of John Galt, father of Sir Alexander and Sir Thomas Galt some time in 1820, the delay being attributed by the claimants to their hesitation in making the application on account of the embarrassed state of the finances of the empire. But the condition of the

* De tout temps l'union des Canadas avait été la pensée secrète du parti anglais de Montréal, dont la malveillance envers les anciens habitants augmentait avec le désir de les dominer. L'avarice autant que l'ambition nourrissait cette haine. A la faveur des préjugés nationaux et religieux, à l'aide de la calomnie, ce parti avait conservé la sympathie du peuple anglais; le bureau Colonial recevait ses inspirations de lui, et les gouverneurs, pour l'ordinaire, recherchaient son amitié afin de s'assurer son influence à Londres, où les Canadiens étaient regardés comme des étrangers.

† Le gouvernement d'Angleterre ne vit de remède au mal dont se plaignaient les Haut-Canadiens, et aux difficultés financières du Bas-Canada, que dans une union des deux provinces, pour la législation, basée sur des dispositions restrictives de la liberté politique et prévoyant l'anglicisation des Bas-Canadiens. Le remède était violent, peut-être conseillé par le machiavellisme et au lieu de guérir le mal, il l'aurait probablement rendu pire qu'il était, en portant au dehors, dans les populations, des querelles et des dissensions auxquelles elles avaient été jusqu'alors à peu près indifférentes, et qui n'avaient eu de l'éclat que dans l'enceinte des chambres législatives.

losers by the war was so bad that they could no longer refrain from applying for relief and on the 14th December, 1820, Sir Peregrine Maitland sent to Lord Bathurst correspondence on the subject without further recommendation, having already, as he intimated, strongly recommended that the claims from Upper Canada should be settled. In the application made to Lord Bathurst, forwarded by Sir Peregrine Maitland, the claims were classified under six heads, which are given in full in the letter addressed by Messrs. Clark, Grant and Nichol to Lord Bathurst, forwarded, as already stated by Sir Peregrine Maitland on the 14th December, 1820. Mr. Galt must have been appointed about the same time, although the correspondence does not show exactly when that took place, and Mr. Galt's autobiography is very vague and indefinite as to dates, it merely stating that he had received letters appointing him agent for the claimants and that there were to be associated with him the Honourable Edward Ellice and another gentleman, name not given, neither of whom could act, so that Mr. Galt was left alone in the business. At first the negotiations at the Colonial Office appear to have been chiefly verbal, but subsequently Mr. Galt was referred to the Treasury, whose answer he qualifies as "a very dignified evasion.....concluded in language at once guarded and appropriate."

This answer appears to be contained in a minute from the Treasury, dated 17th July, 1821, to be found at note B, a belief confirmed by Mr. Galt's description of his reply to the Treasury. He says: "I drew up an answer, in which I was not bidden mouthed in using every argument that could at all be employed, *even to the contemplation of the colonists becoming rebels,*" this last referring no doubt to the words: "Unless the Province shall, in some future war, be compelled by neglect and the natural resentment of unrequited merit to unite itself to the American States" which are to be found in the letter of Mr. Galt, dated the 25th of July. The correspondence published in Note B, shows the basis of the calculations of the amount of the claims and how it was proposed they should be settled. Reference may be made to the documents in series C, 18 volumes, numbering 84 to 101, which show the nature of the claims, the reports of the commissioners, &c. Farther comment on this subject is unnecessary.

An account is given of the construction of the canals in Canada in the reports on Archives for 1886 and 1890. Additional details will be found in the documents published in Note C. and a careful investigation of the calendar published in this report will enable an inquirer to obtain further information on the subject.

The documents relating to the disputes between the Hudson's Bay and the North-west Companies are so voluminous that no satisfactory summary could be made. In Note D. a statement by Chief Justice Powell and other documents, prepared as a defence to charges made by Lord Selkirk against the Chief Justice, give details of the proceedings in Upper Canada in the trials arising out of the disputes in the North-west between the rival companies.

The whole respectfully submitted,

DOUGLAS BRYMNER,
Archivist.

OTTAWA, 31st December, 1897.

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Names.	Residences.	Works.
Aberdeen, Her Excellency, The Countess of	Ottawa	Victorian Nurses, pamphlet, and 4th Annual Report of the National Council of Women.
Baillarge, C.	Quebec	Pamphlet.
Bates, E. B.	Ottawa	Directories.
Board of Trade	British Columbia	18th Annual Report.
Board of Trade	Winnipeg	18th Annual Report.
Bonolomiere, A.	Lowell, Mass.	Directories.
Boston Public Library	Boston	9th Annual Report.
Boyle, David.	Toronto	Catalogue.
Bryce, Dr.	Winnipeg	Report, transactions.
Bulger, A. E.	Montreal	Cuttings from the <i>Orillia Packet</i> on the Selkirk settlement.
Bureau of Ethnology	Washington	14th and 15th Annual Reports.
Burland, G. B.	Montreal	Pamphlet.
Cameron, Rev. Dr.	Halifax.	A lecture.
Canadian Society of Civil Engineers	Montreal.	Report and transactions.
Clarke, Robert	Cincinnati	Political Beginnings of Kentucky.
Coffin, Victor.	Madison, Wis.	Pamphlets.
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Maine Genealogical Society	Maine	13th Annual Report.
Marshall, Thomas.	Cincinnati	The Spanish Conspiracy.
McMurphy, Angus.	Toronto	Pamphlet; Year-book of Toronto Grammar School.
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Montreal Harbour Commissioners.	Montreal	Report.
Moreau, Rev. S. A.	Ottawa.	Manuscript volume.
Mott, Henry	Montreal	Pamphlets.
Murphy, J. J.	Toronto	Crown Land Report; Pamphlets.

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New Brunswick Historical Society	St. John	Collections.
Niagara Historical Society.	Niagara	Transactions.
Osgood, H. L.	Rochester	Pamphlet.
Parkman Club.	Milwaukee.	Publications.
Perley, Mrs. W. G.	Ottawa	Manuscript.
Providence Public Library.	Providence	Monthly Bulletins.
Public Library	Toronto	13th Annual Report.
Remington, Cyrus K.	Buffalo	Annual Report.
Reynolds Library	Rochester	12th Annual Report.
Rhode Island Historical Society.	Providence	Publications.
Robillard, Eug.	Quebec	Rivers and Lakes of Canada.
Roy, Régis	Ottawa	Pamphlet.
Searth, W. B.	Ottawa	Trip to the Yukon.
Scottish Geographical.		Magazines.
Short, Adam, M. A.	Kingston	Early History of Canadian Banking.
State Historical Society.	Wisconsin	14th Annual Meeting.
Sulte, B.	Ottawa	Pamphlet.
Taylor, James P.	Lindsay	Historical Chart.
Templeton, Allan	Smith's Falls	Papers.
Todd, A. H.	Ottawa	Parliamentary Government in England.
Toner, J. M. J.	Washington	Pamphlet.
University of Wisconsin.	Wisconsin	Bulletin by S. H. Alden.
Walker, B. E.	Toronto	Pamphlets.
White, Mr., <i>The Gazette</i> .	Montreal	The Export Trade, 2 vols.
Wrong, G. M.	Toronto	Pamphlets; Review of the Historical Publications of Canada.
Wyoming Historical Society.	Wilkesbarre	Pamphlets; Report.
Yale University.	New Haven	Report; Catalogue.

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NOTE A.

PROPOSED UNION BETWEEN UPPER AND LOWER CANADA.

No. 1.—Extract of a letter from Messrs. Hart, Logan & Co.

(*Archives, Series Q., Vol. 332—1, page 114.*)

MONTREAL, 31st January, 1822.

A far better measure, we hope, will be proposed, and every energy of the commercial men employed to bring it about, namely, a reunion of the two provinces; for we cannot look forward to any interference on the part of the Imperial Legislature at this late period without deprecating those half measures or illusory expedients which weak or ignorant administrations adopt to remove evils to a little distance or to serve their own temporary or narrow views of convenience.

Any interference with respect to the port of Quebec would create as much clamour as the reunion of both provinces, and there is really no hope of rendering Canada useful as an appendage to the British Empire, rendering it a proper asylum for emigrants, and of ever developing its commercial resources except by the great measure of uniting Upper and Lower Canada.

Addressed:—EDWARD ELLICE, Esq., M.P.,
New Street, Spring Gardens.

No. 2.—SHERBROOKE TO BATHURST.

(*Archives, Series Q., Vol. 163-1—p. 186.*)

CALVERTON NEAR SOUTHWELL, NOTTS, 14th March, 1822.

Private and Confidential.

MY LORD,—I have been honoured with your Lordship's private and confidential letter of the 11th inst., the contents of which shall not transpire, and in reply to your question "*Whether the Union of Upper and Lower Canada would have a beneficial effect,*" I answer, that if these Provinces continue in the same state they were in at the time I relinquished the Government, an Union would be very desirable, provided it could be established on proper principles, so that the undue influence of the Assembly should be somewhat controlled and the power of the Crown increased. But if such a measure were to be attempted considerable difficulties must be expected before it could be reconciled with the jarring interests of the inhabitants and the variety of wild opinions so generally entertained.

Your Lordship's description of the persons usually returned to the Legislative Assembly of Lower Canada is perfectly correct. And the mischiefs arising from this cause are incalculable. I also agree that the Assembly of Upper Canada appears more tractable *at present*. But when I consider the vicinity of the latter Province to the United States, the population continually flowing in from thence, the constant communication and intermarriages between the families on both sides of the line, the number of Americans who purchase the best of the lands as soon as they are cleared and every other description of property in Upper Canada worth having; and when I look to the loose demoralising principles introduced by those people, I very much doubt whether reliance can be placed on a continuance of this tractable disposition.

I am fully aware my Lord of the evils arising from that ascendancy which the Catholics of Lower Canada exercise to the prejudice of whatever relates to the Protestant interest, but I suspect a very erroneous idea prevails in this country of the state of religion in Upper Canada. It might be supposed that the generality of the inhabitants being called Protestants were either of the communion of the established Church or of the Kirk of Scotland. Whereas the greater part are Methodists and Sectaries of every description. And I am sorry to add there are many who appear to have no sense of religion whatever.

Circumstances have materially changed since the separation of the two Provinces, and I could not avoid remarking when I was in Upper Canada, that in many instances a stronger bias prevailed in favour of the American than of the British form of Government. Whereas the Catholics in Lower Canada have a rooted antipathy to the Government of the United States, and have no dread equal to that of one day falling under its Dominion. This trait of character I venture to press on your Lordship's attention, as whatever may be the fate of the Upper Province, the Americans will never be able to establish themselves in Lower Canada, whilst this feeling is cherished.

In giving my candid opinion of the state of the two provinces, I shall be happy if I have in any degree answered the expectations your Lordship has done me the honour to express. And I have only to assure you of my willingness at all times to attend to your Lordship's commands. In repeating that I shall not fail to hold your Lordship's communication confidential, I must request that my answer may be looked upon in the same light, and have the honour to be, my Lord.

Your Lordships, very obedient and
Faithful humble servant,

J. C. SHERBROOKE.

The Rt. Honourable
The EARL BATHURST, K.G.,
&c., &c., &c.

No. 3.—CONSIDERATIONS upon the expediency of giving a united Legislature to the two provinces of Canada by an Act to be passed during the present Parliament.

(*Archives, Series Q., Volume 163—1, page 99.*)

23 Apl., 1822.

The reasons which led to the division of the Province of Quebec were that the Inhabitants of the two portions of the Province now forming Upper and Lower Canada differed in language, and in religion and had been accustomed to different systems of jurisprudence —. These reasons remain not materially weakened in any respect for the accession to the population of Upper Canada by emigration since the division has been almost entirely of persons strangers to the French laws and language, and principally of the Protestant faith, while in Lower Canada the Inhabitants are at this moment, in the proportion it is stated of 19 in 20 composed of Canadian French. Whatever weight therefore was due to these arguments for a separation at the time it took place is yet undiminished, and it may be added that the subsequent general dispersion of population thro' a territory, the extremes of which are from 12 to 1500 miles asunder furnishes an argument of inconvenience against uniting them now under one legislature which probably did not exist in sufficient degree to form an inducement for the separation.

These circumstances however, tho' entitled to consideration as materially affecting the welfare and convenience of the two Provinces whose increase in population and opulence it is desirable to facilitate by giving to them the most convenient form of government for their local wants, are none of them, it must be confessed of that permanent nature that they ought to stand in the way of the proposed union, if it

be clear that such union be necessary to increase the value of those colonies to the mother country, or to provide in the most effectual manner for their own security and welfare.

For my own part I do not know in what manner any of those ends is expected to be answered by the proposed union. The Provinces have gone on hitherto advancing by very rapid strides in population and improvement, their inhabitants well satisfied with the footing on which their government was placed by the 31 Geo. 3 and sensible themselves of no evil or inconvenience growing out of the system established by that statute, as far as my knowledge extends, except that within these few last years difficulties have arisen in adjusting the proportion of duties and regulating the commercial intercourse between the two Provinces, which matters had hitherto been arranged by amicable agreement, but which it has now been found necessary to refer to the decision of the Imperial Parliament, an exigency foreseen as a probable consequence of the separation when 31 Geo. 3 was passed, and for which a power of providing a remedy by the intervention of British Acts is in terms reserved by that statute. If, however, although the legal and constitutional right of the British Parliament to control both Provinces in these respects is undoubted, the differences between them with respect to their commercial and financial regulations, cannot in point of fact be adjusted in any other manner than by an union of the Legislatures, that would be of itself a sufficient reason, for while these points are unsettled the Governments and Legislatures of both Provinces are subject to be involved in irritating discussions, which may tend to much evil, and what is more immediately pressing, the Province of Upper Canada is absolutely unable for want of the funds which remain locked up in the treasury of the Lower Province to pay her creditors, or to support the current expences of her government. But I must declare I see no reason for supposing that an union of the Legislatures is required on this ground for I submit in the first place that such an union would by no means get rid of the principal point of disagreement, the claims of Upper Canada for the past.

Those claims must necessarily remain, the amount must be ascertained, and their payment to Upper Canada provided for by some act of the British Parliament notwithstanding an union, and indeed, as far as respects the claim of Upper Canada for duties already received to her use, and to be expended, when paid solely for her benefit, some difficulty as regards the exclusive appropriation of them, would be created by an union. Then in regard to the future regulation of the intercourse between the two colonies, the measures humbly prayed for on the part of Upper Canada, are such as, it is conceived, no reasonable system can be urged against. At all events the Imperial Parliament can well judge of their expediency, and whether they are such as both provinces ought to be content to acquiesce in; and if either province is not patient, under regulations exacted by a sense of justice due to the other, it will then I submit, be time as far as the desired end is to remedy these difficulties to project an union as the only other method of attaining a necessary object.

Believing then, as I certainly do, that an union is not absolutely necessary on this ground, it is next to be considered whether there is anything in the present situation of the two Provinces which calls for a measure so important in its nature, and which may be attended with circumstances of particular inconvenience to each. In remarking upon the inducements, which occur to me, I can only speak hypothetically, for it may be that His Majesty's government are induced to the contemplation of an union by considerations of general policy altogether different from those which present themselves to me.

I know that the legislature of Lower Canada have refused to make provision for the expenses of administering justice, and supporting the civil government of their province in any other manner than by an annual vote, a system of proceeding to which His Majesty's government object, as being contrary to the spirit of that constitution of which they are ready to avail themselves of the privileges, and as placing every officer of the civil government, even those entrusted with the sacred function of administering justice in a state of the most dangerous dependence

upon the pleasure of the popular branch of the legislature. I am aware too, that the greatest embarrassments are felt in conducting the government of that province from the refusal of the assembly to place the civil establishment on any other footing.

There may, no doubt, be other points also on which the Assembly of Lower Canada consisting principally of persons of French extraction and Catholics, exhibit at least an indifference to objects which in a British Colony it is desirable to advance, and cherish prejudices which confine them to a narrow line of policy and make them hostile to improvements which would advance the welfare of the colony and make it a more important part of the British dominion—of these inconveniences it is impossible to say decidedly, until they are more specifically pointed out, how far they might be expected to be removed by an union of the Legislatures, but as to that first mentioned, namely, the embarrassment felt at present in Lower Canada from the refusal of the Legislature to make a more permanent provision for the civil list, I confess I do not see that it would be removed by such a measure—for suppose the Canadas to be joined according to their present scale of representation if every Member from Upper Canada should consent to a permanent provision for the civil list it would still not be carried, and without expressing any opinion upon the question as it now stands in Lower Canada, I do not by any means think it safe to anticipate that the Members from Upper Canada would generally support the provision in the terms in which it was required to be made.

As to any inconvenience that may be felt from an entire preponderance of a French-Canadian interest in the Legislature of Lower Canada, I do not see that the certainty of their being counteracted by an union is either near eno' or clear eno' to make it advisable on that ground.

It would be long before the influence of the Members from Upper Canada be an over ruling influence, and I think it doubtful whether when it did become so, they would be disposed to exert it in changing the internal municipal policy of the other Province contrary to the wishes of $\frac{9}{10}$ of its inhabitants, and in which whether wise or not was endeared to them by long use, and had been so far respected by the British Nation that they had been hitherto left to change or retain it as they might prefer.

That an union of the Provinces might add to their strength by producing a more perfect community of interest and feeling, by subjecting that Militia to an uniform system of discipline, and by placing their means of defence against a foreign enemy more conveniently and effectually at the disposal of the government. That it might in time, by the gradual operation of the natural consequences of such an union make the whole colony more completely British in their system of laws, in their education, in their feeling, and in the general temper of all their publicacts—that it would produce an uniform regulation of trade throughout the territory and ensure the interest of every part being made subservient to the welfare of the whole—and that it would necessarily put an end to all future difficulties about duties and drawbacks by sharing among all the enjoyment of that in which they had all an interest, are general advantages which tho' some of them are rather indefinite as to the extent, and uncertain as to the period in which they might be felt, might, I think, be rationally expected.

On the other hand I am doubtful of the prudence of disturbing the present system of things established in the provinces in the prospect of these rather indefinite and distant advantages, at the hazard of the inconveniences which have suggested themselves to me, and which I will shortly state.

At present things are proceeding pleasantly and prosperously in Upper Canada. In Lower Canada they are not, but I do not think an union would remove in the least the difficulties existing there and it might have the bad effect of involving the one Province in the troubles of the other. The number of representatives in Upper Canada is at present less than in the Lower Province and would no doubt continue so for many years.

The latter consist with very few exceptions of Canadian French and I am apprehensive that an union of the two Provinces would be regarded with such

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extreme jealousy and repugnance by the great body of the people in Lower Canada, that on future occasions they would even more studiously endeavour to exclude English men from their Assembly, and confine their confidence to those who would sedulously guard their old system of things against innovation. And for many years I fear, the people of Upper Canada would find it difficult to obtain any appropriation of revenue to purposes of public improvement within their province or to gain a sufficient attention to their local interests from an Assembly of which the greater number would be unfriendly to their religion, and unacquainted with their laws, and jealous of their influence. If these consequences should follow, they would retard the now rapidly increasing prosperity of Upper Canada at the most critical moment.

Perhaps the apprehension is groundless, I state merely my own impression.

Upper Canada, it is true, contains at present a much less population than the Lower Province, the one having been first settled by Europeans only 40 years ago, and the other more than 200, but it is well known that in extent of land capable of cultivation, in the excellence of its soil, and its climate, and consequent capability of production, the former possesses almost unrivalled advantages, and it would be much to be lamented that these should be prevented from developing themselves by being placed under the control of persons little acquainted with our agricultural interests, and even averse to the system of tenures, and of laws under which the province has so surprisingly flourished. That it would be thus controuled for many years, I take it to be certain, especially if the Legislature should be convened in Montreal, for I fear in the present state of Upper Canada it would be difficult to find gentlemen who could so completely abandon their own pursuits as to attend an annual legislative session of three months at so great a distance from their homes. It could not be expected that the attendance of members from the Upper Province would be by any means as numerous even in proportion, as from the Lower, and I see at least reason to apprehend that in any question in which the interests of the two Provinces could come in competition, such for instance as the proportion of revenue to be expended in Upper Canada there would be little chance of a fair decision for some time to come. I fear this the more from the conviction that the mass of the people of Lower Canada, would feel extreme annoyance at the union, looking upon it as a scheme to give to the English population an undue ascendancy and would be for some time little disposed to unite cordially with us, forgetting all distinctions.

It perhaps deserves also to be considered how far it is politic upon the national grounds to unite two colonies now distinct, thereby involving on all occasions the politics of one with those of the other, giving to them the means of making common cause in any unfortunate dissension which might arise, and, rendering any imaginary grievance a cause of irritation and of difficulty, in two governments, whereas otherwise it might but affect the tranquillity of one.

Several other considerations of less importance suggest themselves in weighing the probable consequence of an union of the Legislatures. My desire has been to state such as appear most worthy of notice, and in doing this I beg not to be understood as presuming to speak the sentiments of the Government, or of the Legislature of Upper Canada, for I am neither authorized nor prepared to state their opinions upon the expediency of an union which was never within my knowledge contemplated by either. The representations from that Province with which I am charged were not intended, I am certain to point specifically to that end, and indeed the measures which I have taken the liberty of proposing and which are under the consideration of His Majesty's Government are wholly of a different nature. I can not even pretend to say how far an union would be agreeable to the people of Upper Canada generally—I have some reason to think the majority of their present representatives are unfavourable to it from a conviction that it would not be beneficial, tho' some of that body for whose opinion I have much respect think otherwise.

I will take the liberty of remarking further that the Act by which the Province of Quebec was divided and the present separate governments established was the result of great and long deliberation, and if the change of a system so matured

should prove disagreeable to the inhabitants of both or either of the Provinces it may be expected that they will feel more deeply in proportion as it shall appear to have been hastily decided and without an opportunity having been afforded them of making known their sentiments. The provinces of Canada have been treated uniformly by Great Britain with a mildness and a degree of parental indulgence that would make them more sensible to any apparent want of consideration even of their feelings.

Another matter occurs to me upon which it is necessary to guard against any erroneous impression. The French Inhabitants of Lower Canada, I am firmly persuaded are as peaceably disposed, as much inclined to submit to authority, and as loyally attached to the British Government as any portion of His Majesty's subjects, and whatever trouble their representatives may give by refusing to make a permanent provision for the civil list, or upon questions of revenue or of any kind between themselves and the executive Government is not to be ascribed to the preponderance of French influence over the English, but to that desire which all popular Assemblies exhibit to assert and exercise to the utmost the share of power which they think the constitution gives them, and even to extend it, a disposition from which more inconvenience must be expected, the more purely democratical such a body may be, and which I think the descendants of English, Irish and Scotch will be found as likely to persevere in as the descendants of Frenchmen.

If therefore an idea that the United Legislature would in these respects be more reasonable than the present Assembly of Lower Canada should seem to render an union desirable, I do not think the expectation would be justified by the event.

It is not my desire by anything I have said to lead to a conclusion that the Legislatures should not be united, unless that inference shall appear to be the sound deduction from the considerations I have stated. I have set down what presented itself on both sides anxious only that the decision may be made on sure ground, and not formed upon erroneous conceptions or upon expectations which are not likely to be fulfilled.

No. 4.—SUMMARY OF PETITIONS FOR AND AGAINST THE UNION.

Archives, Series Q., Vol. 163-1, page 135.

For the Union.

1. Inhabitants of Chambly, L.C.
2. Township of March, U.C.
3. Townships of Dunham, Stanbridge, St. Armand, Sutton, Potton, Stanstead, Barnston, Barford, Hereford, Farnham, Brome, Bolton, Hattey, Compton, Clifton, Durham, Melbourne, &c., of British birth and descent. Inhabitants of townships and places situated on the S. East side of the St. Lawrence in L. Canada.
4. Town and district of Three Rivers in L.C.
5. Borough of William Henry.
6. Townships in the County of Carleton, U.C.
7. City and County of Montreal, L.C.

Against.

1. Petition of the seigneurs, magistrates, members of the clergy, officers of militia, merchants, landholders and others inhabitants of the Province of Lower Canada.

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No. 5.—EXTRACT FROM A LETTER FROM J. MONK TO R. WILMOT, JULY 1822.

(Archives, Series Q., Vol. 162-2, page 289.)

Allow me to say that in every light in which I can view the subject the late Proceedings in Parliam' will excite strong and animated feelings in both Provinces. The right in Parliam' to legislate and at present, control is admitted. Opposition has only struggled for a delay, to consider what can be offered against the expediency of the Union.

Should demagogues be permitted to meditate and fulminate seditious resentments upon feeling the dread loss of power? Permit me to say, I think that can only be avoided by the early meeting of the local Legislatures, to receive a communication of what has been before Parliament, under its consideration, and of its standing over for a short time to be concluded upon. Such an early notice would I think in a great degree suspend all popular meetings & clamors and the result be speedily prepared for the consideration of Parliament at its early meeting.

If such be not done the local situation is such that the Session of the Imperial Parliament would be drawn to a close, before any advice could be had; And then opposition might present the same ground of charge of precipitancy—armed with all the rancorous effervescence during three months popular combinations in the colonies.

It may be enquired whether the great object of the projected Bill, can be effected under the present Colonial Legislating Powers? Assuredly not, they have each, separately & openly so declared. Can discussion be avoided? It is thought it cannot be; and it seems to follow that should such take place, that is most likely to preserve tranquillity and to effectuate what is so clearly essential to concord, union and subordination. If Parliament sees that such exist, or can be produced under the present constitution they will be suffered to remain. But should the contrary be manifest a remedy will be applied. Administration will have performed its duty to the Crown and the nation, Posterity will applaud their wisdom, Policy and Justice. Inaction under the present dilemma appears not to be possible, and let it be observed, that the halfway act as at present passed will excite hostile exertions by democratic leaders to raise feuds of turbulent opposition against the so far interference of Parliament altho' it should promote the other half of the Bill suspended.

No. 6.—NOTICES UPON A BILL PROJECTED, TO UNITE THE PROVINCIAL LEGISLATURES OF LOWER, & UPPER CANADA, &c.

*(Archives, Series Q., Vol. 163—1, page 167.)*14 Geo. 3,
ch. 83.7th October,
1763.The Refugee
Loyalists.30 Geo. 3,
ch. 27.

In the year 1774 an Act passed to make a Temporary provision for a Legislative power to be granted to the Governor & Council, to pass such ordinances & Laws as might be necessary, *not extending* to levy any Tax or duty until it should be fit and expedient to summon an assembly of representatives, delegated by the Freeholders, being subjects, in the colony of Quebec, according to the assurances made by His late Majesty, by His Proclamation issued soon after the Treaty of Peace and cession by the King of France of the said Provinces to His Majesty.

In the year 1784, His Majesty, soon after the Peace with France and granting Independence to certain of his Colonies that had united in Rebellion opened a means of security & comfort to the many of his Loyal subjects, who in the said colonies, had been faithful, and by resisting the efforts of rebellion had been under the necessity of seeking His Majesty's protection in the upper part, or uncultivated Lands of the Province of Quebec.

Acts of Parliament passed and instructions issued to the Governor to further this effort, and afford a safe retreat of those subjects, into

that Province, with their families and Effects. Lands were allotted and parcelled out to those persons, for a future possession of the same under regular grants from the Crown.

The rapid and extensive settlement of those subjects made it necessary to provide such a government, as would conduce to the security and comfort of those refugees. A people whose habits, language, religion, and the laws they have been born and lived under, were *wholly* English.

7th October,
1763.

It was apparent that the basis of the Colonial government should be such as was held out and assumed by the Royal Proclamation "A Legislature, in which a general assembly should form a part and the Laws of the Realm of England suited to their local situation as Colonists."

14 Geo. 3,
ch. 83-4.

The Lower part of the Province comprised the New or Canadian subjects "who had lived under an established form of government and system of laws by which their persons and property had been protected for a long series of years" namely, the Feudal system and the French Laws, hence it appears that for a certain time it could not be wise or just, to enforce the Proclamation that assured to *all* the benefit of the Laws of *England*; and it followed, as the most advisable policy, to divide that extended province, as enlarged under the Quebec Act, granting to each—Upper and Lower Canada, distinct and full Legislative Powers, "similar to His Majesty's other Colonies in America."

31 Geo. 3,
ch. 83.

These separate Legislatures have been empowered to promote the settlement, and prosperity of each colony. (Proclamation of 7th October, 1763.)

In the Upper Province, much has been done to Establish the body of English Law and to secure the liberty and property of the Refugee natural born subjects. In Lower Canada, after the first and 2nd Assembly (of 4 years each) little less has been done, to change a system of Laws already established.

The Canadian or New Subjects, elected from among themselves, persons who did not understand the English Language; the principles of the English Constitution; nor the Laws of England; the Legislative proceedings were carried on in both languages, English and French, and the Debates were used and conducted, wholly in the French Language.

There might be some few—5 out of 40—members of Canadians who could read and comprehend the English Language, but the great majority, $\frac{3}{4}$ of the Assembly, must rely on the few for the explanation of what it should have been in their own power, by reading (in order to be useful and not to be deceived by party prejudices) to have understood. So far ignorance may form an excuse, to many well intended persons, for the various confusions and anarchy that have happened in that disturbed and conflicting Legislative body, the Assembly.

31 Geo. 3,
ch. 31.

The Canada Act could only be viewed as an essay to form the best government that the time and circumstances required for those colonies—and so it was argued in *Parliament when the act passed*. The difficulties that could and might be expected to arise from two distinct Legislatures, having separate interests were foreseen, but it was confidently hoped would be avoided, by a cordial consolidation of Mutual Interests among the same subjects; for it is quite clear that the extended Territory of the Canadas cannot be governed *nor protected*, but under the full persuasion that one common interest must pervade the whole body of the two Provinces.

1663 (*sic*.)

Each colony has manifested a disposition to provide the revenue [to furnish] means of supporting the Civil Government. Lower Canada,

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an *old* well settled populous colony, is fully able, with very low taxes, to support the Civil Government.

Upper Canada, less populous, less worthy but without disparagement, infinitely more energetic, industrious, intelligent and zealous for the public weal, has, devised various laws and means, to support the civil government.

But as duties of import, form a great source to those means, and as all importations of merchandize come to the Upper through the Lower Province those duties, or what is equivalent, the proportion of import duties on goods consumed in the Upper Province are subject to the Laws and regulations made by the Province of *Lower* Canada.

Those Legislatures have differed upon the rights of each Province. The Lower collects, and holds the whole import duties. And the Upper Province *declares* itself by such means disabled from supporting the Civil Government. All efforts to conciliation have failed and the report made by the commissioners of the Assembly of *Lower* Canada to treat with those of Upper Canada, "evinced not only the difference and "difficulties, but *hold out* their *expected recurrence*, leading to serious "misunderstandings, destructive to the interests of the two Provinces, "which are so intimately connected by the ties of allegiance to the "same sovereign and their local position."

In effect "that the legislating power possessed by the Lower Province "places the Upper in a state of *dependence* which results from a conclusive control over the Port of Quebec assumed by the legislature of Lower "Canada."

The evident remedy to the conflicting and injurious state of those Governments would be for Parliament to unite the legislating power of that extensive country and bring into a reasonable exercise, the separate dispositions of providing means for support of the civil government in each and at the outset to fix by law a precise rate of drawback, on the import duty to be received by the Upper Province, until the combined legislature may by two-thirds of its members agree upon a just principle for their future ease and tranquility.

Altho' a great comparative distinction may be at present made in respect to population, between those provinces; yet it should be observed that the climate, the lands, habits, languages, laws and local situation of the Upper Province attract the stream of nearly all the emigration from Europe to Canada, into the *Upper* Province, which in a short course of time must give a weight to that population, not at present fully comprehended; altho' their energies in defence, during the late war, must have evinced a power in the hands of comparatively a few not conjectured upon to have been discovered in the field against what was considered an overwhelming force.

In the project of the present Bill it is intended to remedy some defects that have been discovered in the Canada Act. And propose some amendments that would facilitate the general business of legislation, and support the strength of a constitutional colonial government.

NOTES UPON VARIOUS SECTIONS OF THE BILL.

Section 24.

By the present state of the population and laws of Upper Canada, it will return to the Assembly, forty members, *see* Prov. Stat. of Upper Canada, 30 Geo. III.

The new counties necessarily to be established in Lower Canada, from settlements since 1791, will give about 8 or 9 members and one member at William Henry, and one at Gaspé, will together form 50 members,

Publication pamphlet of the case from reports of the Legislature and Council, p. 33, also p. 87, also 37, 8 section 33 of the bill.

31 Geo. 3, ch. 31.

The language of the proceedings and the debates of the legislature.

that may be concluded (being among such electors who only speak English) *not* to understand the French language.

Since the conquest of Canada in 1759 and the treaty of peace, 1763, Canada may be considered as an English colony during near 60 years. It may be asked, has it not been incumbent upon all the new subjects to become acquainted with the national language? That in which the commercial interest, social intercourse and a *great* part of the laws exist and all provincial statutes are promulgated?

No such test
on this as were
required in all
the other
colonies.

The liberality with which the Canadians were admitted to a participation in the legislature and offices of government, was peculiarly favourable to the new subjects. The persons composing the legislature could only know by being enabled to study the principles of the constitution, government and laws, that were alone published, in the English language, the whole of the most important part of the Laws of Lower Canada—the *Criminal Law*—is only published, referred to or known in the *English* language. That the legislative proceedings should not be restrained [restricted] to that language appears to have been a source of a continued difficulty and Colonial strife. The text and legal exposition of the Provincial statutes passed since 1775, the Quebec Act, and 1792, the Canada Act, have been in the English language. Unitedly all these considerations speak for the Legislative proceedings being confined to the English language. To unite the legislatures without such a rule would (to say the least) be, to obstruct that tranquillity which must result from acting upon one known common principle. The nation has a right, it becomes incumbent upon it, to regulate the qualification of those servants of the Crown, or those who become members of the Legislature, in such manner as may best promote the sound and good effects of legislation and tranquil government. Those who are intended to participate in such situations may do so if qualified; if not they can have no claim to them.

Upon the same principle it is enacted:

Section 13.
Qualifications
of persons to
be elected.

That a qualification should be prescribed beyond that of a mere Freeholder in respect to the property of persons being "qualified to be elected to represent." The late act required no such qualification. The want of it, was found to be a great defect. Shall the convenience of individuals obstruct a constitutional remedy in defective modes of government?

Section 18.
The duration
of such legis-
lature.

The period of duration for each election of the Legislators being limited to four years work, the greater defect in a country with men not the best informed, a person who holds a responsible place, or office, that requires study and information will take the less pains as he finds his station to be a temporary one, and devote to it, the greater, the more permanent it appears to be. The frequency of elections, in that extended country is injurious in bringing frequently together, many agriculturists from their distant occupations. Six or seven years would be the preferable period of duration.

Section 16.
2 members of
the Ex. Coun-
cil in each
colony to be
members of
the Assembly
with votes.

That the Executive Government should possess the means of participating upon all the measures of Government brought before the Assembly needs no other proof, than the open and declared efforts of the Canadians "to exclude every officer of the King's Government from "that body." And the factions raised and measures pursued, those ten or fifteen years passed, has evinced that every effort to obtain a seat in that body by such a character has been unsuccessful, consequently that the King's Government has not had the communication with the Assembly necessary to conduct the public business. The measures of the Assembly "The Commons of the People" and those of the Government have been argued to be wholly distinct in interest, and the Crown has been excluded from the power in that essential part of the Legislature and Government

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of removing factions aspersions, or assuaging Anarchy that disturb and defeat the salutary purposes of a colonial and Loyal Legislature.

Unless some few members of the Executive Council and Government should by right have a deliberative voice in the Assembly—altho' without that of voting—in what manner can the measures of administration and Government be effectively brought forward explained or supported; or those adverse to the public weal, represented in their real state and the resulting consequences of contrary pursuits exposed to real and impartial reason, if the servants of the Crown are to be excluded from the duties of the Executive Government?

Experience has convinced that in the colonial Legislature of Canada a right should be declared: "That the King's ministers" if so they must be termed should have a deliberative power in the Assembly of that legislation.

Had the case not arisen of one branch of the Legislature asserting, and exercising the right of issuing warrants against members of the other branch,—the Assembly against the council, there might be the less necessity for this clause of the Bill. It is preventive, against factious purposes destructive of Legislation and Government. And furthermore, highly proper that an Act of the Legislature should settle the principles and determine the extent upon which such great powers are raised, and not left to be discovered in the contradictory assumptions and violent concessions through the various Parliamentary Proceedings in the most boisterous periods of its history.

The assumed rights of the Assembly under crude ideas of "Parliamentary Privileges" have been the fostering parent of factious proceedings, that should be reduced to plain distinct rules consistent with good order and good government and where the express sanction of the Crown is declared by Colonial Law.

This Provisionary clause of the Bill is to declare and confirm the free exercise of that religion and the right of all curates to the accustomed dues, and lawful Tithes for clerical dues, in the several parishes or Cures, at the same time, providing for a due exercise of the King's supremacy in the collation or induction of any curate to any church or chapel. But in the same clause it is provided that no part of the section, shall interfere with any collation or appointment that has been *already* made. In former "notices" this section and provision has been remarked upon and the policy and justice of an exercise of *that supremacy*, which gives the weight dignity and power of the Crown, where it is the *most efficacious* to the welfare of His Majesty's subjects and that of his colony.

The object of the present clause is to facilitate improvements by withdrawing obstructions against the employment of Capital and the settlement of Lands held under the Feudal Tenure, as also, for augmenting the value of Estates; and for the easy exchange of Real property, in a commercial country superadded to this will result the important consideration of introducing the English Law, adapted to commercial enterprise and gradually tend thereby to remove foreign prejudices, that continue attachments to a system of jurisprudence not adapted to the laws and constitution of an English government. It will also have its effect upon the Language of the people, who will in studying their interests seek it under those Laws and thro' the medium of a Language in which they are expressed.

The change of the Fief or roture Tenure, are made to depend upon the *desires* of the parties interested, no part of the clauses are compulsory. The whole are placed under the control of His Majesty, to grant where reasonable and advantageous to the Crown and its subjects.

The rights of the Crown in respect to the Revenue, are preserved and those of the Seignior or his roture Tenant upon every change of Tenure.

Section 23.
Restriction upon the powers of the branches of legislation to issue warrants of imprisonment, not in certain cases until such privileges are declared by provincial statute.

Section 25.
The Roman Catholic clergy their rights and appointments under the King's sanction by the due exercise of the Royal Supremacy.
1 Eliz. ch. 1,
14 Geo. 3, ch. 83, ss. 5, sec. 23, the change of tenures feudal to those of common socage.

The King is authorized to grant common soccage Estates to his own vassal or roture Tenants, upon a reasonable commutation for the release of charges. This will immediately facilitate the receipt of monies, nearly £20,000 in the King's Censive or Domain of Quebec, and Three Rivers, upon such commutations; and work a great relief to the roture Tenants and commercial interests in those places.

The King's instructions to accompany the Act.

The clause of the Act makes the grantee Seigneur to such "conditions and restrictions" as His Majesty upon receiving any surrender and making the grant may judge expedient. These will be carefully explained and guided by the King's Instructions that accompany the Statute. In which one clause or direction will guard against a possibility of the grant interfering to impeach or frustrate any right of third persons, upon the Lands of Fief surrendered, or of roture commuted for: no such saving words should be used in the Act under pretence "of preventing harm" where none can be produced. The case of location certificate in Upper Canada, provided for by the 45 Section of 31, Geo. 3 is not in any degree similar to the regular grants, and Titles in Lower Canada.

The king cannot by implication grant away legally established rights acquired by title or charges thereon. The person who *alone* holds the property in full right can surrender such rights and they *only* can be affected by the statute.

Sections 32 to 42 drawback dues on imports, &c. claimed by Upper Canada 32 and 42. The application of money levied, etc. to the purposes of defraying expenses of government.

Eleven sections of this Bill, are provisions to create the means of settling the drawback duties claimed by Upper Canada, and lay down a principle or rule for the payment of growing dues, until the Colonial Legislature shall adopt a more satisfactory ratio.

Are two clauses of the Bill that necessarily provide for His Majesty's application of the Colonial revenue, that may be raised until 1 Feby, 1825, towards support of the administration of justice and the civil government of the Province.

The violent and hostile exertions of the Assembly of Lower Canada, against granting the pecuniary aid so *repeatedly promised* have it is thought, and must impel Parliament to measures that will secure the dependence of Colonial possessions and, according to their means, relieve the burdens of the Parent State. If principles are to be granted that can transfer the rights of the Crown, the Prerogative or Executive Government into the hands of the Legislative branch of Power, where "The People" are to form the sovereign direction of the Royal Government, a change may be expected to follow that it is not more easy in perceiving to deplore, than imperative to prevent.

NOTES ON THE HEADS OF A BILL TO UNITE THE LEGISLATURES OF LOWER AND UPPER CANADA.

Section B.

Is to prescribe the qualification of members possessing *real* property to the value of £300 sterling.

Qualification of members.

The qualification is rated too low, for Lower Canada, £500 stg. appears to be quite low enough to secure that practical interest in the Assembly of character and property that a tranquil government would require. If it should be thought invidious or improper to make a present distinction between the two Provinces, and that £300 would be all at present required for Upper Canada; it is suggested that the whole qualification settled at £300 should only last for *ten* years (as is done in section 24 for the language) and thereafter the qualification for both Provinces should be at £500 sterling.

Section 16. Members of the Executive Council to be summoned to the Assembly.

The Governor, &c., to summon *one* member of the Executive Council, of each province to the Assembly.

This appears to be a very necessary and important part of the present Bill. The want of official and efficient characters in the Assembly has

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been a great defect in the necessary powers of Government in the Legislature, and the party spirit that has been, and may be excited to exclude such characters, forcibly urges that the governor's power should be extended to summoning two members of the Executive Council in each Province. The presence of two members would strengthen the government in the course of the proceedings—perhaps necessarily.—One cannot at all times be present, his absence should be guarded against, nor should it be considered that the members of the Executive Council, residing in Upper Canada, will (at least for many years) be adequate to the affairs of the Lower Province. The same reason may be applied in respect to the members of the Executive Council of Lower Canada for that of the Upper Province.

THE PRIVILEGES OF THE PROVINCIAL LEGISLATURE.

Section 23.
Privileges of
the two
branches of
the Legislature.

The Legislative Houses in Lower Canada have assumed all the rights and privileges of the House of Lords and Commons in Great Britain. Their reasoning from analogy, extend to the exercise of powers that ought not to be exposed by warped constructions for factious purposes adverse to the tranquillity of government and injurious to the rights of individuals, which at times it is not in the power of the Executive Govt. however well disposed to prevent. This danger or distress might at present be remedied by a proviso to this section of the Bill Viz :

Instances may
be cited of
such imprison-
ment against
all rational
exercise of
such power.

“ Provided always that the Privileges of the said Legislative Council
“ nor the Assembly shall extend or be construed to extend to the imprison-
“ ment of any of His Majesty's subjects not being members of the said
“ Legislative Council or Assembly or officers and servants of the said
“ bodies respectively, until provision may be made by an Act of the said
“ Legislature, declarative of the rights and privileges extending to such
“ imprisonment or of fine.”

THE ROMAN CATHOLIC CLERGY, THEIR RIGHTS AND DUES, &c.

Section 25.
The Roman
Catholic
clergy, dated
3rd January,
1775, trans-
mitted to
Lieut.-Governor
Carleton,
vide Act 20,
21 and follow-
ing instruc-
tions.

A great political interest is suggested by this section of the Bill respecting the King's *supremacy*, provided for in the 5 Section of the 14 Geo. 3, ch. 83. Is it politic or intended, that the whole body of Curates, Parish Priests of Lower Canada should be appointed, inducted, removed, or suspended, at the sole will of the Roman Catholic Bishop without consultation or any participation by the Crown through the Governor and this of right? The instructions that were framed upon and accompanied the Quebec Act 14 Geo. 3 never intended to transfer or vest such a power. Its consequences were foreseen and its effects expressly attempted to be prevented.

With regard to the Protestant clergy the Lord Bishop has no such power of Induction, &c. It is by the King's instructions vested in the Governor. The Protestant Bishop can only recommend.

The Roman Catholic Clergy of Lower Canada—Curates—would feel grateful for the Royal protection. A few words being added to this section of the Bill would bring into needful efficacy that power of the Crown which in the Colony of Lower Canada under all its peculiar circumstances, make it highly requisite to be conveyed and exercised: This may be produced by inserting in this section, about the 6 line from the conclusion after the words, “ *the Clergy of the said Church:*”
“ And the several Curates of each respective parish in the said colony
“ being thereto inducted and appointed with the approbation and consent
“ of His Majesty expressed by the Governor in Chief, the Lieut.-Governor or person administering the Government shall conformably to

"the said Act passed in the 14th year of His late Majesty's reign continue to hold and enjoy their accustomed dues, &c."

It may be said that this clause is only declaratory of the actual Law, if so, no alarm can be excited by an insertion in this Bill of what ought to have been done in the 5 Section of the 14 Geo. 3 and for the want of which the King's Supremacy—the whole Patronage of the Roman Catholic Church has been claimed and exercised by a great dividing interest in the King's Government. If it be asked why make such declaration of the Law, the answer is to render the Bishop's induction and *patronage* nugatory, without receiving the approbation of the Crown by the Governor. Is it not so at present? No. The curate being inducted, and in possession, can sue for and recover the Tithes and dues and without any evidence of approbation by the Royal will. The powers of the Crown are never in contemplation of the curate, nor of the Court of Law. The Bishop is looked to for every favour, for every frown, for every rule of conduct civil, ecclesiastical, or political. But with such an addition to the section, the powers of the Crown will be felt where they ought to prevail. Can this be done without such a clause? The difficulties that would attend the exertion make the success very doubtful. It would scarcely be conceived that the power would remain as it is. Its effects may be foreseen and appreciated.

THE TENURE OF THE LANDS IN LOWER CANADA.

Section 29.
The change of
tenure in
Lower Canada
from fief to
common
socage.

This Section of the Bill goes to convey to seigniors the fee of such *Portions* of Land, in a Seignior, or Fief, as the Fief Lord may surrender, to obtain in that part of the Fief a Common Socage Estate—or absolute right in the land, in order to sell, lease, or convey, by such title, and exempt it from the Crown dues of $\frac{1}{2}$ part of the value a mutation fine upon every sale of a Fief. And further enable the *Seignior* to sell by parcels in Com. Socage exempted from Fief rights, or roture dues upon vassalage tenures cens et rentes. This would most assuredly be a great benefit to the Seigniors who hold in Fief, under an implied, at least, condition annexed to their titles and Fief to sub-divide the lands by under grants in roture allotments, to the Peasants at—cens et rentes, and low rents. If it be intended to work a change of tenure on the *whole* lands held in Fief a condition should be annexed under the Term "Restrictions" used in the clause to oblige the Seignior to surrender the whole of his Seignior and Fief and to commute with his under Tenants, (*censitaires*) for the rights and benefits he might surrender to each on converting their roture estate into Com. Socage.

This might be effected by instructions to the Governor as conditions upon which a surrender should *alone* be received, or grant made. Such a general conversion of Tenure would be highly beneficial in an agricultural and commercial colony, and superinduce other advantageous consequences in an English colonial government.

No. 7.—PETITION FROM KINGSTON, &c., FOR UNION.

(Archives, Series Q., Volume 323-1, pag: 4.)

TO THE KING'S MOST EXCELLENT MAJESTY.

The petition of Sundry Inhabitants of the Town of Kingston and County of Frontenac in the Midland District and Province of Upper Canada,

Most humbly Sheweth :

That Your Majesty's Petitioners availing themselves of the opportunity graciously afforded them by the postponement of certain measures lately entertained in the Imperial Parliament, on the subject of uniting the Legislatures of the Canadian

Provinces, beg leave with humility and deference to present at the Throne, their reasons and motives, for praying the immediate furtherance of that Union.

Not that your Petitioners are insensible to the value of that excellent Constitution which this Province received in the Thirty-first year of the Reign of our Late Most Beloved Sovereign, by which under the wise and fostering administration of the present Lieutenant Governor they acknowledge with gratitude, that this favoured portion of Your Majesty's Dominions enjoys much happiness and prosperity.

But that nevertheless this Province of Upper Canada being from its geographical situation dependent on the sister province of Lower Canada for a channel whereby to import or export the various articles of its Commerce; and no adequate provision having been made on the division of the province, for its free use of that channel, numerous unhappy disputes have of late years arisen, as touching its due proportion of Revenue arising from Duties on Articles imported to the manifest injury of its fair and equitable claims, as has been fully laid before Your Majesty's Ministers by a Commissioner appointed by the Provincial Parliament for that express purpose.

That Your petitioners tho' they hail with all gratitude the measures which the parental and considerate wisdom of Your Majesty's Government has already devised, in the Canada Trade Act, for the remedying of these evils, yet humbly suggest their anxious fears that this Act does not go to their root.

They have too much reason to be assured that every impediment will still be thrown in the way of fair and equitable adjustment; and that as often as the right of objecting to Revenue Laws is exercised by Upper Canada; great and unpardonable offence will be given to the Legislature and people of Lower Canada, and that, in short, the misunderstanding now unfortunately existing on this subject between the provinces, will be kept up and thereby national prejudices and antipathy already violent will become so inveterate, that the Union of the Legislature, which your petitioners conceive must be the ultimate remedy, will in time be difficult, if not altogether impracticable.

Your petitioners further beg leave to suggest that the Canada Trade Act will not effectually remove the causes of complaint which exist from the nature of the present state of things, viz., the want of a cordial co-operation between the provinces in improving the navigation of the St. Lawrence, an object of the first importance to Upper Canada, but which without the concurrence of Lower Canada cannot be accomplished; together with the other numerous obstacles to the better regulations of Trade and Commerce, which the mutual jealousy of the two separately existing Legislatures rather tends to increase than to diminish.

That from the sketch which your petitioners have received thro' the medium of the public prints of the lately entertained Union Bill they are fully confident that it is sufficient to obviate effectually, the present existing causes of jealousy and distrust, to harmonize the mutual feelings of the two people, and to produce to both provinces an abundant increase of strength, wealth and happiness; securing to each all the essential privileges of their present constitutions; or if affecting as is the opinion of some persons amongst us, the Elective franchise, and freedom of parliamentary proceedings; yet your petitioners rest contented, that in these and all other matters consistent with sound policy, Your Majesty will lend an indulgent ear to whatever may be the general wish of your faithful Canadian subjects.

And therefore your petitioners humbly request that Your Majesty will be graciously pleased to recommend your Ministers to further the projected Union in the Imperial Parliament, in such way, and under such terms as may be deemed most expedient to our Mutual Wants and necessities and most conducive to the happiness and prosperity of both provinces.

And your petitioners as in duty bound will ever pray.

Kingston, Upper Canada,
12th November, 1822.

Ninety-three signatures are attached.

No. 8.—CONSTITUTIONAL COMMITTEE OF QUEBEC TO WILMOT.

(*Archives, Series Q., Vol. 161, page 295.*)

QUEBEC, 15th November, 1822.

SIR,—The Inhabitants of this country have heard, with the most profound concern, that in the last session of the Imperial Legislature, a Bill was introduced in the Honourable the Commons House of Parliament, purporting an union of the Legislatures of Upper and Lower Canada, upon terms extremely disadvantageous and deeply humiliating to the interests and feelings of the latter Province.

The Canadians were however well assured that no measure affecting their rights would ever pass that Honourable House, until those for whom it was intended had an opportunity of being heard; and accordingly when it was ascertained that the Bill had been postponed for that express purpose (the Provincial Legislature not being in session), measures were immediately taken in various parts of both Provinces to address an humble Petition to His Majesty and both Houses of Parliament against it.

At a very general, numerous and respectable meeting of the Inhabitants of the District of Quebec, a committee was chosen for the purpose of preparing and forwarding these Petitions, which are now in a state of forwardness; but as it will necessarily require a considerable time to enable the Inhabitants of this very extensive and populous District to subscribe the same especially at this season of the year; and as it is feared that before they can be forwarded and presented, the Bill may have been again revived, the committee beg leave to enclose a copy of their Resolve of the 31st October last and entreat that you will use your influence with the members of the Honourable the House of Commons to prevent the Bill from being passed before the Petitions from this country shall have been presented.

The committee assure you that His Majesty's Canadian subjects, relying with the most perfect confidence on his paternal solicitude, and the wisdom and justice of Parliament, are fully assured that the Bill will not pass, when it is known in England that the Honourable movers of it were misinformed in a manner to lead them to believe that the measure was beneficial to the country, and would be highly acceptable to the Canadians,—an assertion as unfounded as it is injurious to the spirit and patriotism of the People, a vast majority of whom, in both Provinces, are decidedly and unalterably averse to the proposed union, under any condition whatever and much more so under those of the Bill in question.

By order and on the behalf of the constitutional committee for the city & District of Quebec.

We have the honour to be, sir,
Your most obedient and
Most humble servants,

L. DE SALABERRY,
Chairman.

E. TETU,
W. HENDERSON, } *Secretaries.*
JEAN BELANGER, }

ROBT. WILMOT, Esq., M.P.
23 Montagu Sq., London.

(Another copy is in vol. 163, p. 141.)

No. 9.—MEETING OF CONSTITUTIONAL COMMITTEE OF MONTREAL.

(*Archives, Series Q., Vol. 161, page 305.*)

PROVINCE OF LOWER CANADA,
MONTREAL, 18th November, 1822.

At a meeting of the general committee appointed for the District of Montreal, at a public meeting of the Inhabitants of the said District for the purpose of preparing Petitions to His Majesty and both Houses of Parliament against the Bill introduced in the last session of Parliament for effecting alterations in the existing constitution of this Province.

Present :

The Honourable L. J. Papineau, Chairman.
“ Chs. de St. Ours, M.L.C.
“ L. R. C. de Lery, M.L.C.
“ P. D. Debartzch, M.L.C.
“ Chs. de Salaberry, C.K. & M.L.C.

Messrs. Louis Guy.
“ Frs. Desrivieres.
“ D. B. Viger, M.P.P.
“ J. Bouthillier.
“ J. Bedard.
“ J. R. Rolland.
“ H. Cuveillier, M.P.P.
“ H. Henry, M.P.P.
“ F. A. Quesnel, M.P.P.
“ Louis Bourdage, M.P.P.
“ F. A. Larocque.
“ J. Quesnel.
“ R. J. Kimber.

Resolved, That inasmuch as the Imperial Parliament may assemble before that a Petition expressive of the feelings and wishes of His Majesty's faithful Canadian Subjects, relative to the proposed changes in the existing constitution and form of the government of this Province as happily established by the Statute of the 31st of His late Majesty, chap. 31st can be transmitted to and received in Great Britain, and these momentous changes may be brought under the consideration of the Imperial Parliament without His Majesty's said subjects having an opportunity of expressing their sentiments and humble prayer in the premises, it is expedient that the Right Honourable the Earl of Bathurst, His Majesty's Secretary of State for the Colonial Department and the Right Honourable the Secretary of State for the Home and Foreign Departments, be informed of the intention of a large majority of the Inhabitants of the Province to prepare and lay before His Majesty and both Houses of Parliament with all possible diligence Petitions against the proposed changes in the Constitution and form of the Government of this Province as by the aforesaid Statute happily established, and that His Majesty's Ministers be humbly requested to postpone the consideration of the matter until such time as the said Petitions may be received.

Resolved, That His Excellency the Earl of Dalhousie be humbly requested to transmit copies of the foregoing resolution to His Majesty's Ministers in England, with his recommendation of the delay prayed for by the foregoing Resolution.

Resolved, That the President of this committee do communicate the foregoing Resolutions to His Excellency the Governor in Chief through his Secretary.

J. PAPINEAU,
Chairman.

NO. 10.—MEETING OF CONSTITUTIONAL COMMITTEE OF QUEBEC.

(Archives, series Q., Vol. 161, p. 308.)

GRAND JURY ROOM, COURT HOUSE, QUEBEC.
THURSDAY, 31st October, 1822.

At a meeting of the Committee for the purpose of preparing petitions to His Majesty and both Houses of Parliament, against the Bill introduced in the last session of Parliament for effecting alterations in the existing constitution of the Government of this Province, appointed at a Public Meeting of the Inhabitants of this District on the fifteenth instant.

*Present :*The Honourable Louis DeSalaberry, *Chairman,*

A. L. J. Duchesnay,

Mr. Justice Bowen.

Messrs. I. T. Perrault,

A. Stuart,

L. Jusehereau Duchesnay,

Wm. Lindsay,

Peter Burnett,

Jean Belanger,

John Neilson,

Philip Panet,

François Simonet,

John Goudie,

T. I. Taschereau,

E. C. Lagucux,

Thomas Lee,

P. E. Desbarats,

Thomas Wilson,

William Henderson,

Louis Moquin.

Resolved, That as inasmuch as the Imperial Parliament may assemble before that a petition expressive of the feelings and wishes of His Majesty's faithful Canadian subjects relative to the proposed change in the Constitution and form of its Government as established by the Statute one thousand seven hundred and ninety-one, can be transmitted to and received in Great Britain and these momentous changes may thus be brought under the consideration of the Imperial Parliament without His Majesty's said subjects having an opportunity of expressing their sentiments and humble prayer in the premises, it is expedient that the honourable chairman of this Committee do intimate in such form as he shall deem advisable to the Right Honourable the Earl Bathurst, His Majesty's Secretary of State for the Colonial Department and to the Right Honourable the Secretaries of State for the Home and Foreign Departments and to the several members of the Honourable the House of Commons, who took part in the debate upon the said measure of the intention of a large majority of the inhabitants of this Province, to prepare and lay before His Majesty and both Houses of Parliament with all possible diligence, petitions against the proposed changes in the Constitution and form of the Government of this Province as by the aforesaid Statute happily established.

Resolved, That His Excellency the Earl of Dalhousie be humbly requested to transmit copies of the foregoing Resolution to His Majesty's Ministers in England with his favourable recommendation thereof.

L. DE SALABERRY,
Chairman.

(Another copy is in vol. 163, p. 144.)

No. 11.—PETITION IN FAVOUR OF THE UNION OF THE PROVINCES.

(Archives, Series Q., Vol. 161, page 330.)

TO THE KING'S MOST EXCELLENT MAJESTY:

The Petition of the Undersigned Seigniors, Magistrates, Members of the Clergy, Officers of Militia, Merchants, Landholders and others, Inhabitants of the City and District of Quebec, Province of Lower Canada:

HUMBLY SHEWETH:

That your Petitioners have learnt with the greatest satisfaction, that Your Majesty has taken into your Gracious Consideration the State of the Provinces of Upper and Lower Canada, with a view to adjust certain differences relating to matters of Revenue complained of by the Province of Upper Canada; and as it appears that Your Majesty's Government in the course of its inquiry into the sources of these differences, has become satisfied of the necessity of some change being made in the Constitution of these Provinces, but has postponed the adoption of final measures in order to give time to the people thereof to express their sentiments, Your Petitioners beg leave humbly to approach Your Majesty with a statement of various Evils under which they have laboured for some years and from which they have no hope of relief except by the interposition of Your Majesty and the Imperial Parliament.

The experience of thirty years has now demonstrated the impolicy of the Act of the British Parliament, 31, Geo. III., Cap. 31, by which the late Province of Quebec was divided into the Provinces of Upper and Lower Canada. To this Division Your Petitioners ascribe the present ineffective state of the Legislature and the want of those necessary measures for diffusing throughout the whole population of the country feelings becoming their character as British subjects, and introducing that general spirit of improvement which encouraged by the commercial system, universally pervades and invigorates other British Colonies. This division has created a difference of interest between the Provinces in matter connected with Revenue highly injurious to both, inevitably producing a spirit of dissension and animosity, and infusing into the Legislatures principles of a narrow and selfish policy adverse to the general development of their resources, and in an especial manner to the improvement of the channels of intercourse between them, and it is essential here to notice that nearly the whole of the Revenue of the two Provinces arises from the duties levied on Merchandize imported at the port of Quebec under Laws enacted by the Legislature of the Lower Province. It has also, from the control which the geographical situation of the Lower Province enables it to exercise over the trade of the Canadas placed the export Trade of the Upper Province at its mercy being subject to such regulations and restrictions at the Shipping Port, as its Legislature may chose to impose. From this circumstance, and from the feeble attempts made to improve the grand natural channel of the Canadas strikingly contrasted with the enterprise and energy evinced by the neighbouring State of New York in the rapid formation of Canals, together with the indifference manifested on this subject by the Legislature of the Lower Province; Your Petitioners have just reason for alarm, that if a similar system be persisted in, it may tend in a most injurious degree to increase the Commercial Intercourse of the Upper Province with the United States and divert the enterprise and trade of its inhabitants into a foreign channel and from these causes Your Petitioners not only apprehend the immediate loss of beneficial Trade, but that the gradual effect would be to interweave the interests of the Upper Canadians with those of the neighbouring States, thereby alienating their minds from the people of this province and weakening their affection for Your Majesty's Government, notwithstanding their present known and tried loyalty.

The Legislature of this Province has for a long time past been agitated by dissensions and their deliberations so much interrupted thereby, that Trade, Agricul-

ture, Education and other objects of general interest have been neglected. There exists no Law for the Registry of Lands and Mortgages, so necessary for security in commercial transactions, no Insolvent Debtor's Act, and your Petitioners have looked in vain for a Law to provide for the unrepresented state of the Townships, a fertile and valuable portion of this Province settled by Inhabitants of British origin; of these Legislative Enactments and many others necessary to quicken the enterprise and industry of a commercial country, your Petitioners entertain little hope, until a Reunion of the Provinces shall have weakened the influence which has hitherto prevented their adoption in our statute book. The existence of this influence, your petitioners chiefly attribute to the impolitic division of these Provinces, which instead of rendering it the interest, as it is the duty of every individual of the community to concur in measures to assimilate the whole population and to allay the jealousies naturally existing between the several classes, has unavoidably presented to the individuals, who first attained a majority in the Legislature, a temptation to perpetuate their own power by adopting a course directly opposite. To the same influence, may be traced the small encouragement which has been held out to the settlement of the vacant lands of this Lower Province by British population, and consequently that upwards of eighty thousand souls (a number equal to one-fourth of the actual French population), who since the last American war have emigrated to this Province from Great Britain and Ireland, scarcely one-twentieth part remain within its limits.

Your petitioners have observed with gratitude, the disposition which your Majesty's Government has evinced by the Act of the present year of your Majesty's, cap. 119, to apply a remedy to the existing political evils of these Provinces, but it is their humble opinion that the Provisions thereof are insufficient; that numerous circumstances concur to render vain any attempt permanently to regulate to the satisfaction of both Provinces the division of the Revenue collected at the Port of Quebec unless united under one Legislature; and further they humbly beg leave to express their fears, that some of the provisions of this Act although dictated by the necessity of regulating the conflicting claims of the two Provinces may afford a pretext for others for imputing to the Imperial Parliament a disposition remote from the intentions and views of your Majesty's Government.

Having thus stated the evils under which they have suffered your Petitioners feel the fullest confidence in the justice and wisdom of your Majesty's government, and being satisfied that the subject will receive the most serious and deliberate consideration, would have felt much hesitation in presuming to suggest remedies; but as the Reunion of the two Provinces has been proposed in the Imperial Parliament, they beg leave to express their entire acquiescence in the adoption of that measure upon such principles as shall secure to all classes of your Majesty's Subjects in these Provinces their just rights and protect the whole in the enjoyment of existing Laws and their Religion as guaranteed—such a Union would in the opinion of your Petitioners afford the most effectual remedy for existing evils as it would tend gradually to assimilate the whole population in opinions, habits and feelings, and afford a reasonable hope that the wisdom of the United Legislature would devise a system of government of more consistency and unity, and of greater liberality to all classes than has hitherto been experienced—a Union on the Equitable Principles humbly suggested by your Majesty's Petitioners, will necessarily include a representation proportionate as near as possible to the numbers, wealth and resources of the different classes of inhabitants of these Provinces, will require no innovation in the Laws or Religion of the Country nor proscription in Debate or Motion in the Legislature, of the language of any portion of the Inhabitants, in every class of whom, bravery and loyalty have been evinced as fellow soldiers in defence of the Provinces.

May it therefore graciously please your Majesty that a Bill for the Union of the two Provinces of Upper and Lower Canada, on the equitable terms prayed for by your Petitioners, do pass into Law and the Constitution established thereby be preserved inviolate to your Petitioners and their posterity.

And your Petitioners as in duty bound will ever pray.

QUEBEC, December, 1822.

No. 12.—PETITION FROM WENTWORTH AGAINST UNION.

(Archives, Series Q., Volume 333—1. Page 64.)

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Imperial parliament assembled.

The Petition of the Inhabitants of the County of Wentworth in the District of Gore and Province of Upper Canada most respectfully sheweth. That your petitioners, His Majesty's dutiful and loyal subjects many of whom emigrated to this province at an early period of its existence as such (for the purpose of enjoying the blessings of British government) immediately drew forth the Paternal care and solicitude of His late Majesty George the third, who in the thirty first year of His Reign by and with the advice of the British parliament gave to Canada a Constitution a transcript of their own and at the same time for good and sufficient reasons divided Canada into two provinces; the Upper Province being principally settled by subjects of His Majesty who were accustomed to British Laws and using the English language.

Every Circumstance that has arisen during the period elapsed has tended to unfold its benefits by bringing its enactments into practical operation, raising our admiration of, and attachment to a constitution so well adapted to our feelings and contributing so largely to our happiness.

Conscious that our gratitude and attachment to His Majesty's government had been manifested on every proper occasion, it was with deepest regret and almost astonishment that we received the heads of a bill brought before Your Honourable House during its last session for altering the said Act of 31st Geo. 3rd Ch. 31. Altering the same so as to destroy our liberty altogether, without our consent, or even our knowledge and without any misconduct on our part amounting to a forfeiture.

We beg leave to assure Your Honourable House, that, the proposed alterations could only have originated in misrepresentations of the grossest nature and from utter ignorance of the localities of the Country and the Wants, Circumstances and feelings of the people.

It was thought proper in the present Constitution to leave the quantum of property possessed by Representatives to be assigned by the Provincial Legislature which has been done so as to secure the respectability of the assembly without circumscribing too far the choice of the Electors; but raising the qualification of members to £500 Sterling agreeably to the Bill before your Honourable House at its last session, would have the effect of disfranchising the electors altogether, some Counties not being able to select such qualified persons out of their whole population. Landed property likewise being made answerable for demands against the owners, in cases where Chattels would only be liable in England, causes real estate in this province frequently to change possessors. We would rather therefore resign the Representative Branch altogether, than to have the House of Assembly established on such principles, and to be told of every Act with which we could not accord, that it was our own when we might, and frequently would be under the necessity of choosing men for our Representatives, no other way qualified, than by holding large tracts of wild land which is in effect one of the greatest nuisances in the province.

The lengthening the duration of each Parliament to five years is to us particularly objectionable as extending too far the period before which the Representatives could again meet their constituents, and the vesting of the Executive government of each province with power to introduce Two Members into the Assembly without the exercise of the elective franchise, is we believe, without a precedent, and would give an undue influence to the Executive which in our opinion already possesses enough for all the proper purposes of government; for in this Country officers under the government are not excluded from the legislature as in England, by whom every wish of the Executive may be made known and ably supported, as has been constantly the case.

The requisition likewise made upon the Legislature to make permanent provision for the administration of Justice and support of the Civil Government, would at once render that power a nominal and unsubstantial one, and deprive the House

of Assembly of the only proper and effectual check necessary to balance the otherwise over whelming force of the Executive. For our own short history has taught us that times of plenty are times of profusion, and by granting a permanent supply, the House of Assembly will part with the power to accommodate the expenditure to the amount their resources may enable them to grant, to curtail enormous contingencies, or to afford compensation to services that may imperatively call for reward. The propriety of this observation has become more evident by the experience of a few years for from 1812 to 1816 an unusual quantity of money was in circulation in this province, and as might be expected, abundance in receipt produced extravagance in expenditure, both public and private. The reverse has been great and sudden for we have experienced and do still experience a period of depression beyond parallel, during which, all the usual means of the country have scarcely been equal to the nett supply of an increased expenditure.

We proceed humbly to state our objections to an union of the Legislatures of the Canadas on any terms.

The population of this province is chiefly composed of subjects who have emigrated from Great Britain and Ireland, or from His Majesty's late American Colonies and their descendants, who from a sameness of origin, language, Customs and Government, easily unite, commix and become one people.

While His Majesty's subjects, our Brethren of Lower Canada sprung from a distinct origin, speak a different language, profess a different form of Religion, are wedded to their own peculiar manners and customs and each Legislature having enacted, adopted and retained Laws suitable to their own usages, customs and local wants; and these two provinces having been separated into different governments for more than thirty years; your petitioners do not believe that two bodies so heterogeneous and discordant in all their parts as the Legislatures of Upper and Lower Canada must necessarily be can unite, cement and become one so far as to render equal advantages to both, which each has a right to expect from its own separate Legislature; and if an ascendancy should be given to the Representation of Upper Canada over that of Lower Canada, to which we do not feel entitled from our population it would be offering injustice to our Brethren of the Lower Province, with whom we have no desire to quarrel nor by any measure to break in upon their rights and peace; and should the advantage be on the part of Lower Canada we must be at their mercy, and we have no right to expect that attention to our interests which our wants and circumstances require, the only ground of difference heretofore existing between us being an account of our Quota of the Revenue which having been put in an amicable train of adjustment by the prompt and timely interference of the British Parliament and His Majesty's Government at once does away with every semblance of reasonable argument that might be offered by those anxious for a reunion:—and also the extent of Territory would be so great that were it inhabited by the same people throughout, it must necessarily present such varied local interests that the wants of some parts of so extensive a colony will be more liable to suffer from neglect, from ignorance or from clashing interests than a less extent of territory would be.

To sum up all, Your Petitioners are of opinion that the different origin of the population of the two Provinces, the difference of their languages, habits, manners, customs and Religions, together with their varied interests, will necessarily produce efforts for ascendancy, create jealousies, strifes, animosities and contentions, which may break out in consequences of an alarming nature, and all, without answering any one desirable object which we can foresee, or that may balance the least of the evils that appear to us so obvious.

Wherefore, We his Majesty's faithful subjects most earnestly beseech Your Honourable House to abstain from placing us in a situation so perilous, so contrary to our wishes, and as we fear so destructive of our best interests, and that Your Honourable House would forbear passing the said or any other Bill, of a like nature into a Law for uniting the Legislatures of Upper and Lower Canada, at any future Session of the Imperial Parliament.

And Your Petitioners as in duty bound will ever pray.
(329 signatures are attached.)

No. 13.—RESOLUTIONS OF QUEBEC COMMITTEE.

*(Archives, Series Q., Vol. 166—1, page 2.)*GRAND JURY ROOM, COURT HOUSE, QUEBEC,
Saturday, 7th December, 1822.

At a Meeting of the Committee for the purpose of preparing Petitions to His Majesty and both Houses of Parliament, against the Bill, introduced into the last Session of Parliament, for effecting alterations in the existing Constitution of this Province appointed at a Public Meeting of the Inhabitants of this District on the 15th instant.

Present:

The Honble. Louis De Salaberry, President.

J. F. Perrault, } Esquires, Vice-Presidents.
J. W. Woolsey. }

The Honble. A. L. Juschereau, Duchesnay.

J. P. J. Taschereau,	} Esquires.
Mr. Justice Bowen,	
Joseph Planté,	
Thomas Wilson,	
François Blanchet,	
I. T. Taschereau,	
Louis Moquin,	
Thomas Lee,	
John Goudie,	
François Simonet,	
Philippe Panet,	
John Neilson,	
William Henderson,	
Andrew Stuart,	
Ls. Juschereau Duchesnay,	
Vallière de St. Réal,	
Wm. Lindsay,	
E. C. Lagueux,	
John Davidson,	
Jean Belanger,	

Resolved, That John Neilson, Esquire, be invited and authorized by this Committee to proceed to England, on behalf of this District, as one of the Agents deputed to convey to both Houses of Parliament, the Petition of the Inhabitants of this Province, against the passing of the Bill for the Union of the Legislatures of Lower and Upper Canada and to give all necessary support to the said Petition in communicating with His Majesty's Government on its contents, as well as with both Houses of Parliament.

Resolved, That the proceedings of this day be immediately communicated by the secretary to the committee of the District of Three Rivers, and that the said committee be requested to nominate on their part, a person to proceed to England and to convey to both Houses of Parliament the Petition of the Inhabitants of this Province, against the passing of the Bill for the Union of the Legislatures of Upper and Lower Canada, and to give all necessary support to the said Petition in communicating with His Majesty's Government on its contents as well as with both Houses of Parliament.

Resolved, That the proceedings of this day be communicated to the Committee for the District of Montreal.

No. 14.—PETITION RESPECTING PROPOSED UNION.

(Archives, Series Q., vol. 166-1, page 11.)

A LA TRÈS EXCELLENTE MAJESTÉ DU ROI :

LA PÉTITION des *Soussignés, Seigneurs, Magistrats, Membres du Clergé, Officiers de Milice, Marchands, Tenanciers, et autres Habitants de la Province du Bas-Canada.*

EXPOSE HUMBLEMENT :

Que c'est avec la plus profonde douleur et les plus vives alarmes que vos Pétitionnaires ont appris que dans la dernière session du Parlement des Roynumes Unis il avoit été, de l'approbation des serviteurs de Votre Majesté, introduit dans l'honorable Chambre des Communes, un Bill pour altérer l'heureuse Constitution de Gouvernement établie en cette Province par le Statut de la 31ème Geo. III., chap. 31.

Que l'événement d'une convocation prochaine du Parlement, pouvant faire perdre à la Législature de cette Province l'occasion que les Communes dans leur sagesse et leur justice ont bien voulu donner au peuple de cette Province d'exprimer à Votre Majesté et aux deux Chambres du Parlement, ses sentiments sur un sujet d'une si haute importance, Vos Pétitionnaires croient qu'il est de leur devoir envers Votre Majesté, et envers eux-mêmes, de mettre sans délai au pied de Votre Trône, leurs très humbles représentations au sujet de ce Bill.

Qu'aucune des autorités constituées en vertu du dit Statut, ni aucune partie des sujets de Votre Majesté en cette Province n'avoient jamais sollicité publiquement qu'il y fut fait aucun changement, mais au contraire toutes les classes du Peuple de cette Province ont constamment manifesté un attachement inviolable à cette constitution, et ont tout récemment encore exposé avec ardeur, leur vie et leurs fortunes pour sa défense et celle du gouvernement de Votre Majesté, tel qu'établi par le dit statut.

Que ce Statut ne fut accordé aux sujets de Votre Majesté en cette Province, conformément à la promesse Royale, contenue dans la Proclamation du 7 Octobre 1763, que sur un Message de feu Sa Majesté, recommandant au Parlement, la division de la Province de Québec après plusieurs Pétitions pour et contre sa passation, de la part des différentes classes dont il devait affecter les intérêts et après que les Pétitionnaires eurent été entendus à la barre de la Chambre des Communes, et en conséquence tous vos sujets en ces parties de Vos Domaines l'ont reçu et avec raison l'ont regardé comme un Pacte solennel, par lequel l'autorité Suprême de l'Empire leur donnait une garantie légale et permanente de la conservation de leurs libertés, de leurs propriétés, et de leurs droits les plus chers.

Que ce Statut modelé sur la constitution de la Mère Patrie par quelques-uns des plus grands et des plus sages de ses hommes d'Etat établit des pouvoirs suffisants pour réformer les abus, réparer les torts, apaiser les mécontentements, et promouvoir le bien général de la Province, sans exiger l'intervention de la Législature Suprême, intervention qui, lorsqu'elle a été exercée, s'est trouvée si pernicieuse en chargeant des mécontentements purement locaux et temporaires, et en mésintelligence dangereuse entre les colonies et la Métropole.

Que malgré divers obstacles et difficultés que les ressorts et l'action de la Constitution établie par le dit Statut font graduellement disparaître, la population de cette Province s'est accrue aussi rapidement que celle des Etats-Unis, sans recevoir une augmentation proportionnelle par l'émigration, le revenu public s'est trouvé à peu près suffisant pour subvenir à toutes ses dépenses nécessaires et son commerce ainsi que son agriculture, même dans ces temps si difficiles ont fait des progrès considérables.

Que d'après ces considérations Vos Pétitionnaires ne peuvent que prévoir que si ce Bill introduit à l'insu des habitants de cette Province, et si contraire à leurs vœux, passoit en loi, outre les maux qu'ils ont à craindre de ses dispositions, ils demeureroient, eux et leur postérité, sans assurance suffisante de conserver ce qui leur resteroit de droits et de libertés, que d'après un pareil exemple sur des repré-

sentations secrètes et partiales, ils seroient à chaque instant exposés à perdre, et qui d'ailleurs demoureroient à la disposition d'une Législature Coloniale illégalement constituée, étrangère aux intérêts, aux sentimens et au bonheur de la grande majorité des sujets de Votre Majesté dans cette Colonie.

Que les différends qui se sont élevés entre cette Province et celle du Haut-Canada, relativement à leur revenu, et qui ont été publiquement allégués comme le principal motif de l'introduction de ce Bill, ne sont pas une suite de la division des deux Provinces, mais proviennent uniquement de causes temporaires, toujours faciles à faire cesser, soit par des Actes de leurs Législatures respectives suivant lesquels chaque Province se borneroit à percevoir son propre revenu, chacune d'elles donnant libre passage et toutes facilités au Commerce de l'autre ou par des réglemens faits dans le Parlement du Royaume-Uni, suivant la 46ème Section du dit Statut, de la 3ième Geo. III Chap. 31, et après avoir entendu les deux parties.

Qu'on ne sauroit se promettre de l'Union des Législatures des deux Provinces de voir terminer d'une manière juste et efficace ces différends, puisque cette mesure laisseroit aux parties en litige à prononcer elles-mêmes sur leurs propres prétentions et donneroit nécessairement lieu (quelle que fût celle qui l'emportât) à des injustices et à des discordes nuisibles aux intérêts de la Mère Patrie et funestes à ceux des deux Provinces.

Qu'une telle Union feroit renaitre ces dissensions résultant de la différence de langage, de religion, de lois et d'intérêt locaux qui agitent la Province de Québec, et que sa division en deux gouvernemens séparés si heureusement fait cesser; et qu'une Législature ainsi constituée, ne sauroit parvenir aux fins utiles d'une Législation éclairée, qu'il ne pourroit résulter que des lois fondées sur des renseignements insuffisans et nuisibles aux droits, aux intérêts, aux sentimens et à la situation de ceux pour qui elles seroient faites.

Que la situation géographique, la différence de climat, et étendue des deux Provinces, dont quelques parties peuplées sont à plus de quinze cents milles les unes des autres, forment ainsi que la difficulté des communications dans les pays nouveaux des obstacles insurmontables à l'Union projetée et que les sacrifices qui en résulteroient aux membres pour se rendre à leurs places, et aux constituans pour communiquer leurs besoins locaux au siège de la Législature, priveroient certainement une grande partie des sujets de Votre Majesté dans l'une et l'autre Province de leurs justes droits, et de toute participation dans la législation de leur pays.

Que c'est avec la douleur la plus réelle que vos Pétitionnaires voyent sans pouvoir se le dissimuler, que les dispositions principales de ce Bill, se dirigent contre les plus chers intérêts de cette partie des sujets de Votre Majesté, qui forment les neuf dixièmes de la population de cette Province. Et surtout qu'il y ait été introduit à l'égard de la langue et des établissemens religieux d'un si grand nombre de vos sujets, des clauses qui doivent faire naître parmi les habitans de cette partie de vos domaines, des jalousies et des préjugés, funestes à leur repos et à leur bonheur, et qui paroissent incompatibles avec la dignité, la sagesse et la justice du gouvernement de Votre Majesté.

Que la clause de ce Bill qui interdit dans l'Assemblée projetée, l'usage de la Langue Française, la seule que parle et entend une si grande majorité des habitans de cette Province, leur feroit perdre indirectement le droit d'être élu à cette Assemblée équivaleroit en effet pour eux à une privation absolue d'un des plus grands avantages qu'aient les sujets de Votre Majesté, gêneroit et restreindroit leurs franchises et libertés, et diminuant le nombre des personnes propres à les représenter efficacement, et feroit des personnes qualifiées une classe privilégiée au sein d'une Colonie Britannique.

Que ce Bill en accordant au Haut-Canada dont la population n'est au plus qu'un cinquième de celle du Bas, autant de Membres qu'à cette dernière pour la représenter dans l'Assemblée Réunie, établiroit en faveur de la minorité, une préférence humiliante aux habitans de cette Province, contraire à leur droits, comme sujets Britanniques, et dangereuse pour leurs intérêts.

Et que vos Pétitionnaires jaloux de conserver la part que leur assure la division des deux Provinces dans le pouvoir constitutionnel, de faire les lois que les concernent, ne peuvent aussi que désirer que leur co-sujets de Haut-Canada, continuent à jouir d'un pareil avantage, commun à toutes les autres Colonies de Votre Majesté.

Qu'outre ces sources fatales de discorde, d'injustice et de confusion, ce Bill contient relativement à l'approbation des subsides levés sur le peuple de cette Province, et à d'autres objets des dispositions contraires aux droits de naissance de vos Pétitionnaires comme sujets nés Britanniques, et à la déclaration expresse du Parlement.

Qu'il plaise donc à Votre Majesté, que le dit Bill ne passe pas en loi, et que l'Heureuse Constitution et la Forme de gouvernement de cette Province, établi par le dit Statut soient conservés intacts à Vos Pétitionnaires et à leur postérité.

Et les Pétitionnaires de Votre Majesté ne cesseront de prier.

Bas Canada, 1822.

N. B. La Pétition aux deux Chambres est mot pour mot la même, à l'exception de ces différences de forme et de diction que le style Parlementaire exige, suivant que l'on s'adresse au Roi, aux Lords ou aux Communes.

No. 15.—PAPINEAU TO WILMOT.

(Archives, Series Q., Vol. 163, page 136.)

Sir,—You may have been informed that the strongest and most declared opposition to the Union of the Legislatures of Lower and Upper Canada, lately proposed in the Imperial Parliament has been manifested throughout this Province and Upper Canada.

This circumstance alone must attract the notice of every member of the Honourable the House of Commons who was present at the Debates, that took place on the bill alluded to introduced in the last Session of Parliament when it was asserted by the movers and supporters of the Bill, that the proposed law would be received with satisfaction by all His Majesty's subjects in the Canadas, which assertion must have been grounded on misrepresentation made by persons entertaining the hope that the measure would be carried before the sense of the people in these Provinces could be made known to Parliament. They have been thwarted in their expectation by the justice and wisdom of the Honourable the House of Commons.

The opportunity afforded to these colonies to express their sentiments on the subject, has been used in both Provinces, and petitions to His Majesty and the two Houses of Parliament against the Union of the Legislatures are now receiving signatures. These Petitions will make known the feelings and dispositions of His Majesty's Canadian subjects.

The committee appointed at a general meeting of the district of Montreal have considered it expedient that the members of the Honourable the House of Commons should be apprised of the measures now adopting here and beg to request that you will be pleased to consider this their communication as having no other motive or tendency than to intreat your attention, and to solicit your justice as a member of that House, where the dearest interests of this country may become the subject matter of discussion.

The committee does not deem it necessary to enter into a detail of facts which would sufficiently characterize the motives of the friends of the projected Bill, but merely wishes to dispel the odious aspersions on the great body of the people in this Province contained in several communications intended for England. Such as assertions that the opposition manifested in this Province on the part of the populations so stigmatised is the effect of prejudices alone, alluding to their supposed attachment to France and to French principles; calling them foreigners; (foreigners

in their native land!) The Bill in question, say these friends of the Union being so well calculated to Anglify the country, which is to be ultimately peopled by a British race.

The very style of these communications will it is hoped produce quite a different effect from that intended. It will be easily perceived on which side prejudices lie. No doubt these aspersions on the character of those whom they invidiously denigrate were intended to produce irritation from which an advantage was expected to be derived, but they had no other effect than that of producing contempt for such attempts against the liberties of the country. You will have occasion to observe that the representations of the majority of His Majesty's subjects in this Province will be such as should be expected from men who are attached to British principles and to a British constitution.

The preposterous calumny against the Canadians of French origin, as to their supposed attachment to France, requires no other answer than what is derived from their uniform conduct during the wars, and the loyalty evinced by them on every occasion. They are not foreigners in this the land of their birth; they claim rights as British subjects, in common with every other subject of His Majesty in these colonies. These are their birth rights, and yet it was expected by the projectors of the Union Bill to deprive them of these rights, which were so solemnly secured to them by the Act of the 31st of His late Majesty, after the elaborate discussion that then took place, and in conformity with the just and liberal views of the most enlightened politicians of those days.

By what they call Anglifying the country is meant the depriving the great majority of the people in this Province of all that is dear to men; their laws, usages, institutions and religion. An insignificant minority wish for a change and are desirous of ruling against every principle of justice by destroying what they call the Canadian influence, that is to say the influence of the majority of men entitled in the same rights as themselves, of the great mass of the natives: this eagerness to domineer has produced their present exertions to obtain by unjust means that which they should not and cannot reasonably expect if the matter be correctly understood. For it might be asked what right should that minority expect to have which would be subversive of the equal protection due to all His Majesty's subjects, as well in colonies, as everywhere else? Has Great Britain ever entertained any such policy towards its Colonies? Is it just or reasonable or even sound policy, that she should on this occasion, wound the feelings of a loyal population for the purpose of satisfying the prejudices of a few? Great Britain wants no other Anglifying in this Colony than that which is to be found in the loyalty and affection of its inhabitants, no other British race than that of natural born subjects loyal and affectionate. Such are inhabitants of both Provinces; and it is the humble expectation of the Canadians, that on this occasion so momentous to them, their interests will be advocated by every liberal mind, as it is their belief and confidence that they will continue to enjoy the benefits of that constitution to which they manifest so strong an attachment and which they consider as the safeguard of their rights and liberties.

I have the honour to be, sir,

Your most obedient and very humble servant,

L. J. PAPINEAU, *President.*

Montreal, 16th December, 1822.

R. J. WILMOT, Esq., M.P.,
23 Montagu Square, London.

NO. 16.—PETITION FROM THE EASTERN TOWNSHIPS.

(Archives, Series Q. Vol., 163-1, page 147.)

To the Honorable the Knights, Citizens and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The Petition of the subscribers, His Majesty's dutiful and loyal subjects, of British birth or descent Inhabitants of the Townships of Dunham, Stanbridge, St. Armand, Sutton, Potton, Stanstead, Barnston, Barford, Hereford, Farnham, Brome, Bolton, Hatley, Compton, Clifton, Granby, Shefford, Stukely, Orford, Aseott, Eaton, Newport, Bury, Hampden, Milton, Roxton, Durham, Melbourne, Windsor, Shipton, Stoke, Dudswell, Simpson, Kinsey, Grantham, Wickham, Wendover, Brompton and other townships and places situated on the South East side of the River St. Lawrence in the Province of Lower Canada,

Humbly Showeth,

That your Petitioners have learnt with the most heartfelt satisfaction and the most profound gratitude that a Bill was introduced in the Honorable the House of Commons, at the last Session of the Parliament of the United Kingdom, for uniting the Provinces of Upper and Lower Canada under one Legislature; a measure to which the Inhabitants of the Townships of Lower Canada look forward as the only effectual means of terminating the difficulties and troubles under which they have laboured in times past, and of preventing the evils with which a continuation of the present state of things would threaten them for the time to come. That the situation of the Inhabitants of the Townships is different from that of any other portion of the British Empire, and is likely to prove most unfortunate and disastrous for themselves and their posterity, unless the legislative aid of the land of their ancestors be extended to relieve them—as will be briefly shown in the following statement. The Province of Lower Canada, according to its present condition may be separated into two parts, viz.: First the Seignories or French Lower Canada, which comprehends a narrow tract of land on each side of the River St. Lawrence, varying in breadth from ten to Forty miles—and secondly, the Townships or English Lower Canada which comprehends the remainder of the Province, and is more extensive, and capable of containing a far greater population than the Seignories or French Lower Canada. The Seignorial part of Lower Canada whose population may be considered as about half filled up, is inhabited chiefly by Canadians, whose origin and language are French, but contains besides these a population of about 40,000 Inhabitants of British origin. The Townships or English Lower Canada are peopled *wholly* by inhabitants of British birth and descent and American Loyalists amounting at present to about 40,000 souls, who have no other language than that of their British ancestors, who inhabit Lands granted under the British tenure of free and common soccage who have a Protestant clergy for whose maintenance a portion of those lands is set aside, and who, notwithstanding, are subject to French Laws, (the custom of Paris) of which they know nothing, compiled in a language with which they are unacquainted.

In addition to the evil of subjection to foreign laws in a foreign language, the Townships, or English Lower Canada, labour under the further difficulty of having no courts within their own limits for the administration of those foreign laws, but are compelled for the most trifling legal redress, to resort to the Courts established at the Cities of Quebec, Montreal, or Three Rivers in Seigniorial Canada, at a distance frequently from 100 to 150 miles, thro' a country where the travelling, by reason of the inadequacy of the laws regarding communications, is frequently difficult and dangerous, and to complete the measure of their grievances, the Townships are *de facto* without any representation whatever in the Provincial House of Assembly in Lower Canada. Their complaints to the Provincial Assembly have been always treated with contempt or indifference, nor can Your Petitioners account for their

being placed, as it were almost out of the pale of Civil Government, by a neglect so different from the course pursued in the Legislatures of the British Provinces, except on the supposition that the French Canadian House of Assembly has not been desirous that emigrants from Britain or of British origin should have inducements to seek an asylum or become settlers in Lower Canada. If such indeed were the object it has not failed of partial success; as of the many thousand Emigrants who, within the last few years, have arrived from Great Britain, scarcely one thousand have settled in the Townships of Lower Canada; but greater numbers of them have gone into the United States, considering possibly, that they should there find themselves in a less foreign country, than in this British Colony under its present circumstances and under the foreign aspect of the Representative branch of its Legislature.

Your Petitioners will not enlarge upon the general statement they have given of their condition, by entering into the detail of the numerous hardships and difficulties with which they have had to contend altho' sensible that the recital would call forth commiseration. They will content themselves with stating, that as settlements under these English Tenures have been commenced, as immense tracts still remain to be settled, and as the population of Lower Canada is trifling compared to the amount which it is capable of attaining, there can be no sound reason for rearing up any portion of the Province, so as at its maturity to constitute a nation of foreigners or for continuing a system calculated to deter Britons and their descendants from settling upon the waste Lands of the Crown. To the management of Colonies as in the management of Youth, prudence would seem to dictate that the lasting interests of the future maturity, not the momentary inclinations of the present condition should be considered of the deepest import.

Already within a recent period nearly a hundred thousand Emigrants of British birth have made Lower Canada a place of transit, who, if the foreign aspect of the Legislature had not urged them to take an abode elsewhere, might have augmented strength and means of the English population in the province. But notwithstanding the past checks to colonial increase, unless similar causes are allowed to operate hereafter, future Emigrants and their descendants joined to the English already established here, may ultimately form a great majority of the Inhabitants, and render the country in fact, as it is in name, a British Colony, and in the attainment of this happy result no injury could be done to the just rights of others; nor could even any prejudices be affected, except those delusions circulated and fostered by demagogues, "that the Canadians of French extraction are to remain a distinct people," and that they are "entitled to be considered a nation" prejudices, from which it must follow as a necessary consequence that the Province of Lower Canada (of which not one sixth part is settled) should be deemed their national Territory where none but those willing to become French ought to be allowed to establish themselves—prejudices which however absurd they may appear will obtain strength and influence; if not speedily and completely discouraged and will be found not only incompatible with colonial duty and allegiance, but also dangerous to the future safety of the adjoining colonies and subversive of the rights of all the Inhabitants of the Townships, as well as of all the English settled in Seigneurial Canada, thro' whose hands the entire trade with the Mother Country is conducted.

Your Petitioners, the Inhabitants of English Lower Canada, had always flattered themselves that no laws would be imposed or continued on that portion of the country having a tendency to compel them to resemble a foreign nation and to deprive them of the characteristics of their British Origin; and their confidence on this occasion was increased by their recollection of the promises of His late Majesty to give English laws to his subjects settling in Canada and by the exception (an exception never yet enforced in practice) contained in the Quebec Act of 1774, declaring that the Provisions of that Act establishing French laws "should not extend to lands to be thereafter granted" in "Free and common soccage" a tenure which exists exclusively in the Townships.

Your Petitioners felt, and they trust it is a feeling which cannot fail to meet with sympathy in the hearts of their countrymen and the countrymen of their

ancestors in Britain, that the knowledge of their native English Language ought to be sufficient to enable them to learn their rights and to perform their duties as faithful subjects, while they resided under British tenures in what is at least in name a British Colony. They felt that one great and glorious object of Nations rearing up and protecting colonies must be the establishment of a people who should perpetuate in after ages the honoured resemblance of the Parent State; and they felt that it could neither be consistent with the dignity nor the Interests of Great Britain, to rear up a colony to be hereafter in language and in laws a representative of France while France was exempted from all the expense of its protection. They considered the Townships of Lower Canada, now inhabited solely by settlers of British birth and origin, speaking only the English Language and having a Protestant clergy upon whom one seventh of the land is bestowed—as possessing a sacred claim upon the British Government for protection against the painful and humiliating prospect that their posterity might be doomed to acquire the language and assume the manners and character of a Foreign people, and they also considered that the right of the Townships to Representation in the Provincial Assembly would not have been withheld from them in any other British Colony, nor perhaps even here had not their language and descent been British.

Your Petitioners would gladly limit their solicitations to one point—that of being allowed a Representation in the Provincial Parliament, proportioned to the consequence and growing importance of the extensive Districts they inhabit,—if a sober view of their future safety would permit them to confine themselves to that object; but it is possible that even this sacred and inestimable privilege might, when accorded, be deprived of much of its advantage and efficiency towards procuring the settlement of the wild lands by Emigrants from Britain, in consequence of the influence of the majority of French Canadians which would still be found in the House of Assembly of Lower Canada who, in the midst of professions of attachment to the Mother Country, seek to preserve themselves a separate and distinct people. To secure and preserve to the colony and to the Mother Country, the full benefit which would be likely to arise from the establishment of principles calculated to produce a gradual assimilation of British feeling among all the Inhabitants of whatever origin it would be essentially necessary that a Legislative Union between the Provinces of Upper and Lower Canada should take place.

There are many reasons in addition to the one Your petitioners have just assigned, which render the Legislative Union of the Two Provinces indispensable for their common prosperity, and which cause that measure to be most earnestly desired by all the inhabitants of both, who are not influenced by national prejudices which ought to be extinguished, or by local or private interests which are unworthy to be weighed against the general benefits to be obtained from the Union.

Your Petitioners humbly represent that no arguments can be urged against the Union by the French Canadians, which will not when analyzed be resolvable into this real meaning, that they desire to remain a separate people thereby ultimately to become a French Nation, or as they have denominated themselves the "*Nation Canadienne*." The Canadians without owing any of their increase to Emigration, have more than twice doubled their numbers since the Conquest, and altho' they might, without any injustice or deprivation of actual rights, have been by this time assimilated to their British fellow-subjects, they are nevertheless at this day, with but a few individual exceptions as much foreigners in character as when this event took place—and must ever continue so, were the present state of things to be permanent—The present crisis therefore offers this alternative to Great Britain, either by uniting the Provinces to hold out inducements to the French to become English, or by continuing the separation to hold out inducements to the English in Lower Canada to become French, and the question is not whether a country already peopled is to renounce its national feelings and characteristics as the French Canadians may endeavour to represent, but whether a country for the most part waste, and to be hereafter chiefly peopled by a British race is to assume the character, language and manners of a foreign nation. Should the latter course be preferred, Great Britain will be rearing up a people of foreigners, to become at no distant

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period, from their rapidly increasing population a scourge to its adjoining Colonies, whereas if the Union be adopted, it would ultimately remove national prejudices and hostility, derived from difference of origin and consolidate the population of both Provinces into one homogeneous mass, animated by the same views for the public interest and the same sentiments of loyalty towards their Common Sovereign.

The geographical situation of the two Provinces and the relations which nature has established between them absolutely and indispensably require their union under one Legislature for they have but one outlet to the sea and one channel of communication with the Mother Country—The only key of that communication, the only seaport is in the possession of Lower Canada and with the only means by which for a length of time in a new country, a revenue can be raised for the support of government. To place or to leave the only key of communication the only source of revenue exclusively in the hands of a people like the French Canadians anti-Commercial in principle and adverse to assimilation with their British fellow subjects, must be extreme impolicy nor can the checks upon the imposition and repeal of import duties provided by the Act of the last Session of the Imperial Parliament be more than a temporary remedy in as much as Upper Canada is thereby only entitled to a species of veto and has no initiative or deliberative voice in the enactments—nor indeed can human wisdom be adequate to devise such a system of revenue upon imports, while the Provinces shall remain separate, as will not give unfair and unequal advantages to the one or the other and of necessity produce irritation and enmity.

Your Petitioners further humbly state that the French Canadians have been long admitted to the enjoyments of the freedom and the rights of British Subjects, rights far more extensive than the utmost they could have hoped for had they continued Colonists of France; but rights and duties are reciprocal; wherever the former exist the latter are obligatory; and while the freedom and protection of Britain are bestowed upon Canadians it can neither be unfair nor ungenerous to require in return, the existence of such an amended constitution as shall encourage a portion of our Brethren from Britain, to establish themselves and their posterity upon the Crown Lands in Lower Canada. From a union of the Provinces no individual could reasonably complain of injury, no right would be taken away, no just pretensions would be molested, save only such as might be found in those who cherish visionary views of the future existence of a Gallo-Canadian nation which the union would at once and for ever dispel.

To discover with certainty what are the real feelings which excite opposition to the Union (however diversified the pretexts assigned may be) it would only be requisite to consider whether if the population were all of the same origin in Provinces situated as the Canadas are with respect to each other, any objections to the measure would be made? The answer is obvious; there would be none. And if the real motives of opposition on the part of our French Canadian fellow subjects, whether openly avowed or speciously disguised, arise from the intention of continuing or constituting separate people, which would perpetuate among us the disastrous national distinctions of English and French, they form the strongest possible reasons in favour of the Union. Your Petitioners had humbly hoped that the guardian care of the parent state would under Providence secure her colonies in this part of the globe from the ultimate danger of those national animosities and distinctions which have existed for so many ages and proved such fertile sources of evil to Britons in Europe and entertaining as they do the most perfect confidence that the salutary measure of the Union of the Canadas would in the most equitable and beneficial manner secure their posterity from the evils they have mentioned, they humbly conceive that the honour as well as the humanity of the mother Country, requires it to be effected, while it is yet easily practicable before the population shall be formidable in numbers and before continually recurring exasperations shall have rendered animosity bitter and hereditary.

Your Petitioners therefore most humbly pray that an Act be passed to authorise the Provincial Executive Government to divide the townships of Lower Canada into counties entitled to elect members, so as equitably to provide for the interests

of their future population according to the extent of their territory and also to unite the Provinces of Upper and Lower Canada under one Legislature in such manner as may allow of Representation proportioned in some measure to territorial extent, which thereby will provide for the growing state of the country and also of necessity be ultimately proportioned to wealth and population and your Petitioners as in duty bound will ever pray, &c., &c.

No. 17.—PETITION FROM MONTREAL.

(Archives, Series Q., Vol. 166—1, page 47.)

TO THE KING'S MOST EXCELLENT MAJESTY:

The Petition of the Subscribers, Your Majesty's dutiful and loyal Subjects of British birth or descent, Inhabitants of the City and County of Montreal in the Province of Lower Canada :

MOST HUMBLY SHEWETH :

That Your Majesty's Petitioners learnt with the most lively satisfaction, that the measure of uniting the provinces of Upper and Lower Canada under one Legislature had been submitted to the consideration of the Imperial Parliament in its last Session, and have been impressed with the sentiments of the most respectful gratitude for the attention which has been bestowed on this measure of vital importance to both Provinces.

Under the agreeable anticipation that the evident policy and urgent necessity of a Union of the Provinces will induce a renewal of the measure, in the next Session, Your Majesty's Petitioners most respectfully beg leave to submit the principal considerations that render them in the highest degree anxious for the adoption of the proposed Union.

Your Majesty's Petitioners in all humility represent that the division of the late Province of Quebec into two Provinces, must be referred to as a measure which has been most prolific of evil. At the time the division took place upwards of thirty years had elapsed from the Conquest of the country, by Your Majesty's Arms; and notwithstanding the unlimited generosity which has been displayed towards the conquered, by confirming to them their Laws and Religion, by admitting them to a participation in the Government and in all the rights of British Subjects, and by continued demonstrations of kindness towards them, no advances had been made in effecting a change in the principles, language, habits and manners, which characterize them as a foreign people. Such change, as well from past experience, as from the known operation of the feelings common to mankind, could not be expected while the conquered people were permitted exclusively to regulate their own Government, and thus cherish and maintain the national peculiarities, which it was equally the interest of the Parent State and of the Colony, should be gradually effaced by an intimate union with their fellow subjects of British origin. On this account it seemed evidently necessary in framing a new Constitution of Government that the representation should be so regulated as to ensure a fit and reasonable influence of British feeling and principles on the conduct of the Colonial Legislature. The measures for this purpose were at the time facilitated by an increase of the British population which had taken place, and by the settlements which had been formed by American Loyalists in the Upper Districts of the late Province of Quebec; in consequence of which a sufficiently numerous body of persons of British origin might, under a proper system of representation, have been introduced into the Colonial Legislature without offending against any principle of Justice, and certainly in strict conformity with the dictates of sound policy. Had this course which was anticipated at the time by the French Canadian population and would then have been cheerfully acquiesced in by them, been pursued, Your Majesty's Petitioners are confident that the Province would now have been, in all essential

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particulars, an English Province. Unfortunately Your Majesty's Petitioners in common with their fellow subjects of British origin, have to lament, that instead of adopting the policy which has been mentioned, the measure of dividing the Province was unexpectedly and to the utter surprise of the persons who had petitioned for a change in the Constitution, without imagining, that it was to be accompanied by any such measure resolved on; by which the English population in Lower Canada was rendered inefficient from the comparative smallness of their numbers, and the whole power of the representative branch of the Government was given to the French Canadians. It is a fact also, not unimportant to be stated, that both the British and Foreign Canadian subjects who had united in a joint petition to the Imperial Parliament, praying for a change in the Government, concurred through their agent, in petitioning, and were heard by Counsel, against the division of the Province; but their efforts were unavailing.

It is from this impolitic measure your Majesty's Petitioners state with confidence that the political evils under which Lower Canada has since laboured have principally resulted as their primary cause. The French-Canadian population for a short period of time after the adoption of the present constitution, partly from incapacity to exercise the political powers with which they had become invested, and partly from some remaining deference for their English fellow subjects; used their ascendancy with moderation; but this disposition was not of long continuance, and soon yielded to the inveterate anti-British and anti-commercial prejudices, by which they have not ceased to be actuated. The consequence has been, that persons of British origin, with the exception of a very small number, who have been elected rather for the sake of appearances than from any regard for their qualifications, have been excluded from the House of Assembly. The proportion of English Representatives for many years past, has hardly ever amounted to one fourth of the entire number; and at the present time, of fifty members who represent Lower Canada only ten are English. This branch of the Government may indeed be said to be exclusively in the possession of the uneducated peasantry of the country, under the management and control of a few of their countrymen, whose personal importance, in opposition to the interest of the country at large depends on the continuance of the present vicious system. As illustrative of the spirit by which this body has been actuated, it will not be deemed irrelevant to mention that since the establishment of the present constitution, no person of British origin has been elected Speaker of the Assembly, although if regard had been had to ability, knowledge and other qualifications, a preference must have been given to persons of that description.

The composition of a Legislative body, such as that which has been described, under the influence of the prejudices of a foreign people, without the requisite ability for the discharge of its functions, and from which persons, who by their knowledge, their property and their respectability and influence in society, would constitute its most eligible members stand excluded, certainly cannot be deemed fit for regulating the concerns of a British Province of so much importance as Lower Canada, consistently with the interests of the Province itself or those of the mother country. And if to those causes of disqualification be added the most marked repugnance to every measure calculated to assimilate the Inhabitants of the country, with their fellow subjects in other parts of the Empire and to promote its commercial prosperity, it is impossible not to observe in the constitution of the Assembly of Lower Canada, the fertile source of all the evils complained of. Hence it is indeed, that the ever recurring differences between the several branches of the Legislature have principally arisen:—Hence it is that the powers of the Executive Government for the improvement and advancement of the Colony, have in a great measure become paralysed and utterly inefficient:—Hence it is that the extension of British settlements has been impeded and the increase of British population by the tide of emigration which for some years past has flowed so copiously into the Province, been prevented:—Hence it is in fine, that all commercial enterprise and improvement have been crippled and obstructed, and the country remains with all the foreign characteristics which it possessed at the time of the conquest, that is, in all particulars French.

The experience which your Majesty's Petitioners have had of these evils and the prospect of still greater, if an effectual remedy be not applied, have rendered the proposed Union of the Provinces to them, a matter of the most intense interest. They will therefore it is hoped, stand excused, if on a question involving their dearest interests as well as those of their posterity, as British subjects, they speak the language of truth without reserve. In doing so they feel themselves constrained, on this part of the subject, to declare that in their humble apprehension the adoption or rejection of the Union will determine whether this Province is to be in fact as well as in name, a British Province, or whether under the disguise of British dependence for some time longer, it is to be for ever French. In assuming the latter to be the consequence of not adopting the Union, your Majesty's petitioners are grounded on the most exclusive facts. The French population of Canada, at the time of the conquest, was estimated at sixty thousand; and it is supposed may now exceed Three hundred thousand. The whole of this population, though with the exception of an inconsiderable number born under the English dominion, is as strongly marked by the characteristics of their foreign origin, as to language, manners, habits and dispositions, as they were at the time of the conquest. Without a union this population must retain its present ascendancy in the government of the country, and will not of course, of its own accord cease to be French. Its progressive increase under the fostering protection of Great Britain would therefore necessarily lead to the result, which without a Union is anticipated. And your Majesty's Petitioners cannot omit to notice the unreasonable extent of political rights which has been conceded to this population to the prejudice of their fellow subjects of British origin together with a sense of their growing strength, has already had the effect of realising in the imagination of many of them their fancied existence as a separate nation under the name of the "Nation Canadienne;" implying pretensions not more irreconcilable with the rights of their fellow subjects than with a just subordination to the Parent state. Your Majesty's Petitioners would respectfully submit whether a system of government which has had such effects, and which in its ulterior consequences, must expose Great Britain to the mortification and disgrace of having at immense expence, reared to the maturity of independence a foreign conquered colony, to become the ally of a foreign nation and the scourge of its native subjects and their descendants, ought to be persisted in?

In respectfully representing the considerations requiring a Union, derived from the foreign character of a great part of the population of Lower Canada and its inimical disposition of everything British, Your Majesty's petitioners have only stated those grounds for the measure to which their situation and past experience have given peculiar force and urgency. But if those were even excluded from view, and the Population of both Provinces were entirely homogeneous, the necessity of uniting them for their common interest as well as that of the mother country would still be unquestionable. It is a consequence of the relative geographical situation of the Provinces, that Upper Canada is entirely dependent on Lower Canada for the means of communicating with the Parent state and other countries; it is only through Lower Canada, that the Upper Province can receive its supplies or export its surplus commodities.

The port of Quebec is the entrance common to both. This being situated in Lower Canada the inhabitants of Upper Canada can have neither free ingress into nor egress from their country, except in so far as it may be permitted by the Government of Lower Canada. This Your Majesty's Petitioners humbly represent is a cause for the Union of the Provinces perpetual in its operation, and which cannot be counteracted without a long series of inconveniences and disasters to both. If while it may still be done, the population of the two Provinces be not gradually assimilated and identified in their interests, by a Union, the differences between them from the causes now in operation and the collisions to which they will give rise, must have the effect of rendering the inhabitants of each a separate and distinct people, with the most hostile feelings towards each other, requiring only a fit occasion to urge them into measures of actual violence. In the progress of things towards this conclusion, the inhabitants of Upper Canada would imperceptibly be

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induced to form connections with their American neighbours and being unnaturally disjoined from Lower Canada, would seek to diminish the inconveniences arising by a more intimate intercourse with the adjoining states, leading inevitably to a Union with that country. The actual tendency of things to this result, while the Provinces continue under separate Legislators, it is to be observed, is likely to be much promoted, by the artificial means of communication by canals, which have been lately formed at immense expence in the State of New York, affording to Upper Canada, if the outlet at the port of Quebec should be rendered inconvenient to her, an easy communication to American seaports; and her disposition to avail herself of this communication will obviously be increased while the Lower Province continues in its character to be French.

Some of the circumstances arising from the division of countries, thus united by nature, Your Majesty's Petitioners beg leave to represent, have been practically exhibited in the disputes respecting revenue between the two Provinces. Upper Canada relies on the revenue to be derived from import duties for the payment of her civil expenditure. The nature of her local situation precludes her from conveniently or effectually levying these duties within her own limits, it is at the port of Quebec only that she can levy them:—but this is in another Province, and while she has a separate Legislature, beyond the authority of her Government.

The consequence has been that till the recent interposition of the power of the Imperial Parliament, she has been dependent on the good will of the Legislature of Lower Canada, for a proportion of the duties levied at the port of Quebec, and has been virtually subject to taxation by the Legislature of another Province, without her concurrence or consent. It is in the nature of things impossible to determine what proportion of the duties in question ought to be allowed in Upper Canada, regard being had to strict Justice between the Provinces. And it has been urged that the claims of natural justice, on the part of Upper Canada, would only require for her, either a free transit for goods imported for that Province, or the payments to her of the duties actually levied on such importations at the port of Quebec. Your Majesty's Petitioners will not, on this occasion, presume to canvass the merits of the conflicting rights of the two Provinces on this subject, but will only observe, that if the Provinces be not united under one Legislature, no system which human ingenuity can devise, will be found effectual or satisfactory in obviating this ground of difference between them, or exclude just cause of complaint by one or other of the parties concerned.

In what respects the Regulations, recently established by an Act of the Imperial Parliament, for settling the differences now referred to, Your Majesty's Petitioners while they acknowledge the beneficent views which have dictated them, feel it incumbent on them respectfully to state that these regulations if considered in any other light than as a temporary expedient, would not be found reconcilable with the just rights of the Lower Province or of its Legislature, and would be productive of great evils. Your Majesty's Petitioners cannot omit to observe that the proportion of duties allowed to Upper Canada is greater than, if regard were had to her present consumption of dutiable articles imported at Quebec she should be considered fairly entitled to, nor can they pass over in silence, the extreme inconveniencies and injury that would be occasioned by the restrictions imposed on the power of the Legislature of Lower Canada, as a permanent measure, nor the inadequacy of Arbitration to regulate, as proposed, the important interests in question. With the most perfect submission, Your Majesty's Petitioners beg leave to express their belief that neither of the Provinces would be satisfied for any length of time with the arrangement referred to; and that the advancement and improvement of both would be most injuriously retarded by the incapacity under which the Legislature of each would labour to provide, by its own authority, a revenue adequate to its wants.

While Your Majesty's Petitioners thus humbly represent the conviction they feel that the Regulations above referred to must create dissatisfaction, and be found inadequate for the purpose intended, they cannot but observe in this inadequacy

the strongest reason for adopting the remedy of a Union by which the evil intended to be palliated by those Regulations would not only, by the removal of its cause, be extinguished for ever, but a multitude of other evils be removed and prevented. In adverting to the injurious consequences arising from the division of the late Province of Quebec, Your Majesty's Petitioners cannot omit to notice more particularly the effect that measure has had in preventing the increase of the British Population in Lower Canada, and the development of its resources. The preponderance of the French Population in the Legislature has occasioned obstacles to the settlement of British emigrants that have not been surmounted; so that the vast increase of British population to have been expected from this cause has been, in a general degree, prevented. The injury sustained in this particular may be easily appreciated when it is observed that, since the late American War, upwards of eighty thousand souls (that is a number equal to one-fourth of the actual French population) have found their way to this Province, from Great Britain and Ireland, and of these scarcely one-twentieth part remains within its limits, the rest, with the exception of a small number who have settled in Upper Canada having been induced by the foreign character of the country in which they had sought an asylum, and the discouragements they experienced, to try their fortunes in the United States. The loss thus sustained is not confined to those who left the country, but comprises their connections and friends who would have followed them. In the same proportion as the increase of British Population has been prevented, has the Agricultural and Commercial prosperity of the county been retarded and obstructed; as it is to the enterprise, intelligence and persevering industry, of that population that both Agriculture and Commerce must be principally indebted for their advancement. On this head it may be fairly advanced that, had not the impolitic division of the late Province of Quebec taken place, and had a fit plan of Representation been adopted, the British Population would now exceed the French, and the Imports and exports of the country be greatly beyond their present amount.

The injury thus produced to the interests of the Mother Country and those of the Colony, by the French character which now belongs to this Country, and the predominance of French principles, Your Majesty's Petitioners humbly represent, without a Union of the Provinces, must be aggravated by the augmented influence of those causes arising even from a recent Act of liberality on the part of the Mother Country towards her Colonies. According to the Colonial system recently adopted, a direct intercourse between Lower Canada and France is now permitted; the immediate effects of which will unquestionably be to give increased strength of these national prejudices which during sixty years of interdicted communication with France have remained unabated, and to render more inveterate the causes of disunion between Your Majesty's subjects in Lower Canada; which effects as well as others more remote, affecting the stability of Your Majesty's Government, can only be counteracted by the proposed Union of the Provinces under one Legislature.

Your Majesty's Petitioners, without trespassing on Your Majesty's patience by a longer detail of the injurious consequences produced by the division will beg leave to specify succinctly the benefits to be expected from a Union of the Provinces. By this measure, the political evils complained of in both Provinces would be removed. The French population in Lower Canada, now divided from their fellow-subjects, by their national peculiarities and prejudices and with an evident disposition under the present system to become a separate people would be gradually assimilated to the British Population of both Provinces, and with it moulded into one people of British character, and with British feelings. All opposition of interest and cause of difference between the Provinces would be for ever extinguished: an efficient Legislature, capable of conciliating the interests of the Colony with those of the Mother Country, and providing for the security and advancing the agricultural and commercial prosperity of the country, would be established by means of which the international improvement of both Provinces would not only be rapidly promoted, with the consequent benefits thereto arising from Great Britain, but their strength and capacity to resist foreign oppression be greatly increased:—the tie of

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connection between the Colony and the Parent State would be strengthened and confirmed, and a lasting dependence of the Canadas on the latter be ensured, to the mutual advantage of both.

Under a full conviction that these important and lasting benefits will be realized by a Union of the Provinces Your Majesty's Petitioners humbly pray that an Act for uniting the Provinces of Upper and Lower Canada under one Legislature, may be passed, with such provisions for rendering the measure effectual, as in Your Majesty's wisdom may appear expedient.

And Your Majesty's Petitioners,

As in duty bound,

Will ever pray,

&c., &c., &c.

Montreal, December, 1822.

A total of 1452 signatures are all given in the copy.

We the subscribers, composing the Montreal Committee, appointed for the purpose of devising measures for promoting the Union of the Provinces of Upper and Lower Canada under one Legislature do hereby certify that the foregoing twenty-nine pages contain a true copy of the petition of the Inhabitants of the City and County of Montreal of British birth and descent to the King's Most Excellent Majesty in favour of the said Union together with a copy of the Signatures subscribed and appended to the said Petition.

John Richardson, Chairman.

C. W. Grant.

J. Stuart.

S. Gerrard.

George Garden.

Fredk. W. Ermatinger.

Samuel Gale.

G. Moffatt.

John Molsou.

John Fleming.

MONTREAL, 3rd January, 1823.

No. 18.—JOSEPH BOUCHETTE TO BATHURST.

(*Archives, Series Q., vol. 167—1, page 244.*)

QUEBEC, 6th January, 1823.

MY LORD,—From the kind and condescending support and protection I was honoured with by Your Lordship whilst in London, I am induced to hope this letter will not be considered as an intrusion on my part upon your Lordship's precious time, but attributed to the just and laudable motives by which I am actuated, in respect to the Canadas principally; a subject upon which I trust your Lordship will permit me to enter, as most Important and of great public Interest in every point of view.

The proposed Legislative Union of the Canadas which of late has so much agitated the people of both provinces and given rise to numerous petitions about to be presented to His Majesty and the Imperial Parliament in support of an Union, is strenuously opposed by the great Majority of my Country men from fears and apprehensions as groundless, as the authors of them are censurable, and thus raising their own Importance in the degradation of the country at large.

It is therefore at such a period that every British subject who can appreciate the paternal favours of their Sovereign should take a decided part in the favourable adoption of an Union, which, in the wisdom of the Imperial Parliament may be deemed most expedient for the general welfare and future security of this interesting portion of His Majesty's Dominions in America.

Among the many Petitions in favour of an Union, I would beg leave to call your Lordship's attention to that of Quebec, distinguished for its moderation, and as it were divested of anything which might convey feelings of party spirit: it is in consequence the more appreciated even by those opposing the Union, and has con-

siderably tended to disarm those who were so eminently active in impressing on the minds of the Lower Order of people and peasantry of the Country groundless apprehensions especially on the subject of Religion.

Mr. Papineau the Speaker of Our House of Assembly and Mr. Neilson, Member of the same, take home the Petition against the Union; many of that party think them very improper persons for such a mission; for my own part I am of a contrary opinion, for as they rank among the first in the opposition who have supported measures which have rendered, in parts, a Union necessary, are as such most calculated to explain the tenor of those same measures which have unfortunately proved so prejudicial to this Province.

It is unnecessary for me, My Lord, to enlarge on a subject which from Your Lordship's high station, as well as by the medium of the public papers you must be familiar with, but as the enclosed paragraphs recently inserted in the Quebec Mercury, the one painting in just and appropriate colours the origin and cause of the present Evils, and some undeniable truths and the other presenting a just comparison between the spirit of enterprise and activity evinced by our neighbours of the United States, with the tardiness and want of energy existing on this side of the Line, induces me to respectfully notice the same, as coinciding with my own Ideas on this subject.

May I be permitted to observe to Your Lordship, that it does not appear to me, that any mention has been made as to the qualification of representatives of American birth who have lately emigrated into these provinces, especially in Upper Canada, who possessing republican principles, and strong feelings in favour of their native country, might from the advantages of wealth acquire influence sufficient to secure their elections as Members of the House of Assembly: I am told that a recent instance of the kind has occurred in Upper Canada.

It is my earnest and unfeigned hope, that the true interest of these Colonies, and of the Mother Country as far as it is concerned with the Canadas, may be seen in their proper light, and that His Majesty's Government may persevere in that salutary course which seems to have been resolved upon, and which, I trust will prove to be the fundamental Base of increasing Energy, and the happiness and prosperity of every class of His Majesty's loyal subjects in Canada, and soon be acknowledged as such by my country men with whom I so widely differ in opinion on this subject.

I would now most respectfully beg leave to call Your Lordship's attention to my own Individual concern.

Having been called upon by the Governor in Chief, last year, to draw up certain Reports in relation to the Boundary Lines, which were deemed by His Excellency as worthy of being transmitted to Your Lordship: I had the honour shortly after (in February last) to present a Memorial to Your Lordship, through the Medium of His Excellency, to which, as well as in respect to prior communications, accompanied with various statements and Maps addressed to Mr. Goulburn, I have not been honoured with an acknowledgement of the receipt thereof: this silence has the more grieved me, as it would imply a censure, whilst I am conscious of the utility I have been in that branch of the public service entrusted to me as His Majesty's Surveyor General on the Boundary Lines and of the further advantages which might have been derived had I continued therein: It is not My Lord remuneration I particularly look for but the heartfelt satisfaction of knowing I have not incurred the displeasure of Your Lordship for whom my devotion and gratitude is unbounded. May I therefore be permitted to submit the accompanying Memorial for Your Lordship's condescending consideration.

With renewed sentiments of the most proper respect and gratitude.

I have the honour to be,

My Lord,

Your Lordship's

Very devoted

And most obedient

Humble servant,

JOS. BOUCHETTE.

The Right Honble.

EARL BATHURST,

&c., &c., &c.

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No. 19.—PETITION FROM LEGISLATIVE COUNCIL OF LOWER CANADA.

(Archives, Series Q., Vol., 166—1, Page 93.)

A LA TRÈS EXCELLENTE MAJESTÉ DU ROI.

Qu'il plaise à Votre Majesté : Nous, les fidèles et loyaux Sujets de Sa Majesté le conseil Législatif du Bas-Canada, Assemblé en Parlement Provincial, demandons très humblement la permission d'approcher du Trône avec les sentiments de la plus vive reconnaissance envers Votre Majesté, de ce que, dans sa sollicitude et condescendance paternelles, Elle a bien voulu commander à Son Excellence le Gouverneur en Chef, d'informer cette Chambre à l'ouverture de la présente Session, que les Ministres de Votre Majesté avoient proposé au Parlement Impérial certains changements à l'Acte de la 31ème Année du Règne de feu Sa Majesté, George Trois, de glorieuse mémoire, ch. 31ème, dans la vue principalement d'unir en une seule les Législatures du Haut et du Bas-Canada, mais que cette mesure avoit été retirée et remise à la Session prochaine, aux fins de donner occasion au peuple de ces Provinces de faire connoître ces sentiments à ce sujet.

Encouragés par les bienfaits sans nombre qu'il a plu à Votre Majesté de répandre dans cette colonie, et par cette nouvelle preuve de Sa bienveillance, et appelés ainsi solennellement à donner notre humble opinion, nous croirions manquer à notre devoir envers Votre Majesté, envers la Province, et envers nous-mêmes, si, avec la soumission la plus humble et la franchise la plus respectueuse, nous ne représentions pas à Votre Majesté que notre constitution, telle qu'elle a été heureusement établie par la 31ème Année de feu Sa Majesté, George Trois, de glorieuse mémoire, en avançant la prospérité et le bonheur de cette Province, à garantir la tranquillité et le bien-être de toutes les classes des sujets de Votre Majesté, et a resserré les liens qui les attachoient à la Mère Patrie.

Que, tout au contraire, l'union des deux Législatures du Haut et du Bas-Canada en une seule, sera, dans notre opinion, la source inévitable de plus grands maux, produira dans les esprits des doutes et des craintes provenant des discussions et de la discordance qui naîtra nécessairement de la différence des règlements municipaux, du langage, des Loix, de la Religion, des Institutions et des Intérêts locaux consolidés dans les deux Provinces par les Statuts Provinciaux, et rendus maintenant nécessaires au bonheur de chacune, et que cette Union excitera la jalousie et le mécontentement dans un Peuple fortement attaché à sa présente Constitution.

Comme Conseillers de Votre Majesté choisis par elle-même dans cette Province nous croirions manquer à un devoir solennel, si nous ne soumettions pas très humblement à Votre Majesté notre opinion fixe et déterminée que l'union des deux Législatures dans une seule ne pourra que tendre directement à affaiblir et embarrasser l'administration du gouvernement de Sa Majesté et finalement créer des mécontentements dans l'esprit des fidèles sujets de Sa Majesté dans cette colonie.

Nous supplions donc instamment Votre Majesté qu'il lui plaise de vouloir bien détourner de cette Province une mesure qui a excité une allarme si générale et nous paroit l'avant-coureur de tant de malheurs.

Par Ordre,

J. SEWELL,
Orateur.

No. 20.—CONSIDERATIONS BY J. B. ROBINSON TO BATHURST.

(Archives, Series Q., 163—2, page 553.)

The following paper was submitted to Lord Bathurst by Mr. Robinson, Attorney General of Upper Canada.

Considerations upon the expediency of giving an united Legislature to the two Provinces of Canada by an Act to be passed during the present session.

The reasons which led to the division of the Province of Quebec, were that the inhabitants of the two portions of the Province now forming Upper and Lower Canada

differed in language and religion and had been accustomed to different systems of jurisprudence. These reasons remain not materially weakened in any respect, for the accession to the population of Upper Canada by emigration since the division, has been almost entirely of persons strangers to the French Laws and language, and principally of the Protestant faith, while in Lower Canada the inhabitants are at this moment in the proportion, it is stated of 19 in 20 composed of Canadian French.

Whatever weight, therefore was due to these arguments for a separation at the time it took place, is yet undiminished and it may be added that the subsequent general disposition of population through a territory, the extremes of which are from 12 to 1,500 miles asunder furnishes an argument of inconvenience against uniting them now under one Legislature, which probably did not exist in a sufficient degree to form an inducement for the separation.

These circumstances, however, though entitled to consideration as materially affecting the welfare and convenience of the two Provinces whose increase in population and opulence it is desirable to facilitate by giving to them the most convenient form of Government for the local wants; are none of them it must be confessed of that paramount nature that they ought to stand in the way of the proposed union if it be clear that such union is necessary to increase the value of those colonies to the mother country or to provide in the most effectual manner for their own security and welfare.

For my own part, I do not know in what manner any of those ends is expected to be answered by the proposed union. The Provinces have gone on hitherto advancing by very rapid strides in population and improvement, their inhabitants well satisfied with the footing on which their Government was placed by the 31st Geo., 3rd c. 31 and sensible themselves of no evil or inconvenience growing out of the system established by that statute, so far as my knowledge extends, except that within these few last years difficulties have arisen in adjusting the proportion of duties and regulating the commercial intercourse between the two Provinces, which matters had hitherto been arranged by amicable agreement but which it has now been found necessary to refer to the decision of the Imperial Parliament, an exigency foreseen as the probable consequence of the separation when the 31st Geo., 3rd was passed and for which a power of providing a remedy by the intervention of British Acts is in terms reserved by that statute.

If, however, although the legal and constitutional right of the Imperial Parliament, to control both Provinces in these respects is undoubted these differences between them with respect to their commercial and financial regulations cannot in point of fact be adjusted in any other manner than by an Union of the Legislatures, that would of itself be a sufficient reason, for while these points are unsettled the Governments and Legislatures of both Provinces are subject to be involved in irritating discussions which may tend to much evil, and what is more immediately pressing the Province of Upper Canada is absolutely unable for want of the funds which remain locked up in the treasury of Lower Canada to pay her Creditors or to support the current expenses of her Government. But I must declare I see no reason for supposing that an Union of the Legislatures is required on this ground, for I submit, in the first place, that such an Union would by no means get rid of the principal point of disagreement—the claims of Upper Canada for the past. Those claims must necessarily remain, the amount must be ascertained and their payment to Upper Canada provided for by some Act of the British Parliament, notwithstanding an Union, and indeed, as far as respects the claims of Upper Canada for Duties already received to her use, and to be expended when paid, solely for her benefit some difficulty as regards the exclusive appropriation of them would be created by an Union. Then in regard to the future regulations of the intercourse between the two Colonies the measures humbly prayed for on the part of Upper Canada are such as it is conceived no reasonable objection can be urged against. At all events the Imperial Parliament can well judge of their expediency and whether they are such as both Provinces ought to be content to acquiesce in, and if either Province be not patient under regulations enacted by a sense of justice due to the other, it will then, I submit, be time, as far as the desired end is to remedy these difficulties, to project an Union as the only other method of attaining a necessary object.

Believing then, as I certainly do, that an Union is not absolutely necessary on this ground, it is next to be considered whether there is anything in the present situation of the two Provinces which calls for a measure so important in its nature, and which may be attended with circumstances of particular inconvenience to each. In remarking upon the inducements which occur to me, I can only speak hypothetically, for it may be that His Majesty's Government are induced to the contemplation of an Union by considerations of policy altogether different from those which present themselves to me. I know that the Legislature of Lower Canada have refused to make provision for the expenses of administering Justice and supporting the civil government of their Province in any other manner than by an annual vote, a system of proceeding to which His Majesty's Government object, as being contrary to the spirit of that constitution of which they are ready to avail themselves of the privileges, and as placing every officer of the civil government, even those entrusted with the administration of Justice, in a state of the most dangerous dependence upon the pleasure of the popular branch of the Legislature. I am aware too that the greatest embarrassments are felt in conducting the government of that Province, from the refusal of the Assembly to place the civil establishment on any other footing. There may no doubt be other points also, on which the Assembly of Lower Canada, consisting principally of people of French extraction and Catholics, exhibit at least an indifference to objects which in a British Colony it is desirable to advance, and cherish prejudices which confine them to a narrow line of policy and make them hostile to improvements which would advance the welfare of the colony, and render it a more important part of the British Dominion.

Of these inconveniences it is impossible to say decidedly, until they are more specifically pointed out, how far they might be expected to be removed by an Union of the Legislatures, but as to that first mentioned, namely, the embarrassment felt at present in Lower Canada from the refusal of the Legislature to make more permanent provision for the Civil List. I confess I do not see that it would be removed by such a measure, for supposing the Canadas to be joined according to their present scale of representation, if every member from Upper Canada should consent to a permanent provision for the civil list, it would still not be carried, and without expressing any opinion upon the question as it now stands in Lower Canada, I do not by any means think it safe to anticipate that the members from Upper Canada, would generally support the provision in the terms in which it was required to be made.

As to any inconvenience that may be felt from the entire preponderancy of a French Canadian interest in the Legislature of Lower Canada, I do not see that the certainty of their being counteracted by an union, is either near enough or clear enough to make it advisable on that ground. It would be long before the influence of the members from Upper Canada would be an overruling influence and I think it doubtful whether, when it did become so, they would be disposed to exert it in changing the internal municipal policy of the other Province, contrary to the wishes of nine-tenths of its inhabitants, and which, whether wise or not, was endeared to them by long use, and had been so far respected by the British nation that they had been hitherto left to change or retain it as they might prefer.

That an union of the provinces might add to their strength, by producing a more perfect community of interest and feeling, by subjecting their militia to an uniform system of discipline, and by placing their means of defence against a foreign enemy more conveniently and effectually at the disposal of the Government that it might in time by the gradual operation of the natural consequences of such an union make the whole colony more completely British in their system of laws, in their education, in their feeling and in the general temper of all their public acts—that it would produce an uniform regulation of trade throughout the territory, and insure the interest of every part being made subservient to the welfare of the whole and that it would necessarily put an end to all future difficulties about duties and drawbacks by sharing among all the enjoyment of that in which they have all an interest, are general advantages, which though some of them are rather indefinite as to the extent and uncertain as to the period in which they might be felt, might I think be rationally expected.

On the other hand I am doubtful of the prudence of disturbing the present system of things in the prospect of these rather indefinite and distant advantages, and at the hazard of the inconveniences which have suggested themselves to me and which I will shortly state.

At present things are proceeding pleasantly and prosperously in Upper Canada. In Lower Canada they are not, but I do not think an union would remove in the least the difficulties existing there and it might have the bad effect of involving the one province in the troubles of the other.

The number of representatives in Upper Canada is at present less than in the Lower Province, and would no doubt continue so for many years. The latter consists, with very few exceptions of Canadian French, and I am apprehensive that an union of the two provinces would be regarded with such extreme jealousy and repugnance by the great body of the people in Lower Canada, that on future occasions they would even more studiously endeavour to exclude Englishmen from their Assembly, and confine their confidence to those who would sedulously guard their old system of things from innovation, and for many years I fear the people of Upper Canada would find it difficult to obtain any appropriation of revenue to purposes of public improvement within their province or to gain sufficient attention in their local interests from an assembly of whom the greater number would be unfriendly to their religion and unacquainted with their laws and jealous of their influence. If these consequences should follow they would retard the now rapidly increasing prosperity of Upper Canada at the most critical moment. Perhaps the apprehension is groundless, I state merely my own impression. Upper Canada, it is true, contains at present much less population than the Lower Province the one having been first settled by Europeans only forty years ago, and the other more than two hundred: but it is well known, that in extent of land capable of cultivation, in the excellence of its soil and climate, and consequent capability of production the former possesses almost unrivalled advantages, and it would be much to be lamented that these should be prevented from developing themselves, by being placed under the control of persons little acquainted with our agricultural interest, and even averse to the system of tenures and of laws under which the province has so suprisingly flourished.

That it would be thus controlled at least for many years to come, I take to be certain, especially if the Legislature should be convened at Montreal, for I fear in the present state of Upper Canada, it would be difficult to find gentlemen who could so completely abandon their own pursuits, as to attend an annual Legislative Session of three months at so great a distance from their homes. It could not be expected that the attendance of Members from the Upper Province would be by any means so numerous even in proportion, as from the Lower, and I see great reason to apprehend that in any question in which the interests of the two Provinces may come into competition, such, for instance, as the proportion of Revenue to be expended in Upper Canada there would be little chance for some time to come of a fair decision. I fear this the more from the conviction that the mass of the people of Lower Canada would feel extreme annoyance at the Union, looking upon it as a scheme to give to the English population an undue ascendancy and would be for some time little disposed to unite cordially with us forgetting all distinctions.

It perhaps deserves also to be considered how far it is politic upon national grounds to unite two colonies now distinct, thereby involving on all occasions the politics of one with those of the other, giving to them the means of making common cause in any unfortunate dissension which might arise, and rendering any disagreement a cause of irritation and of difficulty in two governments, whereas otherwise it might but affect the tranquillity of one.

Several other considerations of less importance naturally suggest themselves in weighing the probable consequences of an Union of the Legislatures. My desire has been to state such as appeared most worthy of notice, and in doing this I beg not to be understood as presuming to speak the sentiments of the Government, or of the Legislature of Upper Canada, for I am neither authorized nor prepared to state their opinions upon the expediency of an Union which was never, within my knowledge, contemplated by either.

The representations from that Province with which I am charged were not intended I am certain to point specifically to that end, and indeed the measures which I have taken the liberty of proposing, and which are under the consideration of His Majesty's Government are wholly of a different nature. I can not even pretend to say how far an Union would be agreeable to the people of Upper Canada generally. I have reason to think the majority of their present representatives are unfavourable to it, from a conviction that it would not be beneficial, though some of that body, for whose opinion I have much respect think otherwise. I will take the liberty of remarking further, that the Act by which the Province of Quebec was divided and the present separate government established, was the result of great and long deliberation, and if the change of system so matured should prove disagreeable to the inhabitants of both or either of the Provinces, it may be expected that they will feel more deeply in proportion as it shall appear to have been hastily decided on, and without an opportunity having been afforded them of making known their sentiments. The people of Canada have been ever treated by Great Britain with a mildness and degree of parental indulgence that would make them the more sensible to any apparent want of consideration even of their feelings. Another matter occurs to me upon which it is necessary to guard against any erroneous impression. The French inhabitants of Lower Canada, I am firmly persuaded, are as peaceably disposed, as much inclined to submit to authority, and as loyally attached to the British Government, as any portion of His Majesty's subjects, and whatever trouble their representatives may give by refusing to make a permanent provision for the Civil List, or upon questions of Revenue, or of any kind between themselves and the Executive Government is not to be ascribed to the preponderance of French influence over the English, but to that desire which is found in all assemblies to assert to the utmost the share of power which they think the constitution gives them, a disposition which I think the descendants of English, Irish and Scotch will be found as likely to persevere in, as the descendants of Frenchmen. It is not my desire by anything I have said, to lead to a conclusion that the Legislatures should not be united, unless that inference shall appear to be the sound deduction from the consideration I have stated. I have set down what presented itself on both sides, anxious only that the decision may be made on sure grounds, and not formed upon erroneous conceptions or expectations which are not likely to be fulfilled.

No. 21.—DAVIDSON TO WILMOT.

(*Archives, Series Q., Volume 167—2, page 355.*)

24 BURY STREET, ST. JAMES,

14th June, 1823.

SIR,—To the proposition which you suggested as to the possible mode of permitting the local Legislatures in the Province of Canada to remain, subject to the control of a general Legislature to meet once in two years in the event of the Union Bill being again brought under the consideration of the Parliament, I have given every reflection in my power, and I have now the honour to submit the result—premising at the same time that in my opinion, there is no one thing in the Government of colonies likely to produce so much eventual mischief as any addition to the numbers composing colonial assemblies, called together for the general purposes of Legislation.

As a preliminary measure, it occurs to me that a new division of the province should be made, and a census taken to satisfy the subjects in either that the representatives serving in Assembly are as fairly proportioned as the circumstances of the case will admit, and this number should not in any case exceed sixty in each province.

The councils in either province to remain as they are now constituted.

As the local Legislatures in this view of the case are to be considered a relief to the general Legislature, the only objects to which it would be advisable to direct their attention must be confined to the police of the towns & villages, in either province, and such roads, bridges and canals, as can be considered means of communication within the provinces. These local assemblies should be empowered to elect from their own members, persons to serve in the General Legislature & the number so elected never to exceed one sixth part of the number of representatives in either province.

The same regulations to apply to the councils of either province. And to this body assembling under the Governor in chief once in two years, every matter or thing connected with the administration of Justice, the regulation of the Militia, the revenue, the trade, the appropriation of money, and the power of opening roads & canals to communicate from one province to the other, or other of His Majesty's possessions should be entrusted subject to the restrictions which now obtain of His Majesty's Ministers should be advised, to prevent the operation of any Laws which may have passed this general Legislature. I am about to take what may be considered a very great liberty, but your very kind manner leads me to hope, that you will excuse it. It is to call to your attention a communication to the public in the Quebec Gazette of the 7th April last (a paper published by authority) in the following words: "We have authority to announce for the information of the public that His Majesty's Secretary of State for the Colonies has intimated to His Excellency the Governor in Chief the determination of His Majesty's Government to relinquish for the present the reintroduction of the proposed measure for the Legislative Union of these Provinces in the approaching Session of Parliament of the policy and propriety of which measure in the abstract His Majesty's Government still however retain their usual opinion" and to state to you the general impression which was that His Majesty's Minister had deemed it expedient for a time at least to try the effect of the Canada trade act, which can hardly even yet be considered in operation, and had determined to regulate their future proceedings respecting the government of the provinces by its results.

I have the honour to be, sir,

Your very humble servant,

JOHN DAVIDSON.

No. 22.—PETITION FROM THOROLD, &c.

(*Archives, Series Q., Vol. 332—1, page 55.*)

To the Honorable the House of Commons of the United Kingdom of Great Britain and Ireland in Parliament Assembled.

We, His Majesty's faithful subjects residing in the Township of Thorold and District of Niagara, and Province of Upper Canada, humbly beg leave to represent to Your Honourable House, the serious alarm given us by reports through the medium of the public prints, of recent measures introduced in Your Honourable House relative to the Government and Trade of the Canadas, and proposing a Union of the Provinces, an alarm excited not only by the reported terms whereupon this Union was to have been declared, but by the very mode of its introduction, so highly unconstitutional as regards the liberty of the people of this Province, and so fatal to its interests and welfare that we should be greatly deficient in our duty to ourselves and the community, of which form so great a part, if we did not, without loss of time, make this our humble but earnest and just Petition and remonstrance to Your Hon. House against this measure so rashly proposed for Your adoption, and for reasons that cannot fail to awake Your parental attention to this Colony—and, first because the project as announced to us by those public prints if consummated would have been to us the unmerited deprivation of our Constitution, as the same defined by the Act of the British Parliament passed in the thirty-first year of His late

Majesty's Reign, entitled, An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the same; a constitution endeared to us by many warmly cherishing considerations: the Statute was given and received as the declaration of British Liberty made to British-born subjects, having by Birth an indefeasible right to such liberty; that Statute is the mode and the form prescribed by the parental Solicitude of his late Gracious Majesty and his Parliament, by which we are to use this liberty in which we were born. A mode and a form guaranteed by the solemn enactment of a British Parliament, and which will not, we trust, be taken from us without our consent. Secondly, because it was given as the well-earned reward of fidelity to brave and devoted subjects and soldiers, who sacrificed their property and shed their blood in defence of their King and country. Thirdly, because many of us not originally subjects in confidence of protection to our persons and property under British institution, have not only made permanent settlements in this Province, under this constitution but have actually fought and bled in its defence successfully, and with credit universally acknowledged by His Majesty's Generals and Officers having the conduct of the late War in this Province.

We therefore gravely, respectfully and earnestly remonstrate to Your Hon. House against all innovation in this our constitution, without our consent expressed by Legislative Act of the Province passed in due Session by the King, the Council and Assembly thereof, and, First, because this is the only legal course to effect any change in that Act except in as far as the said Act in express terms reserves to His Majesty, his heirs and successors and the Parliament of Great Britain certain powers of future legislation on particular matters in the said Act also expressed.

Secondly, because that Statute, the pledge of security to Canadian rights and liberties, the very branch which identifies us with our parent stock is about to be torn from us against our will and substituted by a hasty ill digested project subversive of all that is valuable in that Statute, a catastrophe that we Your Petitioners could never apprehend if Your Hon. House be only fully apprized of the low state of the Colony. Thirdly, because the project as appears by those public prints, contemplates the transformation of our House of Assembly into a mixed Chamber of Executive Counsellors, and of the people's representatives, a violation of British principle, alarming and distasteful to us in the highest degree.

Fourthly, because this project in its operation must necessarily effect in this Province a total change of the established principles of the English Constitution as to representation, taxation and appropriation of our Revenue, upon which points we (the petitioners) feel as sensible as our duty to ourselves and our children can make us.

Fifthly, because this project would give an invidious and, in our minds, an unconstitutional control over us, the equal rights of our fellow-subjects in Lower Canada, whose rights being as dear to them as our rights are to us, we should grieve to see impaired against their wishes and consent.

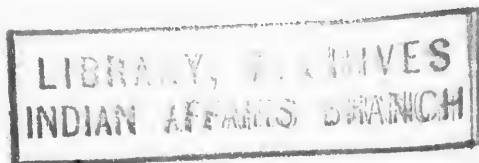
Sixthly, because by this project is proposed the removal of our Legislation without the bounds of the Province which must in effect deprive us of the benefits of a Legislation altogether; in the present state of the Province few Representatives could be found able to afford the time and expense of attending their duty at such a distance, of consequence Candidates would be few, and our elective choice injuriously abridged; at such a distance we should be wholly estranged from our Representatives and they from us; no interchange of sentiment to any useful extent, little communication of our wants or wishes—Petition would be almost impracticable, inquiry impossible, no documents within reach, no records for reference; questions asked, but no one to answer the Executive Officers at York and the Legislature at Quebec. All must end in confusion, disgust and fatigue. Need we add as further cause of alarm the extension of Parliament to Quinquennial, the extension of qualification of

our Representatives; measures solely calculated to abridge our rights and add to the means of Executive influence, of which Petitioners can assure Your Honourable House there is no deficiency in the Province.

All which with great deference humbly submitted, and Your Petitioners as in duty bound will ever pray.

Thorold, November 23rd, 1823.

78 signatures are attached.



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NOTE B.

CLAIMS FOR LOSSES, 1812-15.

No. 1.—TREASURY MINUTE.

(Archives, Series Q., Vol. 330, page 77.)

17th July, 1821.

The Chancellor of the Exchequer states to the Board that he has recently seen Mr. Galt, one of the gentlemen appointed by certain inhabitants of Upper Canada to urge their claims upon the British Government for compensation for damages sustained by them in the late war with the United States, who put into his hands a proclamation issued by the Lt. Governor of Upper Canada, on 19th April last in regard to the liquidation of certain of these claims & urged that a selection should be made of the claims now before the Board that they might also be liquidated.

My Lords resume the consideration of the Report of the comptrollers of army accounts of the 27th November last upon a letter from Mr. Goulburn with one from Sir Peregrine Maitland, transmitting a schedule of certain claims upon His Majesty's Government for Damages sustained & supplies furnished in Upper Canada during the late War with the United States of America, from which it appears that these claims were examined and selected by a Board appointed to meet at New York in the beginning of 1820, consisting of Mr. Robinson, His Majesty's Attorney General, Major Bowles, Military Secretary, & Mr. Hillier, Provincial Secretary, and in their Report they stated that they had examined all the Documents in the commander in chief's office, relative to the claims for compensation for damages incurred during the late war, and selected from among them, such as appeared to call for special recommendation for payment, upon which the comptrollers observed that the principles upon which these claims had been selected appeared most judicious or proper & though there was no sum mentioned in the letter as the total amount of the claims selected they assumed from the Documents transmitted that they amounted in the whole to £9,154 17 9.

My Lords read the entry of the letter of the Board of December last to the officer commanding in Canada written in pursuance of a minute of this Board of 7th December last, upon the foregoing Report approving of the Principles upon which these claims appeared to be investigated and authorizing him to issue his warrants upon the Commissary for liquidating the same.

My Lords read the proclamation issued by the Lieutenant Governor of Upper Canada, dated the 19th April, 1821 (& which my Lords presume was issued in pursuance of the above mentioned authority) in which he states that in consequence of applications from different Individuals having *direct* claims upon His Majesty's Government & which appeared by him to have been improperly submitted to the Board appointed to investigate or report upon the losses occasioned by the Enemy during the late War, he had directed a selection to be made from the General Report of the Commissioners of all such claims as appeared by the vouchers accompanying them to be of the former description, and that having referred those claims to His Majesty's Government, His Majesty had been pleased to direct them to be paid. Those claims are described under the following Heads, viz.:

- 1st. Claims for supplies when actually furnished by order, due evidence having been produced thereof.
- 2nd. For rent of premises occupied by Government due testimony existing of a contract for such rent.

3rd. Compensation for premises destroyed by superior order to meet some military object the necessary testimony having been exhibited.

4th. When the governor had actually entered into contracts for the Restoration of Property to the owners in a state of repair equally good as when taken possession of and when such property has been either materially damaged by H. M. troops or destroyed whilst in their occupation, due testimony of the contract as also of the extent of the damage and value of the property having been produced.

My Lords read the Entry of their letter of the 12th June to Mr. Galt in answer to several letters from him respecting these claims in which they state that they cannot feel themselves justified under the present circumstances and situation of the country, in recommending to Parliament the grant of any public money on account of these claims.

Write to Mr. Galt acquainting him that the claims coming under the description of those specified in the proclamation of the Lieutenant Governor of Upper Canada of 19th April, 1821, and which appear to be the whole of the *direct* claims upon H. M. Government were selected from the Report of the Board appointed to investigate and report upon the losses occasioned by the enemy during the late war by Mr. Robinson, H. M. Attorney General, Major Bowles, military secretary, and Mr. Hillier, Provincial Secretary, and that those claims are now in the course of liquidation under the orders of the Lt. Governor and therefore any further direction from their Lordships is unnecessary. With respect to the remainder of the claims comprised in the report of the Board appointed to investigate and report upon the losses occasioned by the enemy during the late war, My Lords can only refer him to the letter of this Board addressed to him under date 12th June last and to acquaint him that they see no reason to depart from the decision communicated to him in said letter.

No. 2.—GALT TO TREASURY.

(Archives, Series Q., Vol., 332—2, Page 312.)

32 TAVISTOCK PLACE,

RUSSELL SQUARE,
July 25th, 1821.

MY LORDS,—I have to acknowledge the receipt of Mr. Harrison's letter of yesterday, and in so far as the claims in the course of liquidation are selected from the Report, the decision of Your Lordships must be satisfactory, and I doubt not considering the time that has elapsed interest will be allowed on the debts. But unless I am misinformed these claims form a very small portion of those which the Commissioners admitted as supported on good evidence. Your Lordships are also pleased to refer to the communication of the 12th of June in which it is stated that under the present circumstances and situation of the Country "Your Lordships do not feel justified in recommending to Parliament any grant of public money on account of these claims." Upon that decision Your Lordships will allow me to make two observations.

In the first place the Claimants will not consider it as a refusal nor can Your Lordships mean it to be ought else than what in mercantile language an embarrassed debtor calls "asking time," and in the second, I apprehend that the whole case of the Canadians has not been considered, but only the brief matter of the Report and its arithmetical appendix of accounts, for of six classes of claims, the governor's proclamation of the 19 April, 1821, with the most liberal construction will embrace only the first. I trust therefore that I shall be allowed to enter somewhat particularly into the merits of this case, and to recal to the remembrance of Your Lordships under what circumstances and in what situation of the Country the claims originated for I would impress upon Your Lordships that the case of the Canadian Claimants is, not only similar to every other in which indemnity has ever been granted, but possesses peculiar merits such indeed as His Majesty's government must all times regard in the most favourable manner.

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Your Lordships will recollect that the war which occasioned the operations in Upper Canada arose out of certain abstract rights that affected the security of the State at home, and not in any local cause or Colonial interest, and Your Lordships know that the province in consequence of Mr. Foster, the British Minister at Washington, being unable to penetrate the American designs of the American Cabinet was allowed, unfortunately by government to remain in the most defenceless and neglected condition. No steps had been taken to repair the strongholds or to strengthen the garrisons. Fort George and Amherstburgh were as they had been left by Sir J. Craig dismantled and in a state of ruin. The troops in the province consisted of:—

200 Royal Veterans.
36 Royal Artillery.
900 41st Regt.
400 Newfoundland Regt.
50 Provincial Seamen.

The mere peace Establishment and barely sufficient for the usual purposes of parade duty, and to preserve from theft the small stock of public stores at the different posts.

Your Lordship also knows that a mercantile express brought the first news of the declaration of war to Sir Isaac Brock, the Governor, and that a fortnight elapsed before His Excellency received any official intelligence on the subject. In such circumstances so remote and so neglected, the Province would have been lost but for the spirited loyalty of the inhabitants, and it is unnecessary to remind Your Lordships that by their zeal, co-operation, sacrifices and personal exertions in the field, four well-appointed American Armies, each of them superior in numerical strength to the whole regular force in the Province, were destroyed or defeated, and fifty pieces of cannon taken during the first campaign. I speak My Lord of General Hull's, consisting of 2,700 killed and prisoners at Detroit, of General Rensselaers, (*sic*) of 3,000 of whom 1,200 were killed and taken at Queenstown; of Genl. Smyth's of 4,500 defeated at Fort Erie, and of the defeat of General Winchester when the Americans lost about 1,000 men—all effected by the means and assistance of the Claimants, whose merits must appear the more eminent, as Your Lordships will remember that the defence of the Province was considered hopeless by the Governor of Lower Canada. At the very time when Sir Isaac Brock, seconded by the loyal population was advancing against General Hull at Detroit, it will be recollected that Sir George Prevost was actually negotiating through Col. Baynes, an armistice which had it been concluded prior to the surrender of Hull would have been a virtual abandonment of Upper Canada to the Americans. I speak on this point with great confidence for Sir George Prevost deemed Quebec and Lower Canada in such danger that he actually wrote to Sir Isaac Brock in terms almost precisely these: "Nothing could give me greater pain than to hear of your acting offensively. I expect to be attacked and in such an event you may make a flank movement in my favour," that is, "abandon your own province to the enemy, for I do not think you are able to save it." fortunately, however, by the promptitude with which the claimants had enabled Sir Isaac Brock to take the field, the capture of General Hull's Army and the Conquest of the Michigan territory was achieved nearly as soon as the notification of his advancing reached Quebec.

On his return from that spirited enterprize, the success of which decided the whole character of the war, Sir Isaac met at Niagara the Officer, Captain Fulton, whom Sir George Prevost had dispatched to countermand the expedition.

It was in these events and in the circumstances connected with them, that the claims which I have the honour to advocate originated, and that they merit the most liberal consideration will not be denied, for three years my Lords, the Inhabitants of Upper Canada by the defenceless condition in which they had been left exposed to the whole brunt of the American force, displayed as your Lordships well know the most heroic devotion to His Majesty's Government under every temptation to revolt, although principles of policy alone occasioned their sufferings and

their dangers. They were indefatigable in the field; they witnessed without complaint the burning of their homes, the devastation of their estates and their families driven to extreme misery. Their hope, in the midst of their privations and calamities, was in the justice of the paternal state, nor could they doubt, although for a time it had seemingly neglected them, that they were less the objects of its regard than the Portuguese & the Germans, who in some respects may be said to have resembled them in misfortunes, but who had certainly not one single pretension to be classed with them in services, not even in defence of their own countries far less for objects so exclusively British as the maritime right which the Americans disputed. And yet, my Lords, are they to be told that their claims are not *now* deserving of any consideration except where it can be shown that they are debts regularly contracted with regular officers according to regular forms. Surely when such a determination was taken by your Lordships the circumstances to which I have alluded must have been forgotten. There were few regular Officers on the spot, the parties were unacquainted with the very nature of the regular proceedings in cases of such sudden invasion. The Governor himself had no regular authority for commencing hostilities. The whole proceedings, including the splendid achievement at Detroit, sprung from the impulse of the moment. They were altogether extra official, and it is unjust, after the most essential advantages have been obtained by them to judge the details by which the service was performed as if the whole had been governed by the providence of office. It would be quite as much to the purpose my Lord, to take the opinion of the Law Officers of the Crown as to whether the Zeal and Loyalty of the Canadians were more or less than was required of them as subjects, in order to determine how far, instead of being entitled to remuneration they may not be liable to be still further mulcted. I say not this lightly, but gravely and advisably, for Your Lordships know and have the means of knowing that the Commissioners appointed to investigate the claims did lay it down as a rule, that the claims of persons *suspected* of political disaffection should be rejected. I do not however lay down any particular stress upon this most extraordinary rule. I only advert to it to remind Your Lordships with what vigour & jealousy the claims were investigated, and to show my own authority for stating that the account of claims admitted by the Commissioners as sufficiently established belong entirely to what may be called the most meritorious subjects in the Province.

But it is objected to these claims that they are for indemnity and that Government cannot indemnify the subject for the sufferings to which they may be exposed by the casualties of war. This is perhaps an expedient maxim of office, but protection is as much a duty on the one side as allegiance is on the other, and the protection of the Canadians was unquestionably so neglected that it is but fair and just they should be indemnified for the consequences, the more especially, as the war in which their claims originated was one of national policy, respecting which did not affect them in particular but concerned the whole empire, and the United Kingdom above every other part; the more especially too, as the claimants rendered services which could not have been performed by the means of Government in a better manner nor at less expense. But my Lords, the claims are not for indemnity, the greater number are substantially of the nature of debts, though not contracted according to certain official regulations. Were they however, as Your Lordships seem to have supposed all for indemnity, still they ought to be remunerated for as I have already observed they comprehend, independent of their own peculiar merits, circumstances in all respects similar to every other in which indemnity has ever been granted.

In the case for example of the inhabitants of St. Christophers and Nevis in the reign of Queen Anne when £100,003 11s. 4d. was given, the money was advanced expressly to repair the damages which the plantations had sustained by an invasion of the French. The plantations and houses of the Canadians were laid waste by an invasion of the enemy and also for military purposes by the King's troops.

In the case of Glasgow in 1749 the House of Commons voted £10,000 to indemnify that city for certain contributions levied by a rebel army. The Canadians claim for contributions furnished to the King's Army and the public service.

In the American war the following classes of claimants were admitted to rank for indemnity from the commencement of hostilities.

"I. Loyalists who have rendered services to Great Britain"—All the Canadian Claimants have rendered services to Great Britain.

"II. Loyalists who have borne arms in the service of Great Britain." The greater number of the Canadian Claimants have borne arms in the service of Great Britain.

"III. Loyalists, zealous and uniform in their Loyalty." All the Canadian Claimants are such, for the commissioners rejected the claims of every individual to whom disaffection was only imputed.

"IV. Loyal Subjects in Great Britain"—None such are among the Canadian Claimants they were all on the spot and involved in the vicissitudes of the war.

"V. Loyalists who took oaths to the American States but afterwards joined the British." There are no such double traitors among the Canadian Claimants.

"VI. Loyalists who bore Arms for the Americans, but afterwards joined the British." Persons of this description were in the first instance punished in Upper Canada by the immediate forfeiture of their estates, banished and not again permitted to enter the province.

"VII Loyalists sustaining losses under the prohibiting Act." The Canadians have no such vague claims.

"VIII. Loyal British proprietors." All the Canadian Claimants are loyal British proprietors.

"IX. Loyalist Subjects or settled inhabitants of the United States some of whom are persons of great merit and have met with peculiar hardships."

There are at present none such among the Canadian Claimants nor likely to be; Unless the Province shall in some future war, be compelled by neglect and the natural resentment of unrequited merit to unite itself to the American States.—And My Lords it appears by an account presented to the House of Commons on the first of April, 1790, that to these American Claimants grants had from time to time, been made to the extent of no less than £1,917,238 3s., and annual pensions paid to the amount of £25,785, besides annual allowances to widows and orphans of merchants &c—of Merchants, My Lords, of £28,673.—And I have to remark that these grants were made on the reports of Commissioners similar to those of Upper Canada, "Appointed to inquire into the losses sustained by His Majesty's Loyal Subjects either by furnishing provisions and other necessary articles for the service of His Majesty's Navy or Army in America during the late war or by having their property used, seized or destroyed for carrying on the public service there." My Lords, this conduct of government with respect to those losses is perhaps the only part of the policy of that period which can be proposed to the imitation of posterity and it cannot fail to strike Your Lordships, that as it commenced with the rebellion, was continued throughout the War and has been acted upon even in the very last session of parliament, it furnished and does continue to furnish, a principle upon which the subjects of His Majesty must naturally place the greatest reliance, for it teaches them to adhere in all circumstances to their allegiance being an assurance to them that they will be indemnified for the losses they may in consequence sustain.

Is this ancient paternal policy of England, this judicious principle of natural justice to be violated and abrogated in the case of the Canadian Claimants or is their case to be considered as an exception to a general rule? I have heard it indeed remarked that the cases of indemnity which I have quoted are all exceptions to the rule of not indemnifying subjects for the casualties of war. But the rule does not apply to such cases and the Canadian Claims are not so much for indemnity as for remuneration. The Canadian case in fact falls under an acknowledged principle of the domestic policy of the empire clearly set forth in the preamble to the General Defence Act 43, George 3, Chap. 55 to which I entreat Your Lordship's attention. As a general principle it cannot be questioned that the public is bound to grant indemnity on account of sacrifices for the public good in times of alarm. The Canadian claims are of this description, and they should not be considered the less favourably because unlike those of the

American loyalists, the purposes for which the sacrifices were made proved so eminently successful. In so distant a Province as Upper Canada, to which access with the materials of war is so difficult, the surest defence is in the affection of the people; and when Your Lordships compare the result of the services which gave rise to the Canadian Claims, with the expenses to which the State has since been exposed by the transportation of stores, and the frames of vessels and ordnance above the falls of Niagara, with the continued subsequent outlay for new fortifications and barracks, each of which has become a monument reminding the inhabitants of their neglected claims it is impossible to doubt that Government can refuse even though the circumstances of the country were ten times worse than they really are, to recommend this case to the consideration of Parliament before which it must indeed be brought, and Your Lordships might as well expect to silence the falls of Niagara by a Treasury Minute as to stifle the Canadian Claims by adhering to Your answers of the 12th June. These claims, I beg leave to repeat consist of the six following classes: and the first, the only one which is in a train of liquidation is the smallest.

- I. Direct demands against Government for Supplies.
- II. Destruction of property by order of His Majesty's Generals to prevent its becoming useful to the enemy.
- III. Destruction by the Enemy from its having been occupied or used for military purposes.
- IV. Destruction of property by accident while in possession of the King's Troops.
- V. Destruction of property by the Enemy to prevent its being made use of in defence of the Province.
- VI. Destruction of property from irregularities of the Soldiery and of the Indians acting with them.

I have the honour to be,

My Lord,

Your Lordships

Most obedient humble servant,

JOHN GALT.

To the Lords Commissioners
Of His Majesty's Treasury,
&c., &c., &c.

No. 3.—MAITLAND TO BATHURST.

(Archives, Series Q., Vol. 331, page 105.)

UPPER CANADA, YORK,
20th April, 1822.

MY LORD,—Your Lordship's directions for the payment of certain direct claims of the inhabitants of this Province against His Majesty's Government have been carried into effect—and I have every reason to believe the measure has caused much general satisfaction. It has however given occasion to my being solicited by Mr. Nichol, styling himself Agent for the claimants of this Province to transmit to your Lordship additional testimony relative to others of the claims. Some of these documents are of such a nature as had they been submitted to the officers who last examined the claims would most probably have occasioned those to which they belong to have been recommended for immediate payment. Colonel Nichol was therefore informed by my direction, that although I was without instructions from His Majesty's Government to receive additional evidence of claims, since the closing of the commission, the whole of the documents in question would be transmitted for the consideration of the Lord commissioners of His Majesty's Treasury, as explanatory of the cases already before their Lordships, to which they refer.

This reply appears to have encouraged him to request my interference in the matter of his own claims against Government, which are however of a nature

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entirely distinct from those above referred to. This wide distinction has been pointed out to Colonel Nichol, and he has been informed that I would transmit the papers he has laid before me to your Lordship but without recommendation.

In so doing I feel it my duty respectfully to submit to your Lordship that whenever it shall please His Majesty's Government to give their attention to the subject of the claims of this province, of that nature to which Colonel Nichol belongs namely for damages sustained from the incursions of the enemy it will be most expedient and necessary in order to arrive at a just estimate of their amount, to appoint Commissioners to investigate them with power to receive evidence on oath. There is not perhaps any one of these claims that will so forcibly prove this necessity as that of Colonel Nichol, which I have now the honour to forward to your Lordship.

This property is estimated in his own demand at £6,025, and although at the time it was under the consideration of the Board, one of the members offered to produce a person of respectability then on the spot, who was prepared to attest to the fact of its not being worth £1,500 the Board declined hearing the evidence, as it was without power to require depositions on oath and recommended the claim to its full amount.

Their reason for so doing, which is recorded in the proceedings is their sense of the general high character for loyalty and services of the claimant which, however, creditable to him is not very relevant to the value of his property.

Reasons having as little relation to the subject appear also to have governed the recommendations of the Board in other instances besides that already quoted, and I am well aware, from the avowal of some of its members that they had no expectation their decision would be final.

As the proceedings held by the authority of government for ascertaining the amount of losses sustained by individuals, had naturally excited an expectation that some relief would be afforded, and as such a measure may therefore if feasible be thought both just and politic; I have felt myself imperatively called upon to put Your Lordship in possession of the above circumstances relative to the Board of Claims and the feelings and principles which governed its proceedings and of the necessity of a new enquiry into these claims with full power to ascertain their just and fair amount previous to proceeding with the payment.

I have the honour to be, My Lord,

Your Lordship's most obedient and humble servant,
P. MAITLAND.

The Earl Bathurst, K.G.

No. 4.—GALT TO WILMOT.

(Archives, Series Q., vol. 332-1, page 132.)

32 TAVISTOCK PLACE, RUSSELL SQUARE,
May 28, 1822.

SIR,—I take the liberty of suggesting that the new Commissioners to revise the Canadian Claims should be instructed, as soon as they have determined any claim to order a bill for £5 on the amount to be drawn on the Treasury in this country.

The grounds upon which I propose this is the obvious advantage that would result to both parties, the government and the claimants. To the former as the Exchange is 12 per cent at present, the saving would be to that amount, and to the latter the speedy payment would be of incalculable consequence. The whole claims reported upon were 2,884 amounting to £392,362 1s. 0¹/₂d. of which 561 were rejected and 2,323 admitted, amounting to £229,650 4s. 9d., sterling. Upon the supposition that claims to the extent of £29,650 should be rejected, but which I do not anticipate £200,000 will remain to be paid, so that the Commissioners would in issuing bills at 5s. per £ in that amount draw only £50,000 the amount to be advanced by this country, the saving in which alone at the present rate of Exchange would be £6,000.

I would also suggest that the Commissioners should be strictly enjoined to take cognizance only of those claims which have already actually been considered by the former commissioners, or some other competent authority. This is necessary to prevent the Commission from being interminably kept open.

I trust that in all the course of this business it cannot be objected to me that I have made use of any factious means or arguments and that the correspondence has been confined to the peculiar merits of the case and therefore I have the less scruple not (?) in referring to the seventh general rule of the Commissioners of investigation to which I alluded to yesterday in suggesting that the Commissioners of revision should not consist entirely of the same parties, but as no rejected claims will fall under revision that it might at this crisis be a judicious measure of policy to embrace in the commission several known characters of influence in private life—Mr. Ths. Clark, Mr. Robert Grant and Lt.-Col. Nichols are the assignees of the Claimants in Canada. It would certainly be a popular act therefore to include at the least one of them and I would likewise suggest Mr. Richardson's name should be recommended on account of his great personal weight in the provinces. You will perceive in this that I go on the supposition that the Commissioners are to be nominated by the governor.

I have only to add that before you prepare the dispatches on this subject it may be desirable that you should get back from the Treasury all the papers and afford me half an hour's conversation with them before us for I do think, though I do not object to it, that the Commission of revision is unnecessary and that Government is not aware of the very rigid scrutiny which has already taken place.

I have again in the name of the Claimants to acknowledge the profound sense I feel of the alacrity with which the business has been brought to a satisfactory issue in your hands, and I have the honour to be, sir,

Your very obedient humble servant,

JOHN GALT.

TO ROBERT WILMOT, Esq., M.P.,
&c., &c., &c.

No. 5.—NOTE ON LOAN FOR LOSSES.

(*Archives, Series Q., Volume 332-2, page 301.*)

It is proposed that a loan should be raised in the Canadas of £100,000 of which the English government would guarantee *half* the interest (£2,500 per annum.)

This sum to be applied in satisfaction of such claims of Sufferers by the Invasion as may be established before a new Commission to be immediately appointed by Sir P. Maitland.

If this sum should not be found to be sufficient a further sum to be raised upon the same principles.

8th June, 1822.

No. 6.—BATHURST TO MAITLAND.

(*Archives, Series Q., Vol. 332-2, page 337.*)

DOWNING STREET,
12th June, 1822.

SIR,—With reference to your Dispatch transmitting an Address of the Legislative Council and Assembly of Upper Canada upon the subject of compensation to certain Inhabitants of that Province for losses sustained during the late war with the United States of America, I have to acquaint you that His Majesty has acceded

to a request preferred by Mr. Galt, the Agent for the sufferers, that a loan shall be raised of £100,000 of which the government here will guarantee half the interest £2,500 per annum, the Provinces providing for the remainder, which sum shall be applied in satisfaction of such claims of sufferers by the Invasion as may be established before a New Commission to be immediately appointed by the Governor of Upper Canada, and if the sum shall be found insufficient, a further sum shall be raised upon the same principles.

You will therefore take the necessary measures for appointing Commissioners who will revise the claims which have been preferred and give them that strict investigation which may enable them to make a final and satisfactory report with a view to their liquidation in the manner proposed, and it will be very desirable that the Commissioners should be persons who could not be suspected of having any local interests to influence their award.

The proposed measures must of course be submitted to and receive the sanction of the Legislature at their first meeting.

I have, &c.,
BATHURST.

Major General Sir P. MAITLAND, K.C.B.

No. 7.—GALT TO HARRISON.

(Archives, Series Q., Vol. 332—1, page 137.)

32 TAVISTOCK PLACE,
July 17—1822.

SIR,—The arrangement agreed upon, as understood by me, is that the Governor of Canada is to recommend to the Legislature to pass a Bill for raising *not less* than £100,000 by way of loan at 5 per cent, to satisfy the claims, Government at home undertaking to pay half the interest and at the end of twenty years half the principal, the Province to be burdened with the other half. On the event of the measure so passing ministers to propose to the next Session of Parliament to ratify the transaction by Bill charging the interest on the consolidated fund of the United Kingdom. In the meantime a commission of Revision to be appointed.

The effect of this arrangement will certainly be to create a Canadian stock which will stand charged to the Province at $2\frac{1}{2}$ per cent interest with liability to repay one-half only of the capital advanced, and as you seemed to think it would be more simple to make the transaction entirely colonial, rather than for the Government at home to advance the money to the Provinces, it may be intimated to the Governor that I will on receiving the necessary instructions from the Treasury here, after the requisite Legislative proceedings are completed undertake to procure the Loan on the terms proposed.

I have the honour to be, sir,

Your very Obedient Humble Servant,
JOHN GALT.

To GEORGE HARRISON, Esq.,
Ac., &c., &c.

No. 8.—GALT TO WILMOT.

(Archives, Series Q., Vol. 334, page 200.)

32 TAVISTOCK PLACE,
Foby. 10—1823.

SIR,—The terms of the proposed Loan for Canada having undergone an explanation and interpretation by Government different from what they were understood by me to imply owing I conceive to the mistake that had arisen in supposing the

Loan was to be raised in the colony. I think it necessary to repeat that I am still prepared to go on with the arrangement, according to the understanding with which I embarked in it—and also to state herein that the terms of arrangement communicated by Lord Bathurst to Sir P. Maitland, I have all along and still do consider as relating to the matter of account which the transaction would occasion between the colony and the Mother Country.

When it is considered that there does not exist any accredited agent for Upper Canada at home or any other medium of communication with the Provincial Government, but the Secretary of State here, it must be obvious that it never could occur to any one, entering into such an arrangement as the one proposed that Government was not to pay the whole interest, though by the terms in *the suggestion* of the plan, the consolidated fund was only to be held charged for one half the interest, Government having an open account with the colony, it certainly did strike me, and indeed most every one, that by undertaking to pay the whole interest, the Treasury here incurred no such hazard as Mr. Hill appeared to contemplate for when the Provincial Legislature has made the provision required instead of drawing for the sum which it now does on the Treasury annually, it would draw for so much less, allowing the difference to be appropriated in payment of the interest of the Loan. I confess that it does seem to me that even in the memorandum arranged by Mr. Hill something of this sort is very plainly expressed, and only a slight alteration in the wording is sufficient to remove any objection that I may feel to embark in a scheme which I find regarded as impracticable. It is considered under the modification of the arrangement now proposed that two loans would be requisite, one for the British Government at perhaps $4\frac{1}{2}$ per cent, and one for the Canadian at something more than 6 per cent, now I leave you to consider which mode is still the best, the simple arrangement suggested by me at 5 per cent without any additional cost to the State, or the latter supposing it expedient to be preferred, which would not only be higher in rate, but would involve the necessity of some arrangement still further between the Government at home, & that of the colony.

I have the honour to be, sir,

Your very obedient humble servant,

JOHN GALT.

ROBERT WILMOT, Esq., M.P.

No. 9.—REMARKS ON GOVERNMENT LOANS.

(*Archives, Series Q., Vol. 334, page 203.*)

The average rate of interest at which the loans were negotiated during the American War, that is from the beginning of the year 1776 till the end of the year 1784, was £5 7 1 p. cent.

The average rate of interest at which the loans were negotiated during the War with the French Republic, that is from the beginning of the year 1793 till the end of the year 1801 was £5 4 7 p. ct.

And the average rate of interest at which the loans were negotiated during the War with the French Empire, that is from the beginning of the year 1803 till the end of 1814 was £4 19 4 p. ct.

NOTE C.

INTERNAL COMMUNICATION IN CANADA.

No. 1.—HARRISON TO GOULBURN.

(Archives, Series Q., Vol. 150—1, p. 95.)

TREASURY BOARD, 6th January, 1818.

SIR,—The Lords Commissioners of His Majesty's Treasury having had under their consideration your letter of the 20th November last enclosing a Dispatch from Sir J. Sherbrooke relative to making a Canal from Upper La Chine to Montreal in Canada, I have it in command from their Lordships to acquaint you for the Information of the Earl of Bathurst that if the Legislative Authorities in Canada will make provision for One Half of the Expence attending the Construction of this Canal, My Lords will not object to sanction the Payments of the Remainder out of the Army Extraordinaries.

I am, sir, your most obedient servant.

GEO. HARRISON.

H. GOULBURN, Esq.

No. 2.—RICHMOND TO BATHURST.

(Archives, Series Q., Vol. 149—1, p. 57.)

QUEBEC, 11th August, 1818.

MY LORD,—I take an early opportunity to impress on your Lordship's mind the necessity of sending out a Civil Engineer to assist at the Canal between Montreal and Lachine.

I have the honour to be My Lord,

Your Lordship's Most obedient humble servant,

RICHMOND, &c.

No. 3.—DAWSON TO BATHURST.

(Archives, Series Q., Vol. 150—3, p. 590.)

BRITISH CONSULATE, BALTIMORE, August 12, 1818.

MY LORD,—The enclosed Pamphlet only fell into my hands a few days ago, and tho' it is probable your Lordship may have seen it, it may not be the case, and as the intended Canal is expected to affect very materially the Trade of the Canadas, I trouble your Lordship with the pamphlet the more particularly as I have been informed by gentlemen well acquainted with the Lakes Erie and Ontario that from points within the British Line not more than nine miles distant from each other—The water of Lake Erie might be so lowered as to render the canal perfectly useless. The truth of which might be readily ascertained I should suppose by Persons well versed in these matters residing in the country.

I have the honour to be My Lord,

Your Lordships Most Obedient humble servant,

WILLIAM DAWSON.

No. 4.—RENNIE TO GOULBURN.

(Archives, Series Q., Vol. 150—4, page 883.)

LYNN, Sept. 11th; 1818.

SIR,—Your note of the 7th inst. [reached] me at this place yesterday. In answer I think I can recommend a civil engineer to undertake the Superintendence of the proposed Canal in Canada; but I cannot venture to speak positively until I get to London, which will be in about a week. And before terms are mentioned, it would be advisable that I should have an interview with you, that I may fully understand what is required, if Monday the 21st or Wednesday the 23rd would suit you I will wait on you.

A letter addressed to my House in London will be regularly forwarded to me.

I am, sir, yours obtly.,

WM. RENNIE.

HENRY GOULBURN, Esq., M.P.,
Colonial Office, London.

No. 5.—RICHMOND TO BATHURST.

(Archives, Series Q. Vol., 152—1, Page 5.)

QUEBEC, 13th January, 1819.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's confidential dispatch of the 15th October last, on the subject of Lake Erie and beg leave to assure Your Lordship that I shall lose no time in selecting and employing a Confidential Engineer to ascertain the practicability of the measure therein mentioned.

I have the honour to be My Lord,
Your Lordships Most Obedient Humble Servant,

RICHMOND, &c.

The Right Honourable,
The Earl BATHURST, K.G.,
&c., &c., &c.

No. 6.—REPORT BY MANN (1819).

(Archives, Series Q.. Vol. 152—1, page 18.)

REPORT on the navigation of the Ottawa or Grand River, ascending from Point Fortune to the head of the Long Sault, with observations on the means of improving it, or rendering it practicable for loaded Bateaux, Gun Boats, &c. Surveyed in October, 1818.

The first obstructions in ascending this part of the Ottawa River are the Carillon Rapids, which commence at Point Fortune and extend about one mile and a quarter; the water during the autumn is in most parts extremely shallow, particularly near the banks of the River and at the head and foot of the rapids on the North side, the level at this season being generally seven or eight feet lower than in the spring. Bateaux having great labour to ascend, take out part of their cargoes, which is conveyed by Land to the head of the Long Sault. The channel is on the South side, but there are few parts of it sufficiently near the Shore to admit of their being assisted from thence by a Tow Rope, as

will appear from the soundings laid down in the Plan; there being however few obstructions on this side; it is the best for any works connected with the River that would facilitate the navigation; but there cannot be much improvement made to it without incurring considerable expense, as the great variation of the levels at different seasons would render it necessary, if Locks were constructed, to raise the walls extremely high; should a Tow Path be constructed, it must be useless, except for Two or Three Months in the Year, and the bed of the River being a flat Rock there would be great labour in any excavations that might be necessary, a Bank of stones has been thrown up on the South Shore which forms a canal, into which Batteaux are admitted by a Lock; but as the Bank does not retain the Water, and the Lock is not sufficiently deep this work is during the autumn rather an obstruction than an assistance to the navigation, it would therefore I think be advisable, if the Lock was not altogether removed, to make an open passage through the Bank or to construct one higher up at A, where there is sufficient water, from which place to the head of the Rapid, I propose bringing the channel near enough to the shore that Batteaux may be assisted from thence by a Tow Rope; this may be done by removing the stones and excavating the Rock; but where the latter cannot be effected, I would recommend catch waters being thrown out to turn the stream and consequently give a greater Depth of water near the shore;—With these improvements, loaded Batteaux may descend with ease, providing Two or more are in Company, the Crews assisting each other at the most difficult places, the probable expence of these works would be for the Lock (if constructed and of the same description as the one before mentioned) £400 for the excavations and catch waters; (judging by the soundings, the parts that require improvement and the price of similar works on the River), £800, making together a total of £1,200.

After passing the Carillon Rapids the next obstruction is the Chute à Blondé, distance about Four miles, the current being strong, bateaux ascend with some difficulty; but there is a sufficient depth of water near the shore on the South side, except at the upper and lower parts of the Rapid, but these places would admit of being deepened without much labour, the difference between Spring and Autumn is about 8 feet, the distance from the head to the foot of the rapids half a mile, and the Fall 3 ft. 11 in. on the north side between the Island and Mainland the fall is much more sudden; from which circumstance, as well as the water being shallow, this channel is never used except during the spring; the only works which would completely remove the difficulties in passing this rapid, appear to be either a canal on the south side, taking advantage of the Ravine nearly parallel with the River or by throwing a Dam across the North Channel, as represented in the Plan A. B. in which a lock might be placed, but as there would in the first case be a great deal of Rock to cut through from the end of the Ravine to the foot of the Rapid, besides the excavation necessary in the Ravine, the expense of this work would probably not be compensated by the advantages resulting from it; the Dam across the Channel could not either be constructed without considerable expense, on account of the great rise of water in the Spring; I therefore think the only work advisable would be to remove the obstructions already mentioned in the South Channel, and to form a Towing Path for the Spring by levelling the top of the adjacent Bank, the flat Rock under the Bank answering this purpose the rest of the year, with these Improvements, loaded Batteaux may ascend by the Crews assisting each other, as recommended for the Carillon Rapids.

The probable expense of these works would be £200.

From the head of this Rapid to Bois Brulé on the foot of the Long Sault, the Current is very gentle, but Batteaux have some difficulty in ascending at the opening of the Navigation, on account of the Ice, which collects at this point of the river in great quantities.

From Bois Brulé, there is a strong Rapid to the head of Stoddard's Island, which is extremely difficult to ascend particularly the Upper part—the Channel in the spring is on the North Bank of the River; during the Summer on the South, passing between the Island and main land, and in the Autumn on the same Bank to the foot of the Island, and from thence to the head of the Rapid on the North side of the Island; the Navigation of this part of the River does not appear susceptible of any material improvement; the construction of a Towing Path I would not propose, there being nearly the same variation in the height of the water at different seasons, as at the Rapids before mentioned, the upper part might be avoided by taking advantage of the Still Water between Stoddard's Island and the South Shore, ascending the Falls marked in the Plan C and D, but as there would be the same objection to Locks as before stated, (owing to the rise of water in the Spring and a great deal of Rock to excavate, as well as large Stones to remove), the construction of these works does not appear advisable.

The part of the River between Stoddard's Island and the Trois Roches, an extent of Two Miles and a half, can be ascended by loaded Batteaux; but not without some difficulty as there are several short rapids to pass, some improvement, however, might be made without much expense, by clearing away the large stones which obstruct the Passage. The channel is on the [north] Bank during the Spring but on account of the numerous shoals, Batteaux ascend the rest of the Season on the South Bank.

From the Trois Roches to the head of the Long Sault, a distance of three-quarters of a Mile, there is a continued Rapid which cover the bed of the River, and the great strength of the Current particularly at the head of the Rapid render the greatest exertions necessary to get up a Batteau, even without her lading; these difficulties, however, might in a great degree be obviated by taking advantage of the still water between the South Shore and opposite Island, entering at the Dam E. (represented in the sketch) by means of locks, an opening having been left in it for this purpose by the Proprietor, Mr. Hamilton; but the whole of the Rapid might be avoided by clearing a channel from F. at the Trois Roches to the still water at G., ascending by locks; but as the water finds a passage over the whole of this ground during the spring, the construction of a Dam would be necessary from H. to the high ground at I., in continuation of one began by Mr. Hamilton; this circumstance together with the parts that would require excavating being chiefly Rock would occasion great labour, these works, with what has been said respecting the improvement above the Chute à Blondé have been mentioned as they appear the only means facilitating the Navigation without incurring the expense of a Canal; but as the works at the head of the Long Sault, in addition to the objections already stated, would be rendered useless in the event of any accident occurring to the Dam E., and as it does not appear that the difficulties at Stoddard's Island can be removed, nor that any material improvements can be made at the other rapids, the construction of a Canal on the North Side of the River, about Five miles and a half in extent by which the whole of the Long Sault would be avoided, appears the work most to be recommended; this side is preferred, the ground being less Rocky than the opposite, and there being a Stream running nearly in a parallel direction to the River for about Two Miles and as there does not seem any great variation in the level of the ground, there would be no difficulty in procuring the necessary supply of Water from the Upper part of the River, the only Lockage

therefore required would be for the difference of level between the parts of the River into which the Canal would open which appears by the Tables on the Plan to be 47 feet, including 5 feet from the parts between the Rapids; allowing also 15 feet for the Greatest rise in the Spring the total Lockage required would be 62 feet; the probable expense therefore of this part of the work allowing £47 Per foot rise would amount to £4,340; as there would be some high ground to cut through near the head of the Rapid, and probably some Embankments to make near the Bois Brûlé, as well as clearing the Lands, &c., the expense of this part of the work would be very considerable; but no accurate Estimate could be made, unless the exact course of the canal was determined upon by sections of the ground and the nature of the soil, but judging from the general appearance of the country, and the expense of the Works of this description the amount would probably be about £11,000 which with £4,340 for Lockage would make a sum of £15,340 for the canal and adding £1,200 for the proposed works at the Carillon Rapids and £200 for those at Chute à Blondé the whole of the expense of the Improvements would amount to £16,740.

J. F. MANN,

Captain Royal Staff Corps.

No. 7.—LIEUT. CLEATHER'S REPORT ON THE RICHELIEU.

(Archives, Series Q., Vol. 167 B, page 8.)

LA CHINE, 14th January, 1819.

Report on the Richelieu River near St. Antoine and St. Dennis with Remarks on the means of deepening the Channel to enable vessels drawing five feet water to navigate the River from the St. Lawrence to Chambly during the whole season.

The navigation of this part of the River for vessels of the above description is obstructed during the autumn from the shallowness of the Water about four Miles above St. Ours, at St. Antoine and at Beloeil.

The obstruction near St. Ours is occasioned by two shoals projecting from each Shore and inclining down the River leaving a passage between them of only four feet in Depth but of sufficient Width for any purpose, the current does not exceed a mile and a half an hour, this passage might be cleared by means of a drag to be worked from a vessel or Raft moored near the spot as the part that requires deepening does not exceed six or eight yards in length, and the bottom appears to be stones, sand and clay; but should any part be found to consist of solid Rock it would be necessary to dam out the water to admit of its being removed by mining.

At St. Antoine the navigation is impeded in two places as appears by Soundings laid down in the plan at A & B.

At A the depth of the Water does not exceed four feet six inches for nearly three hundred yards and in one part there is only one foot six of water which is occasioned by a large Rock having been dislodged from a bank of stones on the North Shore at the breaking up of the Ice in the Spring; the bed of the River is generally composed of Sand, Clay and large Stones; the Strength of the Current is about three Miles an hour and towards the head of the Shallow rather stronger.

As there would be great labour in clearing for such an extent a channel of the depth required and every probability of the bank again forming it is considered that the best means of obtaining a greater

Depth of Water would be by constructing Dams in the directions represented in the plan leaving an opening at C. of sufficient Width to admit the passage of a Raft, but as the strength of the current would be greatly increased by the fall being confined to this Spot it might be advisable to continue the Dam D, for some distance down the River, as also to form one in the same direction from the lower end of the Island to prevent the sudden escape of water and consequently render the ascent less difficult.

At B the bed of the River is of the same nature as at the places before mentioned but appears less difficult to remove, it is therefore thought that the channel might be deepened by the means recommended for clearing the passage near St. Ours there being little or no current, and consequently less chance of its closing up hereafter.

Between the Church of St. Antoine and the Upper Island are two large Rocks close to the Channel in which there is only one foot three inches Water, but as they do not impede the Navigation it is only necessary to show their Situations by Buoys or any other means.

At Beloeil there is a bank of Stones extending across the River about Three or four yards in width, with not more than Four feet Water on it, the current is about Three miles and a half an hour a passage might be cleared by the means recommended at St. Antoine and St. Ours.

E. J. CLEATHER,
Lieut. Rl. Staff Corps.

No. 8.—RICHMOND TO BATHURST.

(*Archives, Series Q., Vol., 152-1, page 6.*)

QUEBEC, 14th January, 1819.

MY LORD—Referring to that part of my Dispatch No. 13 the 10th November last respecting the navigation of the Ottawa or Grand River, I have now the honour to transmit a report made to me by Captain Mann of the Staff Corps, whom I directed to survey the Carrillon and Long Sault Rapids in October last.

From the report of this Officer on whose judgment I have every reason to rely, it appears evident that all the difficulties which at present obstruct the navigation of the Ottawa may be overcome at a trouble and expence very trifling compared with the importance and utility of the object to be attained, an importance of which the people of this Province are so convinced that I have little doubt one half at least of the proposed expence will be cheerfully defrayed by themselves.

If Your Lordship concurs with me in this view I propose employing the Staff Corps on the Ottawa as soon as the weather will admit next spring and joining to them the assistance of such Labourers as the sum appropriated to this object and the Country itself will allow of our procuring.

With Captain Mann's Report, I have the honor to transmit another from Lieutenant Colonel Cockburn Deputy Quarter Master General on the subject of the Military Settlement in the Neighbourhood of the Rideau and pointing out the Communication which may be established in that direction between La Chine and Kingston, Your Lordship will observe that, owing probably to Captain Mann's Report on the Ottawa not having reached Head Quarters at the time the Quarter Master General's was made He is less sanguine as to the facility of improving the Navigation of the Carrillon and Long Sault Rapid than I think myself justified in being.

Both Land and Water communications in that direction appear of the utmost importance, and both may I am convinced be attained with great ease.

With regard to the general policy of continuing our exertions to form a loyal and Warlike Population on the Banks of the Rideau and Ottawa I entirely agree with Colonel Coekburn and I know of no measures more likely to conduce to this desirable object than those recommended in the two Reports I now transmit.

I have the honour to be, My Lord,
Your Lordship's Most Obedient Humble Servant,
RICHMOND, &c.

The Right Honourable,
Earl of BATHURST, K. G.
&c., &c., &c.

No. 9.—COSGRAVE TO GOULBURN.

(Archives, Series Q., Vol. 153—1, page 81.)

LONDON, 18th January, 1819,
CARLISLE PLACE, LAMBETH.

Sir,—Viewing you as the founder and promoter of the present system of Colonization to the Canadas which reflects credit equally on your heart and abilities. I am induced to submit to you a few observations connected with the welfare of these provinces being convinced they will meet with that attention from you they intrinsically deserve.

I am sorry to observe that the colonies of Upper and Lower Canada and the others in North America are by no means held in that estimation by the English people they so richly deserve, when we consider their importance as raising a supply of provisions and lumber for the west India Islands, their being the receptacle for the superabundant but industrious population of these kingdoms (thereby preventing the tide of Emigration flowing to the United States), and as settling a hardy brave and laborious people on the frontiers of these states ready to oppose any unjust usurpation of British Rights when the period arrives that these nations may be unhappily involved in War; that the trade of Canada alone employs 400 Vessels carrying above 100,000 Tons and nearly 5,000 Seamen and that the exports of Canada alone amount to nearly one Million and a Half Pounds Sterling part of which pay a duty on arrival here I say I then hope the public in general will begin to feel the rising importance of these Colonies and that the fostering hand of Government will be extended to succour them by every Means in their Power.

I trust it is not necessary for me sir to call your attention to the brave resistance made by the Canadians in 1812 and 1813 when there were not 2,000 regular Troops in the Upper Province and the Inhabitants and Militia alone fought the greater number of Battles and repelled the Americans with disgrace, their Acts are I am certain sir, recorded in your mind.

The object of my Present Letter sir is to call your attention to the facilities that may be given to trade by improving the natural advantage of this whole territory in point of water Carriage on their Lakes. On reference to the Map you will perceive that Vessels can ascend the River St. Lawrence from the Sea to Montreal where some above 200 tons burden have arrived, the larger Vessels remaining at Quebec.

From the eastern extremity of Lake Ontario an inland navigation for Vessels of more than a 100 Tons burden is continued above 1,000 Miles through Lakes Erie, St. Clair, and Huron to the Western and Southern extremities of Lake Michigan with no other interruption than the Falls and Rapids of Niagara between Lakes Erie and Ontario, and to this interruption I chiefly beg to call your attention Acting as it does against the trade of the Upper Province by the immense expense attending the

Carriage of goods and loading and unloading them at this portage (from 2s. to 4s. per 112 lbs.) which totally prevents the Manufacture of Pot and Pearl Ash, Hemp and Staves by the late Settlers as this expense of carriage would totally draw back any profit attending them.

The distance between Lakes Ontario and Erie at the utmost is not above 20 miles and in some parts a junction might be found at from 12 to 15 miles by a Canal connecting these lakes formed sufficiently capacious for Vessels of 100 Tons Burden who might then sail from Montreal for a distance of 1,000 Miles without interruption or unshipping as at present. By this Portage the Upper Settlers are totally prohibited from bringing down their Timber in rafts or Staves to the Montreal Market, whereby much valuable timber (especially oak and pine Musts fit for Naval purposes) is prevented being exported to the Mother Country who is compelled to buy from Foreign Markets.

I beg to state that unless this Canal was formed sufficiently large for Vessels of 100 Tons burden it would be almost useless for in that case the small Vessels would have to load and unload into larger which would be attended with very nearly the same expense as is now paid at the portage and another strong argument for having a capacious Canal is to allow Rafts of Timber and of Staves to be floated to Montreal that being one of the Settlers Staple Commodities and on which they mostly bring down Flour, grain, &c. How is the Settler at present situated? He obtains a grant of land through the bounty of His Majesty's govmt. but finds it covered with noble Trees many fit for the Navy and the West Indies as Staves, &c., but when cut down he cannot bring them to Market he burns them into ashes but finds from the expense of portage they will not pay him to labour as pearl ash and finally he is compelled to spread them on the Land as Manure a measure rather injurious as the ground is already too rich in most situations—here government lose the duty that would be paid in England on these Pot and Pearl Ashes and the timber and Staves which would be very considerable, and the Settler loses from £2 to £4 per Acre by being unable to sell these Articles. Besides these there are many Articles fit for the West India Market which cannot be exported from this interruption and which are now supplied by the United States through Montreal.

In the formation of this undertaking there are not many Obstacles in view—no rocks or Mountains—being chiefly a deep Clay soil merely requiring the Spade and barrow so that it could be formed at a very small expense most particularly if the Army now quartered in these provinces when off duty were employed. I should suppose there are now 3,000 men quartered there and at the utmost never more than one fourth on duty and what greater benefit to the Country or to their individual health could the remainder be employed than in this work.

Suppose 2,000 men employed each day at 1s. per day in addition to their pay, how soon would this be completed? The United States have lately formed a road 13 miles long, the greater part cut through Rocks & Mountains with one Regiment in the course of a year and without allowing them any additional pay, but providing them with rations. The Soldiers in Canada when off duty spend their time fishing or annoying the Inhabitants, shooting their Poultry, breaking their Fences or passing their time in listless weariness, & how much more praiseworthy would it be to employ them in a work which would ever reflect credit on themselves & the Promoters.

If this mode Sir should be rejected, I beg to suggest that it might be accomplished as in the nature of highway duty in this Country, that is for the legislatures of the two Provinces to enact a law that every Man between the ages of 18 and 50 should be obliged to bestow a certain number of days labour towards the work or pay a certain sum in lieu thereof, there would be many who would commute for the fine, and the money resulting from this would enable the Commissioners to employ additional Hands if necessary & hire Vessels to remove the Soil, &c. We shall suppose there are 400,000 Inhabitants in both Provinces, one-eighth of whom are between the ages of 18 and 50, here would be a body of 50,000 either in person or substitute to accomplish it & who need not be called out except by 2,000 at each period & it could by no means fall severely on them the work & periods of attending to it might be so divided.

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&c.,

There is an argument which may be brought against me on this question which is the present state of the Finances of this Country. This I admit Sir is an argument against a grant being given for this purpose, but the objection may be easily obviated by Government only advancing the money to be replaced by instalments to arise either by a transit duty collected on the Canal or a general tax over the Provinces.

In 1816 there was £1,500,000 granted in Exchequer Bills to be advanced in aid of different works on security, & some years since a considerable sum was also advanced to form a Pier at Dunleary in Ireland to be repaid by a duty on each Vessel coming into Dublin Harbour these Sir, are examples of large sums, but this Canal I have the honour to submit to your consideration would not require if the Army were employed more than £30,000 & even if hired Labourers were employed I understand competent Judges say £70,000 or £80,000 would completely finish it fit for navigation.

Shall it be said Sir in this age of improvement that for either of these Sums such a work should be neglected in one of the first Colonies in His Majesty's Dominions, I trust not Sir and that your promptitude zeal and decision will outstrip that of the government of the United States and also of New York who have now commenced a Canal to join Lakes Erie and Champlain with the Atlantic Ocean by connecting them with the Hudson River a measure calculated seriously to injure Montreal when accomplished unless counter balanced by the Canal I have proposed between Lakes Ontario and Erie.

These Lakes and the River St. Lawrence are the present outlets for the produce of State of Vermont the greater part of New York and the North-west Territory so that in fact we are their Carriers—but this Western American Canal will enable all produce to be sent cheaper and quicker to the Atlantic than the present mode unless this interruption at the Falls is done away—if it is we can still preserve the advantage and carry cheaper than the other—an event which will make these States look up to us as their Protectors and best friends and in case of another War might cause them to separate from the federal government and join England.

I fear Sir, I have exhausted your patience and that my zeal has led me too far and I now shall conclude by most earnestly entreating in case you should sanction the measure that the execution be not committed to the Legislative Council they have already exhibited such want of talent in fulfilling your directions and wishes on colonization, betrayed such narrow and selfish views that I have no doubt but it would degenerate into a job in their hands—rather appoint some respectable and independent Land holders Commissioners who I am certain would serve without Salary and who know the nature of these kind of works they will be naturally anxious for its success and pay every attention to it.

Your name Sir, has already attained the highest praise and best wishes of thousands in the Upper Province from the attention you have shown to their wants at home and providing for them there—render it further illustrious by promoting this Canal and it will be handed down to posterity with never fading credit and this work will ever remain a Monument of your Genuine Patriotism in attending to the wants of distant Colonists and promoting the welfare of the Mother Country.

I have the honour to be, Sir, With great respect,

Your Most Obedient Servant,

WILLIAM COSGRAVE.

H^y. GOULBURN, Esq.,
&c., &c., &c.

No. 10.—REPORT BY COCKBURN (1819.)

(Archives, Series Q., Vol. 152—1, page 9.)

REPORT on the Military Settlement in the neighbourhood of the Rideau, pointing out the communication which may be established in that direction between La Chine and Kingston.

From La Chine, which is nine miles from Montreal and the general place of Embarkation for Upper Canada to the foot of the Chaudiere rapids on the Grand or Ottawa River is a distance of about 110 miles, and the Rapids of St. Anne's and the Long Sault excepted, perfectly easy of navigation.

The Rapid of St. Anne's is about Sixteen miles from La Chine, and tho' swift and shallow of so short a continuance as not to offer any serious impediment in ascending the River.

The Long Sault Rapids commence about 35 Miles from La Chine and extend in a more or less violent degree for a connected distance of 12 Miles, the Batteaux are obliged to unload at the foot of these Rapids and thus lightened are poled up without risque, altho' it generally takes from One to two days to ascend the whole of the 12 miles.

The Cargoes are carted over the Portage at a moderate expense. The Road being good should it ever be deemed expedient to improve this part of the River communication the expense will I fear be very much increased, on account of the great rise and fall of water which takes place in the Ottawa at the different seasons of the year.

The River Rideau Falls into the Ottawa about 110 miles from La Chine and one Mile below the Falls of the Chaudiere.

The place fixed on for the Landing of all Articles going to the New Settlement at Richmond is in a small but remarkably fine Bay situated just below the Chaudiere Falls, from this Bay to the Village of Richmond is a distance of about 21 Miles, and by the great exertion of Captain Burke (the Secretary) and the Settlers, a very good Road has been made from the one place to the other. The Spot fixed upon for the Village of Richmond is in the North East Angle of the Township of Goulbourne and its Establishment promises to render the greatest possible assistance in the important object of obtaining throughout the new Military Townships an industrious and loyal population.

The Settlers from Perth had from their great and increasing numbers been unavoidably placed so far from that Village as to render their occasional visits to it difficult in the extreme, and had the disbanded Soldiers of the 99th been put down there, the want of Roads and the distance they must have travelled thro' the Woods to have obtained their provisions would have been tantamount to withholding the indulgence of Rations from them altogether.

It was under these considerations that the late Commander of the Forces so strongly recommended to His Grace the Duke of Richmond the formation of a new Establishment in the Township of Goulbourne, and I am sincerely happy in being able to state that the most sanguine expectations respecting its utility have been amply fulfilled.

Four hundred Heads of Families have already been located in the Vicinity of Richmond, Several Houses are building in the Village, and Seven or Eight Half Pay Officers have fixed upon it as their future place of Residence.

The Road, or rather the Tract which is opening between Richmond and Perth, runs in the direction of the base Line of the New Military Townships, and generally speaking about two miles from it.

It is on this Road and as nearly as Circumstances will admit in the centre of the Township of Beckwith that a Provision Store is to be built.

The Road will be sufficiently opened in the course of a month to admit of Sleighs passing over it during the winter, and I would earnestly recommend that an expenditure of Three or Four hundred pounds, exclusive of Two or Three months Rations of Flour and Rum might be allowed for the payment and subsistence of about 50 men to be employed in making it passable for Waggons during the Summer.

A reference to the accompanying plan will show that when this Road is opened, and a Provision Store built in Beckwith each of the new Townships will be equally eligible for settlement and thus a very large proportion of Land will be anxiously sought after which the settlers have hitherto been averse to being placed on.

The Total of Men Women and Children located under the direction of the Quarter Master General's Department in the Rideau Settlement is from 4 to 5000 and great as that number may appear, I have no doubt it would ere this have doubled its present amount had the Village of Richmond been established at the same time with that of Perth, and the Road of communication now proposed been immediately opened.

That the continuance of this Settlement must produce a continuance of expense, I am fully aware but when the advantages to be derived from its furtherance are taken into consideration, I can not but hope the means of extending it will be sanctioned and approved.

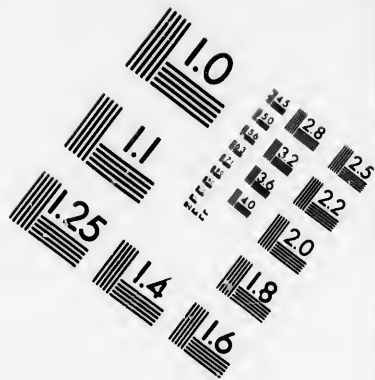
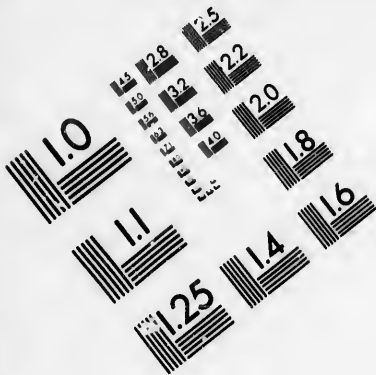
Every person who has looked at these Provinces in a military point of view has immediately perceived the importance of a communication being established in the direction of the Rivers Ottawa and Rideau, were the latter made navigable it would materially enhance the value of their communication, but the expense of doing so would, (from personal observation,) I think be too great to admit of its being commenced on at the present moment; and it is under this impression that I see more strongly the advantage of opening the road between Richmond and Perth which if ultimately continued on to Kingston would not only add to the Trade and welfare of that important Town, but would establish a communication between Upper and Lower Canada distinct from the St. Lawrence and at the same time insure Prosperity to the Military Settlements.

Another great advantage to be derived from the Military Settlements, is that from the number of Meritorious Officers and Soldiers living there a Militia Force will always be produced so respectable both as to numbers and discipline, as to afford protection to that part of the St. Lawrence, at the back of which the new Townships have been laid out.

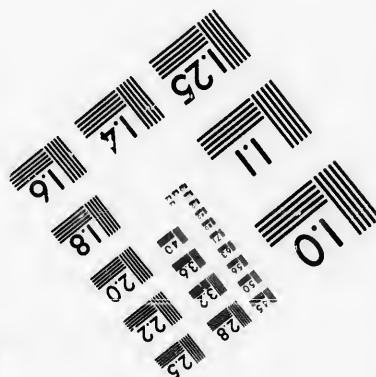
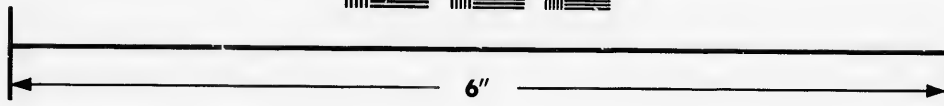
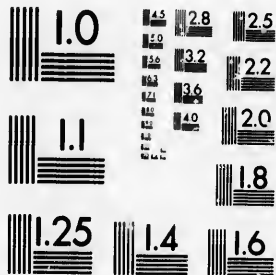
The events of the last war did most clearly evince that the Inhabitants of the more distant parts of Upper Canada (I allude to the neighbourhood of Lake Erie,) were not only useless as to the General Defence of the Province but were unequal even to the protection of their own property, for many of them suffered severe and heavy Losses from the incursions and plunder of the Enemy, for which they are I understand now seeking remuneration from government—how much more advantageous therefore must it be to put The Emigrants who may arrive from England on lands at the Military Settlements than to scatter them in small numbers as heretofore in the different parts of the Province.

The very situation of the Country in the Vicinity of the Rideau bounded as it is by the Ottawa and St. Lawrence, points it out under every consideration as the most eligible in the Two Canadas for Settlement and if it meet the views of government to authorize certain expenditure in Provisions for the assistance of the poorer class of Emigrants who may come out, I am persuaded the population at the





**IMAGE EVALUATION
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Settlements might be increased to any amount to which it may be deemed advisable to extend it.

To receive the poorer Class of Emigrants, however without giving them some assistance in Provisions experience has shown to be both cruel and impolitic and I feel warranted in humbly recommending that this description of encouragement should be given, from having when General Wilkinson's Army descended the St Lawrence experienced the want of good and Loyal Subjects and been an Eye Witness to the bad disposition of the Inhabitants who were then resident in the neighborhood of Fort Wellington.

To improve the disposition of the people, and to expel as much as possible the American Manners from the Canadian Side of the St. Lawrence may hereafter be of vital importance to the Provinces and I know of no measure from which such a Result can be more reasonably expected than from the extension of the Military Settlements under their present regulations.

Deputy Quarter Master General's Office,
QUEBEC, November 26th, 1818.

FRANS. COCKBURN,
Lieut. Col., and Depy., Qr. Mstr., Genl.

No. 11—RICHMOND TO BATHURST.

(*Archives, Series Q., Vol. 152—1, page 203.*)

QUEBEC, May 20, 1819.

My Lord,—With reference to your Dispatch No. 156, April 3rd, 1818, to Sir John Sherbrooke conveying the authority of the Lords Commissioners of His Majesty's Treasury for the payment from the Army Extraordinaries of one half of the Expense of constructing a Canal from Montreal to La Chine.

I have now the honour to inform Your Lordship that being deeply impressed with the importance of carrying into execution the works necessary for the improvement of the water communication between the Upper and Lower Province, I have not failed to use every exertion to prevail on the Legislature to complete such arrangements for this purpose as more immediately depended on themselves. A Bill containing the provisions necessary for the La Chine Canal did accordingly pass both Houses during the last Session and the Sum of £10,000 to be vested in 200 Shares of £50 each was voted by the House of Assembly. The appropriation of a further sum of £25,000 and of £10,000 per annum for the next six years for the improvement of the navigation of the Ottawa River passed thro' two Readings without opposition, and had not circumstances rendered a prorogation necessary, I have no doubt it would have been carried.

The Estimate transmitted by Sir John Sherbrooke to which your Lordship's letter of April, 1818, is an answer, having amounted to £50,000, I have considered myself authorized to appropriate £25,000 from the Army Extraordinaries to these works, and I have accordingly taken 300 shares of £50 each (£15,000) in the La Chine Canal, and having every reason to believe that the vote of the House of Assembly for the Ottawa will be confirmed next year, I shall unless I receive directions to the contrary employ the remaining £19,000 in carrying on the projected improvements on that River, I have accordingly directed Captain Mann whose survey I transmitted to your Lordship in January last to proceed with that work, as far as the limited means of his own Detachment will allow and I hope to be able to assist him from time to time by sending up a certain number of such Labourers as we may be able to select from the Emigrants who will probably arrive

during the summer, and to whom a few months immediate employment is an object of great importance and who may by these means be prevented from passing into the United States.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

RICHMOND, &c.

The Right Honourable
The EARL BATHURST, K.G.,
&c., &c., &c.

P.S.—I have been the less unwilling to vest these sums in the manner proposed by taking Shares in the La Chine Canal, in preference to sinking the money, from the circumstance of the Tolls of the Locks at the Cascades having produced last year nearly £1,300 after deducting every expense of overseers, &c., &c.

No. 12.—TREASURY TO GOULBURN.

Archives, Series Q., Vol. 154, p. 179.

TREASURY CHAMBERS,
28th August, 1819.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 26th ulto., transmitting Copy of Dispatch from the Duke of Richmond, dated 20th May last, respecting the Water communication between Upper and Lower Canada, I am commanded by their Lordships to acquaint you for the information of Earl Bathurst that it appears from the said Dispatch that the sum of £10,000 has been already voted by the Legislature of Upper Canada, and that there is every reason to believe that the sum of £25,000 and £10,000 per annum for the next six years will be voted for this service in the next year, and their Lordships are of opinion it would not be expedient to put an entire stop to this important undertaking until such votes shall have actually taken place, and they therefore desire you will move Earl Bathurst to communicate such opinion to the Duke of Richmond with their Lordship's Sanction of the measures adopted by him for the appropriation of the remaining sum of £10,000.

I am, sir, your obedient servant,

GEO. HARRISON.

H. GOULBURN, Esq.

No. 13.—DALHOUSIE TO BATHURST.

(Archives, Series, Q. Vol., 155—2, page 327.)

QUEBEC, 27th October, 1820.

MY LORD,—The measures which have been taken by Sir John Sherbrooke, and His Grace the late Duke of Richmond, with the intention of establishing a secure communication by the Ottawa to Kingston, appear to me highly judicious, and the result of three years trial proves the wisdom of the plan, for already I may pronounce the object accomplished to the fullest extent.

From Montreal to the falls of Ottawa Chaudiere, about one hundred and ten miles there is no obstruction to a large Bateau navigation, but the Long Sault rapids of twelve Miles; and that will be effectually remedied by the Grenville Canal which I recommend should be pushed forward with vigour. It is a public work particularly important at this time not only as a Military Communication but as

opening a great leading road into the heart of the two Provinces—the lands and timber on both sides of the Ottawa are excellent, easily accessible, and the great Market of Montreal within almost daily reach—it affords a refuge to the industrious Emigrant, immediately upon landing; as the pay is partly rations it enables them to lay by the money to provide them for the winter and carries them directly to a district surveyed ready for them to sit down; and where the abundant Crops of the people only two years settled hold out to them the certain reward of industry; and also supply of food as a payment for labour they may be disposed to give. At same time, My Lord, I would not wish this canal to be accomplished in less than three years hence and as I trust the Legislature of this Province will meet His Majesty's government in an equal share of the Expense, I think it will not exceed the Estimate already before Your Lordship.

Above the Falls I visited the Chaudiere Lake of thirty miles long to the Falls "Au Chat" where a Mr. Sheriff from Scotland has obtained a large grant and has already settled personally, and cleared this year more than one hundred Acres. This Lake is navigable all over and the lands excellent around it but I do not yet think it right to authorise the General Settlement until the Townships laid off and Surveyed, under the Authority given to the Quarter Master General's Department shall be fully settled.

Proceeding from the Ottawa through the settlements of Richmond and Perth I found the Soil generally good, the people thickly settled having all of them more than abundance of crop this Season for their use and satisfied that they are doing well. Their only want is a great line of road from Richmond to Perth and as essentially necessary in the Plan I authorised the expenditure of Four Hundred pounds requiring at same time a general and voluntary exertion of the settlers to accomplish an object so beneficial to them all.

I have every reason to consider the appointment of the officers stationed in these Settlements as useful, economical and indeed necessary to the well being of the plan, and here My Lord, I must particularly notice the valuable services of Lieutenant Colonel Cockburn, Deputy Quarter Master General, who has from the beginning conducted and given life and energy to every part of the Establishment; he first with the Compass in hand penetrated thro' these Woods to ascertain the practicability of the plan, and to this day controls and directs everything belonging to it. I think it a duty to lay before Your Lordship and to recommend in the most earnest manner his letter to me, claiming remuneration for services altogether unconnected with his Military duties.*

Satisfied that this Plan is the best that has yet been adopted to secure and enforce the Settlement of the Country, and at the same time to establish a second line of defence against any future attack upon these Provinces, I trust Your Lordship will allow it to proceed yet a few years and to be assured that I shall watch over it with a most anxious attention to the utmost economy.

I have the honour to be My Lord,
Your Lordships Most Obedient Humble Servant,

DALHOUSIE.

The Right Honourable,
The Earl of BATHURST, K. G.
&c., &c., &c.

*P. S.—I have since writing received authority to pay him 20s. per day, D.

No. 14.—OBSERVATIONS BY COCKBURN.

(Archives, Series Q., Vol. 167 A—page 60.)

OBSERVATIONS made in the year 1821 by Lieutenant Colonel Cockburn, Deputy Quarter Mr. Genl. to the Forces when in attendance on His Excellency Lieut. General the Earl of Dalhousie, G.C.B., on a tour of Inspection made by His Lordship to the Western Frontier of this Command.

	Miles.	TIME.		REMARKS.
		Hours.	Minutes.	
From Montreal to La Chine....	9	1	15	By Land (The Upper Road the best).
Cascades.....	18	4	30	In loaded canoes.
Coteau du Lac.....	15	5	0	Canoes unloaded and the baggage carted past. It being rapids nearly the whole way.
Mr. Donald's point.....	3	1	10	Rapids or swift water all the way.
Point au Bodet.....	7	1	35	Still water—canoes loaded.
Grant's Tavern (late Somers).....	16	3	.....	Still water.
Cornwall.....	10	2	.....	Current nearly the whole way.
Fort Wellington.....	50	17	.....	Canoes quite light (baggage in wagons) having the Mille Roche, Moulinette, Long Sault, Rapid Plat and Fallops Rapids to pass.
Gananoque.....	45	10	.....	Strong current in some places.
Kingston.....	18	3	30	Still water.
Total to Kingston.....	191	48	.....	In canoes.

If pressed for time, a canoe moderately loaded as to baggage with three or four settlers in the middle and two servants might perform this part of the journey in four days, going
 1st day to Pt. au Bodet.
 2nd day to Mille Roche.
 3rd day to Fort Wellington.
 4th day to Kingston.

From Kingston to York.....	180	32	
Fort George.....	30	6	
Total from Kingston to Fort George.....	210	38	

The baggage must of course be carted past the worst of the rapids, and the lighter the canoe the more certain she would be of keeping her time. Canoes carried in the steam boat. It would, however, take four days for canoes to go round the Lake from Kingston to York.

	Miles.	TIME.			
		Hours.	Minutes.	Days.	
From Fort George to Queenstown.....	6½	1	45	.....	Strong current in several places.
Chippawa.....	11½	5	.....	.....	The canoes are carried in waggons from Queenstown over the Portage to the Chippawa. The Falls of Niagara are 9 miles above Queenstown and 2½ miles below the Chippawa.
Fort Erie.....	18	4	30	.....	With loaded canoes this distance generally takes five hours, there being strong current in several places. If pressed for time, the whole distance from Fort George to Fort Erie might be done in one day, but it would require great exertion and that the waggons should be in readiness at Queenston to carry canoes, &c., past the Niagara Portage.
Total from Fort George to Lake Erie.....	36	11	15	.....	Total from Montreal to Fort Erie.....

	TIME.		
	Miles.	Hours.	Minutes.
From Montreal to Ft. George.....	401	86	

Miles. Hrs. Mins.
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From Fort Erie to Amherstburg by Lake Erie.

	Miles.	TIME.			REMARKS.									
		Hours.	Minutes.	Days.										
From Fort Erie to Point Abino.....	10	2	5	} 1st Day	Great caution is required in passing this lake in canoes. The banks are, generally speaking, very high and the landing places very few. When, therefore, there is wind or the appearance of wind from the south-west they should not be launched. There are bars at the mouths of all the rivers on this lake. A person, therefore, intimately acquainted with its navigation, the portages and the entrance to the different rivers, should accompany them; as the wind generally increases on this lake towards 12 o'clock the earlier the canoes can start in the morning the better. Tents, &c., sufficient for the passengers must be taken, but it is of the greatest consequence both as to expedition and safety to have as few sitters and as little baggage as possible in the canoes. All the portages on this lake, being very sandy and in the immediate vicinity of large swamps, should be avoided—as encamping places, but if the proper places for passing over them can be found much time will be saved by using them as carrying places.									
Grand River.....	30	6	45											
From Grand River to Miller's Bay.....	16	3		} 2nd Day	A good halting place, a house and civil man. A good creek for the canoes and an excellent halting place. Houses a short distance up the creek.									
Patterson's Creek.....	25	4	20											
Portage on Long Point.....	20	5		} 3rd Day	A bad encamping place, being very sandy. The creek which leads to the portage is very difficult to find; information respecting it should be obtained previous to quitting Fort Erie. A good halting place. } No houses. ditto A good halting place, with house and store. Decked vessels can come within a short distance of this creek.									
Otter Creek.....	21	4	15											
Cat Fish Creek.....	11	2	10	}	Tolerable landing place and excellent encamping ground. Col. Talbot's house is on the upper part of the bank and a short distance back from the lake.									
Kettle Creek.....	12	2	35											
Port Talbot.....	9	1	55											
<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Miles.</th> <th>Hours.</th> <th>Minutes.</th> <th>Days.</th> </tr> </thead> <tbody> <tr> <td>Distance from Montreal to Lake Erie brought over.....</td> <td>437</td> <td>97</td> <td>15</td> <td>....</td> </tr> </tbody> </table>						Miles.	Hours.	Minutes.	Days.	Distance from Montreal to Lake Erie brought over.....	437	97	15
	Miles.	Hours.	Minutes.	Days.										
Distance from Montreal to Lake Erie brought over.....	437	97	15										
From Port Talbot to Gillis.....	16	3	35	No landing from Port Talbot to this place, where there is a small creek, a small house and a civil, intelligent young man. At 5 1/2 miles further another house with tolerable landing and good encamping ground.									

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From Fort Erie to Amherstburg by Lake Erie—Continued.

	Miles.	TIME.			REMARKS.
		Hours.	Minutes.	Days.	
Portage on Pt. aux Pins (Fort Erie side.)	16	4	30	} 4th Day	The portage is not more than ½ mile; we did not, however, use it but went round. Bad place for encamping, being very sandy and very large swamp close to it.
Portage on Pt. aux Pins (Amherstburg side.)	16	4	15		
Bluff Point	10	2	15	} 5th Day	Banks very high and bad landing. A Portage here but we did not use it. After doubling the point, the Wind being fair, we made sail. A few miles above point Pelee the Settlements commence and thence to Amherstburg there are houses and good landing places (provided it does not blow from the S.W.) all the Way.
A house (Leighton's).	8	2	10		
Point Pelee	16	4	0		
Little's	22	4	0		
Amherstburg	18			6th	
Total from Fort Erie to Amherstburg by Lake Erie	276	56	50	6	Total from Montreal to Amherstburg by Lake Erie

	Miles.	TIME.		
		Hours.	Minutes.	Days.
Total from Montreal to Amherstburg by Lake Erie	713	154	5	

RECAPITULATION.

1st Day	40	} Contrary winds every day but the fifth.
2nd do	61	
3rd do	53	
4th do	48	
5th do	56	
6th do	18	
276 Miles.		

From Amherstburg to Lake Huron, which includes The Detroit River, Lake St. Clair & River St. Clair.

	Miles.	TIME.			REMARKS.
		Hours.	Minutes.	Days.	
From Amherstburg to Church at Sandwich	14	} 5	} 30		Detroit River, thickly inhabited on both sides—the Road from Amherstburg to York runs on the back of the Detroit River and thence on the bank of Lake St. Clair till it strikes the Thames. Then in the direction of that River towards Ancaster, Burlington and York.
Ferry House (opposite Detroit)	2½				
Colonel McIntosh's (At May)	1½				
Peach Island (entrance of Lake St. Clair)	6				

From Amherstburg to Lake Huron, which includes The Detroit River, Lake St. Clair & River St. Clair.—*Concluded.*

	Miles.	MILES.			REMARKS.
		Hours.	Minutes.	Days.	
Across Lake St. Clair to Mr. Cartwright's house on an Island (St. Mary's) at the entrance of the River St. Clair.....	26	7			The navigation of Lake St. Clair tho' tolerably good for Canoes is very difficult for vessels of any Burthen. In some seasons there is not more than 5 or 6 feet water over that part of the Lakes called The Flats. These Flats are near the entrance to the River St. Clair and the channel for passing them so circuitous and intricate as to require a Pilot. Boats should be in attendance for lightening or towing the Vessels. Partially inhabited on both sides the St. Clair River, but the American house much the best. Courtenay's, a small house but particularly clean and the man & woman very civil. Sheep, bread, &c., to be had in abundance. It is often necessary to track vessels up the St. Clair River. The <i>Creeks</i> should therefore be strong. The River is not more than 400 yards wide at the Narrows opposite to Fort Gratiot where there is so strong a rapid that unless the Wind is fair and strong vessels cannot pass up. Immediately after passing the Rapids Lake Huron commences. The general width of the St. Clair river is from 500 to 1,000 yards. In passing by this Route to Drummond Island, Lake Huron should never be attempted in canoes. The distance by the American Shore being very considerable and the Bays which must unavoidably be crossed so deep as to occasion great detention whenever there is even an appearance of wind. A well manned canoe would in all probability be three weeks in getting round by the American Shore & Michilimackine to Drummond Island. The average passage for vessels to Drummond Island after passing the Fort Gratiot Rapids is Five days. Large N. W. Canoes can be carried across the Lake on the quarter of large schooners, About 290 miles.
to Courtenay's.....	19	4	30		
	12	3			
	80½	20	7		
From Amherst to Fort Gratiot.....					The Navigation very good the whole way for canoes, but for vessels it must be very tedious as there is swift water in many places and the Channel across Lake George and approaching St. Marys intricate and so shallow as to render it necessary for loaded vessels to take out a part of their cargoes. On the Canadian Side at St. Marys The North West Company (now the Hudsons Bay) have a large Establishment. There are several other houses and one or Two Inhabitants of respectability. The Width of the River just below The Rapids is About 1100 yards. There are some houses on the American Side, but not so many as on the <i>Canadian</i> Side. At present (<i>March 1822</i>) The Americans have no <i>Military Work whatever</i> there, but it is said they intend to build a Fort. In descending The River the Rapids of St. Mary may be passed down by Canoes without loading—but in going up Canoes must be carried over the <i>Portage</i> , the distance of which is about ¼ of a mile. The Road over the portage excellent.
From Drummond Island to Lake Superior To North-West Point at St. Mary's.....	45	11			
Gros Cap, Lake Superior, exclusive of Portage.....	15	3	15		From St. Mary's to the Gros Cap on Lake Superior is 15 Miles.

From St. Mary's to Montreal via North Bank of Lake Huron, French River and River Ottawa.

	Miles.	TIME.			REMARKS.
		Hours.	Minutes.	Days.	
From St. Mary's to the lower end of Lake George.....	18	4			Current in our favour
Portloche Harbour....	18	4			
Thessalon River.....	13	3	10		Current in our favour. In the event of Drummond Island being given up, Portloche Harbour is intended as the Post to be occupied in its place. It is an excellent Harbour formed by a number of Islands & the main Land.
To an Island.....	60	11	45		The encamping place is on a Rock close to the Mouth of the River. The point which runs out being covered with large Stones or else very sandy. After passing Portloche Harbour the canoes are very much exposed, and in the event of a Strong Southerly Wind it would be dangerous to proceed.
Entrance of French River.....	51				During this day's route occasionally much exposed, but the Islands generally speaking afford us shelter from the Lake.
La Petite Fauville.....	5	1	5		The last three miles, in getting from the Lake to the mouth of the French River, is filled with Rocks & Shoals and in passing the canoes are much annoyed with a heavy swell. The River is very difficult to find and the last Islands, before coming to the French River, should never be left except the Weather is very calm and with four hours of broad day light.
Adieu.....	14	3	30		This is the first carrying place, but Canoes only in part unloaded. Detention by Rapid 9 minutes. Two Rapids previous to this called Les Dales. The canoes were towed past them but passengers and baggage remained on board. At the Dales the width of the River not more than 12 feet. With banks of high and nearly perpendicular rocks on both sides.
Le Grand Recollet.....	6	1	10		Rapid strong but not in force more than 100 yards. Canoes paddle up.
1st Parisien.....	14	4	18		Carrying place about 50 yards in length, detention 16 minutes. Fall of water 8 feet.
2nd Parisien.....	1			1st Day	The time includes 45 minutes the men were at dinner. This rapid, swift but not very rough length about 1/4 of a mile. More difficult tho' not so long as the former. Obligated to tow up.
3rd Parisien.....	1				
4th Parisien.....	1				
La Grande Fauville.....	1		10		Carrying place. Canoes towed up with some baggage. Canoes towed up without unloading. These four rapids occupy about one hour in passing.
1st Pin.....					This rapid very strong, passengers walk past. Canoes towed up with baggage; detention 9 minutes. Rapid about 300 or 400 yards in length.
2nd Pin.....			25		Very strong, passengers walked past. Canoes towed up with loading, detention 10 minutes. Length of Rapids about 200 yards.
					Short rapid but stronger than the others. Canoes unloaded and towed up, detention 12 minutes. One mile further we encamped for the night upon an Island, having made altogether about 44 miles this day, during which we have passed 10 very strong rapids.
					Eight miles further up is the head of the French River, from whence a Portage of 1/4 a mile leads to Lake Nipissing, the distance across the Lake about 31 1/2 miles.

From St. Mary's to Montreal via North Bank of Lake Huron, French River and River Ottawa—Continued.

	TIME.				REMARKS.
	Miles.	Hours.	Minutes.	Days.	
Unknown	2		30	2nd Day.	A small River not more than Fifty yards wide which empties itself into Lake Nipissing is the route by which the canoes proceed towards the Ottawa. Two miles up this River is the first Portage which becomes necessary more from want of water than on account of the rapidity of current. The Portage somewhat short of a mile. Canoes carried over; detention 40 minutes.
				2nd Day.	Three miles further is the very source of these Waters to which places the Canoes are taken up with some difficulty, indeed the doing so would be impracticable but for a Dam at the end of the last Portage which an Indian is paid by the North West Company for keeping in repair. The last two miles so bad that all the passengers and some of the canoe-men must disembark; the last $\frac{1}{2}$ mile is thro' a ditch. The carrying place from the Waters running towards Lake Nipissing to those which run towards the Ottawa River is about one mile. The sources of both about 106 feet above the Level of <i>Lake Huron</i> . Total distance from which about 95 miles.
La Tortoise	7	1	50		The commencement of the navigation on what is called the little River is narrow and shoal; this, however, continues but for a very short distance and then opens at once to a width of about half a mile with a navigation perfectly good until the rapid called La Tortoise, the passage thro' which is so small that the canoes were raised up to admit of their going thro'—it is about 50 yards in length. Detention 15 minutes.
Name unknown	5	1	6		A portage (a bad one) for canoes of about 200 yards. Detention 20 minutes.
ditto	1		20		A Portage for canoes of about 300 yards. Detention 18 minutes.
Les Petits Talons	6 $\frac{1}{2}$	1	33		The first of these was descended by a line astern of the canoes and some of the men disembarking to assist. The second, which is very close, has a perpendicular Fall of about 20 feet.
Les Perches	1		10		With a tolerable Portage for the canoes. Detention 20 minutes.
La Cave	$\frac{1}{2}$		3	3rd Day.	Men disembarked to assist the Canoes. These Rapids shallow and rocky with a considerable but very shallow descent.
Name unknown	$\frac{1}{2}$		5		Canoes go down the rapid, baggage and passengers, over a portage of a few yards. Detention 12 minutes.
Name unknown	$\frac{1}{2}$		3		Canoe men disembarked.
La prairie	$\frac{1}{2}$		3		Canoe men disembarked.
Le Paresseux	4		5		Rapid strong. Passengers and baggage pass over a portage of about 75 yards. Canoes go down with a line Astern.
Les Epingles	2 $\frac{1}{2}$		30		Commences with a rapid, after which a perpendicular fall of 20 feet. Portage about $\frac{1}{2}$ of a mile. Detention 35 minutes, including the time for <i>downing</i> the canoes.
A Rocky place	1		10		Small rapid. Passengers walk past, baggage goes down in canoes.
Grosse Roche	4		5		Strong current; canoe men disembarked.
Campion	2		28		Greater part of Baggage and passengers disembarked. Portage very bad, but short. Detention 15 minutes.
					Two stormy places between Grosse Roche and Campion. Part of baggage and passengers disembarked. Portage about 200 yards. Detention 12 minutes.

From St. Mary's to Montreal via North Bank of Lake Huron, French River and River Ottawa—Continued.

	Miles.	TIME.			REMARKS.
		Hours.	Minutes.	Days.	
La Rose	1	.....	7	.....	Baggage and passengers disembarked, the Rapid had a considerable descent and very rocky. Portage about 100 yards. Detention 15 minutes.
Plain champ	6½	1	8	.....
				3rd Day	Passengers disembark, canoe goes down a line astern. This rapid runs into another of the same name about ½ a mile lower at the head of which canoes are unloaded and carried past. The portage for both is one connected path of about ¾ of a mile. This is the last Rapid on the <i>Little River</i> , tho' there are two or three other places with strong current. <i>Three Miles</i> further it empties itself into the Grand or Ottawa River, where we encamped for the night, having made a distance this day of about 40 miles, in which we have past eleven portages and ten or twelve Rapids. Total distance from Lake Huron 155 miles.
Malama	3	.....	25	.....	These three rapids are close together and by no means violent.
Le Prato					
Les Roches Deschamp					
L'Eville					
Le Trou	4	.....	25	.....	A strong fine rapid.
					The finest rapid we have seen. The latter part is called the <i>Deux Rivières</i> , past which there is a portage for the baggage and passengers to pass by of about one mile. Nothing can be finer than to see the canoes thus lightened coming down with two or three men only.
La Roche Capitaine	12	2	30	.....	This Rapid, particularly the latter part, is uncommonly fine; about three-fourths of it is descended with canoes loaded. The passengers, baggage and some of the canoe men then disembark and the canoes thus lightened are taken down the remainder with a line astern.
Marabou	½	.....	5	.....	Some of the passengers disembark to lighten the canoes. A very fine rapid. Detention 10 minutes.
1st. St. Joachim	17½	3	15	.....	Passengers & Baggage pass over the portage. Canoes shot the rapid. Detention 20 minutes. Portage (a short one) for Canoes, &c. Detained by a Storm 30 minutes longer than we should otherwise have been.
2nd St. Joachim	1	.....	1	.....
3rd St. Joachim	½	.....	1	.....
				4th Day	This is again divided into two parts, the first of which passengers and baggage are disembarked & Canoes go down with a line astern. The second part must be descended with passengers and baggage on board. It is the most dangerous rapid on the River. By a very long portage the whole of these rapids may be avoided. The North West Company always use the long portage, not choosing to risk the shooting of these rapids with loaded canoes. After passing which there is 32½ miles of navigation without rapid or impediment of any kind but with current in some places. Encamped for the night 7 miles from the foot of St. Joachim.
Des Alimettes	32½	5	33	.....	Portage of about 40 yards for part of the baggage and passengers. Canoes come round by another route.
He des Alimettes	½	.....	5	.....	Portage rather longer but of the same description as the preceding. This rapid not very rough but considered the swiftest on the Grand River.
Fort Coulonge	21½	3	45	.....	Detention from both these about 20 minutes. There is no rapid at Fort Coulonge, but it is a North-West trading post.
				5th Day	

From St. Mary's to Montreal via North Bank of Lake Huron, French River and River Ottawa.—*Concluded.*

	TIME.				REMARKS.
	Miles.	Hours.	Minutes.	Days.	
Grand Calumet	24½	4	5	6th Day.	The Portage here is about two Miles, a great distance for six men to carry the Canoes. The Grand Calumet consists of Seven Rapids, which were never attempted by any Canoe. The distance by water is very considerable. The detention here is about one hour, the canoe men who carry the Baggage having to make two trips. From Fort Coulonge to the Grand Calumet strong current most of the way.
D'Argees.....	1		10		Lightened canoes to descend these rapids. Detention trifling.
2nd do.....	3		5		Carrying place for Canoes, &c. Detention 17 minutes. There is a carrying place here which is generally used, but we shot the rapids.
Le Montagne.....			8		Carrying place for Canoes, &c. Detention 18 minutes. Some of the crew, passengers & baggage disembark to lighten the canoes. The descent very sharp for a few yards. Detention 12 minutes.
Des Sable.....	2		15		Some of the crew & passengers disembark to lighten the canoes. Detention 5 minutes. For the first six miles after passing the Decharge de Fort there is a strong current. The last 15 miles is across a Lake.
De Fort.....	4		45		Swift water and small rapids all the way from the Ile des Chats to the Chats. At the latter a perpendicular fall of 20 feet. The carrying place very short. Ten or twelve Islands in the River at these falls give a very picturesque appearance to them. Detention 15 minutes. Slept the 6th night in the Township of March at the house of a Mr. Pinney, 15 miles between the Chats.
Decharge de Fort.....	1		3		The passengers disembarked and canoes were lightened to descend. Detention 20 minutes. The greater part of the distance from the Chats is across what is called Lake Chaudiere.
Ile des Chats.....	21	4	43		A trifling rapid.
The Chats.....	3½		30		The first part of this the Canoes are brought down with only Three Men in them, the baggage and passengers being all disembarked. The latter part the canoes came down with a line astern and without any men in them. Detention 24 minutes.
Du Chene.....	21	5	45		7th Day.	A Portage for Canoes, &c., of about ¼ of a mile. These are by far the finest falls on the Ottawa River.
Ile Chaudiere.....	2½		35	Distance travelled by the Route Lord Dalhousie has taken since leaving Quebec—1,672 Miles.	
Middle Chaudiere.....	1½		20	Distance from Chaudiere to Montreal about 110 miles.	
Grand Chaudiere.....	1		10		

FRANS. COCKBURN,
Lt. Col. D. Q. M. G.

No. 15.—DALHOUSIE TO BATHURST.

(Archives, Series Q., Vol. 161, page 314.)

My LORD,—Referring to your Lordship's dispatches of 3d April, 1818, and 8th August, 1821, authorizing me, on the part of His Majesty's Government, to defray half the Expenses of improving the Water communication between the Provinces of Upper and Lower Canada, by the Ottawa, or, Grand River, on condition that the Legislature of the Lower Province should grant to the Amount of the other half:—

I have the honour to inform your Lordship, than (*sic*) an act passed in the Session of 1821, Appropriating a Sum of Thirty five thousand Pounds to the above purpose, and granting free passage to all boats on His Majesty's service on condition of an aid of ten thousand pounds to the above sum :

Authorized to advance a sum equal to the Appropriation of the Legislature, I have this day signed a Warrant for the Sum of Ten thousand Pounds in favour of the Receiver General to be applied to the La Chine Canal, and the remaining part, Twenty-five thousand Pounds, has been applied to the works of the Grenville Canal on the Ottawa. Thus my Lord, my Instructions and authority on this branch of service I consider as completed: and I must return to your Lordship for further Orders:—Your Lordship I presume is aware that, "the Improvement of the Water communication between the two Provinces," means two canals—the one at La Chine near Montreal, the other in the Township of Grenville, on the Ottawa. They must be considered as two distinct Works, the former belonging to the civil Government of the Province, and Working on Provincial Funds, the other military, and wholly executed by that branch of His Majesty's service. The Original agreement has been performed; And, as the funds have been fully expended, the question now arises whether further sums will be granted.

It is generally supposed that the Legislature will grant further aid to the La Chine Canal. But I would advise that His Majesty's government should decline further co-operation in it.—Making however the Grenville Canal a Work of Annual progress as part of the military expenditure.

As in all such Works the Estimates and opinions of Engineers have fallen far short of the Expence that will be necessary to complete either Work, from difficulties Unforeseen and Casualties not to be Apprehended, Twenty five thousand Pounds have been already expended on the Grenville and covers every item of expence, even to Rations, &c., I have caused the most scrupulous Attention to be paid in the economy of the Work and the keeping of Accounts, and the whole has been conducted greatly to my satisfaction by Captain Davernet of the staff corps. From all the information I have been able to obtain from him and from other officers of Science, whom I have at different periods sent to examine the progress of the Work.—I have reason to believe that it will require Twenty five thousand Pounds more to complete; but I state that Sum as sufficient, and at a rate of Eight thousand Pounds per annum for three years.

I feel myself justified in earnestly urging the completion of this Work to your Lordship, by the conviction that in future times, tho' not immediately, the canal will largely repay by Toll the interest of its cost, and that it not only now does honour to His Majesty's Government, by the Employment of many hundred Starving Emigrants, enabling them to settle Lands near it; but will in time greatly advance the settlement of all the country between it and Kingston; at present an immense Wilderness and Forest.

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It might be presumptuous in me to urge the further evident consideration, that to check the Work now would be to throw away all the money already expended with the addition of damages to Proprietors of Land thro' which it passes.

Under all these Considerations, I entreat your Lordship's further interposition with His Majesty's Government that I may be permitted to proceed in this Great Public Work.

I have the honour to be, my Lord,
Your Lordship's most obedient & very humble servant,
DALHOUSIE,
Commander of the Forces.

The Right Honorable Earl Bathurst, K.G.,
&c., &c., &c.

No. 16.—REPORT ON THE OTTAWA CANALS.

(*Archives, Series Q., Vol. 161, page 318.*)

The general officers who have been employed in Canada have invariably represented the importance of establishing a line of communication between Upper and Lower Canada independent of the St. Lawrence. Sir Gordon Drummond, Sir John Sherbrooke and the Duke of Richmond have particularly called the attention of Government to this subject.

The Duke of Richmond states it is to be "the most important point" as the possession of the St. Lawrence *above* Cornwall for the conveyance "of Reinforcements or Stores, *ought* not to be ours for *three days* after the "commencement of Hostilities." His Grace also reports that all the difficulties which at present obstruct the navigation of the Ottawa may be overcome at a trouble and expense very trifling compared with the utility and importance of the object to be obtained.

The navigation of the St. Lawrence from Montreal to La Chine a distance of about ten miles is very difficult owing to the rapidity of the Water and the shallowness of particular parts. A strong current called St. Mary's extends to two miles below the Town of Montreal at the foot of which vessels are detained frequently for *Weeks* till they get a wind sufficiently strong to enable them to stem the current.

The formation of the proposed canal will consequently materially facilitate the conveyance of Stores to the Upper Province and supercede the expense and delay of a Portage of nine Miles, and in the event of a War the Sum which has been advanced by Government would be almost immediately saved.

The Legislature of Lower Canada have appropriated £35,000 to the formation of the Canal and have granted free passage to all Boats in His Majesty's Service on condition of an aid of £10,000 to the above sum which has been paid by Lord Dalhousie. As His Majesty's Government agreed to advance half the expenses of improving the Water communication between Upper and Lower Canada the remaining £25,000 has been applied to the Works of the Grenville Canal on the Ottawa. The line of the Ottawa and Rideau affords one of the finest navigations in the country with the exception of the Carillon Rapids to avoid which the present canal has been commenced.

Lord Dalhousie earnestly urges the completion of this Canal which will require a further sum of £25,000 but the Sum he states will be sufficient at the rate of £8,000 per annum for three years.

His Lordship states that it will largely repay by Toll the interest of its Cost and that at present it affords employment to many hundred starving Emigrants, enabling them to Settle Lands near it which will in

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time greatly advance the Settlement of all the country between it and Kingston at present an immense Wilderness and Forest.

Lord Dalhousie urges the further evident consideration that to check the work now would be to throw away all the money which has been already expended with the addition of damages to the Proprietors of Land thro' which it passes. His Lordship therefore requests that he may proceed with this great work but as he is of opinion that the Legislature of Lower Canada will grant further aid towards the completion of the La Chine canal he recommends that Government should decline at least for the present further co-operation in it.

Very considerable progress has been made in the important object of obtaining throughout the New Military Townships an industrious and loyal population, and the situation of the Country bounded by the Ottawa and St. Lawrence points it out under every consideration as the most eligible in the two Canadas for Settlement. In the year 1818 four hundred families had been established at the village of Richmond and the total number of persons settled and maintaining themselves on the Rideau amounted to upwards of five thousand.

It appears therefrom to require only a little perseverance on the part of Government to complete a Plan which in Time of peace will add to the Trade and welfare of that important District but in the event of war will establish a communication between Upper and Lower Canada distinct from the St. Lawrence and from the number of meritorious officers and soldiers living there a Militia force will be produced so respectable both as to number and discipline as to afford protection to that part of the St. Lawrence.

NO. 17.—REPORT OF PROGRESS MADE WITH THE GRENVILLE CANAL.

Archives, Series Q, Vol. 167 B., page 42.

CHAMBLY, November, 1822.

The quantity of Earth and Rock excavated from the head of the canal to the Carpenters Shop, a distance of about half a Mile, amounts to 42,925 cubic yards, and there remains to complete the said space 21,447 cubic yards, principally Rock which it will be scarcely possible to finish the next Season on account of the Water not falling sufficiently in the River before the middle of the summer to admit of the Swamp at the head being freed from water.

From the Carpenter's Shop to the place where it is intended to place the Second Lock, a distance of one Mile & 321 yards, the Canal Towing path, &c., is Completed and Sinking 8 feet, it is finished as far as the end of the last lot in the front range of the Township of Chatham, a distance of one mile and 1643 yards making the distance completed *Three Miles and 204 yards*, the Average depth from the Lock being about Eight Feet. To the end of the part opened about 300 yards it averages about 3 feet deep, here the banks require to be partially made up until it again meets the high ground.

Below the Carpenter's Shop at the first plunge of the Rapids the Canal runs close to the River through a high ridge about 27 feet, and to prevent the earth from being carried away by the force of the Rapid when a sufficient embankment was formed with the soil from the excavation, all the large Granite Rocks which in this part were very numerous, were collected and rolled over as Substantial protection to it.

From Mr. McMillan's house to the ridge it has been necessary to make a thick Wall of dry Stone, about 4 feet 6 inches high and 491 yards in length, to answer the double purpose of preventing the banks from being injured by rising of the Water in the River in the Spring, and Also to keep off the Cattle from the banks of the

Canal on the opposite side of the canal a cedar Post & Rail fence with Gates, &c., 796 yards in length has also been put up this season, and a Bridge & Road made to Mr. McMillans house.

Where the ground is low opposite the Gully on the 1st Lot of Grenville where the River broke over partially in the Spring, a strong embankment 817 yards in length and $4\frac{1}{2}$ feet in height has been made faced towards the River for 308 yards by a Stone Wall where stone were at hand, the remaining 509 yards protected by the picketing of Small trees.

On the lower part of the canal for one Mile and 719 yards Log fencing has been put up to hinder the cattle from tearing down the bank of the Canal.

The number of oxen employed averages at 8 yoke for 89 days almost exclusively used for hauling out Granite Rocks and large Stones from the excavation. The Average Number of Miners employed in blasting Rock 67 for 102 Days, and the average Number of Labourers 412 for 102 Days.

The Charcoal (the consumption of which is very great) has this Season been made on the Crown Reserve at first by hired Labourers but afterwards by Soldiers of the Detachment as also the lime.

Two hundred New Wheel barrows have been made, a Scow of 15 Tons has been built Two Large Screw Pumps, Roller Trucks, Oxen, Trucks, Handles of tools of all descriptions. A great quantity of Cedar fencing cut and prepared, besides what is already put up and repairs and jobs of all sorts done by the Detachment assisted by a few Civilian Artificers paid as Miners on the Canal.

In consequence of the Canal being full of Water previous to the 6th June Such of the detachment as were not artificers were employed chopping down and clearing away the trees on the Site of the Canal on the 1st Lot of Grenville and adjoining in the Township of Chatham. Cutting Cord Wood for Charcoal and the lime Kiln and making good the road through Crown Reserve No. 8.

No good stone of sufficient thickness has been found in excavating for the Canal, as it was expected would be the case for the Locks: of the two best kinds I have sent Specimens about 1,800 feet of which has been Squared for building and about as much more remains to be done, Which is all that has yet been taken up fit to be faced.

The Dark Sort a Species of limestone is hard to work, pieces frequently flying out and spoiling the work, but it does not appear to be injured by the Frost. The light Coloured Stone is full of veins and but a small quantity of it will bear being worked. The other Sorts are good for nothing crumbling to pieces when exposed to the Weather.

The lime stone is found near the surface and is only 4 or 5 Inches in thickness, it requires much burning and makes a brown lime good enough for common purposes.

I am informed that the Neighbouring Mountains contain good stone, but the expence of bringing it 3 Miles which is the distance to the nearest place through the forest would make it cost too much.

Three Miles up the River opposite Mr. Grant's house is a small River called Calome in the bed of which there is plenty of Marble principally white, with Green Specks which I find works easily it is about half a Mile from the entrance of the River on the declivity of the Mountain (above the fall) down which a Road can very easily be made to the spot where it might be put into a Scow which [could] convey it with the current in 40 Minutes to the head of the Canal. If it will answer the purpose it can certainly be procured at less expence than Stones from the other place. I have sent you Specimens of this marble and I think if the quarry was opened it would prove much better, Sound and without the green veins but I cannot answer for its standing the Frost. Something, however, is necessary to be done in the Spring with regard to procuring Stone for the Locks as one might now be commenced.

An engagement has been entered into with the Tenants of the Land the Canal runs through from where it now leaves off to the end, to chop down the Trees, clear the Site of the Canal, and put up a log fence on each side for 12 Dollars per acre (each to perform the labour on his own ground). Mr. Greece holding two Lots is

however an exception, and his Neighbours have therefore undertaken to do this service in his place for the same price in which it is probable they will meet with opposition.

The Weather having been particularly wet this Season was unfavourable to the Works, Causing an additional expence and trouble, as well as an unusual number of Sick both of the Soldiers and the civilians.

(Signed) W. J. DU VERNET, Captain,
Royal Staff Corps.

No. 18.—CAPT. MANN'S REPORT ON THE NAVIGATION OF THE OTTAWA OR GRAND RIVER.

(Archives, Series Q., Vol. 167B, page 52.)

The expence of the improvements recommended by Capt. Mann amounts to £16,740 stg.

There is no data furnished by which the computation of expence could be checked, but they appear to have been rather loosely paid, and where locks and Canals are referred to, there does not appear to have [been] due examination made as to foundations, nature of the soil to be excavated, &c., without which preliminary knowledge no Estimates can be made, from which an accurate idea could be formed as to the real Expence likely to be incurred.

The advantages attendant upon rendering the Ottawa navigable as far as the River Rideau are too obvious to require any observation, but no opinion can be formed as to the propriety of the plans for accomplishing this object without correct plans and occasional Sections of the proposed works, as well as a correct map of the River with its surroundings.

Lt. Cleather's report on the Richelieu River, near St. Antoine & St. Denis.

There is no estimate of the expence likely to be incurred by executing the Services recommended. There are no data given by which this deficiency may be supplied, the means recommended seem to be judicious except that part which recommends the bed of the River near St. Ours, to be deepened by mining. As the distance is stated not to exceed six or eight yards, a cut into the bank to turn the obstacle would be better than to dam off the whole river for the purpose of mining its bottom, should it be a rock and which could have been easily ascertained.

No. 19.—REPORT ON RIDEAU SETTLEMENT.

(Archives, Series Q., Vol. 167B., page 56.)

The original object of establishing the Military Settlement was with a view of procuring a communication between Montreal and Kingston by means of the Ottawa and Rideau River by which Troops or Stores might be moved to Upper Canada without being exposed to the annoyance & observation of the Americans when passing up the St. Lawrence in addition to which it was expected that the establishing a good & loyal Population at the back of Brockville & thence towards the Ottawa would be highly advantageous as affording an efficient & well disposed Militia sufficiently powerful to prevent the Americans from crossing to our side of the St. Lawrence, & it was further expected that the Military Settlement Militia would also be a check upon the very bad description of Canadian Residents on the banks of the St. Lawrence, most of whom are by birth parentage and education decided Yankees, & so important were

these objects considered that immense Sums were expended for their attainment & the Settlements commenced accordingly in 1815.

Each succeeding Com^r of the Forces has approved of their establishment & recommended their continuance, & Lord Dalhousie himself for some time continued to recommend & approve the encouragement of them fully as much as any of his predecessors—why he has now taken up an opinion against them I am at a loss to discover—nor have I in any way been consulted on the subject or my opinion in any way sought concerning the bringing them to a close & this appears the more extraordinary as the sole management of them has been entrusted to my care for some years past. The idea of establishing a Water communication from the mouth of the Rideau River to Kingston was given up in consequence of the great expense that must have been incurred by so doing, but it was however decided that tho' the attempt to make the Rideau navigable, should be at all events delayed, yet that the navigation of the Ottawa as far as the mouth of the Rideau should be completed & the canal in the Township of Grenville on the Ottawa was accordingly commenced. On this Work the Government has already expended many many thousands, the whole of which might as well have been thrown into the River if the Canal is now to be stopt. The work on the Rideau having been found impracticable at the time, the next best thing was the opening a road in the same direction, & accordingly a communication has been commenced from what is called the Richmond landing (in the Township of Nepean) on the Ottawa, thro' the new Military Townships to Perth (which is about 40 miles in the rear of Brockville), & thence towards Kingston, now this road which the Government have allowed me to expend a small sum in opening is by no means complete or practicable for even Horses, but having placed Settlers along it, I had hoped with a further small assistance from Government & with this assistance I could have got in labour from the Inhabitants to have made it complete, & if this had been effected I will venture to say it would have been a work as beneficial both in a Military & civil point of view as ever was undertaken. The unfortunate prejudice however which the Com^r of the Forces has lately taken up against the Milit. Settlements has thwarted my wishes in this respect. That this prejudice does exist is clear for every expenditure has been fully authorized & approved by Lt. Bathurst, & while the object & importance of the settlement is duly appreciated at home, they are put a stop to here. That their object is accomplished I deny—in a few years with due encouragement & at a trifling expense (which might hereafter be the saving of *millions*) it might have been. The great spur to the Settlement has been that they were Military & that they enforced certain location duties of residence, cultivation, &c. I have now from 1,500 to 2,000 head of families who have not been the stipulated time on their lands, but all must alike be returned for their Deeds, & he who has been a few days on his Land is to be put on the same footing as to getting his Deed with those who have resided thereon for the stipulated period of Three Years.

The Deeds once given & these Lands will many of them be sold for one third of their value. The description of persons we wished to keep out of the Settlements will thus get footing into them, and the moment they do so, all the more respectable Settlers, many of whom are half pay officers will to my knowledge leave the Settlement, and the whole of the Sum expended will thus be sacrificed. There are many individuals now in the Settlements receiving Rations by Orders from home—will Government break faith with these poor People—if the Settlements are closed this must be the case. School Masters have been sent out from home, but all are to be struck off & for what for a paltry

saving of a few Hundred Pounds, why should the Settlements not have continued, & why was the giving Land & one year's Rations to soldiers discharged in this country to be discontinued. Is it not evident that the doing this was keeping up a description of Persons of all others the most wanted in this country & in whom I take it there is more real power of defence than in all the Forts you can erect, & be it remembered that if a soldier entitled to his discharge is induced to remain & settle in the Country by getting a year's Rations & 100 acres of Land, the King saves the paying & feeding him & providing his passage to England. The whole of the money advanced to the Lanarkshire Settlers (who came out under particular instructions), will be lost to Government, in short there is no point of view in which the giving up the Settlements can be looked on that does not point out the impropriety of the measure, & I cannot still do otherwise than hope H. M. Government will beg to see both sides of the question before they give it their final sanction.

I have hurried these few remarks together as fast as I could put them down, but in a few days you shall have a more detailed statement. Do you know Mr. Wilmot? if you do I wish you would see & speak to him on the subject.

F. C.

NOTE D.

NORTH WEST DISPUTES.

No. 1.—REPORT OF CHIEF JUSTICE POWELL.

(Archives, Series Q., Volume 325—2, page 294.)

YORK, 2nd October, 1819.

SIR,—Upon my return from the circuit last evening, I found your Excellency's letter of the 21st September with copy of Earl Bathurst's Dispatch, No. 38, to General His Grace the Duke of Richmond, intimating the desire of His Majesty's Government to possess the most correct Intelligence with respect to any legal Proceedings which may have arisen from the disputes between the North West and Hudson's Bay companies, and requesting His Grace to transmit by the earliest opportunity authentic reports of the several Trials which may have taken place, of any persons connected with either party for offences committed against the other, Your Excellency conceives that the application of the same wish would extend to the Trials which have been carried on in the Upper Province, and in conformity to that suggestion I have the Honour to enclose not only a Minute of the Trials at York as well Criminal as Civil of any of the Parties, but also a note of such legal proceedings connected with the parties to which I may have been privy. Perceiving in the printed Debate on Sir James Montgomery's motion of 24th of June, that notice is taken of the Bill respecting the jurisdiction over offences committed in any District of this Province, without its organized population, I beg permission in addition to my explanatory letter to your Excellency of the 1st May last, to refer to one I addressed to Mr. President Smith on the 15th September, 1817, recommending one Commission for the Trial of all the Charges sent from Lower Canada to be tried here. Your Excellency cannot but perceive by my notice of Mr. Simon McGillivray's letter to me (which I transmitted to the President) that the same jealousy prevailed in his mind with respect to Influence over the judicial proceedings as has since been manifested by Earl Selkirk, I do assure you with as little cause, and I trust that the opinion demanded of me by the Person then administering the Government as to those trials indicates no improper Bias on my side. The Trial at York for the murder of Mr. Semple and his companions was taken in short hand by a stenographer engaged for that purpose by both Parties, and will doubtless afford a more satisfactory detail of what passed than my notes which only retained what might be supposed relevant to the charge and Plea, whereas from the course adopted by the Prisoners counsel from Lower Canada on the President of Reinhardt's Trial at Quebec, great Irregularities were pressed upon the Defence.

I have the Honour to be

Your Excellency's

Most obedient and

Most humble servant,

WM. DUMMER POWELL.

His Excellency

Sir PEREGRINE MAITLAND.

No. 2.—CHIEF JUSTICE POWELL TO LT. GOV. SIR P. MAITLAND.

(Archives, Series Q., Volume 325—2, p. 297.)

SIR,—Since I had the Honour to address to your Excellency a notice of such legal proceedings against the North West Company and the Earl of Selkirk as I was acquainted with, I have seen a libel published by that Nobleman in the shape of letters from Mr. Halkett to Earl Bathurst. There prevails in such parts of this libel as relate personally to me such a confusion of Truth, verisimilitude and absolute falsehood as may not easily be separated and appreciated.

May I beg your Excellency's Indulgence to lay before you a more diffuse notice of these passages than I thought necessary on first receiving from your Excellency his Lordship's Letter to Earl Liverpool and the desire of Earl Bathurst to hear both sides.

In page 113 of the libel is related his Lordship's call upon me as Chief Justice to receive his surrender and to admit him to Bail on a supposed Warrant from the Magistrates of the Western District.

I had reported this visit to your Excellency, and as I thought truly. I did not deem it necessary to inform his Majesty's Ministers, that Earl Selkirk had been long known to me, that on his first visit to Canada he had frequently honoured my Table and domestic Circle with his presence, and that subsequently in Europe he had acquired claims to my personal gratitude and attention.

I did not think it necessary to state that his forlorn appearance and trembling agitation when he offered to surrender himself, gave him a further hold on my sympathy. I saw before me a Peer of the Realm, a man of elegant acquirements, apparently sinking under a consciousness of misconduct, which in my mind I referred to the Report of his Transactions at Fort William. That I declined any interference as a magistrate is correct, there was no charge before me, and a Confession of Felony or of an Escape from an arrest on a charge of Felony, I explicitly assured his Lordship I would not Bail. When I learned from his Lordship as complaining of hardship, that in order to surrender himself to me at York, he had made a vast and dangerous detour through the uninhabited Territory of the United States, I did express regret that his Lordship had not remained there until the period for meeting his Trial at Sandwich. The colour given to this sentiment expressed by me, as gratuitous advice to elude the hand of Justice, is like his Lordship's usual perversions of the Truth—on this occasion I did indulge a weakness no longer excusable by friendship or personal esteem, but arising from a feeling I must leave to others to define. At the moment my dinner was announced his Lordship's two friends arrived to surrender also, and with his Lordship were asked to partake of it. The presence of Mr. Baby, the senior Executive Counsellor of the Province, from a few minutes after his Lordship's arrival until his departure would seem to be guarantee that I did not gratuitously commit myself to censure either as Knave or Fool.

In the course of the Dinner, reflection on the situation of my Guests and the jealousy which it might occasion induced me to send a servant to the Attorney General to inform that officer that the Earl of Selkirk was with me, and desired to wait upon him. The next day the subject was mentioned by the Attorney General in the Judges Robing Room, and it was agreed that the Surrender should be made to the Magistrate who issued the Warrant. On the following Morning I understood that his Lordship proceeded to Sandwich, accompanied or followed by a Son of the Attorney General. I have but one observation further to make on his Lordship's statement of this transaction. It is, that if he thought

that the advice which he says I gave to him, proceeded from friendship to him and was derogatory from my character as a Magistrate, it was base to publish it. If on the contrary he thought that it was proffered as an Enemy to betray him, no consideration should have induced a Gentleman to break bread with such a Wretch as I must have appeared to his Lordship.

In page 130 of the libel it is insinuated that on application to reform the Grand Jury on account of interest in two of the Jurors, the Chief Justice decided contrary to his own opinion; so base an Insinuation can only be refuted by its own improbability. No suggestion was offered of other Interest, than that of a Commission as commercial Agents of the North West Company.

This objection was founded, as the Court thought on too remote an Interest (if any) to justify the exercise of a high and delicate authority to reform the Panel of Grand Jurors, but the Chief Justice gave liberty to the two Gentlemen to decline their attendance if they thought proper.

In the next page it is stated that the Grand Jury wanted Information on the Subject of conspiracy but that Chief Justice Powell's explanation was not very likely to enlighten them, the truth is not exactly so. The charge to the Grand Jury, when sworn, was predicated upon the Kalendar, and did not notice the matter of conspiracy concerning which there were no depositions or other documents before the Court.

Upon discovery that the Jury had an Indictment before them for conspiracy, the Chief Justice took Occasion from their Presence in Court on the subject of admitting the Prosecution to Marshall the Evidence to remark to the Jury that not having adverted to such an Enquiry in his Charge he now informed them to the best of his understanding of the nature of the offence of a Conspiracy.

It is possible that in attempting to explain a very simple and plain position, that a Conspiracy was the concert of two or more to injure another, or the Public, by unlawful means & that the Act of Confederacy might be made satisfactory to the Jury by overt Acts and circumstances without direct proof of the confederates being present together & that the guilt of the offence was the conspiring to do the Injury and not the consummation of it, I may have confused the Jury, but they appeared to comprehend my meaning.

In page 133 It is falsely asserted that the Chief Justice adjourned the Court without day without notice to or sending for the Grand Jury, with expressions or warmth and resentment, I had the Honour to assure your Excellency in my Letter of the 2nd of October that this assertion was false. In the same page it is asserted that the Chief Justice appointed the Assizes at Sandwich to be held, contrary to the usual Custom, the last of that Circuit.

The Circuits are taken by the Judges in rotation—the Western Circuit was taken by Mr. Powell in 1809, 1811, 1813, his absences interposed at his next turn, and in 1818 he again took that Circuit, and uniformly he named Sandwich for the last Commission day. This unprovoked misrepresentation of fact happens to be ascertained by an official Record in the Crown Office.

The other assertion that no animadversion was made on the Tardiness of the Grand Jury before the adjournment on Saturday has as little Truth. The Grand Jury was asked the cause of delay not by way of reproach but to afford Instruction, and upon the Foreman representing to the Court that they would not agree either to find or reject the Bill before them, the Chief Justice observed that if after a reasonable time for deliberation, twelve of the jury did not concur in finding the Bill, it should be ignored, that it was no Bill if twelve did not agree to find it so upon due call from the Foreman, on the Sunday the Chief Justice

was satisfied that the Grand Jury had pursued a very irregular course in examining witnesses against the Bill before them, but on the Monday expressed no warmth, but after the Court had sat some time sent the Sheriff to inform the Grand Jury that if the Jury or their Foreman did not come into Court before noon and account for the delay, the Court would adjourn not to sit again.

The Sheriff reluctantly reported that the Grand Jury would allow no Answer to be made to the Court, when having continued on the Bench until one o'clock, having called upon the Bar to inform it if they had knowledge of any such Precedent and being unanimously answered in the negative, the Chief Justice with the full Concurrence of the Counsel for the Prosecution, & for Earl Selkirk left the Bench without adjournment. In so doing, He then thought, and thinks still, he did his duty. I cannot condescend to repel what I must call the infamous Insinuation, that the Chief Justice ingeniously stepped in to shield the Attorney General from the mortification of losing a Second Bill.

I will not compare the Purity of the Attorney General with that of Earl Selkirk. The former is respected for the qualities of his Heart as well as his premature Talents; the latter was venerated for his Birth and Rank and admired for splendid Talents wherever he passed in Upper Canada, until the Transactions at Fort William opened his true character.

The Evidence on that Indictment was so powerful that it is now well known that it could not be resisted, as to his Lordship, and no person then present, now doubts that his Lordship was, at the moment of adjournment, informed that he was to be exposed, if that Jury had come into Court, and that his exultation at the event he now affects to deplore, was then extreme.

In page 153 It is stated that although the Law Officers of both Provinces agreed upon a point arising on the Act of Parliament, Chief Justice Powell seemed disposed to differ from both, and that the liberation of the Prisoners would have been the probable consequence if his opinion had not been overruled by the other two Judges. The insinuation, in the above Paragraph, is that the Chief Justice gratuitously opened his opinion on the subject and was overruled by the other judges. The fact is that the Chief Justices opinion on this occasion was judicial and entirely concurred in by the other Judges. Two Prisoners in Lower Canada charged with murder in the Indian Territories were transmitted to the Gaol at York in Upper Canada by warrant under the Seal of the Province of Lower Canada, and signature of the Governor, who had no more Privity with the Gaoler than the Governor of Nova Scotia had—an application was made to the Court of King's Bench in their behalf for a writ of Habeas Corpus and on the return of that Writ the discussion took place, which is so flippantly misrepresented by the libeller.

The Counsel for the Prisoner contended that there was no legal commitment in Lower Canada as the Magistrate who committed them on Charge of offence done in the Indian Territory was not a Justice of the Peace under the 43rd of the King and had no power to commit for offences done out of the District of Montreal of which he was a police Magistrate. That even if they had been legally committed there the Warrant of the Governor of Lower Canada to the Sheriff here was no authority to detain them, and that no Magistrate in this Province had jurisdiction to hear and commit offenders for offences in the Indian Territory, and that therefore the Prisoners ought to be discharged.

The Court decided unanimously that the Commitment by Warrant from the Governor of Lower Canada of no force, and the Prisoners must be discharged from Imprisonment thereon. But the Court was of opinion that the Instrument under Seal of Lower Canada conforming to

the Statute, gave cognizance to the Courts of Upper Canada over the offence and the offender, as if the Crime had been committed here and the depositions being resworn and read in Court in presence of the Prisoners and their Counsel, which charge them severally with felony and murder, to which nothing was said but that the magistrate who received the Deposition was not a Magistrate for the Indian Territory, a rule was made to commit the Prisoners to the Gaol of the Home District until discharged by due course of Law.

Such was the proceeding represented by the libel as the idle opinion of the Chief Justice overruled by the other two Judges. It is not a little surprising that a person of Earl Selkirks powers of mind should have subjected himself to so many convictions of misrepresentation on matters which were transacted in the face of the Public and susceptible of judicial Proof, but when we observe that, from whatever cause, such misrepresentations have been made and refuted, others, which must depend solely upon his Lordship's Credit or that his accused, otherwise unimpeached, cannot be expected to make a deep impression.

I trust that your Excellency will meet satisfactory proof from other Quarters to confirm the general character of Mr. Halkett's Letters to Earl Bathurst, as false, wicked and malignant libels against the Poison of which there can be no antidote so powerful as your Excellency's declared discredit communicated to His Majesty's Government. I have the Honour to be most respectfully

Your Excellency's
Obedient & humble servant,
WM. DUMMER POWELL.

His Excellency
Sir PEREGRINE MAITLAND.

No. 3.—MR. CHIEF JUSTICE POWELL TO HIS EXCELLENCY SIR PEREGRINE MAITLAND.

(Archives, Series Q., Volume 325—2, p. 309.)

YORK, 16th Oct., 1819.

Lord Selkirk and North West Company.

The Partners of the North West Company applied to the Chief Justice of Upper Canada for a warrant to apprehend the Earl of Selkirk on a charge of felony.

To this application answer was made that the circumstances did not amount to felony although so characterised by the Deponents. That it would be dangerous to presume felony in the open and avowed conduct of a Magistrate unless the felonious Intent was clearly apparent, that the case stated might amount to that high handed Trespass designated as Forcible Entry and Detainer, but it was only Trespass and could only be treated criminally by virtue of a Special Statute which had marked out the course of proceeding.

8th October,
1816.

The same persons waited on the Chief Justice with long detailed depositions of a forcible Entry and detainer, desiring legal Interference, but the Trespass being in the Western District, they were told that the jurisdiction in such cases was exclusively in the Magistrates of that District who alone could enquire of the forcible Entry, and afford redress by a Writ of Restitution.

10th October,
1816.

The same parties applied for a Writ of Habeas Corpus to be addressed to the Earl of Selkirk to produce the body of Daniel McKenzie, Esq., who was represented to be detained illegally in the Custody of that

17th Oct
1817.

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1818.

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1818.

Nobleman. The Writ was granted, but the Chief Justice having heard that the North West Company had collected an army of Indians who only waited for the plausible pretext of executing legal Process to force the Post seized by Lord Selkirk, in which case much blood might be shed, the Writ was not entrusted to the Parties, but a Special Messenger or Tipstaff was sent with express Instructions to deliver it to Lord Selkirk peaceably and unaccompanied, which was done, and it was returned by his L'dp. Endorsed "That the within named Daniel McKenzie had not been in his Custody at any time since the date of this Writ, with a nota bene that the said Daniel McKenzie left that Place for Montreal, the 10th or 11th October, and was at full liberty for a considerable period before that time."

17th October,
1817.

Archibald McLellan was brought before the Chief Justice on a Writ of Habeas Corpus when it appeared that the original Warrant was by the Chief Justice of Montreal, for his apprehension on Certificate of an Indictment for Murder found by the Grand Jury of the Court of Kings Bench there, but that he was already in Custody of Pierre Pant Le Croix, who made return to the Writ, and produced and deposed upon Oath, that he saw Mr. Coltman the Commissioner, sign the Warrant requiring him as a Special Constable to conduct the Prisoner to Montreal and deliver him to the keeper of the Gaol there to be dealt with according to the Law, on the Indictment for Murder in the Indian Territory. The Constable was ordered to obey the original of Mr. Coltman's Warrant.

Application was made to the Chief Justice by one Pritchard having in Custody a Mr. Grant, Partner of the North West Company by Warrant as he said from Earl Selkirk, Being brought up it appeared that the Earl was a Justice of the Peace for the Indian Territory, and that the Warrant was to convey the Prisoner to Lower Canada, under charge for an offence committed in the Indian Territory, Bail was refused.

5th January,
1818.

Earl Selkirk presented himself to the Chief Justice at his own House to surrender upon a Warrant which he said, was out against him for felony by the Magistrates of the Western District, that he had two companions with him under the same charge who would immediately attend with Bail, His Lordship was informed that his surrender could not be received without the Warrant, unless he confessed the charge, and that he could not be bailed for a felony not known to the Chief Justice, but was referred to the Attorney General. That officer advised his Lordship to surrender himself at Sandwich in the Western District, which he did and was bound in recognizance of £40 to answer to an Indictment.

— September,
1818.

At the Assizes for the Western District of Upper Canada, the Earl of Selkirk with his followers and the North West Company with their followers attended to support and answer the various charges against either. The Attorney General preferred a Bill of Indictment against the Earl of Selkirk which being immediately ignored by the Grand Jury did not come under consideration of the Court, another Bill was presented for a conspiracy on which there was some discussion before the Court, on a representation by the Attorney General that the evidence for the Crown was very voluminous and diffuse, consisting of written and oral testimony in various Languages. That for the case of the Grand Jury, he had desired the Pros, from whom he had received his instructions to attend the Jury Room to marshal the evidence and bring it forward as it applied to the Indictment, that the Grand Jury declined the attendance of the Prosecutor, but it was impossible without assistance to open the matter to the understanding of the Jury, and prayed the Court to inform the G. J. upon the Point. The Grand Jury being in the Court were told that it was not unusual for such aid to be afforded in the Jury Room, but as it was certainly to relieve the Grand Jury, it

could not be imposed upon them. If they had any objection to Mr. Mc Gillivray, they could have none to the Attorney General who was an officer of the Crown bound equally with them to keep the King's Secrets, and that the Interest of Justice appeared to require some person to open the evidence to them. That he would not participate in their Debate and Consultation or know their opinions, and that it was advisable that they should receive his assistance so long as was requisite, but that they could decline it when they pleased. The Jury stated their objection to be to the presence of Mr. McGillivray and not the Attorney General whose assistance would be perfectly satisfactory to them.

The next day Earl Selkirk came into Court and addressed it on the subject of a great grievance in the attendance of the Attorney General, then in the Jury Room. As his Lordship was proceeding with some violence the Court desired him to wait until the Attorney General should be in Court to hear his accusation. Upon the Attorney General being sent for, he came into Court with most of the Grand Jury, and Earl Selkirk proceeded in his complaint with such warmth & amplification of Injury, and after a while began to dictate to the Court its Duty and that of the Grand Jury, here he was stopped by the Court declaring that it listened without Interruption to everything like complaint, but that it could nor receive Lessons on its own duty from a person in his Lordship's situation, nor permit his lessons to be delivered to the Surrounding Jury, his Lordship persisted and was twice ordered by the Court to sit down, in vain, but his Counsel probably perceiving the Inclination of the Court to commit him for contempt, drew him upon a seat and controlled his Lordship to silence.

The Attorney General offered to explain, but the Court intimated to him that there was nothing for him to answer, and to his proposition to abstain from attending the Grand Jury, the Court remarked that so long as his attendance was necessary and the Jury thought so, he would do wrong to withdraw on Account of anything advanced by Lord Selkirk.

After going through the Evidence for the Crown, there being no other business before the Court, the Grand Jury were asked if they had any Bill from day to day until Monday from Thursday Morning, during the recess on Sunday the Chief Justice received Information of Irregularities in the Grand Jury having before them the Counsel and Witnesses of the Earl of Selkirk charged in the Indictment before them, and on Monday morning sent for the Grand Jury or the Foreman to come into Court and explain the cause of the delay in finding or rejecting the Bill before them, and expressly directing the Sheriff to inform them that unless some explanation was given to the Court before noon the petit jury would be dismissed.

The Sheriff reported that the Grand Jury would give no answer to the Court. After waiting until one o'clock, with the full assent of the Attorney General and the whole Bar, the Court withdrew without adjournment, thus closing the commission.

At the Assizes for the Home District, Indictments under the Provisions of the 4th, Geo. 3, upon the Prosecution of the Earl of Selkirk were found against five for Murder in the Indian Territory, as Principals and accessories before and after the fact. As the Trials which ensued were taken in short hand by a stenographer employed by both Parties, the printed Trials will be more satisfactory than the Judges notes which retained only the matter relevant to the Issues before the Court and omitted the vast mass of Irregularities which the trials at Quebec, under the same statute afforded precedent for and were in a manner forced upon the Court by the Counsel from Lower Canada, who happened to be also of the Upper Canada Bar.

— October,
1818.

— Febru
1819.

To cross
questions.

— February,
1819.

In the Winter Session for the Home District an Indictment for Conspiracy was found against the Earl of Selkirk and divers. Process of the Court issued—as the Indictment preferred to the Grand Jury of the Western District was not read to the Court, it is not known if it was the same now found by the Grand Jury of the Home District, to whom in the Interval a Provincial Statute had given a concurrent Jurisdiction in certain cases. The Court had no discretion respecting the expediency of the Prosecution, which rested with the Attorney General.

If the Indictments were the same on both occasions, it is known that the Court would have judged it more expedient that in lieu of an Indictment the Court of K. B. should have been moved for leave to file an Information which would have afforded an opportunity on a rule to show cause to discuss the Propriety of sustaining such a Prosecution under the new Jurisdiction as it had failed in the Western District.

At the same sitting two Civil Suits were decided against the Earl of Selkirk for False Imprisonment of a Partner of the North West Company in which the Jury gave Damages £1,500, and of a Deputy Sheriff to whom the Jury gave Damages £500. In the former such corrupt abuse of the Power of the Magistrate was manifested as induced the Court to desire a criminal information to be filed.

WM. DUMMER POWELL.

NO. 4.—THE EARL OF SELKIRK AND THE NORTH WEST COMPANY—LAW PROCEEDINGS.

(Archives, Series Q., Volume 325—2, p. 319.)

McKenzie	}	FALSE IMPRISONMENT.
vs.		
Earl of Selkirk.		

John McDonell, Esq., Sworn :

Knows Pltff. and Defendant was at Fort William in August, 1816 (*sic*) when it was forcibly taken possession of by Earl Selkirk with an armed Force. Witness with all the other Partners there was seized and put into a boat by Soldiers, each of the Partners was examined by Earl Selkirk and on the 18th August except the Plaintiff sent to Montreal.

The supposed Warrant on which they were arrested, was not shown to witness—understood that Pltff. was a retired Partner of the North West Company the year before and if a retired Partner could do no Act to bind the Company which Defendant knew from having in his possession the Articles of the Company's agreement, was asked by Lord Selkirk if he had any hand in the murder at Red River.

Has heard that Furs of the Hudson's Bay Company were in the Fort.

Knows that Mr. Bourke was a Prisoner in the Canoes, when he arrived at Fort William. Saw a House at Red River in possession of Indians.

Jasper Vandersluys, sworn: Was at Fort William, 13th August, 1815 (*sic*). Plaintiff was there and with many others was made Prisoner by Mr. McNab, Mr. McPherson and Mr. Allen, who came to the Fort with an armed force of soldiery and Officers, with swords, Pistols and Guns. The prisoners were taken to Lord Selkirk and that Evening returned to the Fort and remained in their Rooms, a Guard of 20 men and a Captain remaining in the Fort. Earl Selkirk came to the Mess Hall and the Prisoners with Witness were present, Mr. McGillivray presented a Protest against the Earl's proceeding after the examination each was guarded to his own room. It was reported that Plaintiff was not

To cross
questions.

examined and He alone of the partners was kept confined in the Fort, the rest were sent away under a guard of Soldiers. On the 20th Plaintiff was said to have passed his examination, after which he was transferred to the Black Hole, a building without Windows, his negroe was kept with him and a Sentry at the Door. Witness offered to give Bail for Pltff. himself and Mr. McTavish, but His Lordship said that the charges against him were so great that he could not bail him, from the 20th to the 22nd he was in the Black Hole and then removed to another Room where he saw Capt. Dorsenens and Mr. Miles McDonell singing and drinking with him. Witness had permission from Lord Selkirk to speak to Plaintiff on the 28th, the day Witness left Fort William.

Witness and Jas. McTavish were left in charge of the North-West effects by appointment of Mr. McGillivray and Mr. Henry McKenzie with approbation of Earl Selkirk they took charge the 14th. Witness and Mr. McTavish applied to Lord Selkirk in writing repeatedly Received propositions from Lord Selkirk in writing to leave all disputes to arbitration, Defendant to keep part of the goods and furs to answer the event. Witness declined the proposition. Lord Selkirk required of them the Instruction from the Directors, and as it was verbal, he required the Testimony of some person as to the instruction. Rosse and D. McKenzie, the Pltff, joined in signing the Certificate. Witness considered this as Evidence that Defendant knew that Plaintiff had no power over the effects of the Company.

To cross questions.

The Protest was signed by the Prisoners and Plaintiff.

When Lord Selkirk said he had a Proposition to make to Witness & Mr. McTavish, on long consideration witness answered that it was pity he had not made the Proposition to them who a few days ago could have agreed with him.

James McTavish sworn:

Saw D. McKenzie after he was arrested, He remained in his room from the 13th to the 18th, and on the 20th was committed to the Common Gaol, a log building without Windows, called the Black Hole where he remained until the 22nd, when he was sent to a room in the N. West House. Access was refused to witness and others of the N. W. Compy—but Lord Selkirk's people had access. He saw Mr. McDonell, Capt. Dorsenens & Mr. McNab drinking with him on the 22nd. Witness and Mr. Vandersluys were appointed by the Directors to superintend their affairs at Fort William. Lord Selkirk asked for a Copy of their Powers, supposing it was in writing, and proposed a Certificate to be signed by some others, and Mr. D. McKenzie was particularly desired by Lord Selkirk to sign this Certificate. Witness remained at Fort William until the 4th Septr. Witness had no means to send off Canoes, but there were Canoes and men enough to have sent down Plaintiff after the 20th August. Other Prisoners were sent down after that date, and before the 4th September, at that time Plaintiff was a Prisoner and guarded by a Soldier with a bayonet. Witness received the letter in the handwriting of Lord Selkirk, No. 1, brought to Witness and Vandersluys and proves them. Answer No. 2—On the 4th Septr. Witness was sent down by Lord Selkirk on a charge of having stolen Property in His Possession—that to save his feelings no Constable was sent with him—was never examined on any charge. Mr. Vandersluys had gone away some days before Wits. & Mr. Vandersluys sent to Lord Selkirk a Copy of exhibit No. 3, being a Protest so long as Wits. and Mr. Vandersluys remained Ld. Selkirk never intimated that he considered Plaintiff as having anything to say to the Company's affairs at Ft. William.

To cross question

To cross questions.

Understood that Bourke was confined in the same building where Mr. McKenzie was.

The only receipt for goods of the N. W. Company was given by Mr. Spencer for a Cask of Sugar.

Witness Baggage was searched at his departure by order of Lord Selkirk.

No Liquor was given to Mr. McKenzie by Witness who refused it.

Margaret Greaves sworn :

Was at Fort William when Lt. Selkirk came. Pltff. was made Prisoner the same day or two days after. He was first in a chamber before he was removed to the Black Hole, did not speak to Plaintiff before the Partners went away—she was permitted to carry some shoes to Mr. McKenzie, followed by a Sentry before he went to the Black Hole. There the Sentry permitted her to enter. Knows Mr. McDonell and Capt. Dorsenens, and saw them with Mr. McKenzie after he left the Black Hole. Saw Capt. Dorsenens, who urged her as having Interest with Mr. McKenzie to advise him to tell all he knew and become one of them. Mr. McKenzie was drunk in the Dungeon & was guarded always in the room he was removed to from the Black Hole. Saw Capt. McDonell sometimes alone with Pltff. McPherson took Plaintiff to his Room frequently. Mr. McKenzie was in Prison more than a Month, did not go from Fort William until eight days before the snow fell.

Mizani sworn :

Was at Fort William in August, 1815, was present at the examination of the Co. partners of the North West, and on the 20th August Pltff. was examined respecting his having offered Goods to an Indian Chief to induce him to go to the Red River. He saw no charge in writing or any Witnesses against Mr. McKenzie. Saw Mr. McKenzie afterwards in the Prison a log building without windows, and saw him going with Docteur Allan from the Prison to another Room—was informed by Capt. Mathey that he had orders to stop all communication with the N. West Company, but that Witness might visit them, if he could visit People charged with such high crimes.

Saw Miles McDonell upon friendly terms with Plaintiff on the 27th August left Mr. McKenzie still confined to his Room.

Mr. McKenzie was not examined on the 15th, but does not know the reason why he was not.

Bourke was a Prisoner at Fort William, brought from the Red River.

On the 13th the Partners were not close Prisoners not until the 14th.

Lord Selkirk examined the Gentlemen one after another.

Antoine Landriau sworn :

Was at Fort William 13th August, 1815, saw the Plaintiff in confinement there ten or twelve days more or less. Mr. McKenzie appeared in a State of mind not fit to transact business, but like a man out of his senses, Witness was Issuer of Provisions for the North West—was forced to deliver Flour for which he got a Receipt. Consider Lord Selkirk as having the Command over all but McTavish and Vandersluys to manage the Company's affairs.

Mr. Rob sworn :

Was at Fort William 13th August, when Lord Selkirk entered it, was sent away by Lord Selkirk 3rd Sept. with others subpoenaed to give evidence on a conspiracy—Signed the Certificate that McTavish and Vandersluys were appointed Agents at the place for the Company, saw Pltff. in the Prison and afterwards with Capt. Dorsenens & Mr. McDonell

Pierre Lablond sworn, By Interpreter Vandersluys.

Saw Pltff. confined to his Room until the 20th August, & after that two days in the Black Hole, when he was confined in a Room under Sentry for a fortnight, when Witness left the Fort Mr. McKenzie was at liberty. It was then a general Report that Plaintiff had made a sale of the Goods of the N. W. Co. Plaintiff appeared like a man out of his

To cross
questions.

wits and seemed to shun the people of the N. W., and said he was alarmed and did not know what they intended to do with him. Knows that about the 10th or 12th Sept. Witness Mr. McKenzie and Tate took an inventory of the effects of the Fort, and being asked by Tate what it was for, Lord Selkirk said because from the day he entered the Fort he was accountable for everything in it—before Witness left Plaintiff was at liberty.

Morrison sworn :

Saw Mr. McKenzie at liberty in the Fort before the 11th October, when witness left the Fort and accompanied him to St. Marys.

Desauniers sworn :

Knows Plaintiff was in Prison at Fort William whilst Witness was there, knows that he was in the Black Hole, sometimes talked to him in his room. He appeared as Witness and others did full of Chagrin, and his Discourse with Witness was not such as before he was Prisoner, until the 11th Octr., when witness accompanied him to the Sault St. Mary. He did not appear at full liberty during his Passage.

Kennedy sworn :

Knew Plaintiff confined at Fort William, and saw a Guard put him in the Black Hole & saw him at liberty after Mr. Johnson arrived 1st. Sept. Plaintiff looked wild and talked ridiculous, came down with Plaintiff in Company, not in the same Canoe, signed the Paper No. 5, as a Witness but was not permitted to know the Contents, and Mr. Tate who signed before him was told by Lord Selkirk that it was not necessary that they should know it, a few days after Spencer told Witness that Plaintiff had sold all the Property of the North West Company to Lord Selkirk, proves also the Paper—executed by Mr. McKenzie, who appeared in the same state of mind as for some time before, saw the property of the North West used by Ld. Selkirk's people before and after the report of sale.

Mr. McKenzie sworn :

Has known the Plaintiff twenty years, he has had some differences with the N. West Companys members, considered him ever as the weakest man of the Company from habitual Indulgence in Intoxication and was the last man to be trusted with any business. That Witness appointed Mr. McTavish and Mr. Vandersluys to have charge of the Company's Effects at Fort William, and that Lord Selkirk knew and admitted them as such, Witness was not informed why the Pltff. was not sent down with the others. No merchant of Character would have transacted with Mr. McKenzie under the circumstances known to Lord Selkirk, as witness has reason to believe, Bourke had been a Prisoner in Fort William on a Charge of Crime, and from there had been sent to Lower Canada, Plaintiff had never been prosecuted for any Crime, either in Upper or Lower Canada, since he came from Fort William. Knows Mr. McDonell to be intimate with Lord Selkirk—did not hear of the sale of the Property until at York in Novr., returned to Fort William in May following, Saw Mr. McNab and divers connected with Lord Selkirk in possession of the N. West Companys Property, which was found on Inventory Eight Thousand Pounds Value Cost and charges, and Sixty Thousand Pounds worth of Furs detained from Market to the great loss of the Company, Proves the Contract No. 7 in Miles McDonell's handwriting (confirmed by Mr. Allen) and Daniel McKenzie, of a Draft by Miles McDonell and copy by D. McKenzie, Plaintiff never appeared as Witness on any charge against Witness.

Plaintiff was employed to purchase Bark, Grains, &c., for the Company at St. Marys.

He was appointed a Magistrate in the Indian Territory in the Winter 1815-16, there was a project to concur with the Hudson's Bay Company & settle all differences except what regarded Fort William.

Verdict for Plaintiff—Damages, £1,500.

William Smith }
vs. } False Imprisonment.
Earl of Selkirk. }

Colin Campbell sworn :

Knows the Plaintiff. He arrived at Fort William on the 19th March last, as under Sheriff. Earl Selkirk was there with a large body of armed men. Mr. Smith arrested Lord Selkirk in presence of witness. Smith first proceeded to the Guard, to show the Sergeant an Order from the adjutant General, to send assistance, in case of Resistance. The arrest was made in presence of several (amongst others Dr. Allen, who saw that they had an armed Force, that Lord Selkirk had bought the place from the N. West, and that they would resist the enforcement of any Warrant) whereupon Lord Selkirk took the Plaintiff by the Shoulder and put him out of the Room. Witness and Mr. Smith went to the Bell house. The Guard came. The Sergeant said he was sent by Lord Selkirk, and stood over Witness, Plaintiff and Campbell, preventing them from going out into the Fort, where Witness remained three days. Mr. Smith did not assault Dr. Allen at the time he arrested Lord Selkirk, but merely touched him saying that he arrested him in the King's name. Witness asked leave by Letter to Lord Selkirk & Lord Selkirk's Servant brought an answer that they might go. Witness accompanied Mr. Smith from Sault St. Marys to assist him.—*Wm. D. P.*

Fort William belongs to the North West Company.
There were men there in uniform like Soldiers of De Meurons Regiment.

Saw a notification importing Power to the Commissioners.

Was not in the Fort when Lord Selkirk arrived.

Was in no Employ when Mr. Smith asked him to accompany him—was promised by the N. West Company is not in their employ.

It took them a month to go to Fort William.

Lord Selkirk did not beat Plaintiff when he put him out of the Room.

Mr. Smith made not resistance.

Saw Partners of the N. W. in the Fort, but not at large at the time of the arrest.

Richard Grant sworn :

Accompanied Plaintiff to Fort William from Fort St. Mary—arrived together—understood that Mr. Smith was going to arrest Lord Selkirk and restore the Fort. Witness went up from the Commissioners, to carry a notification to the Indian Magistrates not to act. Met Capt. Mathey, who put them into a Room desiring them to make themselves comfortable and afterwards told him to stay in the Room until Lord Selkirk came to receive his Papers—about dark Mr. Smith and Campbell were in the Room with Witness, when Mr. Smith dressed himself as though to go to Lord Selkirk. Colin Campbell went with him, and when he returned a man followed him and told him not to leave the Room, but C. Campbell went out to see Mr. Smith. Towards evening 19th March Sergeant Gray and a Guard of Four in uniform with Firelocks and Bayonets came. Mr. Smith desired them to go out, in the King's name, but the Sergeant said they were there by order of his Lordship and they staid there, next morning Witness was told that Capt. Mathey said he was at liberty, which made Witness ask if he had been a Prisoner, and

the man answered, "*un comme l'autre.*" Witness went from the Sault in the Party with Mr. Kenedy with notices and papers from the Commissioners. Witness, although at liberty, lived in the same Room with Mr. Smith, and a Sentry was at the door all the time, dressed like a Soldier, Red and Sky Blue, with Musket and Bayonet, did not during this time to the 23rd see Mr. Smith walking in the Fort, on the 23rd Spoke to Lord Selkirk before he set off to return to St. Marys.

The Guard mounted in the Evening on the 19th.

Commander of the Guard said he was sent by Lord Selkirk.

Smith did not promise to return without getting them (quere) from Lord Selkirk.

Michael Christian sworn :

Knows the Pltff., was at Fort William 19th March, saw Lord Selkirk and Mr. Smith there—thinks the latter came with a warrant against his Lordship—Knew that he was Deputy Sheriff—Knows that he was on that day in the Bell house with a Sentry on the House—did not see him walk about the Fort, he remained more than a month, Mr. Campbell, a Partner, of the North West, was confined in the same Room.

There was no Sentry on that Room until after Mr. Smith and Mr. Campbell were in it, nor after they were released.

Witness visited Mr. Smith sometimes, he often expressed a desire to be released—about the 10th May Lord Selkirk left Mr. Smith in confinement after his Lordships departure there appeared no one to command. Whilst Lord Selkirk remained, those Persons in the Interest of the N.W. Company were sometimes admitted to see Mr. Smith, but not often, but after his Lordship's Departure Mr. Smith was at liberty. There was a stove in the Room and a poor bed. He had bread, Pork, fish and potatoes as food.

Does not know that Mr. Smith attempted to go away.

Does not know if Mr. Campbell was a Prisoner.

At the commencement of the confinement admission was not granted to him to see Mr. Smith, for about three weeks.

The care of the Fort appeared to be with Capt. Mathey after his Lordship went.

Mr. McBean came to the Fort whilst Mr. Smith was confined, but he remained at large.

Saw Mathey in the Fort before Lord Selkirk went away, and he appeared to Witness to be under Lord Selkirk's orders.

He thinks so, because Lord Selkirk and Mathey were much together, and Capt. Mathey gave his orders sometimes in his own name and sometimes in Lord Selkirk's.

Jasper Vandersluys sworn :

Proves a paper Exhibit (No. 2) and Smith proves a paper Exhibit (No. 1).

Pierre Le Blond sworn :

Answering by Interpreter V. D. Sluys—Knows the Pltff. who arrived the 19th March, 1817. Witness had been an Inhabitant at Ft. William twelve years, and was in the month of October, 1816, from the preceding. It was during that time inhabited by soldiers of De Meurons and Lord Selkirk. It formerly belonged to the North West Company, who were taken the 13th August and sent to Montreal or to York, about Sixty of De Meuron's Soldiers, Officers, Capt. Mathey and Dorsonens, Lt. Gaffenheid and two others. Lord Selkirk commanded in the Fort, and Witness was ordered to work for him or starve, tho' he was not in the service of Lord Selkirk, who with his officers and gentlemen occupied the apartments of the Partners of the North West Company—did not see Mr. Smith enter the Fort, but saw him in it—and understood that a guard was put on him in the Bell house the afternoon of the day he

To cross
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arrived; Lord Selkirk was then there. Whilst witness was in the Room with Smith, Sergeant Gray came with a Guard and placed Sentries with Muskets and Bayonets, and red jackets made from old uniforms—before that they had a Sentry at the Gate of the Fort.

Mr. Smith remained there until the beginning of May when he was placed in another Room, and Witness by Capt's. orders told Smith that the store was to be removed and he and Campbell went to the Council House and stayed until the end of May, that Mr. Smith was a close prisoner so long as Lord Selkirk and Capt. Mathey departed.

Witness was often with Mr. Smith, who didn't express any wish to go away but wished to remain to execute his Warrant. He was supplied with food chiefly by Witness and others. Mr. Tate lent him a good bed. The Guard was over Mr. Smith from his arrival until after Capt. Mathey went, but the Sentry sometimes left his station sticking his Bayonet in the Door first. Mr. McLean—the two Campbells and four other men came with Mr. Smith, two of these men remained in the Fort with Mr. Smith and Campbell.

Knows the Plaintiff was a Prisoner, because there was a Sentry at the door with arms to keep him from going out—never saw Mr. Smith attempt to get out but Witness was refused entrance to him—has seen Mr. Campbell walk back and forth in front of the Clerk House.

The Guard on Mr. Smith were disbanded soldiers of Meuron's who were sometimes sober and sometimes drunk.

Rudolph Hatter sworn :

Was a soldier in Meurons, was engaged by Lord Selkirk to go to the Red River with about sixty men, with arms and ammunition.

They were at Fort William (except a detachment with Capt. Dorsenen) when Mr. Smith arrived—was himself Sentry over him. His orders from Captain Mathey were to let no one go in or out of the Room.

All the effects, Provisions, and all were under the control of Lord Selkirk.

William McGillivray sworn :

The North West Company erected Fort William. It was built by the Witness under his Directions.

It was the custom to obtain permission of the Indians to erect Houses in their Country—and this Fort was built upon Ground laid out for the Purpose by Colonel Bruyeres Rol. Engners. The North West Company had Property in it to the amount of one hundred thousand pounds which Lord Selkirk took possession of, and sent off the Partners of the North West, except one, Mr. Dan. McKenzie, to Montreal, under an armed Guard in August. After possession of the Fort by Lord Selkirk, it was not restored to Witness and the North West Company until May, 1818, when Mr. Smith Deputy Sheriff, gave him possession upon a writ of Restitution to that effect.

Some of the Packs of the Hudson's Bay Company were at Fort William, and others of N. West Company at Hudson's Bay.

Mr. Smith received perhaps five hundred pounds from the North West Company for the service of that Writ.

Does not know Mr. Smith's circumstances.

He is not in the service of the N. W. Company.

A Presentment against Witness and others for a Conspiracy, was made to the Court, but not received.

Vandersluys sworn :

Four Magistrates at Sandwich granted the Writ of restitution, and Witness saw Mr. Smith sworn in a deputy Sheriff to execute it.

DEFENCE.

John Allen sworn :

Was at Fort William when Mr. M. Grant and Kennedy arrived, Bearers of a notification from Messrs. Coltman and Fletcher Commissioners that the power of the Magistrates for the Indian Country, and of all Magistrates for the Western District residing west of had ceased, except M. M. Coltman and Fletcher.

Mr. Smith, the Pltff., being sent for by Earl Selkirk, informed his Lordship that he had a writ of restitution of the Fort to be delivered to Persons of the North West Company. His Lordship told Mr. Smith that the Writ was illegal, and asked Mr. Smith if he was aware of the Proclamation of the Commissioners which suspended the authority of the Magistrates of the Western District, (Mr. Smith said he would do his duty and execute his writ,) that he had learned from Reinhardt that he had murdered Mr. Kavanagh, who had been arrested by him by a warrant from one of the N. West Company. Upon this Mr. Smith said he must do his duty or be forcibly prevented and upon Lord Selkirk saying that he had formerly his trust and that he would concur in anything to justify Mr. Smith, upon which it was agreed that Lord Selkirk should put Mr. Smith out of the Room in presence of Witness, and one of his attendances was sent for to Witness the Transaction.

Mr. Smith said he did not wish to depart, but meant to await the Commissioners arrival. Heard Lord Selkirk say that he considered Smith's attempt to enforce the Warrant after the notice from the Commissioners as a breach of the Peace. Earl Selkirk's design was to have gone the South Side of Lake Superior until he heard of the destruction of the Red River settlement, and that several of his people were Prisoners at Fort William.

Proves a letter from Mr. Beecher to Pltff.

Understood that the Terms on which Mr. Smith would have been at liberty was an engagement not to act upon his Warrant. Reinhardt was permitted to keep a school in the Fort and to go about in charge of the Sergeants, who were accountable.

Considered Earl Selkirk as having control over all the Parties of the Fort.

Verdict £500 damages.

The charge to the Jury was in substance, that if they believed the Witnesses for the Pltff., they must find a Verdict for him, as there was proof of an Imprisonment without cause, that there could be no doubt in their minds that it was under the authority of the Defendant, and if any doubt on that point had existed the Defendant's Witness and Agent, M. Allen, proved that all in the place was under the control of his Lordship, and that he (Allen) knew the condition on which the plaintiff might have been set at Liberty, was an engagement not to execute his Warrants and his refusal to make such Engagement removes any impression of a corrupt concert to his confinement in the first Instance.

As to damages the Jury could best judge by putting each himself in the situation of the Pltff., they were to consider the nature of the Injury, its aggravations, the character and situation in life of the party suffering. In the present case they might, and should put out of view his public character as an officer as probably that would be considered as a criminal prosecution for the Resene (?) There was no evidence of great suffering by privation, although his confinement under the same Roof

with a Murderer and with less indulgence was an aggravation. Upon the whole there being no evidence of Plaintiffs circumstances and Personal character they might Estimate from what they would judge any man like themselves entitled to receive at their hands.

WM. DUMMER POWELL, C.J.

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NOTE E.

MEMORANDUM UPON THE CABOT MAP.

The map following is a photo-lithograph from a negative made at Paris by order of the Minister of Agriculture. It properly finds a place here for it contains what may be called the first entry in the volume of our history—practically to the effect that prior to the discovery of the mainland of the western continent by Spain the Christian cross and the banners of England and Venice had been planted on the shore of a province now forming part of the British dominions in America.

The map has been the occasion of much controversy, and it is inexpedient to renew discussion in these pages; but, at the request of the Archivist, I append a few notes of explanatory introduction.

The old writers contain many notices of maps by the Cabots, and more especially of certain maps by Sebastian Cabot; of which last very many copies were extant in England between the years 1550 and 1600. There were even several editions printed between these periods of one of these maps differing in date and to a slight extent in the wording of the legends; whether they differed also in any minor or major geographical features is not positively known. All of the copies however of whatever date and all maps of any kind made by either Cabot utterly disappeared for an indefinite time—probably two hundred years.

In the year 1843 a copy of one of the editions of the map above mentioned was discovered in the house of a curate in Bavaria. It was found by Von Martius and its great importance being recognized it was speedily deposited in the National Library at Paris. The photographic facsimile appended is very nearly one-half the size of the original. The original was printed from an engraved plate and on either side there is a strip, printed from type and attached to the map, containing information of a geographical, antiquarian, or historical nature explanatory of the map itself. These strips have been proved to be contemporaneous with the map and in fact they are identified with it by cross reference numbers engraved on the plate.

An inspection of the map shows it to be a map of the world on an elliptical projection drawn from all sources of information then existing. Authors of all periods even as early as Pliny have been cited in the printed legends and many extravagant beliefs current at the time of its publication are recorded and fabulous monsters are not only described but portrayed. The map contains many errors—not only current errors of the period but inconsistencies, errors of the engraver and errors of transcription by the compiler from the materials used. It bears date

A.D. 1544. At that time Sebastian Cabot was living at Seville, holding office as Grand Pilot of Spain. The map was not however printed in Spain. It bears the Imperial arms and was printed in one of the German Imperial cities or in one of the hereditary possessions of Charles V. in Northern Europe. It is the almost unanimous opinion of scholars that it was printed at Antwerp or Brussels. The proofs were not read in Spain, nor by a Spaniard, as is demonstrated by the existence of many typographical errors. Nor was the compiler or engraver familiar with French for Cartier's names in the Gulf and River St. Lawrence are not only changed by translation into Spanish, but by errors in reading or copying the French originals.

Nevertheless it is now universally conceded that Sebastian Cabot contributed information to the compiler of this map. It is the extent of his contribution which is keenly disputed among scholars. It contains information which could not possibly be known by any other man than him and references are made to him citing his authority, but in the third person and in a strain of fulsome commendation not likely to have been employed by Cabot himself. One main item of such special information is the mention of John Cabot's name as the discoverer—a fact which had almost completely dropped out of knowledge for, up to the date of discovery of this map, the records showed no intimation by Sebastian Cabot of his father's agency in the matter. The character of the younger Cabot for truthfulness and filial duty has suffered in consequence and has also been the subject of keen controversy.

In consequence of the reduced scale some of the geographical names are difficult to make out, and, therefore, to assist the reader, a copy of a facsimile on a larger scale of the American portion of the map, taken from Winsor's Narrative and Critical History, has also been given. By the aid of this the Canadian geography can be traced. It will be seen to extend as far as the present Montreal—as far in short as Jacques Cartier went—and no farther.

The interest of this map centres in legend No. 8, and especially at the tongue of land on the map marked *prima terra vista* (first land seen) because that was the landfall according to Sebastian Cabot. That tongue of land will be recognized at once as the extreme northeastern point of the island of Cape Breton, and as on the Atlantic coast. It is disputed whether the tongue of land is Cape North the northernmost point, or Cape Breton the northeasternmost point. There are also some who attack the personal character of Sebastian Cabot, and stigmatize the map as a fraudulent attempt to curry favour with the king of England—all of which with the answers thereto is set forth at length in many articles and papers published in the Transactions of the Royal Society of Canada and elsewhere.

Another difficulty arises in the legend No. 8. The discovery is stated to have been made on June 24th, 1494. It is however now universally admitted that the year was, in reality, 1497. That is

absolutely certain from existing records in the English Archives, and from recently discovered documents in the archives of Venice and Milan. The conflict which raged round the date has now ceased. It has already been observed that there were several editions of the map, the present copy is unique, and is dated 1544. Other copies certainly existed bearing date 1549. This copy gives the year of discovery at 1494, Cabot's map hanging up in the Queen's Gallery about 1582-1600 (according to Hakluyt) gave the date as 1497. Mr. Major suggested that the error arose from the engraver making MCCCCXCVII into MCCCCXCIII by simply straightening the V into II. This is ingenious and probable but that the mistake exists is proved by the documentary evidence above referred to.

Much interest attaches to these legends. They are in Spanish and Latin and, on this copy, seventeen are in both languages and five are in Spanish only. The late Dr. Charles Deane of Boston, who contributed the chapter on the Cabot voyages to Winsor's History made a special study of the map and had photographic facsimiles made for twelve great libraries in the United States. He also had translations made of the legends by persons skilled in Latin and Spanish. These were published in vol. 6 of the second series of the Transactions of the Massachusetts Historical Society. This work is not generally accessible and in order to place the information within reach of the public the transcriptions and translations are reprinted herewith. Any attempt to improve on work so faithfully done would be unsatisfactory. The following sentence will show the methods of the translators:—

In the translation, words which are in the Spanish version but not in the Latin are printed in italics. The additions of the Latin version are given in the footnotes. Mr. Deane apparently employed two different persons to copy the inscriptions. The copyist of the Spanish version found his text put upon the map in such a bungling manner, in respect to the separation of syllables and the running together of words and in other ways, that he wrote out the abbreviations and corrected the spelling, in order to render the meaning intelligible. His copy has, therefore, been carefully followed. The Latin version was in a better state, but it contained a great number of abbreviations which could not be easily represented by modern type; and though these abbreviations were preserved by the Latin copyist, they have been spelled out in printing, to conform to the rule adopted with regard to the Spanish version.

The above explanations are necessary lest some one may take a glass and make imaginary discoveries which may be sources of new discussions and much waste of time.

It will assist the reader in tracing the references of the marginal legends to their proper places on the map to give the following index from Dr. Deane's paper:—

The references in the body of the map to the legends at the sides are placed as follows:—

- No. 1, between the Bermuda Islands and the West Indies.
- No. 2, north of the Island of Antigua.
- No. 3, opposite to the west coast of Mexico.
- No. 4, opposite to the Strait of Magellan.
- No. 5, at the Molucca Islands.
- No. 6, opposite to the coast of Peru.
- No. 7, at the mouth of the Rio de la Plata.
- No. 8, in Hudson Bay.
- No. 9, opposite to Iceland.
- No. 10, in the northern part of Russia.

No. 11, in the northeastern part of Asia, where the reference is incorrectly given to Table 2, No. 2.

No. 12, in the northern part of Asia,

No. 13, in the middle of Africa.

No. 14, in Hindostan, without a numerical reference, but it is indicated by the picture of a woman surrounded by flames.

No. 15, north of Japan.

No. 16, near Sumatra.

No. 17, on the eastern side of the map, just south of the equator.

No. 18, north of Europe and Asia.

No. 19, in the Indian Ocean, nearly south of Hindostan.

No. 20, directly below the preceding reference.

No. 21, in the Indian Ocean, northwest from No. 19.

No. 22, near Ceylon.

It will plainly appear therefore that legend No. 8 never was intended to apply to the place of landfall, but to the whole region of northeastern America. Much discussion has turned upon this point. There is moreover a controversy relative to the island of St. John indicated on the map. Some contend that it is the present Prince Edward Island and that it was discovered by Cabot; while others argue from its position and from Cartier's voyages and from the unanimous testimony of all other maps that it is an agglomeration of the Magdalen group and is moreover identified by the attendant islets as well as by the direction of its axis from northeast to southwest.

The controversy concerning these voyages has been carried on with intermitting activity ever since the year 1833. Much that was obscure has been cleared up but many points remain still indistinct. It is unlikely that absolute certainty will ever be attained. If however a high degree of probability be reached this question will be in no worse position than many historical and political theories on which human action is continually based. The existing materials have been very thoroughly threshed out and unless some new map or document be brought forward it is altogether improbable that anything will be elicited which has escaped the notice of the large number of scholars who have taken part in this very keen controversy.

S. E. DAWSON.

LEGENDS IN LATIN AND SPANISH AS ON THE MAP.

TABULA PRIMA.

Del almirante.

Nº 1. El almirante Don Christoval Colon, de nacion ginovez, se ofrecio á los Catholicos Reyes, de gloriosa memoria, que descubriera las islas y tierra firme de las Indias, por el occidente, si para ello le diesen suficiente armada y favor, y avlendale, armado tres caravelas, el anno de 1492 passó á descubrirlas; y dende en adelante otras muchas personas en proseguido el dicho descubrimiento, segun que por la presente discrecion [descripcion] se manifesta.

Nº 2. En la isla Española ay mucho oro de nacimiento, y azul muy fino, y mucho azucar y cañafistola, e infinito ganado de toda suerte. Los puercos desta isla dan á los dolientes, como acá en nuestras partes carnero. Tiene esta dicha isla muchos puertos y muy buenos, y el principal dellos es la cibdad de Sant Domingo, que es una cibdad muy buena y de mucho tracto; y todos los otros son lugares edificales y poblados por los Españoles. Y en la isla de Cuba, y de Sant Joan, y en todas las otras islas & tierra firme, se halla mucho oro de nacimiento: Y en la cibdad de Sant Domingo tiene su magestad su chancilleria Real, y en todos los otros pueblos y provincias gobernadores y regidores que los gobiernan y rigen con mucha justicia. Y cada dia se van descubriendo nuevas tierras y provincias muy ricas, por donde nuestra sancta fe catholica es, y será, muy aumentada; y estos Reynos de Castilla han grandescidos de muy gloriosa fama y riquezas.

Nº 3. Esta tierra firme, que los Españoles llamaro la nueva España, conquistóla el muy illustre cavallero don Fernando Cortes, Marques del Valle de Guaxacón. Ay en esta tierra provincias y cibdades innumerables; la principal dellas es la cibdad de Mexico, la qual tiene mas de cinquenta mil vezinos; está en una laguna salada que coge quarenta leguas. Ay en dicha cibdad, y en todas las otras provincias mucho oro, plata de nacimiento y de todo genero de piedras preciosas; y criase en la dicha tierra y provincias mucha seda y muy buena, y algodón y alumbre, orchilla, y pastel, grana, y azafran, y azucar, y de todo lo suso dicho mucha cantidad, de lo qual muchas naos vienen cargadas á estos Reynos de España. Los naturales desta tierra son muy avisados en todo

Nº 1. Architalassus Dominus Christophorus Colon, natione Ligur, aperiturum se occidentales Indorum Insulas & continentem Regibus Catholicis felicis memoriae pollicitus est, si ad hanc provinciam impensendam, necessaria sibi abunde impenderint; quippe qui trium navium, regio apparatu, & copiis omnibus, auxilium emisserunt, anno ab orbe redempto 1492; post eum plurimi successentes has provincias nobis clausas aperuerunt, pro ut in presentí descriptione patet.

Nº 2. Hispania hæc Insula innumeri prædives pecoris & armentorum est. Plurimum inde extracto abundat auro, Saccaro & Cassia fistula; permulte navium stationes, ac tutissimi insunt portus. Præcipuum autem omnium est sancti Dominici, que civitas insignis esse perhibetur, multique commercii, relique siquidem Coloniae ductæ ab Hispanis & conditæ sunt. Cuba ac divi Joannis cæterisque omnibus Insulis, necnon continenti, auri fodinæ innumere passim effodiuntur. Hæc loca omnia frequentibus incolis habitantur. Celebris divi Dominici urbe, regnum forum præest, Imperatoris ædificæ, in aliis vero oppidis, villis & insulis, ejus gubernatores & populos regunt, ratione & legum sinceritate potius quam animi affectibus. Incognitæ sen ignotæ nobis Indorum regiones indies aperiantur, expugnanturque, quo fides catholica felix ac faustum caput incrementum. Hispania vero congestis undique opibus ditior exalit.

Nº 3. Hanc continentem Hispani à suo nomine novam Hispaniam denominaverunt, quam illustri dominus Fernandus Cortesius, Vallis & Guaxacæ Marchio expugnavit; ejus plurimæ insunt provincie, urbesque innumere habitantur, quarum insignior Mexicæ nuncupatur, Indorum nomine. Hæc siquidem numero quingenta incolarum millia excedit, eamque Lacus quidam salsus circum, quadraginta parasangis; inde extracta maxima auri & argenti copia, ac preciosis lapillis, cum relique aliæ hujus provincie urbes, tum ipsa Mexicæ præcipuè abundat, plurimisque bombix & gossipium, alumen, crocum, glastum, aliisque ad indicendum colores produciuntur. Prasertim saccharum, seu arundineus succus, adeo passim prodit, ut omnes Hispanorum naves annuatim ad

tracto de mercaderías; usau en lugar de moneda unas almeceñas partidas por medio que ellos llaman escudo, o cacanghate, barbara moneda. Tienen mucho trigo, y cevada, y otras muchas semillas, y viñas y muchas fructas de diversas suertes. Es tierra de muchos animales; ciervos, puercos monteses, leones, pardos, tygres y otra mucha caza, así de aves como de animales terrestres. Es gente muy abill en contrahazer al natural qualquiera figura de bulto y en debuxar pinturas. Las mugeres comunemente se adornan con piedras preciosas y perlas de valor. Usan esto Indios cierta especie de papel en el qual debuxan con figuras todo lo que quieren dezir, en lugar de letras. Nunca tuvieron paz entre ellos, antes los unos perseguían á los otros con batallas continuas, en las quales, los que eran presos de una parte y de otra los enemigos los sacrificaban á sus dioses, cuyos cuerpos muertos eran mantenimientos publicos á la lueste. Eran ydolatras y adoravan lo que se les nutojavi, eran muy amigos de comer carne humana; puesto que al presente se despojaron de aquellas licras y crueles costumbres, y se vistieron de Jesu Christo, creyendo de buen corazon nuestra sancta ley Evangelica, y obedeciendo á la sancta madre yglesia y á sus mandamientos sanctissimos.

Nº 4. Este estrecho de todos sanctos descubrió Hernando de Magallanes, Capitan de una armada que mandó hazer la S. e. e. m. del Imperator Don Carlos y Rey, nuestro señor para el descubrimiento de las islas Maluco. Ay en este estrecho hombres de tan grande estatura que parecen Gigantes. Es tierra muy desierta; y vistense de pieles de animales.

Nº 5. Estas islas de Maluco fueron descubiertas por Fernando de Magallanes, Capitan de una armada que su magestad mandó hazer para el descubrimiento de las dichas islas, y por Joan Sebastian del Cano; es á saber, que el dicho Fernando de Magallanes descubrió el estrecho de todos sanctos, el qual está en LI grados y medio hazia el polo Antartico; y despues de aver passado el dicho ylo estrecho syn [estrecho, y no sin] grandísimo trabajo y peligro, prosiguió su viaje hazia las dichas yslas por espacio de muchos dias, [y] llegó á unas yslas de las quales le meridional dellas está en XII grados; y por ser la gente della tan biliciosa, y porque les hurtaron el batel de una nao, la pusieron

Bethicam Hispallim onerentur, indeque ad omnes provincias, hujus incolæ ad computandas omnimodas merces collidissimè sunt. Pro nimis emolctis mediis unig-dalis utuntur, quod minorum genus Cæneo, seu Cacanghato barbaro Idolorum nomine appellat; tritico, orbeo, aliisque seminibus, visis & ceteris fructibus plurimum abundat; incumera terrestrium animalium genera, præcipue Cervorum, Aprorum, Leonum, Pardorum, Tigerum passim vagantur, aviumque volatillum inexhausta propemodum multitudo, quæ quidem loca omnia venationis plena. Ea gens doctissima & apprime studiosa est, tum ad formam qualescunque res sculptendi arte, quam ad effigies quasvis exacte figuras graphice. Formæ mulieris gemulis unobibus & preciosis lapillis adornantur. Papyri quodam genere Indi utuntur, in quo figuris quibusdam deliniant quæcumque voluerint pro literis. Nunquam mutuo pacem habent, concordia federe, quinimo se invicem insequuntur bellis assiduis ac detestandis. Qui vero ex utraque acie victi capiuntur, hi cum victimis diis patriis pro victoria litabantur, quorum cadavera pro publicis dapibus exercitui apparabant. Ea gens Idolorum cultrix erit, carnis hominum avidissima, adorabatque omnia quibus animus ejus quotidie afflicebatur. Etsi tempestate nostra feris illis antiquis moribus exita & Christum Dominum nostrum se induens, cum tido corde proficitur, veneretur, & colat: Evangelicæ fidei, Christianicæque religioni fœditer credens, sacre sanctæque Catholice orthodoxorum Ecclesiæ sinceris monitis divinisque præceptis obtemperans.

Nº 4. Fretum hoc Omnium Sanctorum Ferdinandus Magallianus aperuit, quem classis regis Hispanorum ad aperendum expugnandumque Malucorum Insulas S. e. e. Majestas Caroli Imperatoris invictissimique Regis Domini nostri, hujus nominis quinti, ducem præfecerat. Qui hoc fretum degunt, Gigantes potius terrigenesque homines esse traduntur, horum regio amplissima, vasta solitudine, ac raro habitatore colitur, hi hominum solis animalium pellibus induuntur.

Nº 5. Has Malucorum Insulas Fernandus Magallianus diu nostratibus clausas aperuit, necnon Joannes Sebastianus del Cano ejus successor, quem inquam Ferdinandum ad opulentissimas has Indorum Insulas aperendas S. e. e. Majestas Caroli Imperatoris domini nostri hujus nomine quinti, suæ regis Hispanorum classi ducem & gubernatorem præfecerat, quæ quidem classis è portu Hispaliis insignis civitatis Beticæ provincie nauticum solvit. Is itaque primo fretum Omnium Sanctorum aperuit, quod ab æquinoctiali ad Antarticum vergens 52. gradibus cum dimidio distat; cumque supradictas Insulas petens hanc sive maximo sui periculo suorumque labore intolerabili, ulterius navigare per-

nombre, la isla de los ladrones; y de ay prosiguiendo su viaje, como dicho es, descubrió una isla, que le pusieron nombre la Aguada, porque ay tomaron agua; y de ay adelante descubrieron otra, que se dize Buham, y Accilani, y otra, que se dize Cubu, en la qual ysla murió el dicho Capitan, Hernando de Magallanes, en una escaramuza que uvo con los naturales della; y la gente que quedó de la dicha armada eligieron Joan Sebastian del Camo por Capitan della: el qual despues descubrió la ysla de Bendamo, en la qual ay mucho oro de nascimiento y canela muy fina; y ay mismo descubrió á la ysla de Poloa, y á la de Brunay, y á la de Gilolo, y á la ysla de Tridori, y á la de Terenati, y Motil, y otras muchas, en las quales ay mucho oro, y clavo, y nuez moscada, y otro genero de espeeeria y drogueria. Cargó el dicho Sebastian del Camo dos naos, que les avia quedado de cinco que llevaron, de clavo en la dicha ysla de Tidori, porque en ella, y en la dicha ysla de Terenati, dizen nascer el dicho clavo, y no en otra alguna; y assi mismo truxo mucha canela y nuez moscada. Y viniendo la buelta del cabo de buena esperanza por el mar Indico adelante, para venir á España, una nao le fue forzado de arribar y tornar á la ysla de Tidori, de donde se partió, por la mucha agua que hazia; y el dicho Capitan Joan Sebastian del Camo, con su nao, nombrada Sancta Maria de la victoria, vino á estos Reynos de Castilla, á la cibdad de Sevilla, Año de M. D. XXII, por el cabo de buena esperanza. De manera que claramente parece aver dado el dicho Joan Sebastian del Camo una buelta á todo lo universo; por quanto fue tanto por occidente, aunque no por un paralelo, que bolvió por el oriente al lugar occidental de donde se partió.

Nº 6. Estas provincias fueron descubiertas por el honrado y muy esforzado caballero, Francisco Pizarro, el qual fue governador dellas durante su vida; en las quales ay infinito oro y plata de nascimiento, y minas de esmeraldas muy finas. El pan que tienen hazenlo de maiz, y el vino semejantemente; tienen mucho trigo y otras semillas. Es gente bellicosa; usan en sus guerras arcsos, y hondas, y lanzas; sus armaduras son de oro y plata. Ay en las dichas provincias unas ovejas de hechura de pequenios camelos; tienen la lana muy fina. Son gentes idolatras y de muy sutil ingenio; y en toda la ribera de la mar, con mas de veinte leguas dentro de la tierra, no llueve. Es tierra muy sana.

geret. Tandem longo post tempore quibusdam appulit Insulis, è quibus à Polo Aretico, que magis ad meridiem expectat duodecim ab æquatore gradibus remota est, cujus homines agilitate apprime callidi sunt, quorum atrocissimi, quia cymbula quedam classis, è conspectu nautarum Hispanorum evanuit, ea loca, latronum Insulas denominaverunt. Hinc deinceps ulteriori navigatione aperuit quondam Insulam, cui Laguada nomen indidit quoniam eodem aquatum ire illi contigit: Apernit & alias Buham scilicet, Acciliani & Aenbu, quarum ultima dictus Fernandus Magellianus congressu quodam Indorum hostium vita finctus est, cui Joannes Sebastianus del Caño totius classis suffragiis, votisque omnium electus feliciter successit, qui postea sequentes Insulas Bedenao, Apoloam, Brunai, Gilolo, Atidori, Terrenati, Motil, aliasque quam plurimas Insulas prosperè aperuit quibus maxima auri copia exoritur, Gariophilorum, Cinnamonii, nucisque miristicæ, ac omnium aromatum & mercium, adeo ut ipse classiarum Joannes Sebastianus del Caño duas naves ex quinque, quas è naufragio ceperat incolumes, Tidori Insula Cartophilis oneravit. In illa siquidem ac Terenati tantum, in aliis vero Insulis nusquam produci aiunt: Abundat itidem Cinnamonum, ac nucis miristicæ Bendenao legantur, quarum etiam maximam copiam inde abstulit. Dumque is ad Hispaniam per mare Indicum rediret, ac bonæ spei promontorium insinuare properat, altera navium sentinam exantillare haud facile valens, ne fluctibus obrueretur, Tidori Insulam iterum petere coactus fuit, unde mare metiri ceperat: Joannes vero Sebastianus del Caño bonæ spei promontorium petransiens, navi, qua vehebatur cui nomen diva viatrix Maria, Hispaniam civitatem Beticæ regionis tuto adire potuit est, unde primum navigare inchoaverat, Anno à nativitate redemptoris 1522. Ex quo satis constat Joannem Sebastianum del Camo totum orbem circulariter navigasse, utpote qui adeo occidentalem plagam usque permeavit, ut eam transiens ad occidentem iterum rediret, unde primum iter ceperat.

Nº 6. Has provincias nobis aperuerunt expugnaveruntque magnanimi equites Franciscus Pizarro & Almagro, qui inquam Franciscus Pizarro has dum vixerit gubernavit; copiosè inde extractis divitiis. Abundant enim aurifodinis & preciosis Smaragdus. Panis eorum quo vescuntur, & vinum quod bibunt, ex quadam spica prægrandi fit, que Indorum idiomate Maiz appellatur. Ea gens belligera est, acri ingenio, idolorumque cultrix, utiturque in bello fundis, arcu & jaculis. Armature eorum aurea sunt & argenteæ. Genus quoddam ovium illis nascitur parvorum Camelorum simile, quarum lana mollis ac subtilissima est; ad viginti parasangas & amplius, tota litoralis ora nunquam pluvia

Los Christianos tienen hecho en ella muchos pueblos, y cada día van aumentando.

Nº 7. Llamán los Indios á este gran Río, el Río huruai, en castellano, el Río de la plata. Toman este nombre del Río huruai, el qual es un Río muy caudaloso, que entra en el gran Río de Parana. Descubriólo Joan Diaz de Solis, piloto mayor de los catholicas reyes de gloriosa memoria; y descubrió hasta una isla, que el dicho Joan Diaz puso nombre la isla de Martín Garcia, porque en ella enterró un marinero, que se decía Martín Garcia; y la qual dicha isla está obra de treynta leguas arriba de la boca deste Río; y costele bien caro el dicho descubrimiento, porque los Yndios de la dicha tierra lo mataron y lo comieron. Y después passados muchos años lo bolvió á hallar Sebastian Caboto, Capitan y Piloto mayor de S. e. e. m. del Imperador don Carlos, quinto deste nombre y Rey, nuestro señor, el qual yva por Capitan general de una armada que su majestad mandó hazer para el descubrimiento de Tarsis, y Ouir y Catayo oriental; el qual dicho capitan Sebastian Caboto vino á este Río por caso fortuito, porque la nao capitana, en que yva, se le perdió, y visto que no podia seguir el dicho su viaje, acordó de descubrir con la gente que llevava el dicho Río, vista la grandissima relacion que los Indios de la tierra le dieron de la grandissima riqueza de oro y plata, que en la dicha tierra avia; y no sin grandissimo trabajo y hambre y peligros, así de su persona como de los que con él yvan. Y procuró el dicho capitan de hazer cerca del dicho río algunas poblaciones de la gente que llevó de España. Este Río es mayor que ninguno de quantos acá se conocen; tiene de ancho en la entrada, que entra en la mar, veinte y cinco leguas, y trezientas leguas arriba de la dicha entrada tiene dos leguas en ancho. La causa de ser tan grande y poderoso es que entran en él otros muchos rios, grandes y caudalosos. Es río de infinitissimo pescado y el mejor que ay en el mundo. La gente en llegando á aquella tierra quiso conocer si era fértil, y aparejada para labrar y llevar pan; y sembraron en el mes de setiembre LII granos de trigo, que no se halló mas en las naos, y cogieron luego en el mes de diciembre cinquenta y dos mill granos de trigo, que esta misma fertilidad se halló en todas las otras semillas. Los que en aquella tierra biven dizen, que no lexos de ay en la tierra adentro, que ay unas grandes sierras de donde sacan infinitissimo oro, y que mas adelante en las mismas sierras sacan infinita plata. Ay en esta tierra unas ovejas grandes como asnos comunes, de figura de camelos, salvo que tienen la lana tan fina como seda; y otras muy diversas animales. La gente de la dicha

madescet. Christicole plurimas illic ducant colonias, indiesque eas angere student.

Nº 7. Vastum flumen hoc Indorum lingua Vruai, Hispano vero idiomate Río de la plata nuncupatur, cui alluit & alius fluvius Parana nomine; hoc autem Joannes Dias de Solis invictissimorum catholicorumque regum Ferdinandi & Elizabeth archigubernius primus aperuit, Insule tenus, quam à nomine ejusdem nautæ sue classis ibi sepulti, Insulam Martini Garcia denominavit, que memoratum intra flumen ab ejus hostiis quadraginta parasangis distat. Hanc siquidem per varios casus per tota discrimina rerum, dum clausum seis aperit, expugnatque, ab Indis oppressus occisusque devoratur. Elapsis autem postea multis annis Sebastianus Cabotus navigandi arte astrorumque peritissimus, dux & archigubernius Caroli Imperatoris, hujus nominis quinti regisq; potentissimi, denuo nobis aperuit classem regiam, cui ipse Imperator ducem præfecerat ad aperiendum insulas Tarsis, Ouir, Ciapango & Eocatai, qui inquam archigubernius obiter flumen hoc intravit, in causa fuit, quia navium eius duetrix naufragium fecerat, procellis obruta fluctibus, quo cursum sibi destinatum cum sociis minime continuare potuit, cumque his nautis, qui mari recepti aderant, flumen aperire aggressus est haud sine magno sui periculo snorumque labore intolerabili, fame ac rerum omnium penuria, à nommalis Indorum antea certior factus, regionem istam auro & argento omnium opulentissimam esse, quo solertissimus dux & archigubernius motus docere colonias cepit; prope flumen nonnullos arces ac propugnacula condere diligenter curavit, quibus Hispani incolæ facile tuerentur, & vim hostium Indorum inde propellerent. Hoc flumen majus est omnibus nobis cognitis, cujus ostia mare adlittata latitudine viginti quinque parasangis protenduntur. Reliquum hujus supra trecentas ab ostiis latitudine duobus parasangis dimittitur, cujus vasta profunditas causatur ex multorum confluxu ingentium fluviorum; multis abundat & optimis piscibus omnium quas mare nutrit. Gens nostra cum primò in his appulit oris, an culta tellus illa fertilis esset & aptissima letas ferre segetes periculum fecit, collectis quinquaginta duobus tritici granis, que in tota corum classe invenerant mense Septembri terre mandavit. Decembris vero dno millia supra quinquaginta mensit, ¹ aliorum seminum ac leguminum eadem est fertilitas. Hujus regionis incolæ non procul inde celos quosdam montes inesse aiunt, è quibus ingentem auri copiam extrahere solent, nec multo longiori intervallo alios asserunt numero abundare argento, & alia enim vitum dicta innumerabilia enarrantur, que

¹ Should be "mensit."

tierra es muy diferente entre si, porque los que viven en lasaldas de las sierras son blancos como nosotros, y los que estan nazia la ribera del rio son morenos. Algunos dellos dizen que en las dichas sierras ay hombres que tienen el rostro como de perro, y otros de la rodilla abaxo como de Abestruz, y que estos son grandes trabajadores y que cogen mucho mayas, de que hazen pan, y vino del. Otras muchas cosas dizen de aquella tierra que no se pone aquy por no ser prolixas.

Nº 8. Esta tierra fue descubierta por Joan Caboto Veneciano y Sebastian Caboto su hijo, anno del nacimiento de nuestro Salvador Jesu Christo de M. cccc. xciii, á veinte y quatro de Junio por la manana; á la qual pusieron nombre prima tierra vista, y á una isla grande, que está par de la dicha tierra, le pusieron nombre sant Joan, por aver sido descubierta el mismo dia. La gente della andan vestidos de pieles de animales; usan en sus guerras arcos y flechas, lanzas, y dardos, y unas porras de palo, y hondas. Es tierra muy steril; ay en ella muchos orsos blancos, y ciervos muy grandes como cavallos, y otras muchas animales; y semejantemente ay pescado infinito, sollos, salmones, lenguados muy grandes de vara en largo, y otras muchas diversidades de pescados, y la mayor multitud dellos se dizen bacallaos; y así mismo ay en la dicha tierra halcones, prietos como cuervos, aguilas, perdices, pardillas, y otras muchas aves de diversas maneras.

Nº 9. En esta yslandia ay grandissima multitud de pescado; tomanlo en el yvierno, y secanlo con el grande frio que haze allá porque esta dicha isla está dentro del círculo Artico; y en el verano van allá de muchas partes, y mercan del dicho pescado así seco á trueque de harina y cervesa; y este dicho pescado es tan seco y duro, que para comerlo lo batien con unos martillos de hierro encima de unas piedras duras como marmol, y despues le ponen á remojár un dia o dos, y así lo comen despues, cozido con mantea de vacas. Y en toda esta mar setentrional ay grandissima multitud de pescado, y muchos dellos grandes y de monstruosa forma; an visto los que en esta mar navigan morenas grandissimas, que parecen grandes sierpes, y acometer á los navios para comerse los navegantes. Los naturales de la dicha isla la mayor parte dellos hazen sus casas debajo de tierra, y las paredes de huesos de pescados; no tienen leña salvo unos

pro eorum prolixitate ne fastidiant animos silentio traduntur. Hi homines proni sunt ad laborem, ac terre cultus studiosissimi, unde multum vini & panis conficiunt ex ea specie, quam Indi Maiz appellant. Quoddam genus ovium hic magno corpore adest parvorum camelorum instar, quarum vellera permolli ac tenuissima lana, ceu bombice exornantur suntque alia quam plurima diversorum animalium genera. Hujus regionis homines, forma & colore inter se longe differunt siquidem qui in montibus degunt, albi colore & nobis similes sunt: qui vero fluminis ripas incolunt, hi fusco & tetro colore nigrent. Nonnulli eorum caninam faciem habere perhibentur, quidam autem pedes & tibias ad strutho-camelorum similitudinem habent.

Nº 8. Terram hanc olim nobis clausam aperuit Joannes Cabotus Venetus, necnon Sebastianus Cabotus ejus filius, anno ab orbe redempto 1494. die vero 24. Julii, hora 5. sub diluulo, quam terram primum visam appellarunt, & Insulam quandam magnam ei oppositam, Insulam divi Joannis nominarunt, quippe quae solenni die festo divi Joannis aperta fuit. Hujus terrae incolae pellibus animalium induuntur, arcu in bello, sagittis, hastis, spiculis, clavis ligneis, & fundis utuntur: steriles incultaque tellus fuit, leonibus, ursis albis, procerisque cervis, piscibus innumeris, lupis scilicet, salmonibus & ingentibus soleis unius ulnae longitudine, aliisque diversis piscium generibus abundat, horum autem maxima copia est, quos vulgus Bacallios appellat; ad haec insunt accipitres nigri corvorum similes, aquilae, perdicesque fusco colore, aliaeque diversae volucres.

Nº 9. Haec Insula innumera piscium multitudine abundat, quos ejus incolae hyeme capiunt & Boreali horriferoque frigore desiccant, ut pote inque sub Areti sita círculo, penetrabile frigus constringit desiccando. Invenite autem vere Angli, Germani, aliarumque diversarum regionum incolae huc advigant, pisces hos frigore desiccatos empturi, cervisia & farina commutatione. Estque hoc piscium genus adeo durum, ut malleis ferreis superlapi dem pertundere necesse sit, postea vero aqua biduo molire, quo tandem butyro condientes comedant. Nec solam haec insula ingentem piscium copiam alit, sed etiam totum mare Scythicum, quoniam nonnulli adeo vasto corpore emergunt, ut monstra potius marina quam pisces videantur. Fertur à quibusdam hoc mare navigantibus adeo hic ingentes murenes prospici, serpentibus similes ut naves ipsas invadere audeant, quo nautas & vectores arripientes devorent. Insulae hujus incolae

¹ In Chytraeus it reads "1594 die ver. 24 Junii."

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504 die ver. 4

pequenos arbolezitos y destos muy pocos, y en pocos lugares. Mas el Proveedor de todas las cosas lo provee cada año, que le viene por la mar, de hazia las partes setentrionales de la dicha isla, muy grandisima multitud de arboles de diversas suertes y grandezas, como cosa de naufragio, transportados de furiosos vientos septentrionales á la costa de la dicha isla; de los quales los naturales se proveen, y gastan para todo lo á ellos necesaria. Y dicen que muchas vezes oyen hablar spiritus, y llamarse por sus nombres, y parecer á personas vivas, y dezirles quien son, y en ciertas partes de la dicha isla salen unos fuegos muy horribles, y otras muchas maravillas dicen los naturales desta dicha isla que ay en ella.

Nº 10. Los hombres que habitan en esta region son salvajes; crecen de pan y de vino; amansan ciervos y cavalgan en ellos; y pelean con otra gente, que está mas adelante hazia el setentrion, que ellos llaman nocturnos, porque van de noche y hazen sus haciendas como acá de dia; y esto porque los dias allá, desde xiiii, de setiembre hasta x de marzo, son tan pequenos que non ay una hora de claridad. Son muy mala gentes, alteadores; roban á todos los que pasan por ay cerea; navio ninguna no osa estar surto á la costa por miedo destos hombres nocturnos, porque matan y roban á todos quantos pueden aver á las manos. Y un poco adelante destos nocturnos, hazia el sudueste, dicen aver unos monstruos que tienen todo el cuerpo como de persona huanaa, salvo la cabeza, que tienen como de puero, y que gruñendo se entienden como puerco.

Nº 11. Los que habitan en esta Region, algunos adoran el Sol, otros la primera cosa que ven por la mañana quando se levantan, otros adoran un pedago de paño colorado que ponen encima de una lanza, y asy cada uno adora lo que se le antoja; estan dexado del poder del gran Can, Imperador de los Tartaros.

Nº 12. Aquí ay monstruos semejantes á hombres, que tienen las orejas tan grandes que les cubre todo el cuerpo; y mas adelante, hazia oriente, dicen que ay unos hombres que no tienen coyuntura ninguna hazia las Rodillas ny en los pies: Estan dexado del poder del gran Can. En la provincia de Balor, la qual tiene cinquenta dias de andadura, son hombres silvestres; habitan en los montes y florestas.

subterranea domicilia sibi construant, quorum parietes piscium ossibus erigant, lignorum autem penuria laborant, perexigua siquidem arbuscula raraque hic pullulant, sed summus ille gubernator his necessaria annuatim satis copiosè largitur ex Septentrionali plaga, quam plurimè varieque ac procerè arbores, turbine ventorum eradicatè immanique agilitate procella his littoribus, naufragii instar impelluntur, quibus incolae abundè utantur. Aliud præterea persape hic audire spiritus se mutuo alloquentes, propriisque nominibus se invicem appellantes, & vivis hominibus nonnunquam apparentes, quibus se ac sua nomina, quæ sint indicare perhibentur, & quibusdam ejusdem Insule locis, ignis, visu horribilis per se exentitur & procul jactatur, rotaturque. Et plura alia cum visu tum auditu mirabilia hujus Insule inesse asserunt quæ brevitatís causa omituntur.

Nº 10. Hujus regionis incolæ ferinis moribus imbuti, solitudinem incolunt sylvestresque omnino sunt, panis & vino penitus carent, cervos cieures ac mites reddentes, horum dorsis invehuntur. Cumque his hominibus magis ad Septentrionem vergentibus bella semper ineunt Nocturnis nomine appellatis, quia suas ipsorum res tam publicas quam privatas noctu, quemadmodum apud nos diu nostrates peragunt, eis quoque hoc evenit, quia è decimo quarto Septembris die, usque ad decimum Martii, adeo breviter dies eorum semper evolat, ut vix minus horæ spatium contineat; ea gens pessima est, cassatrixque & omnimodo atrocissimi delitissima, adeo ut nullus viator ea loca adeat, quin ab eisdem Nocturnis occidatur spoliaturque. Paulo ante ulterrimis à Nocturnis Aphricumversus monstra quadam inesse aiunt, que quidem toto corpore hominibus, capite vero porcis similia sunt, & graminentes porcorum instar se mutuo intelligunt.

TABULA SECUNDA.

Nº 11. Eorum qui hac regione degunt, quidam Solem adorant: Alii vero exurgentes hęc quicquid primum viderint: Alii nem frustum panis rubri hazia ali-gentes venerantur navinis instar.

Nº 12. Sunt hic monstra hominibus similia, que adeo demissas prægrandesque habent aures, ut his totum corpus operiant. Ulteriusque orientem versus quosdam homines inesse perhibentur, quorum genua & pedes junctura carent, deguntque sub ditione magni Canis, in illa provincia, quem Balor eorum nomine dicitur, hæc quinquaginta dierum iter continet. Ii homines sylvestres omnino sunt, montium nemorumque cultores.

Nº 13. Aquí habita aquel poderoso Rey de Azimbia y Anxama, que algunos llaman Preste Joan, al qual sesenta Reyes le dan obediencia; es abundantísimo de toda riqueza, y nunca se halla que fue-se vencido en batalla alguna, mas muchas vezes bolvió del medio día, de los pueblos Throgoditas, gente nuda y negra, con gloriosa victoria; la qual gente llega hasta el cabo de buena esperanza. Entre la qual gente ay una nacion que no hablan, mas sillando se entienden. Y este no es el Preste Joan, porque el Preste Joan tenía su señoria en la Yndia oriental y meridional, fasta que Chenchis, primero Rey de los Tartaros, lo venció y superó en una muy cruel batalla, en la qual murió; y el dicho Chenchis le tomó todos sus Reynos y señorias, y dexó bivar los Christianos en su ley, y les dió Rey Christiano que los regiese y gobernase; el qual Rey se llamava Jorge, y despues aca todos los reyes que suceden se llaman Jorge, como lo dice Marco Polo mas largamente á los xlii y á los xlviij capítulos de su libro.

Nº 14. El Rey desta provincia y Reyno de Bengala es muy poderoso señor y tiene debaxo de su señoria muchas cibdades, y muy grandes y de mucho tracto. Ay en este provincia y Reyno mucha canela, clavo, gengibre, pimienta, sanjalos, haca y seda en mucha cantidad. Tienen por costumbre en este Reyno y provincia, despues que mueren, de quemar los cuerpos; y quando el marido muere primero que la muger, quemase la muger viva con el marido, diciendo que va á gozar con el en el otro mundo; y es desta manera; que muriendo el marido la muger haze un gran combite y se viste de los mas ricos vestidos que tiene; al qual combite vienen todos sus parientes y del marido, y despues de aver comido, va ella con toda la gente á un lugar donde está hecho un grandísimo fuego, cantando y baylando fasta llegar al dicho fuego; y despues hechan el cuerpo muerto del marido dentro, y luego ella se despide de sus parientes y amigos, y se lança en el fuego; y aquella que mas liberalmente se hecha en el fuego, aquella da honra á su linage. Mas ya esta costumbre no se usa como solia, despues que los portugueses tractaron con ellos, y le dieron á entender que Dios nuestro señor no era servido de tal cosa.

Nº 13. Hic potentissimus ille regum degit. Azimbie Auxameque civitatibus Imperans, quem vobis Preste Joannem appellant, cujus ministerio astrincti sexaginta Reges versantur, quorumvis potentissimorum Regum felicissimam sortem divitiis suis exuparans, quippe qui nunquam bello ut ullis pro illis¹ victus recessit, sed saepe Throgoditis nudo nigroque corpore populis meridiei maxima cum victoria triumphans rediit, qui cum promontorio bene spei (ut fertur) conterminat, inter quos genus quoddam horum hominum non loquitur, sed sibilis tantum se invicem percipere solent. Hunc itaque haud Preste Joannem illum esse, facile constat, cum is Eois, ac meridionalibus Indis imperaret, donec Chenchis primus Tartarorum rex, crudelis bellico congressu quodam cum superans feliciter prostravit ejusque imperium armata manu usurpavit. Christicolisque (quoscunque ibi invenerat) impune religione sua uti clementer concessit, ipsi Regem statuit ejusdem fidei, qui mitissimè eos regeret, ac benignè eos tractans gubernaret, Georgius nomine, cujus deinceps successores idem nomen sibi vendicabant, quemadmodum Marcus Polus libri sui quadragesimi, secundo & tertio capite copiosius refert.

Nº 14. Hujus provincie regniq; Bengolæ potentissimus rex est, pluribus ingentibus ac insignibus & maximi commercii civitatibus dominatur, estque incredibili propemodum conjunctus necessitudine cum invictissimo Lusitanie Rege, quocum perpetuo federe pacem inivit unde ingens ei copia provenit Cinamomi, Gariophilorum, Zinziberis, Piperisque, Sandalorum & Bombicis. Horum moris fuisse aiunt cadavera cremare, & si uxoratus aliquis ex vivis decessisset, cum eo vivam ejus conjugem in rogo mariti comburere, credentes illam ad alium orbem migrantem eo ipso usque frui, cum quo hic vitam egerat. Cujus res hujusmodi erat, conjuge mortuo uxor ejus convivis vivis solenne parabat, defunctoque parentalia, induelaturque auro & poplo preciosissimo, omnium que possidebat, & ad lautas epulas illarum omnes confestim tam sui quam mariti affines & amici properantes convocabantur, quibus postquam exempta fames epulis, mensæque remote, tunc illa convivis omnibus & funerali pompa stipata ad pyram accedebat, exultansque canebat & tripudiabat, quo ubi pervenerat, mariti cadavera in ignem dejecta, ipsa deinceps in rogam desiliebat, extremum vale omnibus dicens, & que hilariori vultu in flammis se proiecerat, majori se suosque omnes honore afficiebat. Enimvero vanus ille ritus & detestanda religio evanuit, ex quo gens Lusitania eorum commercio utitur, quippe qua diu eos adhuc pessimum facinus illud

¹ So on the map; but in Chytreaus it is "aut ullis preliis."

ille regum civitatibus te Joannem trincti sexa- nvis poten- am sortem ui nunquam recessit, sed que corpore victoria tri- torio bone inter quos non loquien- aud Preste- stat, cum is imperaret, rorum rex, odam cum usque impe-

Christico- at) impune cessit, ipsis ai mitissimé tractans gus deinceps endicabant, s libri sui rtio capite

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Nº 15. El gran Can, Imperador de los Tartaros es muy grandísimo señor y muy poderoso y intitulase Rey de los Reyes y Señor de los señores; tiene por costumbre de dar á sus Varones vestidos treze vezes en el año, en treze grandísimas fiestas que haze en cada un año, y estas vestiduras son de mayor o menor valor, segun la calidad de las personas á quien se da; y á cada uno dan una cinta, y calzas, sombrero guarnescido de oro y perlas y piedras preciosas, segun la grandeza de las personas; y estas vestiduras que da el dicho gran Can en cada un año son clvi. M; y esto haze por egrandeser y magnificar sus fiestas. Y quando muere llevando a enterrar á un monte que se dize Alcaý, donde se entierran los gran Canes, Imperadores de los Tartaros; y los que lo llevan a enterrar matan á todos los que hallan, diziendoles; id á servir á nuestro señor en el otro mundo; y assi mismo matan tolos sus cavallos, camelo y azemilas que tienen, creyendo que van á servir á su señor. Quando murió Mongui Can, Imperador de los Tartaros, fueron muertos trezientos mill hombres, que encontraron en el camino aquellos que lo llevavan a enterrar, segun dize Marco Polo en su libro, capítulo XLII. Poggio Florentino, Secretario del Papa Eugenio quarto, acerca del fin de su segundo libro, que escribió de la variacion y mudanza de la fortuna, hace mucho para la confirmacion de lo que el dicho Marco Polo escribió en su libro.

Nº 16. Diversas opiniones ay qual sea la Trapovana, despues que los Españoles y Portugueses navegaron el mar Indico: de la manera que el Ptolemeo la tiene situada, por grados de longitud y latitud, ereo que á todos sea notorio. Algunos de los modernos descubreadores tienen que la isla de Ceislan es la Trapovana; otros tienen que es la isla de Camatra. Plinio escribe de la Trapovana en su sexto libro, capítulo xxij, y dize que fue un tiempo que tuvieron opinion que la Trapovana fuese otro mundo, y que se llamava Antichtono; y que Alexandro fue el primero que nos dió noticia aquella ser isla; y que Onesechrito, almirante de su armada [dijo] que en la dicha isla de Trapovana ay mayores elephantes y mas bellicosos que en la India; y que Magasene pone su longura siete mill estados, y de anchura cinco mill; que no ay en ella ciudad cercada, salvo setenta e cientos villages; y que en el principio de Claudio vinieron embaxadores de la dicha isla á Roma. Desta manera: el li-

dedoetit, quæ omnia Deo displicere facile mme persuadentur.

Nº 15. Princeps ille Tartarorum, quem vulgo magnam Can nominant, locupletissimus potentissimusque esse perhibetur, jubetque superbissima nomenclatura se regem regum ac potentium omnium principem appellari. Huic morem esse aiunt, iis viris omnibus, qui in ejus aula suo ministerio astricti versantur, tredecim diebus festis, quos summo honore peculiari ritu quotannis celebrat, recentes preciosasque vestes pro ejuisque meritis dare, donatque his omnibus festis etiam singulas zonas singulis singulaque tibialia, caligulas, galeros vel umbellas, anro, margaritas, ac preciosis gemmis circumseptas, ut enjusvis merita sunt. Vestium autem numerus quas singulis annis largitur, sex milium supra centum quinquaginta proditur, quæ omnia & sua festa colendi, ac extollendi, & proprii nominis celebrandi gratia diligentissimi fieri curat. Qui mortuus in montem, cui Alcaí nomen inditum, tumulandus effertur, porro efferentes quotquot inter eundem obvios habent pro victimis occidunt. Aiunt siquidem, par esse, eos principem suum comitari, aut alio orbe debita servitutis obsequia sint prestanda: maectant etiam equos omnes, camelos ac mulos, quibus vivens utebatur, persuasum habentes, ea omnia suo Principi post mortem servitura. Mortuo Mongui horum Tartarorum Principe, quem magnam Can appellari diximus, trecenta hominum milia in itinere, cum in montem (ut diximus) deferretur ab efferentibus reperta, auctore Marco Polo libro quarto capite 24. esca sunt assertit hec idem Florentinus Poggius, qui à secretis fuit Eugenio Papæ quarti libro secundo de fortunæ mutatione, qui non dubia que à Pollo scripta sunt, apertissimé demonstrant.

Nº 16. Trapovana quænam sit, ac nbi terrarum sita, varie auctores sentiunt, ex quo ab incolis Beticæ regionis, necnon Lusitanicæ mare Indicum navigari ceptum est. Utque à Ptolemæo secundum latitudinem graduum ac longitudinem ejus describitur, neminem latero eenseo. Nounulli vero neotericorum, qui incognita loca nobis nota tradidere, Ceilan insulam Trapobanam esse uno ore asserunt: Alii eam Camatram esse contendunt. Plinius libro 6. capite 22. hujas meminit, diens: Trapobana alter orbis esse, sententiâ omnium habebatur, unde Antichton ab eis nuncupabatur. Alexandrum autem tradunt primum existisse, qui eam insulam esse, non orbem indicaverit, utque Onosecritus classis ejus Architalassus refert. Hæc insula majores pugnatioresque habet elephantes omnibus, quos tota India enutrit, ejuis insula Magastes longitudinem septem millibus studiorum, quinque vero millibus latitudinem metitur, nullaque civitas mœnibus vallatur, septingenta tamen

berto Dano Plocamio, el qual avia mercado de la republica la renta del mar vermejo, y navegando al rededor de Arabia, fue dal viento setentrional transportado de manera, que al quítoceimo dia entró en un puerto de la dicha isla, el qual se dezia Hipno; y que fue del Rey liberalissimamente recebido y tractado. Y que, despues de aver estado en la dicha isla seis meses, aprendió la lengua, y que un dia, hablando con el Rey, le dixo, que los Romanos y su Imperador eran de inaudita justicia, y que el Rey mirando la moneda, que el dicho liberto tenia, eran de yqual peso aunque las ymagines demonstravan ser de diversos Imperadores, movido desto, embió embaxadores á Roma; el primero fue Raehia, á conciliar amicitia con Claudio. De los quales embaxadores entendió que en la dicha isla avia cececi ciudades, y que estos dichos embaxadores se uaravillaron de ver en este nuestro cielo Setentrion y las Vergilias, como cosa nueva y á ellos incognita; y que dezian que en la dicha isla no veían la luna sobre la tierra, y máximamente se maravillavan que las sombras yvan hazia el nuestro cielo y no hazia el suyo, y que el sol saliese á la diestra y se pusiese á la siniestra; por las quales susodichas razones parece, que en la dicha isla, donde el dicho liberto aportó, no parece la estrella de Norte, la qual parece en la Trapovana isla. Por donde se podría dezir, atento de donde se partió el dicho liberto Dano Proclamio, y al camino que podría hazer con furioso viento setentrional, que la isla, donde el aportó, fue la isla de Sant Lorenzo y no la Trapubana. Y que el Rey de la dicha isla es elegido, por el comun, hombre viejo y elemento y sin hijos; y si despues de elegido engendrase alguno, luego lo descomponen; y quando lo eligen, le dan treynta consejeros; y que el dicho Rey no pueda condenar á nadie, si la mayor parte de los dichos sus treynta consejeros no sean de consentimiento con el; y que despues, el dicho condenado puede apelar para el pueblo, el qual luego eligen setenta Juezes, los quales miran su causa; y si hallan que fue mal sentenciado, danlo por libre, y aquellos consejeros, que fueron en condenarlo, quedan privados de sus oficios y por infames para siempre jamas.

ville ejus provincie annuncerantur. At hæc sub ditione Claudii circa primam sui Imperii gubernationem hujus Insule oratores Romanæ petiere hæc de causa & ratione, Libertus Damius Plocamius à Romanis vectigalia & proventus maris rubri redemit, dumque Arabiam obnavigat, Septentrionalis ventus eum adeo procul disjecebat, ut quindecim clapsis diebus euidam hujus Insule portui appulserit, cui nomen Hippurus, à cujus rege benigno hospitio susceptus est. Postquam sex menses, cum ejus idioma non apprime didicisset, ac longo sermone non alloqueretur, maximam Romanæ civitatis summamque eorum Imperii libertatatem enarrabat, cumque Rex diversum moneta genus Romanorum diu eirempsieceret, quod Libertus secum attulerat, varia Imperatorum imaginem¹ impressos nummos, pondus vero æque omnium idem animadvertens, maximè admiratus est, unde confestim ad Romanorum Imperatorem Oratores legavit, qui perpetuo eum eo pacis fœdus inirent; eui cum sociis Raehias oratorum ejus celeberrimus Claudium conciliavit, ex quibus Imperator quingentas huic insule civitates inesse facile perecepit. Inque sua eceli plaga Septentrionalem arcum & vergiliarum ortum minimè videri, quibus conspectis admirabantur, siquidem hæc sidera sua regione incognita esse & nunquam apparere asserebant. Præterea Lunam ab octavo ad quintumdecimum usque diem tantum prospici aiebant. Illud omnium maximè eos admiratione afflicebat, quod umbra dextrorsum ad nostrum polum vergerent, eui sua ipsorum regione sinistras ire semper intuerentur, solemque dextra exoriri, leva vero occidi, quibus de causis & rationibus constat, arcum hæc insula, eui Libertus appulit, nunquam videri, quodque Libertus insulam sancti Laurentii, non autem Taprobanam adiit. Siquidem ex Liberti cursu & navigatione, enarrationeque oratorum ad Tiberium, ut dictum est, insula, eui ipse Libertus Damius Plocamius appulit, hæc Taprobana fuit, sed potius insula divi Laurentii. Huic insule moris esse aiunt regem è senioribus eligere comunibus omnium suffragiis, qui elementia, comitate, ac ingenui animi benignitate longe omnes superaret, quique sine liberis ac prole sit. Hic itaque septro jam potitus, si interim liberos adeptus fuerit, confestim regia potestate privari solet. Tempore autem quo is eligitur, triginta consilarii, qui regi assistant decernuntur. Hic autem neminem morti adjudicare potestatem habet, nisi prius major eorum numerus ipsi suffragetur, ad hæc jure reo permittitur, qui à rege & ejus consiliariis morti adjudicatus est, populum in sui defensionem provocare, hic protinus septuaginta legum peritissimos ac justissimos iudices deligit, qui ejus causam diligenter

¹ Should be " imagine."

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nunquam vi-
alam sancti
anam adiit.
navigatione,
liberium, ut
libertus Da-
Taphana
rentii. Huic
è senioribus
affragiis, qui
animi beni-
quique sine
ceptro jam
ptus fuerit,
ivari solet.
ur, triginta
decernuntur.
adjudicare
major eorum
ecce jure reo
consiliariis
in in sui de-
inus septua-
justissimos
m diligenter

examinant, hi si reum mortis inique con-
demnatum communi omnium consensu
compererint, eum illico vinculis solvunt,
ac pristinae libertati restitunt, consiliarios
vero qui reum moriturum censuerunt in-
justissimè regio privant munere, ac perpe-
tua ignominia afficiuntur.

*Retulo del auctor con ciertas razones de la
variacion que haze el aguja del marear
con la estrella del Norte.*

Nº 17. Sebastian Caboto, capitán y piloto mayor de la S. c. e. m. del Imperador don Carlos, quinto deste nombre, y Rey, nuestro señor, hizo esta figura, extensa en plano, año del nacimiento de nuestro salvador Jesu Christo de MDXLIII años, tirada por grados de latitud y longitud, con sus vientos, como carta de marear; imitando en parte al Ptolonco y en parte á los modernos descubridores, así Españoles como Portugueses, y parte por su padre y por el descubierta, por donde podras navegar como por carta de marear teniendo respecto á la variacion que haze el aguja del marear con la estrella del Norte; verbi gratia, tu te quieres partir del cabo de Sant Vincente para ir á tomar el cabo de Finisterra; mandarás gobernar tu navio al Norte por tu aguja de marear y yrás á dar dentro del dicho cabo, mas tu verdadero camino, que tu navio hizo, fue al Norte quarta del Nordeste, porque tu aguja de marear te Nordestea una quarta en el dicho cabo de Sant Vincente, de manera que, mandando gobernar tu navio al Norte por tu aguja de marear, tu camino será al Norte, quarta del Nordeste; y así mismo, partiendote de Salmédina, que es una baxa á la salida de San Lucar de Barmeda, para yr á la punta de Naga de la isla de Tenerife, mandarás gobernar al Sudeste por tu aguja y yrás á tomar la dicha punta de Naga por lo que está situada en la carta de marcar, mas tu camino no será al Sudeste, por quanto tu aguja de marear te Nordestea en Salmédina una quarta larga, mas será tu camino al Sudeste, quarta del Sur largo; así que podras dezir que, partiendote del cabo de San Vincente al Norte, tu camino será Norte, quarta de Nordeste, y partiendote de Salmédina al Sudeste, tu camino será al Sudeste, quarta del Sur; y así por consiguiente harás en toda otra parte deste universo, mirando la variacion que te haze la dicha aguja de marear con la estrella del Norte. Porque la dicha aguja no se buelve ny está en todo lugar al Norte, como el comun vulgo piensa; por que la piedra yman, segun parece, no tiene virtud para hazerla buelver al Norte en todo lugar, mas, segun por experiencia se vee y alcanza, tiene solamente virtud de hazerla estar stable y fixa en un lugar, por donde se de monstrar forçado por linea recta por

*Epilogus, in quo Auctor hujus Chartæ red-
dit certas rationes, variationis acus buxi-
lae nauticæ ad stellam Polarem.*

Nº 17. Sebastianus Cabotus Dux & archigubernius S. c. e. m. domini Caroli Imperatoris, hujus nominis quinti, & Regis Hispanie domini nostri, suum iam milli manum imposuit, & ad formam hanc protrahens, plana figura me deliniavit, anno ab orbe redempto, nativitate Domini nostri Jesu Christi 1544. qui me juxta graduum longitudinem ac latitudinem, ventorumque situm, cum docte tum fideliter, Geographia Chartæ instar descripsit, Geographi Ptolomei auctoritatem, peritorumque omnium neotericorum loca clausa nobis aperitium tam Hispanorum quam Lusitanorum fidem sequutus, necnon ex usu ac industria longæ navigationis integerrimi viri Joannis Caboti natione Veneti, atque Sebastiani astrorum peritia navigandique arte omnium doctissimi, ejus filii auctorisque mei, qui aliquantam orbis partem diu nostratibus clausam aperuerunt, qua propter me fida doctissimaque magistra, seu Hydrographica charta utens, quocunque est animus mare metiri poteris, acus nauticæ variationem observans, qua ad Arcum vertitur. Cujus rei argumentum est: Sic ex sacro promontorio nauticum solversis, Celticum promontorium petiturus, navem licet protinus ad Arcum dirigere jubeas, Hydrographica acu, quo cursu recto tramite Finis terræ appuleris promontorio, iter tamen quod vere navis tua pcegerat, non recta ad Arcum, sed Arcum versus ad quartam Cæciæ fuit. Navigatoria siquidem acus & si recta linea è Sacro promontorio ad oram Finis terræ cursum demonstrat, ad Arcum nihilominus tamen quarta parte ab Arcto ad Cæciam distare certum est, Quapropter cum navem acu nautica ad Arcum regere juseris, erit navigatio tua per quartam Septentrionis Cæciam versus. Eandem navigationis considerationem observabis, cum è Salmédina brevi scopulosoque inari, in exitu portus sancti Lucae ad Nage oram Tenerifiæ Insulæ navigare decreveris, tunc siquidem licet ad Liben seu Aphricum navem regere studeas Hydrographicæ chartæ observatione, rectus tamen itineris cursus nauticæ acus probabiliore fide per Aphricum quarta & eo amplius Austrum versus procul dubio erit, Salmédina nempe ad Nagan navigatio charta longe minus quam Hydrographica charta indicat, nautica acus demonstrat. Unde pro comperto

qualquier viento que fueres, y no por circular, y aessa causa haze la dicha variacion. Que si lo dicha aguja se buelviere al Norte, cada y quando y en todo lugar, no haria variacion ninguna porque yria por linea circular, porque siempre estarias en un paralelo, qual no puede ser yendo por linea recta en un redondo. Y as de notar que quanto mas te apartares del meridiano que la aguja te está derechaiente al Norte, hazia el Occidente o hazia el Oriente, tanto mas se apartará tu aguja de Norte, es á saber la flor de lis della, la qual está senalanda por el Norte; por donde pareceo claramente que la dicha aguja muestra por linea recta y no por circular; y as de saber que el meridiano donde la flor de lis del aguja está derechaiente al Norte es obra de treynta y cinco leguas de la isla de Flores, la ultima isla de los Acores hazia el occidente, segun la opinion de algunos expertos, por la mucha experiencia que dello tienen, á causa de la quotidiana navegacion que hazen al Occidente á las Indias del mar Oceano. El dicho Sebastian Caboto navegando hazia el occidente se halló en parte donde el Nordeste quarta del Norte le estava derechaiente al Norte; por las quales susodichas experiencias, pareceo claramente ser verdad los defectos y variacion que la dicha aguja de marear haze con la estrella del Norte.

habebis, cum à Sacro promontorio oram solveris Septentriones petiturus, quod iter tuum erit per quartam Arcti Cœciam versus. Eodem modo si è Salmédina ad Nagan Teneriffie Insule adnavigaveris ad Aphricum, navis tue cursus erit per quartam Austræ. Eadem ratione sigillatim uti poteris in quavis hujus discretionis parte acus magnetæ fricatio variationem observans, qua cum Arcti sidere variè operatur, quippè quæ non assidue neque ex omnibus locis Septentrionem expetat (uti plebs indocta censet) cum Magnes lapis ille (ut patet) nullam habet vim dirigendi navigatoriam acum ex omni parte ad Arctum, quin potius (ut experientia constat) calibem volubilem immotum reddere recta linea, non autem circulari ad quemvis ventorum Arcto proximam, & hæc de causa acus nauticæ usque variatur, nam si eadem acus assidue ex omnibus locis verteretur ad Arctum, nulla fieret ejus variatio, utpote quæ per circularem lineam semper viam demonstraret, ex quo sequeretur, eundem æquedistantem seu parallelum frequentare, quod nullo modo continget recta linea circularem formam aleunt. Porrò unum hoc adnotabis, candide lector, quo magis ad Solem ortum vel occasum à linea meridionali secedes, ubi acus nauticæ depictum Liliam ad Arctum directè ostendit, eo magis ab Arcto te distare proeomperito habebis, unde satis liquet, acum nauticam rectè lineam non autem circulari viam demonstrare. At notandum igitur est, quod linea meridionalis, quam nauticæ acus liliam rectissimè Septentriones ostendit, distat à Florum Insula triginta parasangis, quæ quidem ultima accipitrum Insula est occidentem versus, juxta peritissimorum omnium navium gubernatorum consensum, opinionemque, necnon ex eorum solerti experientia, quam diutina assiduæque navigatione suo jure profitentur, siquidem Athlanticum mare & Indicum indies remetiri consuescunt. Ad hæc Sebastianus Cabotus meus auctor, occidentalem Oceanum adnavigans, ad æquor quoddam devenit & plagam, ubi quarta parte Septentrionum juxta Cœciam ventus acus navigatoriæ Liliam illi rectissimè Arctum ostenderet, quibus de causis & rationibus & tutissima navigandi experientia apertissimè constat defectus & variationes acus nauticæ crebro fieri cum Arcti observatione.

*Plinio en el segundo libro, Capitulo lxxix
escribe.*

Nº 18. Que de la ciudad de Gadiz y de las columnas de Hercules, con el circuito de la Espanna y de la Galia, se navegó todo poniente. El Oceano Setentrional se navegó la mayor parte en el tiempo de Augusto, passando todo la Germania hasta el cabo de Cimbri, y desde ay hasta Scithia. Y de Oriente navegó por el mar Indico

hazia Setentrion, fasta tener el mar Caspio al Sur, la armada de Macedonia, en el tiempo que Seleucio y Antiocho reynavan; y mandaron que aquella region se llamase Selenehida y Antiochida. Y al Septentrion del mar Caspio muchas partes se an navegado; de manera que poco queda que todo el mar Septentrional no leayan navegado. Y así mismo dize en el mismo capitulo, que Cornelio Nipote escribe que á Quinto Metello Celero, el qual fue consul con Afranio y entonces era Proconsul en la Galia, le fueron imbiados ciertos Indios del Rey de Snevi, los quales eran partidos del mar Indico, con fortuna transportados en Germania.

Nº 19. En estas islas Rocos ay aves de tal grandeza (segun dizen) y fuerza, que toman un boy (buey) y lo traen volando para comer; y mas dizen, que toman un batel por grande que sea, y lo levantan en grande altura, y despues lo dexan caer y comense los hombres. Y el Petrarcha semejantemente lo dize en su libro de prospera y adversa fortuna.

Nº 20. Ay en la yslla de los de Calenguan leones, tigres, lonças, ciervos y otras muchas diversidades de animales; así mismo ay aguilas y papagayos blancos, que hablan tan claro como personas lo que a ellos les es ensennado, y otras muchas aves syn numero de diversas faciones. La gente de la dicha isla son ydolatras; comen carne humana.

Nº 21. Halló esta isla de Mamorare una nao de Cambayo, y dizen aver tanto oro en ella que no cargaron otra cosa, segun dizen los portugueses.

Nº 22. En esta isla de Ceilan ay canela de nascimiento y rubies, y iacintos, y ojos de gato y otros generos de piedras preciosas.

[N. W. Quadrant of Map. 18 of Chytraeus.]

Cinpangu es una isla grande situada en alto mar, la qual esta en 1500 milla apartada de la tierra firma del gran Can hazia oriente. Son ydolatras y gente de buena manera y hermosa; tiene rey proprio, libre, que á ninguno es tributario; tiene mucho oro de nascimiento, lo qual nunca se saca fuera de la dicha isla a causa que no aportan navios á ella por estar tan apartada [y] fuera de camino. El rey desta

[S. E. Quadrant of map.]

His Rocorum insulis insunt quadam venatorie aves ac rapinae dedite adeo proccero et ingenti corpore ut humi petentes bovem sursum abstrahentes praedam suis nidis afferant devoranturque; coque unguibus praepollent ut scapham seu eymbam quantumvis maximam arripientes ac in sublimem tollentes inde rursum deturbere solent deorsum; gaudent praeterea vesci carne hominum quemadmodum Petrarca refert libro qui de prospera et adversa fortuna inscribitur.

En Romance ve á tabla 2ª Nº 19.

Hae insula innumeri leones, tigrides, pantherae, corvi¹ aliorumque diversorum animalium species, armentorum instar, depascunt: praeterea aquilae, psitaei albi, multaque variarum avium genera turmatim convolant. Hae gens idola colit et carne hominum avidè vescit.

En Romance ve á tabla 2ª Nº 20.

Hanc Hemorare insulam aperuit quaedam (ut fertur) Cabierum navis, quam tot aurifodinis abundare perhibet ut navem ipsam solo auro oneraverint.

En Romance ve á tabla 2ª Nº 21.

[N. E. Quadrant of map.]

Hae Ceilani insula ingens cinnamon inde extracta provenit copia. Pluribus lapidibus, lunaribus, piropis, hiacintis, aliisque preciosis lapillis abundat.

En Romance ve á tabla 2ª Nº 22.

¹ Should be "cervi."

isla tiene un palatio muy grande y muy maravilloso, todo cubierto de oro hecho de pasta, de grosura de dos reales; y las ventanas y columnas deste palatio son todas de oro. Tienen piedras preciosas y perlas en mucha cantidad. El gran Can, oyda la fama de la riqueza desta dicha isla, quisola conquistar y embió á ella una grande armada y nunca la pudo soyuzoar [sojuzgar], segun Marco Polo mas largamente lo cuenta y dize en su libro, capitulo ciento y seis.

[The Latin of this is not on the map.]

[S. W. Quadrant of Map. Not in Chytræus.]

En esta figura estense en plano se contienen todas las tierras, islas, puertos, rios, anglas, baxos, que hasta oy dia se han descubiertos; y con sus nombres y quien fueron los descubridores dellas, como por las tablas desta dicha figura mas claramente consta; con todo lo demas que antes fue conocido, y todo lo que por Ptholomeo ha sido escripto, como son: provincias, regiones, ciudades, montes, rios, climas y paralelos, por sus grados de longitud y latitud, assi de Europa como de Assia y Aphrica.

Y as de notar que la tierra está situada conforme á la variacion que haze el agujero del marear con la estrella del norte; la razon de lo qual podras ver en la tabla segunda del número diez y siete.

[The Latin of this is immediately above it on the map.]

[S. E. Quadrant of Map. S. of Africa. Not in Chytræus.]

Del pescado que detiene una nao.

Plinio escribe en el su noveno libro, capitulo veinte y cinco, de un pescado que se dize Nieho, el qual dise ser como redondo y que pegandose á una nao la tiene aunque baya á la vela. Et Petrarca, en el prohemio del segundo libro de prospera y adversa fortuna, dize que el echenis o remora, pez de grandeza de medio pie detiene una nao aunque sea muy grande y que los bientos y ondas y remos y velas le ayden á yr; el solo fuerza la fuerza de los elementos y hombres, no con otra obra ninguna, sino pegandose á las tablas del navio, ni con otra fuerza alguna, si no con sola su naturaleza; el qual pece es como limo¹ o cieno placandolo [y sacandolo] del agua pierde la fuerza. Hallase lo suso dicho en muy claras escripturas, las quales aquí no se ponen por no ser prolixo.

[No Latin on the map.]

¹ Limazon, a snail?

In hac protrahens in planum figura continetur totus terræ globus, insula, portus, flumina, sinus, syrtes, et brevia que hæcætemis aneoterieis adaperita sunt, eorumque nomina et qui ea loca aperuere ut eisdem hujus figuræ tabulis liquidius patet; ad hæc omnium que in majoribus cognita sunt, necnon que à Ptholomeo referuntur; regionum, scilicet provinciarum, urbium, montium, fluviorum, climatum, parallelorumque, tam Europæ quam Asiæ, et Aphricæ exacta descriptio. Annotabis tamen, eandem lector, situm hunc orbis terrarum depictum esse juxta variationem qua acus navatica utitur ad arctum septentrionalis, observationis enjus rationem perlegere poteris, tabula secunda decimi septimi numeri.

ENGLISH TRANSLATION OF THE LEGENDS.

FIRST TABLE.

Of the Admiral

N^o 1. The admiral Don Cristoval Colon, a Genoese by birth, offered to their Catholic Majesties of glorious memory to discover the islands and mainland of the Indies,¹ by the west, provided they gave him for this purpose a sufficient *fleet* and favor;² and having it, and having fitted out three caravels in the year 1492, he proceeded to discover them, and from that time on many other persons have continued the said discovery, as is shown by the present description.

N^o 2. In the island Española there is much virgin gold and *very fine lapis lazuli* [*blue copper ore*?] and much sugar and cassia fistula, and an infinite number of cattle³ of all kinds.⁴ *The swine of this island they give to the sick, as here in our parts they give mutton.* This said island contains many harbors,⁵ and *very good oves,* and the chief one of them is the city of Santo Domingo, which is a very good city and of much trade, and all the others are places built and settled by the Spaniards; and in the island of Cuba and of San Juan, and in all the other islands, and on the mainland virgin gold is found;⁶ and in the city of Santo Domingo his Majesty has his royal chancery, and in all the other towns⁷ and provinces governors *and rulers* who govern *and rule* them⁸ with much justice; and every day are discovered⁹ new lands and provinces, very rich, by means of which our Holy Catholic Faith is, and will be, much increased, and these kingdoms of Castile have become great with much *glorious fame and riches.*

N^o 3. This mainland which the Spaniards named New Spain, the most illustrious gentleman, Don Fernando Cortez, marquis del Valle de Guaxaco, conquered. There are, in this land provinces and cities innumerable: the chief of them is the city of Mexico,¹⁰ which contains more than fifty thousand inhabitants; it is in a salt lake which extends over forty leagues. There is in the said city, and in all the other provinces, much gold, virgin silver, and all kinds of precious stones; and there is produced in the said land and provinces much very good silk, and cotton, alum, orehil, dyewood, cochineal, and saffron, and sugar,¹¹ of all the aforesaid great quantities, with which many ships come loaded to these kingdoms of Spain.¹² The natives of this land are very expert in all that relates to trade; instead of coins, they make use of certain kernels, split in halves, which they call cacao, or cacanghate, a barbarous expression.¹³ They have much wheat and barley, and many other grains, and vines, and many fruits of different kinds. It is a land of many animals, deer, mountain boars, lions, leopards, tigers, and much other game, both birds and land animals. It is a people¹⁴ very skilful in moulding any object after nature, and in painting pictures. The women usually adorn themselves with precious stones and valuable pearls. These Indians use a certain kind of paper, on which they draw what they wish to express with figures [pictures] instead of letters. They never had peace among themselves; on the contrary, some persecuted others in continuous fights in which the prisoners on either side were sacrificed by their enemies to their gods, and their dead bodies were given to the army, as public banquets. They were idolaters, and adored whatever took their fancy; they were very fond of eating human flesh, whereas now they have laid aside these fierce and cruel customs, and have clad themselves in Jesus Christ, believing heartily in our holy evangelical faith,¹⁵ and obeying our most holy mother¹⁶ church and its most holy precepts.

¹ the western islands and mainland of the Indies.

² if they provided him sufficiently with the things needful to him.

³ and flocks.

⁴ [In the Latin version the last clause of this sentence comes first.]

⁵ and ports.

⁶ all these places are filled with many inhabitants.

⁷ cities and islands.

⁸ rather by the reason and integrity of the laws than by arbitrary will.

⁹ and conquered.

¹⁰ is called Mexico by the name of the Indians.

¹¹ or juice of the cane.

¹² to Seville of Andalusia.

¹³ by the barbarous Indian name.

¹⁴ very learned and.

¹⁵ and the religion of the Christians.

¹⁶ orthodox Catholic.

N^o 4. This strait of All Saints was discovered by Hernando de Magallanes, captain of an expedition which his Sacred Cæsarean Catholic Majesty,¹ the emperor and king Don Carlos, our lord, ordered to be made to discover the Maluco islands. There are in this strait men of such great stature that they seem giants; it is a very desolate land,² and they dress themselves in the skins of animals.³

N^o 5. These islands of Maluco⁴ were discovered by Fernando de Magallanes, commander of⁵ an expedition which his⁶ Majesty ordered to be made to discover the⁷ said islands, and by Juan Sebastian del Canno;⁸ that is to say, the said Fernando de Magallanes discovered the strait of All Saints, which⁹ is in 52½ degrees towards the Antarctic pole; and¹⁰ after having passed the said strait, [and not] without very great labor and danger, he continued his journey towards the said islands; after many days he arrived at certain islands of which the southern one is situated in 12 degrees,¹¹ and because the people were so turbulent, and because they stole from him the boat of one of his ships, they gave it the name of the isle of thieves (de los Ladrones); and thence continuing his journey, as has been said, they discovered an island, which they called la Agnada, because they took in water there; and from thence on they discovered another, which is called Bunlum, and Aceilari, and another, which is called Cubu, in which island died the said Captain Hernando de Magallanes, in a skirmish which took place with the natives thereof, and the survivors of the said expedition chose Juan Sebastian del Canno as commander of it, who afterwards discovered the island of Bendanao, in which there is much virgin gold, and very fine cinnamon; and in the same way he discovered the island of Poloun, and that of Brunay, and that of Gilolo, and the island of Tidorora, and that of Terenati, and Motil, and many others in which there is much gold, and cloves, and nutmeg, and other kinds of spices and drugs. The said Sebastian del Canno loaded two ships which¹² remained to him out of five which they took with them, with cloves in the said island of Tidori, for in it, and in the said island of Terenati, the said cloves are said to grow, and not in any other, and in the same way he took much cinnamon and nutmeg;¹³ and coming on through the Indian Ocean,¹⁴ in the direction of the Cape of Good Hope, one ship was forced to put back and return to the said island of Tidori, from which it had set out, on account of the great amount of water which it was making, and the said Captain Juan Sebastian del Canno with his ship, called St. Mary of Victory (Sancta Maria de la Victoria), came to these kingdoms of Castile, to the city of Seville, in the year 1522, by the Cape of Good Hope; so that it clearly appears that the said Juan Sebastian del Canno sailed round the whole universe,¹⁵ because he proceeded only towards the West, although not on one parallel, through the East to the place in the West whence he set out.

N^o 6. These provinces were discovered¹⁶ by the honored and valiant gentleman,¹⁷ Francisco Pizarro, who¹⁸ was governor of them during his life; in which there is infinite gold and virgin silver and mines of very fine emeralds. The bread which they have they make of¹⁹ maize, and the wine likewise; they have much wheat and other grain. It is a warlike race; they use in their wars bows and slings and lances; their arms are of gold and silver. There are in the said provinces certain sheep of the form of small camels; they have very fine wool. They are an idolatrous people, and of very subtle mind;²⁰ and on all the sea-coast, and for more than twenty miles inland it never rains. It is a very healthy land. The Christians have made many settlements in it, and continually keep increasing them.

N^o 7. The Indians call this great river the river Huruai, in Spanish the river of silver (Rio de la Plata). They take this name from the river Huruai, which is a very

1 fifth of the name.

2 and with few inhabitants.

3 only.

4 long closed to us.

5 his royal Spanish fleet.

6 His Sacred Cæsarean Catholic Majesty the Emperor Charles, fifth of the name.

7 these very rich islands of the Indies.

8 which said expedition set sail from the port of Seville, a famed city of the province of

Andalusia.

9 measuring from the Equator to the Antarctic.

10 seeking the aforesaid islands.

11 north latitude.

12 which he had saved from shipwreck.

13 much cinnamon and nutmeg is collected in Bendanao, of which likewise, he took thence

great quantities.

14 to Spain, and hastening to double the Cape.

15 in a circle.

16 and conquered.

17 knights Francisco Pizarro and Almagro.

18 that is, Francisco Pizarro.

19 very large corn, which, in the language of the Indians, is called maize.

20 [In the Latin version the statement that "They are an idolatrous people, and of very subtle

mind," follows immediately after "It is a warlike race."]

mighty river¹ which runs into the great river Parana. Juan Diaz de Solis, pilot-major of their² Catholic Majesties³ of glorious memory, discovered it, and he explored it as far as an island, to which the said Juan Diaz gave the name of the island of Martin Garcia, because in it he buried a sailor who was called Martin Garcia, which said island is about thirty leagues above the mouth of this river and the said discovery cost him very dear, for the Indians of the said land slew him and ate him; and after many years had gone by it was again discovered by Sebastian Cabot, Captain and Pilot-major⁴ of his Sacred Casarean Catholic Majesty the Emperor Don Carlos Fifth of the name, and king, our lord, who was commander of an expedition which his Majesty ordered should be made to discover Tarsis and Ophir⁵ and Oriental Cathay; which said Captain Sebastian Cabot came to this river by chance, for the commander's ship, in which he was, was lost,⁶ and seeing that he could not continue his said voyage, he determined to explore with the people he had with him the said river, by reason of the very great account which the Indians of the land gave him of the very great wealth in gold and silver which there was in the land, and not without very great labor and hunger, and dangers both of his own person and of those who were with him.⁷ And⁸ the said⁹ Captain endeavored to make near the said river certain settlements of the people whom he brought from Spain.¹⁰ This river is larger than any that is known up to the present time. Its breadth at the mouth where it enters the sea is thirty-five¹¹ leagues, and three hundred leagues above the said mouth it is two leagues in breadth. The cause of its being so great and mighty is that there run into it many other and mighty rivers. It is a river infinitely full of fish and of the best there is in the world. The people, on arriving in that land, wished to learn if it were fertile and fit to plough and raise bread; and they planted in the month of September fifty two grains of wheat,—for there was no more in the ships,—and they gathered soon in the month of December fifty-two thousand grains of wheat; and this same fertility was found in all the other seeds.¹² Those who live in that land say that not far from there, in the country inland, there are certain great mountain-ranges from which they take infinite gold, and farther on in the same mountains they take infinite silver. There are in this land certain sheep large as ordinary asses, of the shape of camels, except that the wool they bear is fine as silk, and other animals of different kinds. The people of the country differ very much; for those who live on the slopes of the mountains are white like us, and those who are near the banks of the river are dark. Some say that in the said mountains there are men who have faces like dogs, and others are from the knee down like ostriches, and that these are great workers, and that they raise much maize, of which they make bread and wine. Many other things they say of that land, which are not put down here lest they be tedious.¹³

N^o 8. This land was discovered by Juan Cabot, a Venetian, and by Sebastian Cabot, his son, in the year of the birth of our Saviour Jesus Christ 1494, on the 24th of June,¹⁴ in the morning, to which they gave the name of "first land seen" (*prima tierra vista*); and to a large island which is situated along the said land they gave the name San Juan, because it had been discovered the same day.¹⁵ The people of it are dressed in the skins of animals. They use in their wars bows and arrows, lances and darts, and certain clubs of wood, and slings. It is a very sterile land. There are in it many¹⁶ white bears, and very large stags like horses, and many other animals; and likewise there is infinite fish,—sturgeons, salmon, very large soles a yard in length, and many other kinds of fish,—and the greatest quantity of them is called (*bacallaos*) codfish;¹⁷ and likewise there are in the same land hawks black as crows, eagles, partridges,¹⁸ linnets, and many other kinds of birds of different species.

1 into which runs.

2 conquering and.

3 Ferdinand and Isabel.

4 most skilful in the art of navigation and of astronomy.

5 Cipango and Eoiental.

6 being buried in the stormy waves.

7 [In the Latin version the last clause, beginning "and not without very great labor," precedes the clause beginning "by reason of."]

8 Wherefore.

9 most energetic.

10 and to build certain citadels and forts by which the Spanish inhabitants could easily be protected and could thence repel the attacks of their Indian enemies.

11 twenty-five.

12 This extraordinary statement as to the productiveness of a grain of wheat in the country of the La Plata is repeated in the Latin version of this section. It is probably an inadvertence. Eden, who copied this section from Cabot's map, in the true English version, into his "Decades of the New World," London, 1555, pp. 317-319, corrects the error, but on what authority, except his own knowledge of natural history, we do not know. He makes the text read thus: "Taking, therefore, fifty grains of wheat and committing the same to the earth in the month of September they gathered thereof two thousand and fifty at December next following." Eden then proceeds: "Wherein some being deceived and mistaking the thing, have written in the seed of two thousand and fifty, fifty thousand and two."—*Note by Mr. Doane.*

13 [In the Latin version the last sentence follows immediately after "infinite silver," and is itself followed by the clause beginning "and that these are great workers,"]

14 24 July, at the fifth hour, about daybreak.

15 on the solemn festival of St. John.

16 lions.

17 by the common people.

18 dark.

N^o 9. In this same island of Iceland (Islanda) there is a great quantity of fish. They take it in winter, and dry it by means of the very great cold which there is there, because this said island is within the Arctic circle, and in summer men¹ go there from many parts and barter for this fish, thus dried, in exchange for meal and beer; and this said fish is so dry and hard, that to eat it they beat it with certain hammers of iron on certain stones hard as marble, and then they put it to soak a day or two, and thus they eat it, stewed with butter. And in all this Northern sea there is a very great quantity of fish, and many of them large and of monstrous shape; those who sail in these seas have seen very large lampreys, which resemble great serpents and [have seen them] attack ships, in order to eat the sailors. The natives of the said island most of them build their houses underground, and the walls of fish-bones. They have no wood, except some extremely small trees, and of these very few and in few places; but the Provider of all things provides every year that there comes to them by sea, on the northern parts of the said island, a very great quantity of trees of different kinds and sizes, as driftwood, borne by furious north winds to the coast of the said island, with which the natives provide themselves, and make use of it for all that is needful to them. And they say that often they hear spirits speak and call each other by name, and take the form of living persons, and tell them who they are; and in certain parts of the said island there rise up² certain very dreadful fires, and other wonders³ the natives of the said island say there are in it.⁴

N^o 10. The men who dwell in this region are savages,⁵ they are destitute of bread and wine, they tame deer and ride upon them, and they fight with another people which is situated farther to the north, and which they call the Nocturnal people, for they go about in the night and perform their business as here [we do] in the day, and this because the days there from the 14th of September to the 10th of March are so short that there is not an hour of light. They are a very wicked people, quarrelsome, they rob all those who pass [through their country] so that no ship dares to ride at anchor near the coast for fear of these night people, because they slay and rob all who fall into their hands; and a little beyond these night people toward the southeast they say there are certain monsters which have bodies like those of human beings except the head, which is like that of a pig, and that they understand one another, grunting like pigs.

N^o 11. Those who inhabit this region, some adore the sun, others the first thing they see in the morning, others adore a piece of colored cloth which they place on a lance, and thus each worships what he prefers: they are under the sway of the great Khan, emperor of the Tartars.

N^o 12. Here there are monsters like unto men who have ears so large that they cover the whole body, and they say that farther on towards the East there are certain men who have no joints whatever at the knees nor in the feet: they are under the sway of the grand Khan. In the province of Balor, which is fifty days' journey in extent, there are wild men; they live in the mountains and forests.

N^o 13. Here dwells that mighty king of Aziumba and Auxama whom some call Prester John, to whom sixty kings yield obedience; he is very wealthy in all riches,⁶ and there is no record that he was ever defeated in any battle, but often as he come back with glorious victory from the south from the Throglodyte people, a race naked and black, which people extends as far as the Cape of Good Hope. Among which people there is a race which does not speak but they understand each other by whistling; and this is not Prester John,⁷ because Prester John had his empire in eastern and southern India until Genghis Khan, first king of the Tartars, defeated and overcame him in a very cruel battle, in which he died and the said Genghis took from him all his kingdoms and lordships, and allowed the Christians to live in their own faith, and gave them a Christian king to rule and govern them, which king was called George, and from that time till now all the kings who succeed him are called George, as Marco Polo relates more at large in the 32nd and 38th chapters of his book.⁸

N^o 14. The king of this province and Kingdom of Bengal is a very mighty lord, and has under his rule many cities, very large and of great trade.⁹ There is in this kingdom and province much cinnamon, cloves, ginger, pepper, sandalwood, lacquer, and silk in great quantities. They are wont¹⁰ in this province and kingdom to burn

1 Englishmen, Germans, and the inhabitants of various other regions.

2 fire, dreadful to be seen, rises of itself, and is thrown up and whirled away to a distance.

3 both to be seen and heard.

4 which for the sake of brevity are omitted.

5 live in the desert and are entirely wild.

6 surpassing by his wealth the most fortunate lot of these most powerful kings.

7 It is easy to prove that this one is hardly the real Prester John.

8 in the second and third chapters of his fortieth book.

9 and he is bound with extremely close bonds with the ever victorious king of Frangal, with whom he has made a perpetual treaty of peace, by means of which he receives immense quantities of.

10 Were wont, they say.

bodies after death, and when the husband dies before the wife, the wife burns herself alive with her husband, saying that she is going to be happy with him in the other world, and it is done in this way, that, the husband dying, the wife gives a great entertainment and dresses herself in the richest garments she has, to which entertainment come all her relatives and those of her husband, and after having eaten, she goes with all the people to a place where a very great fire has been built, singing and dancing until she reaches the said fire, and then they throw in the dead body of the husband, and at once she bids farewell to her relatives and friends and leaps into the fire, and she who most nobly throws herself into the fire brings most honor upon her family. But even now this custom is not observed as it used to be, since the Portuguese have traded with them and given them to understand that Our Lord God is not served by such a practice.

N^o 15. The grand Khan of the Tartars is a very great lord and very mighty, he is called King of Kings and Lord of Lords: he is wont to give to his liegemen garments thirteen times a year, at thirteen very great feasts which he holds each year; and these garments are of greater or less value according to the quality of the person to whom they are given, and to each one is given a¹ belt and leggings, a hat adorned with gold and pearls and precious stones according to the greatness of the personage, and these garments which the said grand Khan gives each year are 150,000; and this he does to give greatness and magnificence to his feasts, and when he dies they bear him to be buried to a mountain which is called Aleay, were are buried the grand Khans, Emperors of the Tartars, and those who bear him to burial slay all those they find, saying to them go and serve our master in the other world; and in the same way they slay all his horses, camels, and baggage-mules which they have, thinking that they will go to serve their lord. When *Jouqui* Khan, Emperor of the Tartars, died, there were slain three hundred thousand men, whom those who bore him to burial met on the way as Marco Polo says in his book, chapter 42.² Poggio the Florentine, secretary of Pope Eugenius IV, towards the end of his second book, which he wrote on the variation and changes of Fortune, does much to confirm what the said Marco Polo wrote in his book.

N^o 16. There are various opinions as to what is Trapovana,³ since the Spaniards and Portuguese have navigated the Indian Ocean. How Ptolemy places it in degrees of latitude and longitude I think is well known to all. Some modern explorers hold that the island of Ceylon is Trapovana; others hold that it is the island of Sumatra.⁴ Pliny writes of Trapovana in his sixth book, chapter 22, and says there was a time when the opinion was held that Trapovana was another world, and that it was called Antiehton, and that Alexander was the first to inform us that it was an island, and that Onesecritus, admiral of his fleet, [says] that in the said island of Trapovana there are larger and more warlike elephants than in India, and that Magasene gives as its length seven thousand stadia, and as its width five thousand; and that there is no walled city in it, but seven hundred villages, and that in Claudius' reign⁵ ambassadors came from the said island to Rome. In this way: the freedman Damius Ptolemaeus, who had bought of the republic⁶ the taxes of the Red Sea and sailing around Arabia was carried by the north wind in such a way that on the fifteenth day he entered a port of the said island called Hippus,⁷ and was very generously received and treated by the king, and that after having remained in the said island six months he learned the language, and that one day talking with the king he told him that the Romans and their Emperor were incredibly just, and that the king, seeing that the coins which the said freedman had were of equal weight although the stamp showed that they were of different emperors, moved by this, sent ambassadors to Rome, the chief of whom was Ruchia, to make friendship with Claudius, from which ambassadors he heard that in the said island there were five hundred cities, and that the said ambassadors were astonished to see in these heavens of ours the north star and the Pleiades as something new and to them unknown, and that they said that in the said island they only saw the moon above the earth from the eighth day to the fifteenth, and they were especially astonished that shadows turned⁸ towards our sky and not⁹ towards theirs, and that the sun rose on the right and set on the left, from which aforesaid reasons it seems that in the said island where the said freedman made harbor the north star is not seen, which is seen in the island Trapovana, whence it might be said, considering whence the said freedman Damius Ptolemaeus started and the course he might have made with a raging north wind,¹⁰ that the island where he made harbor was the island of San Lorenzo and not Trapubana. And that as king of the said island an old and mild man

¹ belts, leggings, shoes, helmets or shade bats [cf. Marco Polo.]

² in the twenty-fourth chapter of his fourth book.

³ and where it is situated.

⁴ [What follows is not taken from the text of Pliny, but is translated directly from the Spanish.]

⁵ about the beginning of his government.

⁶ the Romans.

⁷ Hippurus [cf. Pliny].

⁸ to the right towards our pole.

⁹ when in their country they saw them always go the left.

¹⁰ and the narration of the envoys to Tiberius.

without children is usually elected, and if after being elected he should beget any, at once they depose him; and when they elect him they give him thirty counsellors; and that the said king can condemn no one if the majority of his said thirty counsellors are not agreed with him, and that afterwards the said condemned man can appeal to the people, which thereupon selects seventy judges, who examine his case, and if they find that he was wrongly sentenced they set him free, and those counsellors who agreed in condemning him are deprived of their offices and are held infamous forever after.

Inscription of the author with certain reasons for the variation which the needle of the compass makes with the north star.

N^o 17. Sebastian Cabot, captain and pilot-major of his Sacred Cesarean Catholic Majesty, the Emperor Don Carlos, fifth of the name, and King,¹ *our lord*, made² this figure projected on a plane in the year of the birth of our Saviour Jesus Christ 1544, drawn by degrees of latitude and longitude, with its winds,³ as a navigating chart, imitating in part Ptolemy⁴ and in part the modern discoverers both *Spanish and Portuguese*, and⁵ partly discovered by his father and partly by himself, by which you may navigate as by a navigating chart, bearing in mind the variation which the needle of the compass makes with the north star. For example, you wish to set out from Cape St. Vincent in order to make Cape Finisterre; you will give orders to steer your ship to the north according to the needle of the compass, and you will strike within the said cape, but your real course, which your ship made, was to the north, quarter northeast because your compass-needle northeasts you a quarter at the said Cape of St. Vincent, so that commanding your ship to be steered north by the compass-needle, your course will be north, quarter northeast; and in the same way sailing from Salmédina, which is a shoal as you go out of San Lucar de *Barrameda*, to go to the point of Naga on the island of Teneriffe you will give orders to steer southwest by the needle and you will make the said point of Naga because it is situated on the navigating chart, but your course will not be to the southwest inasmuch as your compass-needle northeasts you a wide quarter point at Salmédina, but your course will be southwest, a wide quarter south; so that you may say that sailing from St. Vincent to the north your course will be north, quarter northeast; and sailing from Salmédina to the southwest your course will be southwest, quarter south, and so consequently you will do in every other part of this universe, watching the variation which the said needle of the compass makes with the north star, for the said needle does not turn or stay fixed to the north in every place, as the vulgar think, since the magnet-stone, as it appears, has not the power to make it turn to the north in every place, but, as is seen and acquired by experience, it has only the power to make it remain stable and fixed in one place, wherefore it must point necessarily in a straight line whatever wind you may have, and not in a curved line, and this cause brings about the said variation; for if the needle were to turn to the north always and in every place, there would be no variation, for then it would follow a curved line, because you would always be on one parallel, which cannot be when you go in a straight line on a sphere; and you must notice that the further you move from the meridian on which the needle points directly north, towards the west or east, so much the more will your compass move from the north, that is, from the flower-de-luce in it which marks the north: wherefore it clearly appears that the said needle points along a straight line and not a curved line; and you must know that the meridian where the flower-de-luce of the needle points directly north is about thirty-five⁶ leagues from Flores, the last island of the Azores towards the west, according to the opinion of certain experts, because of the great experience which they have of this, on account of the daily navigation which is made toward the West, to the Indies of the Ocean. The said Sebastian Cabot,⁷ sailing towards the west, found himself in a place⁸ where northeast quarter north [of the compass] stood directly north, on account of which observations aforesaid it appears clearly that defects and variations which the said needle of the compass makes with the north star really exist.

Pliny in the second book, chapter 79,⁷ writes:—

N^o 18. That from Cadiz and the columns of Hercules, sailing around Spain and Gaul, the whole west was sailed over. The greater part of the northern ocean was

¹ of Spain.

² so wisely, so exactly.

³ and likewise the experience and labors of the long nautical life of the most honest man John Cabot, a Venetian by birth; and the knowledge of the surrs and of the art of navigation of Sebastian his most learned son and my author, who discovered some part of the world which had long been unknown to us.

⁴ thirty.

⁵ my author.

⁶ thirty. ⁷ Pliny, lib. 2, cap. 67. There is no Latin for this on the map. In Clavius, where it is numbered 19, the Latin is copied directly from Pliny, i. e., and not translated from the Spanish.

² laid the last touch to me (this map).

⁴ the Geographer.

⁸ came to a sea and shore.

sailed over in the time of Augustus, passing by all Germany as far as the Cimbric Cape, and thence as far as Scythia. And from the East the fleet of Mucedonia sailed along the Indian Ocean towards the north until the Caspian Sea was to the south of them, in the time that Selenens and Antiochus reigned, and they ordered that that region should be called Selenichida and Antiochida. And to the north of the Caspian many parts have been sailed over, so that the northern sea has been nearly all sailed over: and he likewise says, in the same chapter, that Cornelius Nepos writes that to Quintus Metellus Celer, who had been consul with Afranius, and who was then proconsul in Gaul, there were sent certain Indians by the king of the Sutei, who, starting from the Indian Ocean, had without mischance been carried to Germany.

N^o 19.¹ In these Rocos islands there are birds of such size (as they say) and strength that they take up an ox and bear it in their flight² in order to eat it, and *still more they say*³ that they take a vessel, no matter how great it may be, and raise it to a great height and then let it drop, and they eat the men. Petrarch likewise says so in his book of Prosperous and Adverse Fortune.

N^o 20. There are in the island of *the people of Calenguan* lions, tigers, panthers, deer, and many other different kinds of animals; likewise there are eagles, and white parrots *who speak as clearly as human beings what is taught them*, and many other countless birds of various kinds. The people of the island are idolaters; they eat human flesh.

N^o 21. A ship from Cambaya discovered this island of Mamonare, and it is said there was so much gold in it that they loaded it with nothing else *according to what the Portuguese say*.

N^o 22.⁴ There are in this island of Ceylon native cinnamon, and rubies and hyacinths and cats' eyes and other kinds of precious stones.

Chiapagu is a large island lying in the high seas, which island is one thousand five hundred miles distant from the mainland of the Grand Khan towards the east. They are idolaters, and a gentle and handsome race. It has an independent king of its own, who is tributary to no one. It contains much virgin gold, which is never taken away from the said island, because ships never touch there, as it is so distant and out of the way. The king of this island has a very great and very wonderful palace, all made of gold in ingots of the thickness of two reals, and the windows and columns of the palace are all of gold. It [the island] contains precious stones and pearls in great quantities. The Grand Khan, having heard the fame of the riches of this said island, desired to conquer it, and sent to it a great fleet, and could never conquer it, as Marco Polo more amply relates and tells in his book, chapter 106.

[S. W. Quadrant of Map.]

In this figure, projected on a plane, are contained all the lands, islands, ports, rivers, waters, bays, which have been discovered to the present day, and their names, and who were the discoverers of them, as is made more manifest by the inscriptions [tables] of this said figure,—with all the rest that was known before, and all that has been written by Ptolemy, such as provinces, regions, cities, mountains, rivers, climates, and parallels, according to their degrees of longitude and latitude, both of Europe and of Asia and Africa.

And you must note that the land is situated according to the variation which the needle of the compass makes with the north star, for the reason of which you may look in the second table of No. 17.

[S. E. Quadrant of Map.]

Of the fish which stops a ship.

Pliny writes in his ninth book, chapter twenty-five, of a fish which is called Nieho, which he describes as being round, and that attaching itself to a ship it holds it even though it be under sail. And Petrarch, in the preface to the second book of Prosperous and Adverse Fortune, says that the echenis or remora, a fish of half a foot in length, stops a ship, though it be very large, and winds and waves and oars and sails aid its course; it alone overpowers the power of the elements and of man, with no other agency save attaching itself to the planks of the ship, and with no other force than its own nature; which fish is like mud or mire, and taking it out of the water it loses its power. The aforesaid is found in very distinguished writings, which are not quoted here lest it take too much space.

¹ [The Latin of Nos. 19, 20, and 21 is in the S. E. quadrant of the map. It ends in each case with a reference in Spanish to the Spanish of the tables.]

² to their nests.

³ their talons are so strong.

⁴ Latin in N. E. quadrant of map.

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Handwritten text in a cursive script, possibly a list or index, located in the middle right margin of the page.



PART OF THE SEBASTIAN CABOT
MAPPE MONDE, 1544.

NORTH




5300 A

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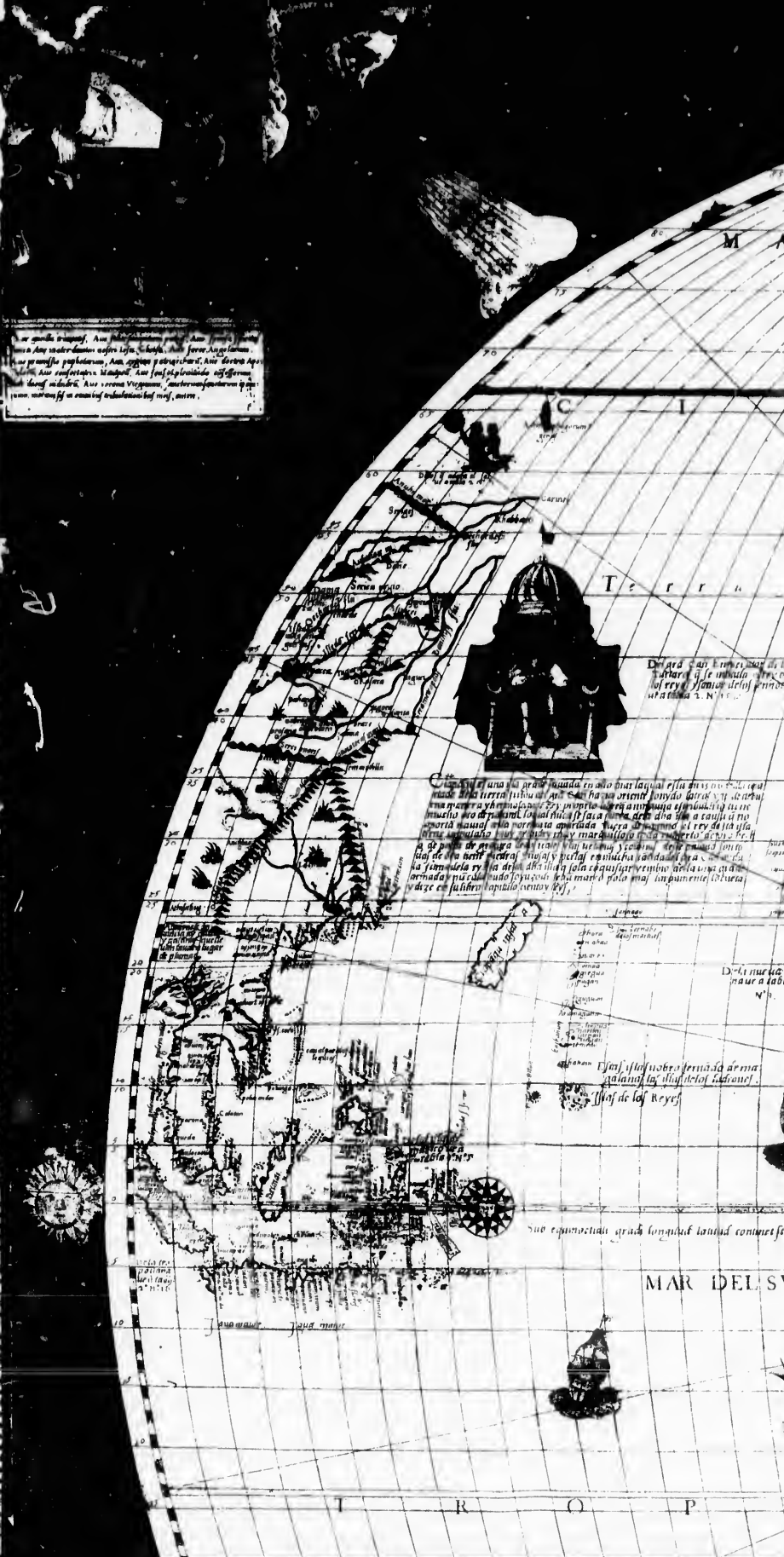


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TABVLA PRIMA DEL ALMIRANTE.

El Almirante Don Christophoro Colon de nacion genovesa, e confesso al Rey, e de gloriosa memoria, que de descubierta de las yslas de Indias por el dicho Rey, e de las yslas de Indias, e de las yslas de Indias, e de las yslas de Indias...



En esta parte de la tierra... En esta parte de la tierra... En esta parte de la tierra...

En esta parte de la tierra... En esta parte de la tierra... En esta parte de la tierra...

MAR DEL SVR

MAXIMVS HIC DIES

VI MENSIVM EST

M A R E C O N G E L A T V M P E R



I R C V L V S A R T

T e r r a I n c o n i t a

Del año con Emperador de los Indias y se unió a los reyes de España de los Indias



OCEANVS OCCIDENTALIS

TROPICVS CENTRALIS



OCEANVS OCCIDENTALIS



MAR DEL SVR

Del pago de las Indias



Del pago de las Indias

Del pago de las Indias



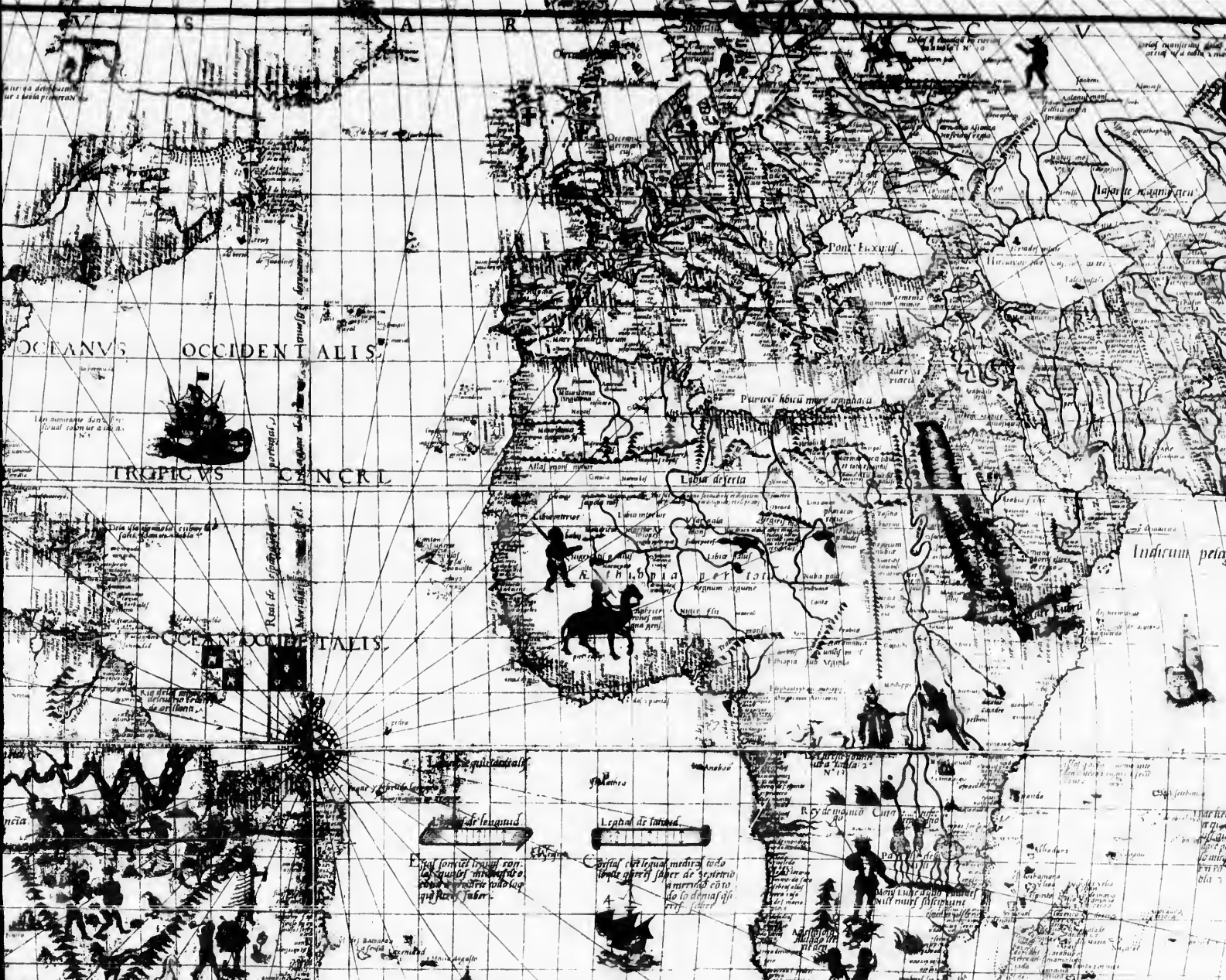
D P I C V S C A P R R

MAXIMVS HIC DIES

VI MENSIVM EST

G E L A T V M P E R T O T V M

Dies et horae tempore de hinc
et inde usque ad hunc finem



OCEANVS OCCIDENTALIS

TROPICVS CANCRIL

OCEANVS OCCIDENTALIS

INDICVM PELAGIVM

Leatna de Sanguis

Leatna de Sanguis

Et si lonca lonca con
la quonij munda o
paga munda munda
quid hinc iuber.

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dona quonij faver de Sanguis
is munda munda
de la donasaji
faver faver

Et si lonca lonca con
la quonij munda o
paga munda munda
quid hinc iuber.

TABVLA SECVNDA

N. 1. ... N. 2. ... N. 3. ... N. 4. ... N. 5. ... N. 6. ... N. 7. ... N. 8. ... N. 9. ... N. 10. ... N. 11. ... N. 12. ... N. 13. ... N. 14. ... N. 15. ... N. 16. ... N. 17. ... N. 18. ... N. 19. ... N. 20. ... N. 21. ... N. 22. ... N. 23. ... N. 24. ... N. 25. ... N. 26. ... N. 27. ... N. 28. ... N. 29. ... N. 30. ... N. 31. ... N. 32. ... N. 33. ... N. 34. ... N. 35. ... N. 36. ... N. 37. ... N. 38. ... N. 39. ... N. 40. ... N. 41. ... N. 42. ... N. 43. ... N. 44. ... N. 45. ... N. 46. ... N. 47. ... N. 48. ... N. 49. ... N. 50. ... N. 51. ... N. 52. ... N. 53. ... N. 54. ... N. 55. ... N. 56. ... N. 57. ... N. 58. ... N. 59. ... N. 60. ... N. 61. ... N. 62. ... N. 63. ... N. 64. ... N. 65. ... N. 66. ... N. 67. ... N. 68. ... N. 69. ... N. 70. ... N. 71. ... N. 72. ... N. 73. ... N. 74. ... N. 75. ... N. 76. ... N. 77. ... N. 78. ... N. 79. ... N. 80. ... N. 81. ... N. 82. ... N. 83. ... N. 84. ... N. 85. ... N. 86. ... N. 87. ... N. 88. ... N. 89. ... N. 90. ... N. 91. ... N. 92. ... N. 93. ... N. 94. ... N. 95. ... N. 96. ... N. 97. ... N. 98. ... N. 99. ... N. 100. ...



Solus deli soli mundi in orbis deli quales mundi non testis

Map of the Key

MAR DEL SUR

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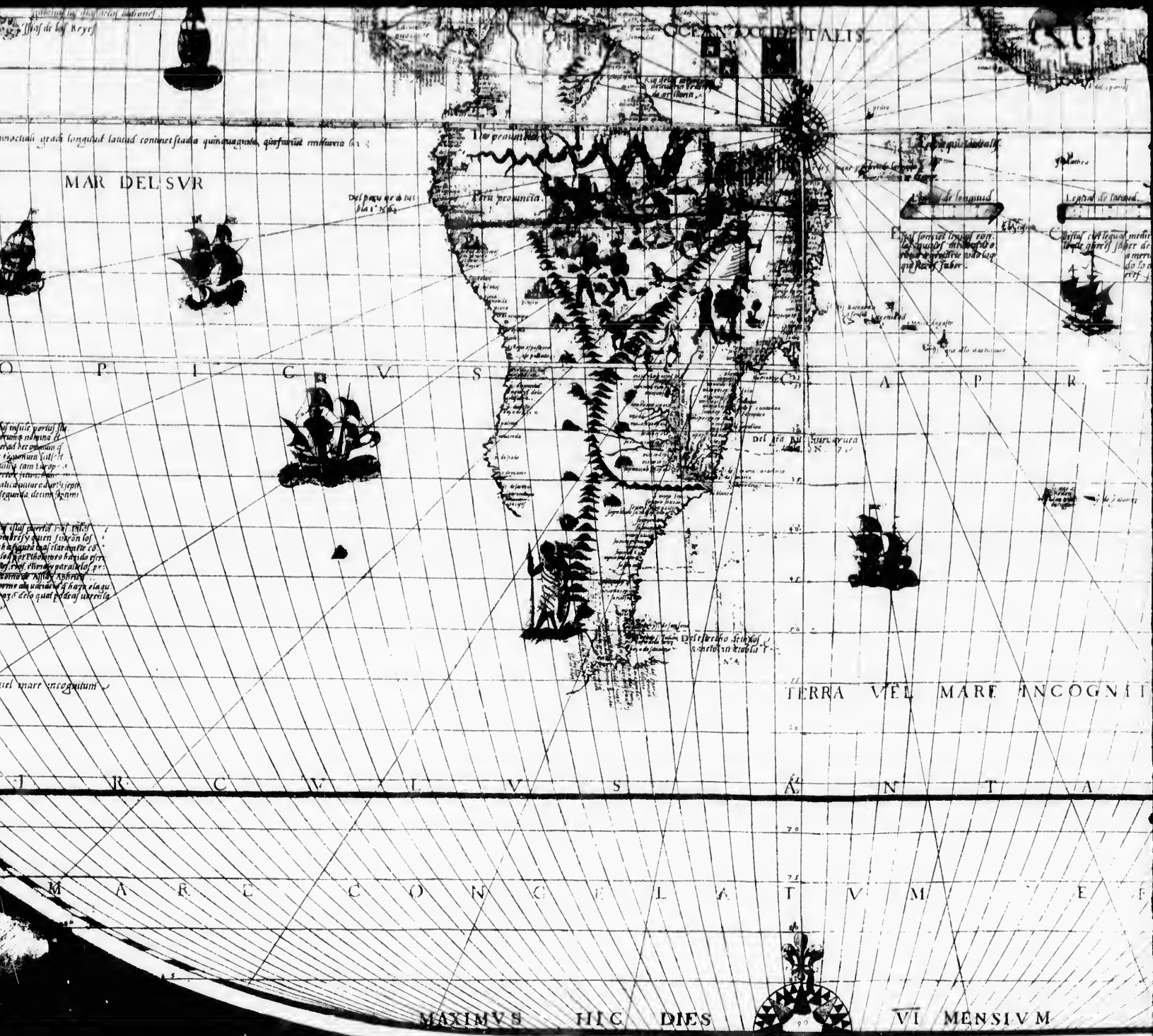
T I R O P I C

Tabla de las Animas de los Indios que moran en esta Isla de San Juan, y en sus aldeas...

	Varones	Mujeres	Niños	Total
San Juan	15	12	10	37
San Pedro	12	8	6	26
San Antonio	8	5	4	17
San Mateo	6	4	3	13
San Marcos	4	3	2	9
San Blas	3	2	1	6
San Andrés	2	1	1	4
San Esteban	1	1	0	2
San Juan de los Rios	10	8	7	25
San Juan de los Campesinos	5	4	3	12
San Juan de los Monteños	3	2	1	6
San Juan de los Agueros	2	1	1	4
San Juan de los Zancos	1	1	0	2
San Juan de los Caneles	1	1	0	2
San Juan de los Canchales	1	1	0	2
San Juan de los Cadenes	1	1	0	2
San Juan de los Canchales	1	1	0	2
San Juan de los Cadenes	1	1	0	2
San Juan de los Canchales	1	1	0	2

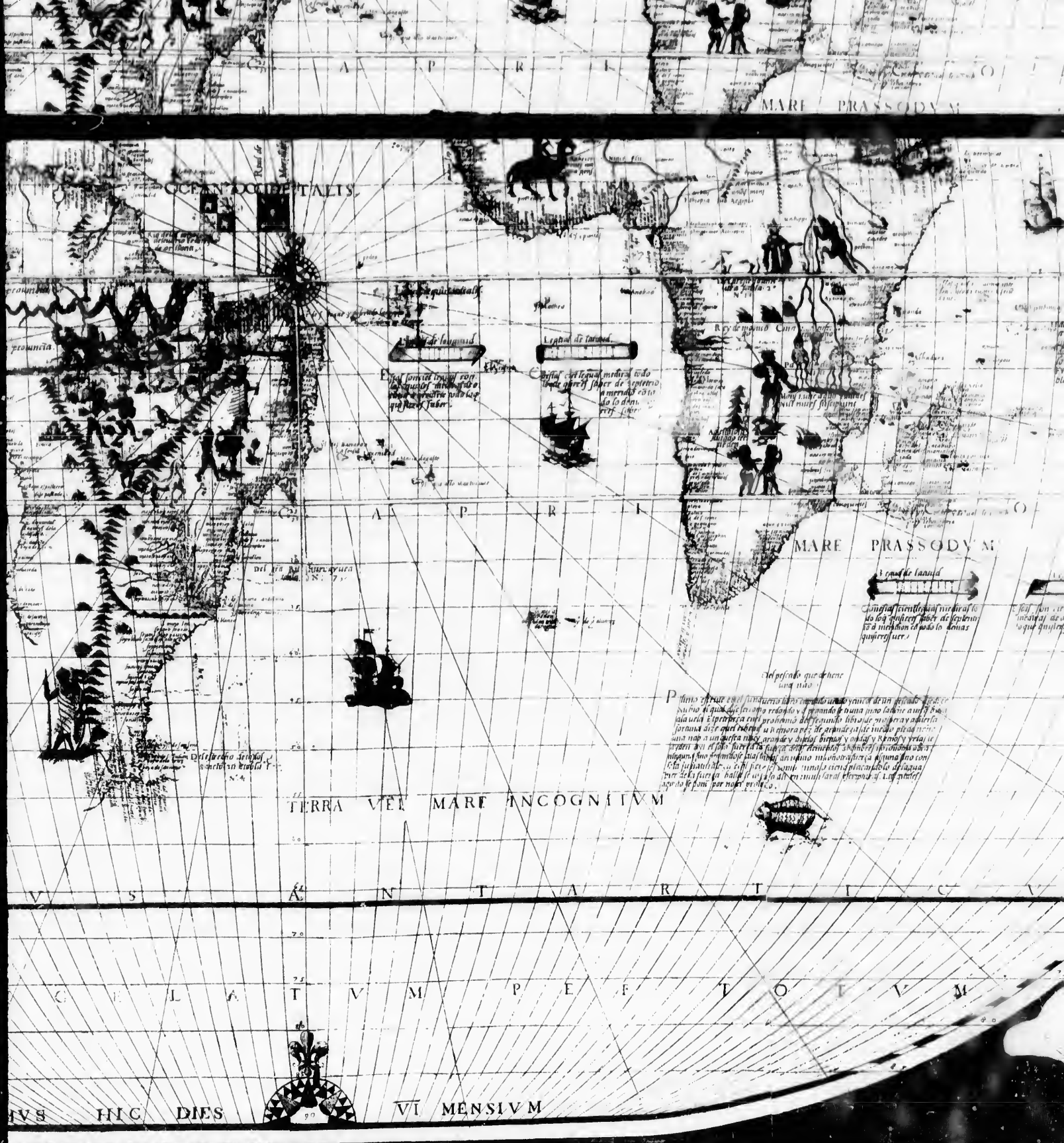
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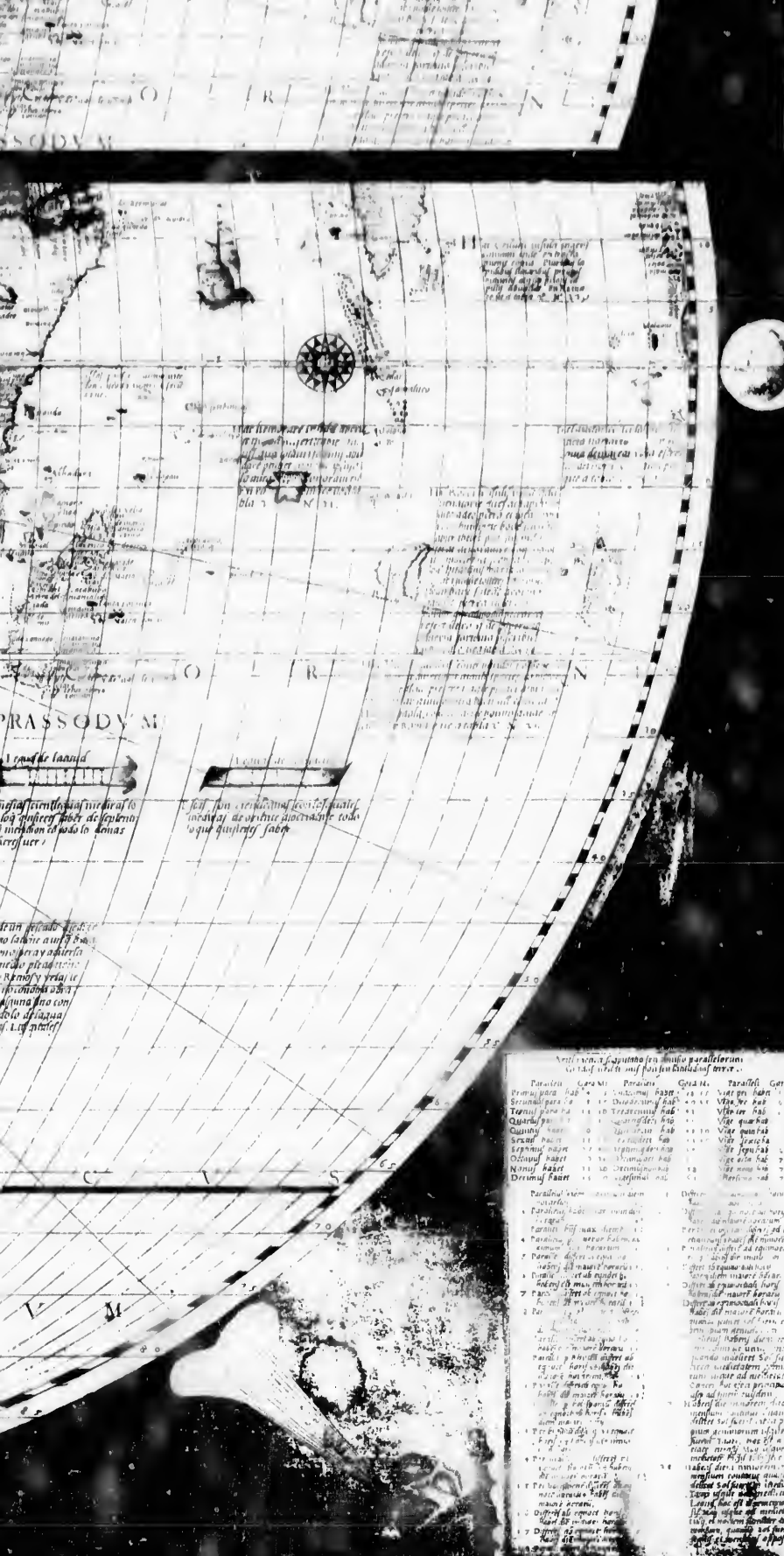
WORLD MAP OF A. D. 1544. (The Sebastian-Cabot Map.)

Reduced by Photography to a little less than half-size. From a negative taken from the original at Paris by order of the Minister of the Interior.



WORLD MAP OF A. D. 1544. (The Sebastian-Cabot Map.)

o a little less than half-size. From a negative taken from the original at Paris by order of the Minister of Agriculture and Statistics.



Nota: Veni de Capitulo de duobus parallelis
 ad hunc modum sequitur: Distantia vero.

Paralleli	Gradi	Perenni	Gradi	Paralleli	Gradi
Paralleli 1 ^o	10	10	10	Paralleli 1 ^o	10
Paralleli 2 ^o	20	20	20	Paralleli 2 ^o	20
Paralleli 3 ^o	30	30	30	Paralleli 3 ^o	30
Paralleli 4 ^o	40	40	40	Paralleli 4 ^o	40
Paralleli 5 ^o	50	50	50	Paralleli 5 ^o	50
Paralleli 6 ^o	60	60	60	Paralleli 6 ^o	60
Paralleli 7 ^o	70	70	70	Paralleli 7 ^o	70
Paralleli 8 ^o	80	80	80	Paralleli 8 ^o	80
Paralleli 9 ^o	90	90	90	Paralleli 9 ^o	90
Paralleli 10 ^o	100	100	100	Paralleli 10 ^o	100
Paralleli 11 ^o	110	110	110	Paralleli 11 ^o	110
Paralleli 12 ^o	120	120	120	Paralleli 12 ^o	120
Paralleli 13 ^o	130	130	130	Paralleli 13 ^o	130
Paralleli 14 ^o	140	140	140	Paralleli 14 ^o	140
Paralleli 15 ^o	150	150	150	Paralleli 15 ^o	150
Paralleli 16 ^o	160	160	160	Paralleli 16 ^o	160
Paralleli 17 ^o	170	170	170	Paralleli 17 ^o	170
Paralleli 18 ^o	180	180	180	Paralleli 18 ^o	180
Paralleli 19 ^o	190	190	190	Paralleli 19 ^o	190
Paralleli 20 ^o	200	200	200	Paralleli 20 ^o	200

N.º 17 Sebastian Caboto... **N.º 18** Sebastian Caboto... **N.º 19** Sebastian Caboto...

El Rey de los Indios... **N.º 17** Sebastian Caboto... **N.º 18** Sebastian Caboto... **N.º 19** Sebastian Caboto...

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El Rey de los Indios... **N.º 21** Sebastian Caboto... **N.º 22** Sebastian Caboto... **N.º 23** Sebastian Caboto...

1818
May 6
Brussels.

May 19
London.
May 22,
Goodwood.
July 30,
Quebec.
August 1
Quebec.

1818
May 6,
Brussels.

May 19,
London.

May 22,
Goodwood.

July 30,
Quebec.

August 1
Quebec.

August 11
Quebec.

August 11,
Quebec.

August 11,
Quebec.

August 11,
Quebec.

STATE PAPERS, LOWER CANADA.

GOVERNOR THE DUKE OF RICHMOND.

Q. 149—1—2.

1818.
May 6,
Brussels. Duke of Richmond to Bathurst. Gratification at the terms in which the Prince Regent speaks of his services in Ireland when desiring him to go to Canada. Page 1
- May 19,
London. J. Kerr to Richmond. Applies for extension of leave of absence. If wanted shall return to Canada before his leave expires. 2
- May 22,
Goodwood. Richmond to Bathurst. Has received commission as governor of Canada and instructions. 4
- July 30,
Quebec. Same to the same. Arrived yesterday at Quebec and was sworn in on this day. 5
- August 11,
Quebec. Same to the same. (Private and confidential.) Sends paper from Mr. Ross Cuthbert stating his belief that an effort was soon to be made to wrest Canada from the British. Trusts that Mr. Cuthbert is more alarmed than the case requires, but some of the French Generals mentioned are troublesome and ought always to be watched. General L'Almagne has a number of vessels and workmen, but these are negroes and would be unwilling to face a Canadian autumn and winter, and would not be formidable if they did. 9
- August 11,
Quebec. *Enclosed.* Memorandum dated 4th August, from Ross Cuthbert, giving his reasons for believing an attack on Canada to be probable. 11
- August 11,
Quebec. Richmond to Bathurst (No. 1). Has reported his arrival and being sworn in. The province tranquil and the people satisfied. Few settlers will settle in Lower Canada, as they prefer the climate of Upper Canada and object to the French language. This is unfortunate, as there is much unoccupied land. There are a great many persons, chiefly Irishmen, now in the harbour without means of subsistence, having been deceived. It will be necessary to assist them to a settlement and supply them there with provisions. Care should, if possible, be taken that each man has £50 to maintain him till his exertions could furnish him with means of living. 6
- August 11,
Quebec. Same to the same (No. 2). Has not yet received report from Upper Canada. Sends pamphlet (an extract from a newspaper) to show the progress of Gourlay and his associates. The answer of Simpson is, perhaps, in too strong language, but he hopes it will do good. Gourlay's violence has done mischief to his cause. 21
- Enclosed.* Title of Gourlay's pamphlet. 23
(For pamphlet see Q. 148—2 p. 413.)
- "Essay on Modern Reforms addressed to the people of Upper Canada, to which is added a letter to Mr. Robert Gourlay by John Simpson, Augusta, Upper Canada." 24
- Extract from Quebec *Mercury*. Resolutions of a meeting called "Convention of Friends to Free Enquiry." 56
- August 11,
Quebec. Richmond to Bathurst (No. 3). Urges that a civil engineer be sent to assist at the canal between Montreal and La Chine. 57
- August 11,
Quebec. Same to the same (No. 4). The House of Assembly has not yet met, so can say nothing about them; has reason to hope that the difficulties will not be great. Trusts that the next mail will bring answers to letters from Sherbrooke on various subjects, a list of which follows. 58

1818.
August 11,
Quebec.

Richmond to Bathurst (No. 5). Has been informed that the dollar is issued in Canada at 4s. 8d.; in Nova Scotia, New Brunswick and the West Indies at 4s. 6d. Recommends that the dollar in Canada should be put on the same footing as in other colonies. Page 61

August 11,
Quebec.

Same to the same (No. 6). Reports the measures taken by Sherbrooke to protect the province from the fever brought by Irish settlers and those he (Richmond) proposes to take. The bad state of the fortifications of Quebec and the weakness of the garrison. The unadvised allowing of buildings close to the fortifications. 62

Enclosed. "Emplacements within those parts of the city of Quebec which have not been hitherto divided into streets," dated at the office of the clerk of the peace, 12th March, 1818. 65

Report by Durnford objecting to the plan proposed in the preceding paper. 67

Farther report by Durnford. 69

Gother Mann, 29th March, 1801, objecting to the plans of building lots being laid out by which the fortifications would be encroached on. 71

Durnford to Addison, 22nd July, 1818. Recommends that an exchange be made with M. de Lotbiniere of land in Montreal equivalent in value to that he owns which adjoins the Glacis, Quebec. Mr. Ferguson would sell his property for £10,000 on being paid £2,000, the rest to remain at interest, not to be left unpaid for more than twenty years. Urges the purchase being made. 76

August 19,
Quebec.

Plan showing properties in Quebec referred to in correspondence. 77a
Richmond to Bathurst (No. 7). Sends copies of reports and affidavits respecting a flagrant violation of the boundary on Lake Champlain, with copy of letter written to Mr. Bagot. 78

Enclosed. Richmond to Bagot, 18th August. Report received that a party of United States troops has crossed the boundary and advanced as far as Odelltown, where they seized three men alleged to be deserters. Asks that the subject be represented to the United States government, that orders may be given to prevent a repetition of such practices. 80

Deposition of Joseph Odell that three men had been carried off from Odelltown, beaten and abused. 82

Deposition of William Treeves to the same effect. 83

Certificate by Lewis Odell that Nathaniel Bailey, one of the men seized by United States soldiers, had lived in the province upwards of twelve months and was enrolled in the militia. 84

Deposition of Silas Knight of the crossing of the boundary by United States troops and of their violent behaviour. 85

Lt. Col. Lindsay to Adjutant General Vassal de Monviel transmitting letter, depositions, &c., of the seizure on Canadian territory of alleged deserters by a party of United States troops, to be laid before His Grace the Commander-in-Chief. 86

October 2.

Lieutenant Dronnan to Lient. Col. Lindsay. Reports the violation of Canadian territory by United States troops, their violent language. 87

October 3,
Quebec.

Richmond to Bathurst (No. 8). Dispatches received. 90

Same to Goulbourn. Has received letter of 20th July. Sends letter containing all the information that could be procured on the subject of Thomas Jones. 91

October 13,
Quebec.

Enclosed. Captain Fowler reports that a Thomas Jones served on board the Government schooner "St. Lawrence" and absconded on the 24th October, 1816, and has not since been heard of. 92

Richmond to Bathurst (No. 9). Transmits letter from Mr. McGillivray on behalf of the North-west Company in continuation of his correspondence with Sir J. C. Sherbrooke. 93

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	1818.	<i>Enclosed.</i> W. McGillivray to Col. Ready. Transmits statement in answer to the Attorney General's report, which he says gives the facts unfairly.	Page 95
		"Remarks on a letter from the Attorney General (Uniacke) to A. W. Cochran, Esq., dated 19th June, 1818, and purporting to be an answer to a list of grievances complained of by me on behalf of the "North-west Company."	98
		Further remarks.	108
	October 17, Quebec.	Richmond to Bathurst (No. 10). Should Mr. Brenton, Auditor of Land Patents, not return at the expiration of his leave of absence, he intends to appoint Mr. Cochran to the situation.	113
	November 2, Quebec.	Public accounts from 10th October and 1st November, 1817, to the same date in 1818, and from the 6th January to the 2nd November, 1818.	173
		Continued to the end of Q 149-2.	
	November 5, Quebec.	Richmond to Bathurst (No. 11). Sends requisition for stationery for the civil department for the year 1819.	115
	November 5, Quebec.	Same to the same (No. 12). Sends report of how the Island of St. Helen's may be turned to the best account for the preservation of small arms, &c. The exchange made with Mr. Grant of land in Montreal valued at £10,000 has realized £16,000 when divided into lots. The uselessness of the island to government unless it is turned to account; recommends, therefore, the adoption of the measure recommended in the report.	117
		<i>Enclosed.</i> Engineer's report entitled, "Proposals for disposing of the "undermentioned government ground, in the town of Montreal and for "building Stores, Magazines, Barracks and Hospitals on the Island of "St. Helen's, with the money arising from the sale."	120
		Plan of the town of Montreal included within the old line of fortifications, which is now almost entirely annihilated.	121a
	November 10, Quebec.	Richmond to Bathurst (No. 13). Remarks on the defence of Canada. At the end of the letter the Duke recapitulates his proposals, namely, "To strengthen Quebec, Isle aux Noix and Kingston, to remove the stores "from Montreal to St. Helen's and place that island in a state of defence; "to open the Ottawa and Rideau and construct a canal from Montreal to "La Chine; to do enough on the Niagara frontier to convince the inhabitants that we do not intend to abandon them, and lastly, to place the "militia in some state of efficiency, appear to me to be the objects of the "greatest importance for the security of this country."	122
	November 13, Quebec.	Richmond to Bathurst (No. 14.) Dispatches received	130
	November 19, Quebec.	Same to the same (No. 15.) The explanation by the United States government respecting the violation of Canadian territory by United States troops is satisfactory but the question of reclaiming the men seized as deserters should be considered.	131
		<i>Enclosed.</i> Bagot to Richmond. Sends correspondence with the United States government on the subject of the seizure of three persons at Odelltown.	133
		Brent to Bagot, 14th October. Had sent complaint to General Brown who is making an investigation "and had given the strictest orders to prevent any such outrage in future."	135
		Lt. Col. Snelling U.S.A., to Col. Atkinson U.S.A., 1st October, 1818. Explains the violation of the boundary as the unauthorized act of some of the non-commissioned officers and men. If the report is not satisfactory asks for a military inquiry	176
	November 26, Quebec.	Richmond to Bathurst (No. 16). Transmits and strongly recommends memorial from the merchants of Quebec and Montreal and others	

- 1818.
- interested in the commercial and agricultural prosperity of the province. Page 140
- Enclosed.* Memorial pointing out the inconveniences suffered by the internal trade of the province with the United States and praying for imperial regulations to remove these inconveniences. 142
- The signatures follow, beginning at page 150.
- December 19, Richmond to Bathurst (No. 17). Transmits report from Claus on Indian lands in the neighborhood of Lake Simcoe and Rice Lake and recommends the purchase. 154
- Quebec.
- Enclosed.* Claus to Major Bowles. Reports provisional agreement made for Indian Lands near lake Simcoe at the River Credit and at Rice Lake. Cannot report on the Rideau lands till the return from the hunt of the Indians holding these. 156
- December 29, Richmond to Bathurst (No. 18). Transmits memorial from Mr. Nelles for a confirmation of title to lands given him by the Indians on the Grand River. Sends recommendation by the Council of Upper Canada and extract of letter from the Lieut. Governor. 159
- Quebec.
- Enclosed.* Extract referred to. The Lieutenant Governor does not approve of any Indian lease or gifts of land before purchase is made by government, but as the decision is not with him, forwards application. 160
- Memorial of Abraham Nelles for confirmation of title to lands on the Grand River, given by the Indians, to induce him to settle there. 161
- Report of the Council of Upper Canada on the petition of Abraham Nelles, recommending that the title be confirmed. 163

PUBLIC OFFICES AND MISCELLANEOUS.

Q. 150-1-2-3-4.

- 1817.
- (Part I, from page 1 to 210; part II, from 241 to page 486; part III, from 487 to page 726; part IV, from page 727 to 965.)
- March 27, Bath. Baynes to Saunders. Enclosed in Torrens to Goulburn of 1st August, 1818, which see.
- June 23, Quebec. Leave of absence granted by Sir John Sherbrooke to Richardson, member of Executive and Legislative Councils. Page 878
- November 15, New York. Simon McGillivray to Bagot. Enclosed in McGillivray to Goulburn, 23rd January, 1818.
- November 21, Navy Office. Morton to Merry. Enclosed in Merry to Goulburn, 7th January, 1818.
- November 22, Washington. Bagot to Simon McGillivray. Enclosed in McGillivray to Goulburn, 23rd January, 1818.
- 1818.
- January (?), Foreign office. Planta to Bathurst. Sends copy of the letter written to the chief of the Muscogee tribe in September, 1815. 69
- Enclosed.* Bathurst to the chief of the Muscogee tribe, advising the tribe to take measures to allay their domestic animosities and to return to their habits of friendly intercourse with the United States. He (the chief) will be provided with means to return to his country, that there may be no delay in laying this advice before his tribe. 70
- January 2, Kimberly. Lord Wodehouse to Bathurst. Urges that a decision should be come to in respect to the Bishop of Quebec, so that he may no longer be kept in suspense. 943
- January 3, London. J. Halket to the same. Detailed account of the resettlement by Selkirk of the persons who had been driven off their land, and statement of the designs of the North-west Company against the Red River settlers, as shown in correspondence with Simon McGillivray in 1812. 165

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1818.

Enclosed. Simon McGillivray to the wintering partners of the North-west Co., dated London, 9th April, 1812; with respect to the Selkirk settlement. Page 180

Answer by the partners. 184

January 6,
Treasury.

Harrison to Goulburn. In respect to the canal from Ia Chine to Montreal, if the Legislature in Canada will provide for half of the expense, the Treasury will not object to sanction the payment of the rest out of the army extraordinaries. 95

January 7,
War Office.

Merry to the same. Sends for opinion copy of claim of officers of the 19th Dragoons for loss sustained by the sale of their horses at Quebec, on account of no tonnage being provided for them. 131

Enclosed. Morton to Merry, 21st November, 1817. Explains why no tonnage was provided for officers' horses. 132

January 7,
Aberdeen.

Bell to Bathurst. Had sent certificates of his losses in Canada. Hopes His Lordship is enabled now to let him know what to expect. The hardship of his not being remunerated for his losses after his long service. 505

January 9,
War Office.

Merry to Goulburn. Can certain men (named) late of the 103rd, be encouraged to expect a free passage back to Canada, and at what time. 133

January 14,
Foreign office.

Planta to Goulburn. Transmits extract from a dispatch from the Minister at Washington, reporting that the U. S. sloop of war "Ontario" had received orders to proceed to the Columbia River to reestablish the American settlement that had formerly existed there, so that Bathurst may take such steps as he may deem expedient. 72

Enclosed. Extract of dispatch from Bagot, of the orders given to the U. S. sloop "Ontario," to proceed to the Columbia River; Adams denies that she has orders to destroy the North-west Company's post there, but she is to re-establish the American settlement, captured during the war. Has reported the affair to Sir J. C. Sherbrooke. A vessel could be there from Britain about as soon as one from Halifax. 73

January 14,
Foreign office.

Planta to Goulburn. Transmits copy of the dispatch for the information of Bathurst, that the American government had adopted measures for taking possession of Amelia Island and of Galveston. 76

Enclosed. Dispatch from Bagot that the executive government of the United States have given orders for the suppression of the piratical and smuggling establishments at Amelia Island and Galveston. Gives the force ordered. 77

January 23,
London.

Simon McGillivray to Goulburn. Asks for an interview for Mr. Ellis and himself on the subject of enclosed correspondence. 398

Enclosed. Bagot to Simon McGillivray (private.) Believes that there is foundation for the information he had received. 399

Simon McGillivray to Bagot, 15th November, 1817. Has been informed that the United States ship of war "Ontario" is under orders to go to the Columbia River to seize or destroy the establishment of the North-west Company on that coast; presumes the justification will be in the existence of an Act of Congress. Refers to previous inquiries as to the boundaries. 401

January 26,
Foreign office.

Castlereagh to Bathurst. The Prince Regent desires that facility be given to the re-occupation by the United States of the settlement on Columbia River, and he (Bathurst) is to take such measures for the purpose as may be expedient. 79

Enclosed. Castlereagh to the Lords of the Admiralty, to the same effect as the letter to Bathurst. 81

January 30,
Quebec.

Fowler to Stapylton. Enclosed in Stapylton to Goulburn of 24th March, 1818.

1818.			
February 4, Hudson's Bay House.	Joseph Berens to Bathurst. Long and detailed account of the trans- actions between the North-west Company and the Hudson's Bay Com- pany.		Page 188
	<i>Enclosed.</i> Depositions.		
	James Sutherland.		227
	Duncan Finlayson.		230
	Peter Fidler.		232
	John Stitt.		237
	Agreement of the Hudson's Bay Company's servants, etc., that they will not annoy or act in a hostile manner towards the North-west Company.		241
	Deposition of George Imes.		247
	Of Etienne St. Pierre.		263
	Of John McDonald.		271
	Address of Coltman to the Hudson's Bay and North-west Companies, that they are both to observe the Prince Regent's proclamation.		284
	Deposition of Archibald McDonald.		289
	Protest of Archibald McDonald.		300
	Demand, etc., of Mr. Gale.		309
	Second protest of Archibald McDonald.		312
	Letter from Mr. Fletcher to Mr. Gale.		314
	Mr. Gale to Mr. Fletcher.		317
	Second letter from Mr. Gale to Mr. Fletcher.		323
	Halkett to Bathurst.		330
	Containing a letter from Sherbrooke.		332
	Extract from Coltman's letter.		336
	Examination of John McNab.		349
February 6, Horse Guards.	Torrens to Goulburn. States the case of a person for whom he had previously applied, and asks that Bathurst may send authority for him to obtain a portion of Crown reserves in Upper Canada.		11
February 7, Queenstown.	Gourlay to Torrens. About three months ago wrote and enclosed an address to the "Resident Land Owners of Upper Canada"; now sends duplicate. The success of his address; the maladministration of the land-granting department; has urged the legislature to send a com- mission to represent the case to Lord Bathurst. Is free in the expression of his opinions, but is honest and means well. The Canadas have hith- erto been a bill of expense; properly managed they might pay expenses and leave a revenue. Had travelled 1,000 miles since he wrote, and found the people well disposed to government, but disappointed at occurrences which might have been prevented; instances given. Re- peats his desire for a contract to settle part of the province.		20
	<i>Enclosed.</i> Address by Gourlay to the "Resident Land Owners of Upper Canada," dated Queenston, October, 1817, in preparation for the information he wishes to obtain and publish.		24
	The queries for information are attached to the letter.		39
February 9, Horse Guards.	Torrens to Goulburn. Asks that Bathurst give orders to provide tonnage for the 68th and 74th Regiments from Cork to British North America, the 68th to relieve the 99th and the 74th to relieve the 98th.		12
February 9.	John Mure to Goulburn. Applies for renewal of leave of absence.		718
February 10, London.	Lieut. Greig to Bathurst. Was taken prisoner at Sacket's Harbour; his escape; applies for payment of his expenditure.		612
	<i>Enclosed.</i> Certificate by Lieut. Col. Evans that Greig was wounded and taken prisoner at Sacket's Harbour; his escape and the expense he incurred; his meritorious services since then.		614
February 14, New York.	Buchanan to Goulburn. Reports the case of people who intended to go to Upper Canada, but had taken vessels to Nova Scotia and New		

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1818.

Brunswick, and have now reached New York, but are desirous, before going to Upper Canada, to know if they will get grants of land there.

Page 507

February 15, Joseph Elly to Bathurst. Sends list of grants made last year to per-
New Ross. sons who were then unable to go; asks for a renewal. 594

February 16, Baker to Hobhouse. Is informed that passages for emigrants to Bri-
Dublin. tish North America have been discontinued. Will pensioners going at
their own expence receive land grants? 145

February 17, Merry to Goulburn. Returns enclosure in his (Goulburn's) note with
War Office. certificate of the death of Sous-Lieut. Puy de Vezine of the regiment of
Hector. 134

February 21, Torrens to the same. The Commander-in-chief approves of Bathurst's
Horse Guards. proposal to offer the officers and men of the 98th and 99th regiments to
become settlers in North America. Sends draught of a dispatch to be
sent to the general officers commanding in Canada on the subject. 13

February 21, *Enclosed.* Draught of letters to the general officers referred to. 14
Whitehall. Lack to Goulburn. The Lords of Trade inform Bathurst that it is
not intended to submit a bill to Parliament to alter the Act by which
timber from British North America is admitted free till the 25th of
March, 1820. 62

February 23, Alexander Macdonell to Bathurst. Transmits memorial which he
Leek. requests may be laid before the Prince Regent. 719

Enclosed. Memorial stating his services and asking, if no situation
can be found for him at home, that he may obtain a free passage to the
North American Colonies, with letters of recommendation. 720

February 24, John Stark to Goulburn. Transmits returns of Indian goods of which
London. he had charge. Their value and his responsibility. Asks for such rema-
neration as the case merits. 885

February 25, Ellice to Goulburn. When could he present W. Richardson, one of
London. the Council in Canada, who wishes to have his leave of absence ex-
tended? 598

February 26, George Macdonell to Bathurst. Having been appointed agent for
Leek. emigrants, applies for schedules and such other information as may
enable him to answer the questions of inquirers. 724

February 28, Lushington to Goulburn. Transmits for Bathurst's opinion, return of
Treasury. Indian stores and presents to complete the demands, and form a depot
for 1818. 96

March 3, Bell to Bathurst. Returns thanks for his case having been referred
Aberdeen. to the Treasury and hopes it will soon be taken into consideration by
their Lordships. 509

March 3, Mrs. E. G. Caldwell to Goulburn. Refers to Bathurst's promise to
Chelsea. make a grant of land to her sons; her eldest son, a half pay Lieutenant
of the Royal Marines, has settled on his grant and she wishes with her
two other sons and her three daughters to join him. 570

March 4, Freeling to Goulburn. Transmits copy of letter from the agent for
General Post packets at Falmouth. 146
Office.

Enclosed. Report of the arrival of the "Francis Freeling" with
mails from America. Had bad weather, lost her boats, &c. 147

March 6, Berens to Bathurst. The Hudson's Bay Company did not object to
Hudson's Bay the appointment of commissioners, but to their conduct as represented.
House. Comments on the statements made in Goulburn's letter of the 15th
February. 353

March 10, Halket to Bathurst. Defends himself against charges brought in
London. Goulburn's letter. 358

March 11, Addison to Adam Gordon. Improvement in the health of Sher-
Quebec. brooke. 456

1818.
March 13, Treasury. Lushington to Goulburn. Sends for the information of Bathurst, note of the arrangements for paying such of the Chelsea pensioners as are in Canada. Page 97
- March 13, London. J. Kerr to Bathurst. Asks for an interview. 677
- March 16, Winchester. Brenton to Goulburn. Applies for an extension of his leave of absence. 511
- March 16, London. Kerr to Bathurst. Applies for an extension of leave of absence and explains his reasons for the application. 678
- March 18, London. "A Representation of the Society for the Propagation of the Gospel on the subject of the Clergy Reserves in the Provinces of Upper and Lower Canada addressed to Earl Bathurst, Secretary of State for the Colonial Department." 148
- March 20, Kingston. Wybault to Goulburn. Thanks for his having forwarded his (Wybant's) claim for land to the commander of the forces. Is not allowed to retire till the 24th of September, by which time he hopes to have land allotted to him. 945
- March 24, Hadley. J. A. Chetwynd Stapylton to Goulburn. Strongly recommends Captain Fowler, and that his request be complied with. Sends his statement but not the letters he alludes to in it. 886
- Enclosed.* Fowler to Stapylton. The ruinous expenses connected with his duties of superintendent of the settlements in Canada. The recommendation of Sir Gordon Drummond that he should receive 800 acres in addition to 1,200 already ordered by Bathurst. Asks for a money payment in lieu of the land. His unfortunate pecuniary situation, but stands on the proud ground that malice cannot attack him for his public acts. 887
- March 25, Horse Guards. Torrens to Goulburn. Leaves it to his discretion whether to lay the enclosed letter, &c., before Lord Bathurst or not. 16
- Gourlay to Lady Torrens, 3rd November, 1817. In the unsettled state of his affairs has resolved to publish an agricultural report of Canada. Sends a specimen of the work. Hopes Sir Henry Torrens might have an opportunity of laying it before Lord Bathurst. Has resolved if he can settle his affairs, to bring his family to Canada. In that case it would be desirable he should have a contract to bring British subjects as settlers. Talbot has obtained a contract and his settlement proceeds better than those under civil or military governors. The military settlements have cost a vast sum but are failing more and more. The rest is on family affairs. 17
- March 25, Hudson's Bay House. Pelly to Bathurst. Transmits petitions from the settlers on the Red River. 362
- Enclosed.* Petition complaining of the conduct of the North-west Company towards the settlers and praying for military protection. 364
- The people employed at York Factory to Bathurst, 10th September, 1816. Their long service with the Hudson's Bay Company; the increase of their families requires an asylum in the nature of a colony; if not, they are afraid of being driven to throw themselves on the bounty of the Indians; the misery of such a situation. Disputes between the North-west Company and the Hudson's Bay Company, &c. 375
- March 25, Liverpool. J. C. Thompson to Bathurst. The repeated provocation given by the American government to Spain to lead to a war is no doubt known to his Lordship. The importance of the possession of East Florida by the United States, and the danger to British colonies from the facility it would give for building and arming ships of war. 935
- March 26, Navy Office. Navy Board to Goulburn. The Navy Board has communicated to the Colonial Office the circumstances relating to the charging of an impost against Captain Woodbine for \$2,000, received by him from Sir Alexander

April 2, Maywor

April 6, Horse G

April 8, London.

April 8, Hastings

April 10, Treasury

April 10, Oxon.

April 11, Admiralty

April 18, Carlton House.

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- Cochrane. Where is the Captain now, and have there been any communications from him? Page 139
- April 2. Lt.-Col. Hamilton to Bathurst. Applies for a passage for Ennis to Canada. States the reason for his return. 627, 626
- May worth. Torrens to Goulburn. Sends memorial for Lt.-Col. George Wilkins to be laid before Bathurst. 44
- April 6. Horse Guards. Enclosed. Memorial praying for land which his father's services merited. 45
- April 8. Simon McGillivray to Goulburn. Offers to take charge of dispatches for Canada. 726
- London. Bishop (Anglican) to Bathurst. Remonstrates against Goulburn's statement that the Roman Catholic Church must be considered as the established church of Canada, and quotes authorities to prove that the Church of England was to be the established church. The letter is long and minute in details. 837
- April 8. Hastings. Lushington to Goulburn. Sends letter respecting the deposits made by settlers in 1815, and how they are to be repaid. 99
- April 10. Treasury. Enclosed. Transport Account Office. That Samuel New has been repaid his deposit; no other applications for repayment have been made, but Sir John C. Sherbrooke has sent a list of persons to be repaid, including the name of Samuel New. If Sherbrooke is satisfied of the identity of the other claimants he can draw on the Navy Board for repayment. 101
- Account of deposit money remaining to be returned to the settlers who embarked at Deptford in 1815. The dates, names, ships and amounts are given. 102
- April 10. W. Sherbrooke to Bathurst. Thanks for his Lordship's obliging communication and copy of a letter to his brother (Sir J. C. Sherbrooke); its good effects on his brother in his present afflicted state, which has rendered his resignation necessary. His anxiety to sail as soon as the state of the river warrants. 892
- Octon. Barrow to Goulburn. The Admiralty desire to know if the same ship that takes out the Duke of Richmond, could not bring back Sir J. C. Sherbrooke. 3
- April 11. Admiralty. Order-in-Council approving the terms of the commission to the Duke of Richmond as Governor General of British North America. 63
- April 18. Carlton House. Memorial of Ralph Johnson, stating his services and praying for a situation for his eldest son in Quebec or Montreal. 667
- April 20. Norton to Goulburn. Thanks for his arrangement with the aboriginal tribes. Sir John Sherbrooke well disposed, but the part to be settled with the provincial government remains still unsettled. The indefinite nature of the grant by Haldimand; his uneasiness at future prospects in relation to the claims of his posterity to the land. His uncertainty as to what steps he should take. 796
- April 21. Bell to Bathurst. Shall be happy to know if the Treasury has communicated the decision on his case. 512
- April 21. G. and W. Soltan & Co., to Goulburn. Would a foreign vessel be admitted into the British North American Colonies with German emigrants? 740
- London. Torrens to Saunders. Enclosed in Torrens to Goulburn of 1st August, 1818, which see.
- April 23. Horse Guards. Bishop (Anglican) of Quebec to Bathurst. Explains further his views as to the Roman Catholic Church in Canada. 848
- April 23. Hastings. An independent English country gentleman to the Prince Regent (?). Sends plan for the erection of Canada into an independent kingdom under one of the younger branches of the Royal family. He would

1818.	establish also a peerage. How the lands could be laid out for settlement.	Page 457
April 25, London.	Brenton to Goulburn. Apologises for again troubling him.	513
April 25, London.	The same to the same. Applies for reconsideration of Bathurst's decision respecting leave of absence, as if obliged to return to Canada before autumn, it would be attended with injury to his private affairs.	514
April 26, Walworth.	Bezant to the same. Had received permission on the 2nd August, 1815, to go to Canada, and was furnished with a letter to Sir Gordon Drummond. Owing to death and other causes he has been prevented from going; asks for a letter to the present Governor to be taken on as supernumerary in his suite to take chance of any situation that may offer.	515
April 27, Admiralty.	Croker to the same. For the names and ranks of the persons who are to accompany the Duke of Richmond and Sir Peregrine Maitland.	4
April 27, Dublin.	Marianne Dawson to the same. Transmits copy of certificate from Captain Freer. With that and other testimonials hopes that the prayer of her memorial will be granted.	575
April 28, Treasury.	Harrison to Goulburn. Sends estimate for the public expenditure of Canada for the year 1818, with copy of communication from the Treasury to Sherbrooke (communication not enclosed). Besides the estimate, about £20,000 will be incurred, of which £15,000 will be required for a commission for the Indian territories.	103
April 28, Quebec.	Enclosed. Copy of estimate.	105
April 29, London.	Robert Christie to Bathurst. Sends copy of his memoirs to His Lordship and another copy for the Prince Regent.	572
April 29, London.	Lt. Col. E. Macdonell to the same. Suggests, under conditions, the exploration of a water communication to Upper Canada by way of the Ottawa and Rideau.	741
April 30, Treasury.	Enclosed. "Statement of the claim of Lieut. Col. Macdonell, late inspecting Field Officer of Militia in Canada, for devising and demonstrating the means of defending and supplying Upper Canada when deprived of the St. Lawrence River."	743
April 30, Hatley, Lower Canada.	Harrison to Goulburn. The House of Assembly of Lower Canada having refused to make provision for the Protestant clergy, the Treasury will not object to them being paid out of the army extraordinaries for this year, but if in future the Colonial Legislature fail to make provision, an estimate for the amount must be submitted to Parliament. Asks for Bathurst's opinion of the amount that should be asked for.	108
April —,	C. Stewart to Goulburn. Thanks for communication. His desire continues to be appointed Bishop of Quebec in case of a vacancy. If appointed he must vacate the rectory of Overton <i>alias</i> Orton Longville. Asks that he be reappointed in that case.	894
April —,	Petition of Capt. Phillips Newton, Ensign Francis Newton, George Newton of Dublin, and Lieut. Hibbert Newton, sons of the late Lieut. Hibbert Newton, stating that their grandfather's property was confiscated by the Americans for the loyalty of himself and brothers. The grants of land and the circumstances which prevented them from being settled upon; their distress owing to their early age when their father died leaving a widow and five young children. Apply for relief.	802
April —, Dublin.	Peel to Goulburn. Asks for an answer to the enclosed.	824
	Enclosed. Gregory to Peel, 3rd April. The request from Musgrave cannot be complied with by orders issued hence; the commander of the forces has not power to authorize the conveyance of passengers in the transports. He (Peel) being acquainted with the circumstances of the family, may perhaps get them a passage.	825

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- 1818.
- Musgrave to Gregory. Asks for a passage by transport for the wife and ten of the children of Chearnley, he having been able to pay for the passage of five of them last spring. Page 826
- May 1, No signature to Bathurst. Apply for repayment of passage money Bay of Quinte, which was to be paid two years after embarkation and is not yet paid after three years. The failure of crops leaves no other resource. 748
- May 2, Lt.-Col. Wilkins to Bathurst. The obligation he feels at the consid- Shorncliffe, eration of his claim in relation to the grant made to his father. Is un- able to accept the offer of other lands and prays for a money remunera- tion on the ground of his own and his father's services. 946
- May 4, Bezant to Goulburn. Has delayed waiting on the Duke of Richmond Wadworth, till he should have a reply to letter of the 26th ult. Requests an an- swer. 517
- May 6, Lieut. Col. E. Macdonell to the same. Asserts his priority of discov- London, ering the facility of a communication with Upper Canada by the Ottawa and Rideau. The permanent importance of the work. Hopes for some mark of honour. 750
- May 9, Independent English country gentleman to the Prince Regent. In addition to letter of 25th April, stating that as the season is approaching when the people are making up their minds where to go, measures should be adopted to direct them to Canada. 487
- May 11, W. McGillivray to the Attorney and Solicitor General of Lower Can- ada. Enclosed in Richardson to Inglis, Ellice & Co., &c., of 16th October, 1818.
- May 12, Ingram Hertford to Bathurst. Certifies as to the correctness of a London, letter which he encloses. 628
- May 13, Black to Goulburn. Acknowledges receipt of letter from him in London, Bathurst's name. Eulogises Bathurst's character and services. The injury he (Black) has done himself by the opinions he holds, and was grossly insulted in the States. He would have continued to wait on him but for the conduct of profligate scoundrels; he, however, is patient. The means he can obtain to cultivate land which he may receive as a grant. States his services and applies for a situation under the Duke of Rich- mond when he goes to Canada. 518
- May 14, Bishop (Anglican) of Quebec to Bathurst. Sends his resignation and Hastings, explains the cause of delay in doing so. Reasons for the resignation. 852
- Enclosed. Extracts from a paper from Upper Canada addressed to the Bishop, dated 10th November, 1817, representing the alarming advantages given to the Roman Catholic Church in Upper Canada. 855
- May 14, J. Sewell to Goulburn. The deprivation of his brother of the office of Quebec, Solicitor General has, he believes, sufficiently punished his fault. Asks that he be appointed judge in Montreal, to succeed Ogden, whose state of health renders it unlikely he will resume his seat. 897
- May 15, Sir Gordon Drummond to Bathurst. Recommends that Major Loring Gloucester, be appointed to succeed Mr. McGill as Receiver General for Upper Canada. 577
- May 15, Lieut.-Col. Ready to Goulburn. Asks that an answer be sent to the Richmond House, letter enclosed. 879
- May 17, Capt. Phillips Newton to Bathurst. Acknowledges receipt of answer. Hillsea Barracks, Explains the circumstances of the family. Asks that in any grant that may be made an order be given that the lands shall be in the most favourable situation. 808
- May 19, Marianne Dawson to Goulburn. Her disappointment at the rejection Dublin, by Lord Bathurst of her request. Why she had not made a timely appli- cation to Prevost, and was not aware of his death and of the change it would make. Is prepared to make affidavit that she received no remun- eration. Asks that Bathurst allow her something yearly or to recom-

- 1848.
- mend her to the government. Asks that bits of paper sent may be dipped in cold water, as it will show the method of safe communication between Prevost and the United States. Page 579
The scraps of information referred to are those probably at pages 586 and 588.
- May 19, London. Ellice to Goulburn. States that he sends letter from W. Kain respecting the troubles between Lord Selkirk and the North-west Co. (Letters not enclosed.) The trial for the murder of Keveney was begun, but a juror withdrawn, and the prisoners returned to gaol. The first part of the letter had reference to the preparations of Selkirk to renew the contest. Has been averse to trouble Bathurst who cannot act, till he shall receive the report of the Commissioners. When that is the case he would take the liberty to transmit a memorial. 595
- May 19, Edinburgh. James Hall to the Lord Advocate. Applications have been sent from Argenteuil for a minister. A petition that the minister should receive £200 a year, which was granted and the name of Mr. Taylor inserted in dispatch to the governor. Mr. Taylor had, however, gone to Osnaburgh and Mr. Henderson sent in his place, for whom the salary of £200 is requested, it having neither been asked for nor paid. 756
- May 20, Edinburgh. Maconoehie to Goulburn. Sends a document respecting which he had been speaking. 754
- May 25, London. Ellice to the same. Was mistaken as to the recommitment of all the persons put upon trial at Quebec. Sends letter with details (not enclosed). 602
- May 26, London. Black to the same. Has received verbal notice that there was no further occasion for his personal attendance. The suspense increases his anxiety as the greater part of the Quebec fleet has sailed. Another is expected to sail at the end of the week. There is no King's ship bound for Quebec shortly. 523
- Enclosed.* Memorial by Black to Bathurst. States his services and asks for an investigation of his case. 525
- Castlereagh to Sir J. H. Craig, 31st July, 1808. Black's application for various positions in Canada. The King leaves the situation to Craig's judgment, but desires that he should have a situation that would afford him an honourable maintenance. 528
- Liverpool to Gore, 1st November, 1810. Giving instructions that a grant of 3,000 acres is to be made in Upper Canada to John Black. 529
- Further correspondence, memorials, &c., on the case of Black. 530 to 539
- May 26, Foreign office. Hamilton to Goulburn. Sends copy of letter from the Consul at the Azores, respecting the dissatisfaction of the crew of the wrecked brig "Ann of Swansea" at not being sent to Quebec, and the difficulties he apprehended in chartering a vessel to take them to Ireland. 83
- Enclosed.* Reid, Consul, to Hamilton. Reports the dissatisfaction of the shipwrecked men. The difficulty in chartering a vessel arises from the fear of the masters that these men may seize the vessel in which they would be passengers. Their bad conduct on the island. Will stop supplies for them if they refuse to go to Ireland. 84
- May 30, Navy Office. Navy Board to Goulburn. There is at present no vessel in the service of the department in which Mrs. Caldwell and family can have a passage to Quebec. 140
- June 1, Goodwood. Maitland to the same. How can he obtain his letters from England? 755
- June 4, Bexhill Barracks. Capt. Phillips Newton to Bathurst. Acknowledges receipt of letter which removes the expectations of himself and brothers; their unfortunate position. Asks for a situation. 811
- June 5, Dublin. John Ashmore (Royal Marines) to Stapylton. Applies for a grant of land in Canada in the same proportion as other officers received who

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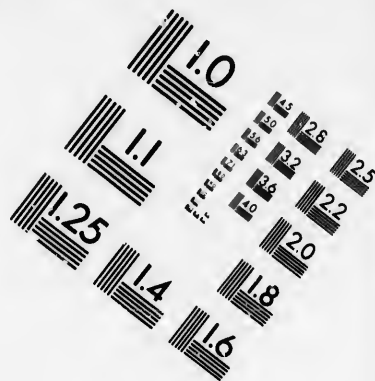
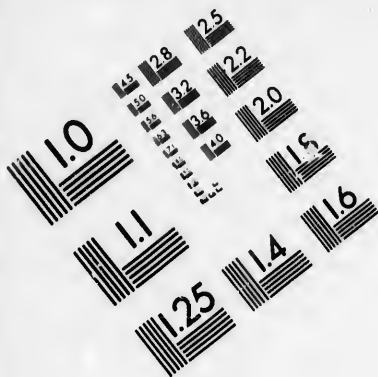
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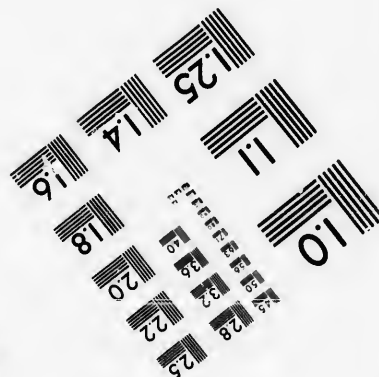
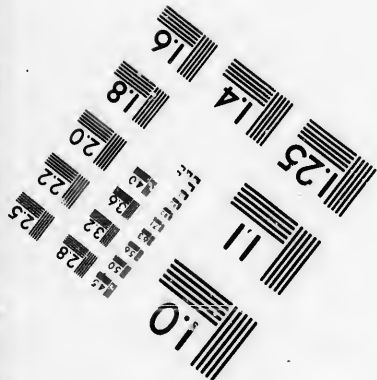
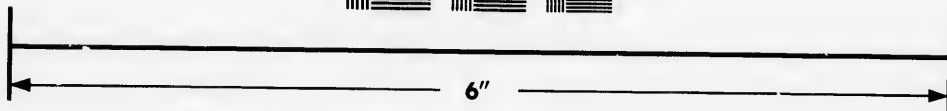
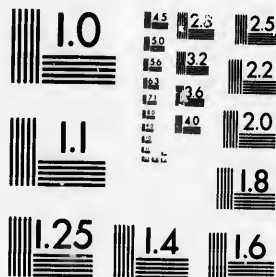
1818.

- June 6, Montreal. served there; had applied before leaving Canada, but at that time there were no orders that the Royal Marines were entitled to land. Page 899
- June 6, New York. W. McGillivray to Sherbrooke. Enclosed in Richardson to Inglis, Ellice & Co., &c., of 16th October, 1818. 110
- June 7, London. Buchanan to Goulburn. Sends copy of work on the "Resources of the United States"; the interest he takes in respect to Upper Canada. 540
- June 10, London. Bell to Goulburn. Asks whether he may expect an answer, as expenses are heavy in waiting. 541
- June 11, London. Black to the same. The vessel on which he took his passage being in ballast, could not take passengers without clearing at the custom-house at a greater cost than the amount of his passage. Expatriates on his services and the injustice from which he has suffered. 542
- June 13, London. Henry Osborne, Benson & Co., to Bathurst. Have a contract with the Commissioners of the Navy for a supply of masts, &c. Apply for a license for cutting the same. 940
- June 13, Belfast. Bell to Bathurst. Had been in hopes of an early decision by the Treasury on his claim; his means are now exhausted. Prays for protection. 546
- June 16, Treasury. Robert Stewart to the same. States the services of himself and family for the advancement of Canada and Labrador, in which his firm continues with a capital of nearly half a million. When so many bankrupt adventurers are obtaining lands, believes the claims of his firm to be paramount towards obtaining a liberal grant of land; by this means his capital will be consolidated and the interest of trade be advanced. 901
- June 16, London. Harrison to Goulburn. As the expense for the commission to the Indian Territory cannot be charged on the civil establishment of Upper Canada this year, the Treasury does not object to its being charged to the army extraordinary. 110
- June 19, Quebec. Black to the same. Is unable to obtain a passage without paying for it beforehand. Asks for Bathurst's help. 547
- June 19, Whitehall. Uniacke, Attorney General to ——. Enclosed in Richardson to Inglis, Ellice & Co., &c., of 16th October, 1818. 110
- June 20, London. Lack to Goulburn. Of the 41 Acts passed by the Legislature of Lower Canada, two for the incorporation of fire insurance companies at Quebec and Montreal are reserved for further inquiry and consideration, the others are to be left to their own operation. 65
- June 23, Quebec. Major Smith to the same. Explains the cause of his return from Canada, and applies for some mark of favour as an evidence of the approval of his conduct by the commanders-in-chief and Bathurst. 904
- June 24, Niagara. Sherbrooke to Wm. McGillivray. Enclosed in Richardson to Inglis, Ellice & Co., &c., of 16th October. 110
- June 24, Dublin. McNumara to Croker. Enclosed in Croker to Goulburn, 31st August, 1818, which see. 111
- June 27, Treasury. Marianne Dawson to Goulburn. Has had no answer to her letter of 18th (19th) May. Sends Freer's original certificate and hopes Bathurst will grant a favourable answer. 582
- June 29, Treasury. Harrison to Goulburn. The dispatch from Sherbrooke did not accompany his (Goulburn's) letter of 22nd June. 111
- June 29, Treasury. The same to the same. The Treasury approves of the steps taken by Sherbrooke to obtain the Island of St. Helen's, and asks that the approbation be communicated to Sherbrooke. 112
- June 29, Treasury. The same to the same. The Lords of the Treasury sanction the appointment of Young to be chairman of a committee for auditing the accounts. 113
- June 29, Treasury. The same to the same. Has received list of persons willing to contribute a part of their salary for 1817. The Lords of the Treasury desire Sherbrooke to be informed that this is entirely voluntary. 114





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1818.
June 30,
Belfast.

Robert Stewart to Bathurst. Sends certificate of capital, position, services, &c., and applies for the grant of a township. Page 909
Certificate of the position, &c., of Robert Stewart. 911

June —,
London.

Major Smith to Goulburn. Asks for an appointment to lay his concluding report before Bathurst, and apply for an allowance to defray his extra expenses whilst in London. 903

July 2,
London.

Alison to Goulburn. Applies for confirmation of grant of land in Canada, partly cultivated, as he had been promised. 491

July 2,
Tunbridge
Wells.

Bishop (Anglican) of Quebec to Bathurst. Is grateful for the proposed addition to his income of £600 a year, in case of his returning to his diocese. His return to Canada would be of little benefit to the Church, unless the following conditions are granted. These conditions are as follow: (1.) That it be distinctly given to be understood in the Canadas by His Majesty's Government, that the Church of England is to be considered as the established church of that country.

(2.) That the arrangements for giving effect to my jurisdiction over my own clergy and people in my diocese, which were entered upon and undertaken for by the Secretary of State, when I last returned to Quebec from England, be now completed.

(3.) That the granting of marriage licenses, a power vested by Act of Parliament in all bishops (by abstaining from the exercise of which I have, though most unwillingly, contributed to that unprecedented degree of bigamy and polygamy that has prevailed in the Canadas, and which, as to its emoluments, is so extremely inconsiderable as to be no object in that respect to the civil or ecclesiastical authority), be left to be exercised by the head of the Church of England, in behalf of the members of that church, as it is exercised by the head of the Church of Rome for the members of that community.

That the Bishop's commissaries or officials for Upper and Lower Canada be put upon a footing of equality, in respect to their salaries, with the ecclesiastical officers of the same rank in Nova Scotia. These things are essentially necessary to prevent the Church of England from sinking into other degradations and its religion as being merely tolerated. There are other matters to be brought forward, but it is needless to do so, if these mentioned should be rejected. 858

July 3,
Hampstead.

R. P. Swallow to Goulburn. Applies for leave to examine the registers of land held by his father, merchant at Charleston. 913

July 3,
London.

Major General Wilson to Goulburn. Prays for Bathurst's recommendation to the Treasury to pay him for nine months staff pay which had not been provided for. 949

July 4,
London.

Inglis, Ellice & Co., to the same. Transmits copy of a bill to establish a bank at Montreal from which the Governor has withheld the Royal Assent. Urge that the bill be sanctioned. 665

Enclosed. Bill in which the names of petitioners who are subscribers (apparently the whole of the original shareholders) are included. 630, 642, 645, 681, 692.

Schedules. 662, 664

July 6,
Liverpool.

Catherine Ireland to Goulburn. Desires to obtain information respecting Thomas Jones who was discharged from H.M.S. "Niger," on the 2nd August, 1816, but from whom she had heard nothing since. 671

July 9,
Dublin.

Peel to the same. The obstacles to the commissioners of Kilmainham Hospital that prevent them from paying the pensioners in Canada, owing to the state of the law. 152

July 9,
Dublin.

Memorial by Black that he has secured a passage to Charleston, 1,300 miles out of his way; prays that the prayer of his former petition be granted. 549

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- 1818.
 July 9, Portsmouth. Admiral Campbell to Bathurst. As there is no vessel at present at Portsmouth likely to go to Quebec, sends his Lordship a letter addressed to the Duke of Richmond. Page 573
- July 9, Newark. Francis Raynes to Goulburn. Has been prevented from embarking in the "Asia" for Canada, which he was told was to have sailed this day. As it is not his fault asks that a passage be provided for him and his family in another vessel. 880
- July 12, London. Bennet (?) to ———. Encloses application from a man whom he recommends as a fit settler. 551
- July 13, Treasury. Harrison to Goulburn. Sends papers respecting the claim of Bell, late shipwright at Kingston, with the decision of the Treasury. 115
Enclosed. Decision that the Treasury will submit to Parliament a grant to Bell at the rate of £150 a year and a rate for payment of the amount of £229 10s. being allowance from 20th December, 1816, to the day on which his pay ceased. 116
- July 13, Treasury. Harrison to Goulburn. The Lords of the Treasury have sent permission to ship at Greenock provision for settlers proceeding to Canada. 118
- July 13, Whitehall. Lieut. Col. E. MacDonell to Bathurst. Calls attention to the dangerous position in which the British North Americans are exposed if the measures he proposed are not adopted at a very early date. Quotes the words of the President of the United States to show the designs against British North America. 759
- July 13, Whitehall. Same to the same. Renews his request for remuneration for discovering a way to Upper Canada by the Ottawa and Rideau. Its great importance. 762
- July 13, Strabane. Captain Saunders to the same. When Bisshop died, he (Saunders) was deprived of an active friend. The objection to his brevet was the fear that it would be an encroachment on the rules of the service, although his case was stated by the commander-in-chief to be one of peculiar merit and would be glad of an opportunity to promote him. There is an extensive promotion, and asks for brevet rank, or promotion for his services. Refers to the opinion of Baynes that he would have been promoted by Prevost had his (Saunders) survival of the battle been ascertained in time. 915
- July 13, Lambeth. Wilson to Goulburn. Has been advised by his brother-in-law, W. Wilkins, a settler at Drummondville on the St. Francis, to make inquiry respecting the deposit money due May, 1817, not yet paid although some Scotch settlers received theirs last year in Upper Canada, who came at the same time. Has just received a letter from his sister that her husband was drowned, leaving her in great distress, so that the speedy payment of the deposit would be of great help. 951
- July 14, Quebec. Addison to Goulburn. Sends letter to Mr. Starek, late purser of H. M. S. "Confiance" to be returned. Sherbrooke is going on favourably, but is anxious to get to sea during the fine weather. 494
Enclosed. Addison to Starek, 14th July. Sherbrooke does not think he (Starek) is entitled to remuneration but has consulted Captain Montresor, R. N., who agrees in this opinion. 495
- July 14, London. Messrs. Rivington to Goulburn. Have books ordered by the Society for Promoting Christian Knowledge ready to be sent when they have directions. 881
- July 15, Horse Guards. Torrens to the same. Transmits letter from Capt. Ployard, applying for a passage to Quebec, the commander in chief recommends the application for favourable consideration. 48
Enclosed. Ployard to Torrens 13th July. Application for a passage. 49
- July 16, Horse Guards. Torrens to Ployard. His application has been sent to Bathurst with a recommendation to grant the passage asked for. Shall let him know the result. 51

1818.
July 16,
Treasury. Harrison to Goulburn. The Treasury sanctions the expenditure of the £500 on the church at St. John's as proposed by Sherbrooke. Page 119
- July 16,
London. Greig to the same. Presses his claim, the nature of which he is afraid the Treasury does not understand. 615
- July 16,
Neston. *Enclosed.* Harrison (Treasury) to Greig. That his claim is upon the United States Government for parole allowance. 617
- July 16,
London Road. James Innes to Bathurst. Applies for a situation in Canada in consequence of the recommendation of the Duke of Richmond. 673
- July 18,
Dublin. Hugh Stuart to Goulburn. Sends book on the statistics and resources of the United States. The introductory chapter shows the narrow and illiberal ideas of colonization between 1680 and 1733. Has been promised the sight of a very fine map of the States showing the boundaries. As soon as his friend's luggage arrives he will take the liberty of sending the map. 918
- July 18,
Greenock. Marianne Dawson to Goulburn. Urges strongly the justice of her claim for remuneration for services rendered. 583
- July 18,
Greenock. Polls & Greig to Bathurst. Call attention to the case of Peter Anderson imprisoned at the instance of John Anderson for not remitting his deposit. Explains that the full deposit was £22, only £15 of which was paid, and that sum was remitted. 831
- July 20,
Navy Office. *Enclosed.* List of emigrants with the amounts paid by each, the total sum being remitted. 834
- July 20,
Downing Street. Navy Board to Goulburn. The passengers at Greenock for Montreal have not received an answer to their petition for leave to take their own provisions instead of those prescribed by the Act. They are becoming short of money. 141
- July 20,
Admiralty. Captain Ployard to Goulbourn. Desires to know if a passage has been granted to him to proceed to Canada. 828
- July 23,
London. Barrow to Goulburn. Applies for a license to Henry Usborne, Benson & Co. to cut timber, they having a contract to supply the Admiralty. 6
- July 23,
London. Black to the same. Repeats certain amendments to the Constitution of Canada which he made twelve years ago and which are more needed now. Objects to the terms of petition from Upper Canada. 552
- July 24,
Treasury. In a P.S. suggests doing away with the Crown and Clergy reserves as a barrier to the improvement of Canada. How the clergy may be provided for. His proposal is far short of the provision made by the French government for the Catholic Church. 558
- July 25,
Horse Guards. Harrison to Goulburn. Directions have been sent to the commissioners of Customs for Scotland to permit the embarkation at Greenock of articles for persons going to Canada from that port. 120
- July 25,
London Road. Torrens to Goulburn. Brevet-Major Hamilton Smith is noted for exchange and has in the meantime received leave of absence. 52
- July 25,
London. Hugh Stuart to Goulburn. Sends map of the United States and calls attention to the question of the boundaries with the United States, especially to those on the western coast of the Pacific. The importance of the trade and commerce from that coast. 920
- July 29,
London. Henry Usborne, Benson & Co. to the same. Sends list of the names of the partners in the firm. 941
- July 29,
Sheffield. Messrs. Rivington to the same. Books are packed ready to send. 882
- Stuart Wortly to the same. Had spoken of Young of Quebec several times, more than a year ago. Learns that he has been appointed chairman of a committee with a salary, the amount to be fixed by Bathurst. Sherbrooke had also written to the Colonial Office to authorize a grant of 4,800 acres in addition to 7,200 granted by the Council which recommends the additional grant. Asks for information of what is doing in the Colonial Office in these matters. 954

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1818.
 July 30, Whitehall. Laek to Goulburn. The Lords of Trade desire information on the subject of an Order in Council for regulating the trade between Lower Canada and the United States. Page 67
 July 30, Cambridge Wells. Bishop (Anglican) of Quebec, to Bathurst. Has received his Lordship's letter expressing the desire that he (the Bishop) should return as early as possible to his diocese. Could not be ready to sail before September. His sufferings at sea and the difficulty of obtaining a passage in a suitable vessel. No inconvenience would be incurred by his diocese were he absent for the winter. 862
 August 1, Admiralty. Croker to Goulburn. Sends copy of contract entered into by the Navy Board with Messrs. Osborne & Co. for the supply of timber from Canada. 7
 August 1, Horse Guards. Torrens to the same. In relation to the application from Capt. Saunders of the 41st, even if a brevet take place, it could not reach Capt. Saunders. 53
Enclosed. Memorial by Capt. Saunders stating his services in the operations at Black Rock, where he was wounded, and praying for a brevet rank of Major. 54
 Major-General Baynes (late Adjutant-General) to Saunders. Owing to the report of his death in the operation at Black Rock, believes his services were not as fully acknowledged as they would otherwise have been. 59
 Torrens to Saunders. The Commander-in-Chief is sensible of his merit, and would be glad of an opportunity to promote him, but his promotion by brevet would cause embarrassment in the service. 60
 August 1, Leith. Kerr to Goulburn. Has written to Bathurst to explain the circumstances in which he is placed. Asks his assistance with Bathurst. 693
 August 1, Leith. The same to Bathurst. Has received dispatch that in consequence of the demand of the Governor of Quebec he is to return immediately. The expectation held out to him for extension of leave. The reasons for the extension. 694
 August 3, Bexhill. Capt. Phillips Newton to the same. Since no grant can be made, asks for a situation by which he could benefit his brothers. Could be of service somewhere on the Mediterranean coast, having been Civil Governor of Congo and knowing the languages of that part of the country. His regiment ordered to Canada he must, therefore, retire, as owing to the attack of rheumatism he could not stand the climate. 814
 August 5, Navy Office. Navy Board to Goulburn. The case of books for Quebec may be shipped on board the "Jean." 142
 August 6, Quebec. Richmond to Secretary at War. Enclosed in Peel to Goulburn 14th September. 814
 August 6, Cambridge Wells. Bishop (Anglican) of Quebec to Bathurst (private). His concern at having incurred censure for being absent from his diocese. Defends himself from this and from the charge of being bigotted in opposition to the Church of Rome. Appeals to the different governors and to the leading Roman Catholics as to the friendly terms on which he lived with the Canadian clergy and laity; his zeal may have carried him too far, but believes that the Church of England ought to have in the Canadas a decided establishment; the declaration to that effect made by government in its public proceedings. All he asked was to proceed quietly to establish the Church of England. Defends himself also against charges of his course leading to disturbances of the peace, &c. 868
 August 8, Navy Office. Sippings to Goulburn. Sends letter for his nephew, which he (Goulburn) promised to forward. 924
 August 11, London. Amyot to Col. Chapman. Desires his help in a plan for keeping Upper Canada in the paths of loyalty and to strengthen it for defence against a foreign foe. Gives a sketch of his services from the time he escaped from Paris in 1792, till he returned to France with the royal

- 1818
- family and lost all the savings he had made by his industry in Somersetshire. Hopes to be able to obtain a situation in Canada, so that he might obtain an independence which the fall and restoration of the Bourbons had twice deprived him of. Page 497
- August 11, Sheffield. Stuart Wortly to Goulburn. Is obliged by answer respecting Young and that Bathurst has confirmed the appointment with salary. What is the salary? 953
- August 12, Aberdeen. Bell to Bathurst. Thanks to his Lordship for recommending his case to the Treasury. 561
- August 12, Baltimore. Dawson (Consul) to the same. Sends pamphlet relating to a proposed canal between the Great Western Lakes and the waters of the Hudson. Is informed that at a short distance on points within the British line, the water on Lake Erie might be so lowered as to render the canal useless. (The pamphlet was not enclosed.) 590
- August 13, Tunbridge Wells. Bishop (Anglican) of Quebec to Bathurst. Thanks for letter, requests to be informed when it would be convenient for His Lordship to grant an interview. 864
- August 13, Tunbridge Wells. Same to Goulburn. Sends extract from letter from Bathurst that a personal interview on the question of the instructions to the Duke of Richmond respecting the distribution of Bibles, would save a long correspondence, but not to come specially to London for the purpose. His (the Bishop's) intention to be in London shortly. 866
- August 15, New Ross. Memorial of the widow of the late Lt. Col. Jonas Watson, stating her husband's services; his death in the attack on rebels near Wexford. The services of her sons; prays for grants of land for three survivors. 956
- August 17, Tunbridge Wells. Bishop (Anglican) of Quebec to Goulburn. Proposes that the interview take place on Tuesday the 25th. 876
- August 17, Kimberly. Lord Wedehouse to Bathurst. Thanks for kindness to the Bishop of Quebec. The importance to the Bishop of receiving the addition to his income at as early a date as possible. 960
- August 20, Dublin. Marianne Dawson to Goulburn. Applies for an answer to her letters. 592
- August 20, London. Wrangham and Dowding to Bathurst. Report the seizure and execution of Alexander Arbuthnot by the American Army in the Floridas, of which they only know through the American newspapers. The distress of his wife and son, as Arbuthnot had with him the whole of his property amounting to £3,000 or £4,000, which there is no hope of recovering, except through His Lordship's interference. Other causes of the widow's distress. 962
- August 24, Leith. Kerr to Goulburn. Thanks for sending so early Bathurst's decision about his leave of absence. Is afraid, however, that it may be the end of September before he can sail. A favourable answer to his other request would greatly tend to accelerate his movements. 710
- August 25, Chelsea. Black to Goulburn. Sends copies of letters to Lords Castlereagh and Melville, written in 1817, respecting affairs in Canada. His difficulties from the belief that he is a ruined man. 562
- A P.S. says that the 19th August, 1794, was the beginning of his struggle by false imprisonment at Quebec; history of his land transactions. 565
- August 25, Brighton. J. Prowett to Bathurst. Proposes that with the consent of Spain the British Government should take possession of the Mosquito shore. 829
- August 26, Fife House. Liverpool to Wrangham & Dowding. Government being uninformed with respect to the case of Arbuthnot, he can only request Bathurst to write to the Governor of the Bahama Islands to authorize him to give temporary assistance to Mrs. Arbuthnot. 965

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1818.
August 27,
Foreign office. Planta to Goulburn. Asks that steps be taken to procure information respecting Martin Christen, a Swiss soldier, supposed to have died in Canada in 1816. Page 87
- August 28,
London. C. Grant, jr., to the same. Reminds him of the recommendation made on behalf of Col. Lewis Grant of the 70th regiment. 618
- August 31,
Admiralty. Croker to the same. Transmits extract of letter from McNamara, a purser in the Royal Navy, that naval officers cannot obtain land in Canada till their relative rank to those of military officers is ascertained. Does he wish to be made acquainted with the relative ranks? 8
Enclosed. Extract referred to. 9
- September 1,
London. Musgrave to Goulburn. Transmits plan for colonising Canada. Its presumable advantages; if adopted in any of the colonies he would be flattered by being appointed superintendent. 766
Enclosed. Plan referred to. 769
- September 2,
London. John Fraser, jr., to Goulburn. The apparent inattention to Mr. Goulburn's note by McGillivray is owing to his being in Canada and he (Fraser) has been absent from London. 608
- September 3,
Liverpool. John Gladstone to Bathurst. Transmits a letter sent to him from New York with the object and contents of which he is unacquainted. 619
Enclosed. Unsigned note dated New York, 8th August, 1818, asks for information enclosed. 620
- Grey Walter Grey to Bathurst, 8th August. Calls attention to the heavy duties charged by the French and Spaniards. The latter have lately levied at Havana a tax on United States trade for the support of the inquisition. The necessity the United States feel to have the British West Indian trade. 621
Report of the imposition of the tax at Havana for the Inquisition. 622
- September 5,
Treasury. Lushington to Goulburn. Applies for opinion of Bathurst on petition from Capt. Watson to be reimbursed certain expenses mentioned in Sherbrooke's letter of the 28th July. 121
- September 9,
Treasury. The same to the same. Transmits, for the information of Bathurst, copy of letter from Secretary at War respecting the claim of the widow of Lt.-Col. Conolly of the Virginia Royalists. 122
Enclosed. Palmerston to Lushington. Respecting the claim of the widow of Lt.-Col. Conolly whose claim if he has been on full pay prior to reduction, appears to come under the provision of the Prince Regent's warrant of 10th June last. 123
- September 11,
Vicualling Office. Navy Beard to Sidmouth. Are the provisions purchased for settlers from Greenock to Canada to be accounted for in the Vicualling Office? 155
- September 11,
Lynn. Rennie (?) to Goulburn. Believes he can recommend a civil engineer to undertake the superintendence of the proposed canal in Canada; but cannot positively do so till he shall arrive in London. 883
- September 12,
Leith. Kerr to the same. Refers to letter to Bathurst of 1st August, had been in hopes that the matter spoken of would have been settled before he sailed. 708
- September 14,
Dublin. Peel to Goulburn. Transmits copy of letter from Richmond respecting the payment of Kilmainham pensioners in Canada; the Lord Lieutenant is desirous that Bathurst may have definite measures taken to get these pensioners the same accommodation as the Chelsea pensioners living abroad. 157
Enclosed. Richmond to the Secretary at War. The letter referred to. 159
List of Kilmainham pensioners referred to in the Military Secretary's letter of 4th August. 161

1818.
September 15, Treasury. Lushington to Goulburn. Sends for Bathurst's observations, two accounts current of the Receiver of Canada, from 10th October, 1813, to 10th October, 1814. Page 124
- September 17, Lybster. Pat Sinclair to the same. On the disputes between the North-west and the Hudson's Bay Companies, repeats his opinion that the chartered company managed the Indians with great propriety and humanity, but he disapproves of the attempt to form a colony at the Red River as a boundary. 925
- September 21, Victualling Office. Navy Board to Bathurst. Ask for particulars of the provisions furnished to the "Jason" transport, between 1st May and 17th July last, in conveying settlers from Whitehaven to Canada. 162
- September 21, London. Gilpin to Goulburn. Asks that the Christian name of Lieut.-Col. Heriot as given in the Army List be corrected. 623
Enclosed. War Office (Merry) to Gilpin. Application must be made to Bathurst for an alteration in the Christian name of Lieut.-Col. Heriot; on receiving his authority the alteration shall be made. 624
- September 24, Treasury. Lushington to Goulburn. The Treasury cannot sanction works of defence at Mississauga Point, but as it is reported that the barracks at Fort George are in a ruinous condition, plan and estimate are to be prepared for a barrack at that station. 125
- September 24, Sudbury. Addison to Goulburn. Calls attention to the non-payment of his staff pay, and gives an extract from the Prince Regent's warrant respecting pay to staff officers on their return from abroad. Asks his help to obtain payment. 502
- September 30, Great St. Helens. R. W. Palsford and W. Davidson to the same. Are informed that the officers at Whitehaven of the Navy Board put extra provisions on board the "Jason" transport. Requests to be informed of the quantity, &c. 835
- September —, London. Black to the same. Reports circumstances connected with the sufferings of Arbuthnot in Carolina. 568
- October 1, Liverpool. Kerr to the same. Had left Scotland, but cannot obtain passage in any of the ships before the 10th. Hopes the request made in the letter of 1st August may be attended to during his absence. 711
- October 1, Bexhill Barracks. Capt. Phillips Newton to Bathurst. He and his brothers gratefully accept the grant; praying that the lands lie in a block and under the most favourable circumstances, and asking for a letter of recommendation to the Duke of Richmond. 817
- October 5, War Office. Palmerston to Goulburn. As he (Goulburn) has more to do with the Chief Justice of Canada than he (Palmerston), asks him to forward the poor woman's letter. 135
Enclosed. Margaret Doyle to Palmerston. 1st October. Asks him to forward letter to the Chief Justice. Has orders to get another certificate of her marriage. She was a lawful wife and now a distressed widow; her destitute condition. 136
- October 8, Hatley. Rev. C. Stewart to Goulburn. Has learned that the Bishop of Quebec is returning. His (Stewart's) desire to be bishop was to do good, but it is an arduous situation, and his office as missionary at Hatley will be attended with less anxiety; the necessity for hard work to make the church there prosperous. 926
- October 10, London. Lt. Col. G. Macdonald to Bathurst. Had submitted a plan for the improvement of the Militia of Lower Canada. Proposes himself as the executor of his own plan. 774
- October 16, Tunbridge Wells. Richardson to Inglis, Ellice & Co. and McTavish, Fraser & Co. Sends an addition to the remarks by William McGillivray, he having gone to the upper country before he received the answer to Sir J. C. Sherbrooke. 418

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1818.

- Enclosed.* Correspondence concerning the affairs of the North-west Co., 11th May, 1818 (p. 420), 6th June (p. 427), 23rd June (p. 437), 19th June (p. 439), undated (p. 446). Pages 420 to 446
- No date, Simon McGillivray to Goulburn. Enclosed in Inglis, Ellise & Co., &c., of 16th October, 1818.
- October 20, Bath, Ogden to Goulburn. Applies for extension of his leave of absence. 821
- October 23, London, John Fraser, jr., to the same. Sends statement of Mr. Richardson in answer to report by the Attorney General of Lower Canada. 405
 "Remarks on the Attorney General of Lower Canada's report to Sir " John Sherbrooke, Governor of that Province, dated 19th day of June, " 1818, in reply to Mr. William McGillivray's letter of complaint and " statement of grievances experienced by the North-west Company, " dated 6th June, 1818." 406
- October 26, Quebec, Memorial of the merchants of Quebec and Montreal for general and permanent regulations of the trade with the United States. 781
 The signatures follow.
- November 3, London, Berens to Bathurst. Calls attention to the adjustment of the bound-aries between the British possessions in North America and those of the United States, and quotes from the charter the boundaries therein laid down, asking that their rights be preserved. 386
- November 5, London, Mundell to the same. On the part of Lord Selkirk submits that in the adjustment of the boundaries with the United States the territories of the Hudson's Bay Co. should be preserved as defined by charter. 394
 Freeling to Goulburn. Sends bag addressed to Bathurst from Canada. If any letters are not official, asks that they be sent to be issued charged with a rate of postage. 163
- November 19, Welburn, Langdale to Bathurst. Applies to be appointed schoolmaster at Perth where one is wanted. His qualifications. 714
- November 25, Treasury, Harrison to Goulburn. The complaint that the dollar is issued at 4s. 8d. in Canada and only 4s. 6d. in other North American colonies is unfounded. 127
- December 1, Ballinglass, Maria Evatt to Bathurst. Her husband's services and losses; his shipwreck and loss of his effects. Has received a grant of land on which he is trying to make a living. Asks for help to try and join him. 599
- December 1, Ballinglass, Major-General J. S. Saunders to Bathurst. Recommends the case of Mrs. Evatt, widow of the late Lieut. Evatt, who asks to have a passage to Canada. 929
- December 14, Navy Office, Navy Board to Goulburn. Desires to know where certain regiments for which tonnage is asked, are to be landed in North America. 143
- December 15, London, McGregor to the same. Has come to London to deliver in person the enclosed paper, asks for an interview. 777
Enclosed. McGregor to Goulburn. States the conditions on which he seeks to obtain the Indian reserve on the Credit River. 778
- December 19, Foreign office, Planta to Goulburn. Sends letter from the Consul at Boston, report-ing the arrival of a number of artisans and manufacturers who had ostensibly embarked for the British provinces; asks that Bathurst take such measures as he may deem expedient. 88
Enclosed. Manners (consul) to Castlereagh. Reports the arrival of artisans &c., who in several vessels had mutimed and carried the vessels into the United States, instead of going to the British provinces for which the vessels were cleared. 89
- December 21, Surrey, Geo. Sinclair to Bathurst. Sends memorial to which he asks attention to know if it is intended to send Presbyterian clergymen to the North American Colonies. The person recommended would be acceptable to any congregation of Highland emigrants. 931

1818.

- Enclosed.* Memorial from W. Mackintosh, minister of Thurso, on behalf of his brother, who is desirous of going to a British American colony. Page 932
- December 26, Planta to Goulburn. Cannot go to him to discuss in Surrey affairs relating to America. Asks for papers which will give a clue to all the papers as to the conduct to the Indians since the peace. 93
- December 31, Harrison to Goulburn. Sends for opinion of Bathurst estimate of Treasury. works at Quebec, transmitted by Richmond. 129
- No date. Proposal to forward a society for immigration to one of the states of the American Union, with calculations of the financial results. 450
- No signature to Bathurst. Reports a design by the French to seize on Canada; Abbé de Pradt greatly interested in the plan. 493
- Lists of the number of chiefs of the different Indian tribes. 675
- John Morris Flindall to Bathurst. Calls attention to the delay in the repayment of the deposits. The settlers on the "Canal Reserve" made no deposit, and they have the same privileges as those who did so, and whom they treat with derision. The civility of the officers, but it is believed benefits have been withheld or at least delayed. Other complaints. (Dated Murray, but no month or year.) 604
- Note (in French) from the Marquis of Ormond of a paper which should have been handed over in 1764, in favour of the seminary of Montreal. It is stated in the paper that the King had consented that the Seminary of Montreal should continue to enjoy the landed property (bien-fonds) of the Seminary of St. Sulpice which were situated in Canada, but without dependence on the Seminary of Paris. 820
- William Macaulay to Bathurst. Before stating his proposal defines his position as a Canadian, a clergyman, and that his property is all in Canada. Advocates the establishment of Church of England clergy in Canada, but there are no educational means for that purpose there, nor can well qualified clergymen be expected to leave England for the woods and privations of a new colony. If any did they would not readily accommodate themselves to the manners of the people. The first step to obtain episcopal clergy is to have exhibitions at Oxford or Cambridge for natives of Canada; owing to the positions of the expected students the exhibitions should not be less than £200 a year each. Four might be selected for Upper and four for Lower Canada amounting to £1,600 in all. Other arrangements for education in the colonies. Proposes to meet the expense by the inducement being held out to rich men of being created Baronets on building and endowing a college in Canada. Proposes also a scheme of emigration; the population thus added would become servicable to Great Britain whether Canada continued part of the Empire or became independent. 727

Q. 151-1-2-3.

MR. COLTMAN'S MISSION TO THE INDIAN TERRITORY, 1819.

Contains general report and papers of dates previous to 1818, which are too long and detailed to be summarized.

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GOV. THE DUKE OF RICHMOND, ACTING GOV. J. MONK—1819.

Q. 152-1-2.

- 1818.
- (The first part is paged from page 1 to page 278, the second from page 279 to page 578.)
- November 3, Charlotte-town. Speech of the Lieut. Governor of P.E.I., enclosed in Richmond to Bathurst of 29th March, 1819.
- November 5, Charlotte-town. Address of the Assembly in answer to the speech from the Lieut. Governor, which he refused to receive, enclosed in Richmond to Bathurst of 29th March, 1819.
- December —, Perth. W. Marshal and A. Thorn, certificate in favour of Robert Jamieson, enclosed in Richmond to Bathurst of 22nd February, 1819.
- December 6, Perth. Memorial from Robert Jamieson, enclosed in Richmond to Bathurst of 22nd February, 1819.
- (The date is given as 6th December, 1819, an evident error.)
- December 12, Perth. Certificate by Daverne in favour of Robert Jamieson, enclosed in Richmond to Bathurst of 22nd February, 1819.
- December 15, 1819. Resolutions of the House of Assembly of P.E.I., enclosed in Richmond to Bathurst of 29th March, 1819.
- January 5, Charlotte-town. Memorial of the House of Assembly of P.E.I., to the Prince Regent, inclosed in Richmond to Bathurst of 29th March, 1819.
- January 8, Quebec. Richmond to Bathurst (No. 19). Dispatches received. Page 2
- January 8, Quebec. Same to the same (No. 20). Sends list of Sir John Johnson's children, to each of whom it was proposed by Sherbrooke to grant 1,200 acres of land. Neither Sir John nor any of his family has received a grant in Lower Canada. 3
- Enclosed. List of family referred to. 4
- January 13, Quebec. Richmond to Bathurst (No. 21). Has received dispatch of 15th October on the subject of Lake Erie. Shall send an engineer to ascertain the practicability of the measure ordered. 5
- January 14, Quebec. Same to the same (No. 22). Refers to dispatch No 13 respecting the navigation of the Ottawa. Transmits report from Mann, which shows that the difficulties may be overcome at a trouble and expense very trifling as compared with the importance of the object, of which the people of the province are so convinced that they would defray at least one-half of the amount. Sends also report from Cockburn on the military settlements on the Rideau, pointing out the communication that could be established in that direction between La Chine and Kingston. Both land and water communication in that direction appear to be of the utmost importance, and both may be obtained with great ease. Agrees with Cockburn as to the policy of continuing the settlements on the Rideau, and knows of no measures more likely to conduce to this object than those recommended in the reports. 6
- Enclosed. Report by Cockburn "On the military settlement in the neighbourhood of the Rideau, pointing out the communication which may be established in that direction between La Chine and Kingston." The report describes the route from Montreal to La Chine, the rapids of St. Anne, the Long Sault to the landing below the Chaudière Falls, the road thence to Richmond Village, which has been made good by the exertions of Captain Burke. Information respecting the new settlement at Goulburn, the communication to Kingston, &c. 9

1819.

- Report, by Capt. J. F. Mann, "on the navigation of the Ottawa, or Grand River, ascending from Point Fortune to the head of the Long Sault, with observations on the means of improving it or rendering it practicable for loaded bateaux, gunboats, &c., surveyed in October, 1818." The rapids and stages on this part of the river are described to the head of the Long Sault, with an estimate of the expense for improvements amounting to £16,740. Page 18
- Sketch of the Rideau settlements with the new townships and others in its vicinity. 27a
- Sketch of the Ottawa, or Grand River, between the head of the Long Sault and Bois Brulé and of the Chute à Blondin, in which the situation of the proposed works for the improvement of the navigation are shown. 27b
- January 20, Richmond. Memorial from Robert Clohoey, enclosed in Richmond to Bathurst of 31st March, 1819. 27c
- January 25, Quebec. Richmond to Bathurst (No. 23). Dispatches received; shall treat the subject of payment to the Protestant clergy with the caution circumstances may require. 28
- January 25, Quebec. Same to the same (No. 24). Has, according to instructions to Sherbrooke, drawn in favour of Rev. D. Baldwin for £500 to be appropriated for the building of a parsonage house and purchase of a bell for the church at St. Johns. 29
- January 27, Quebec. Same to the same (No. 25). In consequence of Her Majesty's death,* had adjourned parliament in order to manifest in a public manner respect for Her Majesty's memory. Sends copy of speech on adjournment, also copy of speech at the opening on the 22nd, with copies of the answers. Both Houses appear to be inclined to prosecute public business with harmony and that the demand by his predecessor for the Legislature to make good the offer to provide for the civil list will be met without material objection. 30
- Enclosed.—Speeches, replies, &c., at the adjournment and opening of the Legislature. 32 to 51
- January 28, Quebec. Richmond to Bathurst (No. 27). As requested, transmits original commission granted to late Lieut.-Col. Connolly. 52
- January 30, Charlotte-town. Angus Macaulay, Speaker of Assembly, Prince Edward Island, to Richmond, inclosed in Richmond to Bathurst, of 29th March, 1819. 53
- January 30, Quebec. Memorial of W. Smith, enclosed in Richmond to Bathurst, 10th April, 1819. 54
- February 1, Quebec. Richmond to Bathurst (No. 28). Transmits certificates respecting the death of Martin Christen, late quarter-master of De Waverville's Regiment. 55
- Enclosed. Certificates. 54 55
- February 1, Charlotte-town. C. D. Smith, Lieut.-Governor of P.E.I. to Richmond, enclosed in Richmond to Bathurst, of 29th March, 1819. 56
- No date. Instructions to write to the Treasury with extracts from private letter (the letter is not here) submitting to their favourable consideration the question of giving assistance to the steamboats in the manner recommended by the D. (Duke of Richmond). 56
- February 17, Quebec. Richmond to Bathurst (No. 29). In accordance with instructions the sum of £2,186 has been paid for surveys necessary for the settlements in Upper Canada. Ridout, the surveyor general, has been called on for accounts, but states that he has already presented them to the Receiver General of Upper Canada, who has passed them. Is this satisfactory to the Treasury? 57

* Queen Charlotte was married to George III. on 3rd September, 1761, and died at Kew on the 17th November, 1818.

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1819.

- Enclosed.* Ridout to Hillier, 29th January. In reference to the demand for his accounts, he has already laid them before the Receiver General for Upper Canada. Page 59
- February 22,
Quebec, Richmond to Bathurst (No. 30). Transmits and recommends petition from a Scotch emigrant on the Rideau. He has been directed to desire his wife to call at Bathurst's office. 63
- Enclosed.* Memorial from Robert Jamieson for help to bring his family out to join him. 64
- March 4,
Quebec, Certificate of the petitioner's good character 66
- March 29,
Quebec, Memorial of Lieut.-Col. Geo. Taylor, enclosed in Richmond to Bathurst, 10th April, 1819.
- Richmond to Bathurst (No. 32). Transmits papers received from the Lt.-Governor of Prince Edward Island and from the Speaker of the House of Assembly containing charges and counter charges. Will express no opinion as he only knows the case from the papers. 70
- Enclosed.* Papers and proceedings respecting the differences between the Lieut.-Governor and the House of Assembly. 72 to 97
- March 31
Quebec, Richmond to Bathurst (No. 31). Transmits and recommends petition from a discharged soldier at the Rideau settlement; has directed him to desire his wife to call at Bathurst's office. 67
- Enclosed.* Memorial from Robert Clohoey, for assistance to bring out his wife and family. 68
- April 10
Quebec, Richmond to Bathurst (No. 33). Transmits joint address from Council and Assembly on the occasion of Her Majesty's death. 98
- Enclosed.* Address, signed by J. Sowell, speaker of Council, and L. J. Papineau, Speaker of Assembly. In English. 100
- April 10,
Quebec, In French. 102
- Richmond to Bathurst (No. 34). Transmits letter from Taschereau in favour of Charles Bark, held prisoner by the Spaniards. 104
- Enclosed.* Taschereau to Ready on behalf of Bark, kept in chains by the Spaniards. States his case. 105
- April 10,
Quebec, Richmond to Bathurst (No. 35). Transmits and recommends memorial for land by Colonel Taylor. His services. 108
- Enclosed.* Memorial by Lieut.-Col. Taylor, stating his services and claim for land. 109
- April 10,
Quebec, Richmond to Bathurst (No. 36). Transmits and recommends memorial from William Smith for a grant of land. 114
- Enclosed.* Memorial, stating his services, &c. 115
- April 28,
Quebec, Richmond to Bathurst (No. 38). Refers to previous dispatch respecting the purchase of Indian land in Upper Canada; sends letter on the subject from the Lieut.-Governor and provisional agreement between the Indian department and the Chippawas. Recommends to consideration the suggestion of selling or leasing part of the land to repay the expense. 146
- Enclosed.* Maitland to Richmond, 19th April. Transmits provisional agreement for the land purchased from the Indians. 148
- April 28,
Quebec, Abstract of provisional agreement with the Chippawa nation for purchase of land on the Thames. 149
- Richmond to Bathurst (No. 37). Transmits speech at closing of Parliament, list of Acts passed, &c. 122
- Enclosed.* Speech and proceedings at the closing of the Legislature. 124
- List of Acts passed. 132
- Speech &c. in French. 138, 145
- April 28,
Quebec, Richmond to Bathurst (No. 39). Returns as requested, dispatch of 6th July, respecting grant of Indian lands to Dickson, Niagara. 150

- 1819.
- Enclosed.* Bathurst to Richmond (No. 3), 6th July, 1818. On the ground of Sherbrooke's recommendation sees no objection to a grant to Dickson under special conditions of residence and cultivation, but disapproves of gifts of Indian lands for services rendered to the Indians. Page 151
- April 29, Quebec. Richmond to Bathurst (No. 40). Transmits petition from the Ministers and Church Wardens of Niagara, whose claim was not laid before the Board in 1815. The church having been occupied as a barrack probably led to its destruction by the enemy. 152
- Enclosed.* Petition of the Minister and Church Wardens of Niagara to bring their application for aid to rebuild their church before the Commander-in-Chief. 153
- May 18, Quebec. Richmond to Bathurst (No. 41). Transmits address from the Legislative Council on the subject of Mr. Justice Foucher and memorial from him for authority to resume his functions as Judge of King's Bench, and asks for instructions as to his course in case the question should be again agitated next session. 156
- Enclosed.* Address from the Council respecting the impeachment of Foucher. 158
- Memorial (in French) by Judge Foucher. 163
- May 18, Quebec. Richmond to Bathurst (No. 42). Transmits account of the revenue of Lower Canada, separating what may be considered as the King's civil list from what is purely provincial. The amount for the civil list is ample to provide for the clergy, whose incomes were formerly charged to the army extraordinaries. Proposes that the bill to authorize the American trade should be rejected and an Imperial Act substituted, of which he sends a skeleton. Submits the form of a proposed measure respecting the civil list. At the desire of the Chief Justice has delayed sending the skeleton of the Act relating to American trade. 169
- Enclosed.* Account of the revenue of Lower Canada. 176
- Account of the value of imports, distinguishing those of Quebec (185), Gaspé (186), New Carlisle (187), St. John's (188). The account extends from 185 to 190
- Account of the value of exports from Quebec (190), from Gaspé (195), from New Carlisle (195), from St. John's (196). Remarks on the lumber trade. The report is signed by John Young, Chairman. The account extends from 190 to 200
- May 19, Quebec. Richmond to Bathurst (separate). Has granted six month's leave of absence to Mr. Irvine, one of the Councillors, and recommends him for an extension of his leave. 202
- May 20, Quebec. Same to the same (No. 43). Has been using every exertion to carry out the improvement of the water communication, and bill has been passed in both Houses for an amount to assist in building the La Chine Canal. An addition would have been made to the amount but for the necessity to prorogue. Sherbrooke's estimate being £50,000, he had felt himself justified in appropriating £25,000 from the army extraordinaries, and has therefore taken 300 shares at £50 each, equal to £15,000, and as he has reason to believe the House will next year confirm the vote for the Ottawa, he will employ the remaining £10,000 in carrying on the improvements on that river, and has instructed Captain Mann to proceed with that work and hopes to assist him by sending labourers from the expected emigrants, to whom a few months employment is an object of importance. Has been induced to take shares in the La Chine Canal from the tolls on the locks at the Cascades having left £1,300 after deducting expenses. 203
- June 2, Quebec. Same to the same (No. 44). Transmits papers on the lumber trade; the political importance of that trade was felt during the war. Protec-

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tive duties were obtained against the import of lumber from the Baltic; these expire in 1820 and if not renewed Canada cannot cope with Russia and other Baltic States. The letter is almost a copy of remarks by John Yeung in his report (see p. 198 of this volume.) Page 206

Enclosed. Resolution that copies of the addresses to the Prince Regent and Governor-in-Chief respecting lumber should be sent to the Duke of Richmond. 207

Address of the Council and Assembly on the question of duties on lumber, which they ask to be transmitted to the Prince Regent. 208

Address to the Prince Regent for a preferential duty on lumber. 210

Richmond to Bathurst (No. 45). Transmits copies of the agricultural reports of the province for last year and list of premiums paid and those offered for next year. They do not give a flattering opinion of the industry of farmers, but the measures of the societies bid fair to excite a spirit of emulation, which has induced him to authorize payment to the three societies for this year as they had for the last, say £2,000, although the legal provision has not yet been made. 214

Enclosed. First report of the Agricultural Society of Quebec, (in French) signed by J. Plante, President. 216

First report of the Society of Montreal with summary of the receipts and expenditures signed by H. Griffin, Secretary. 221

Report of the Society of Three Rivers, signed by L. Gagy, President. 228

Second report of the Society of Quebec. 232

Second report of the Society of Montreal. 235

List of premiums by the Quebec Agricultural Society in English. 239

The same in French. 250

Premiums offered by the Agricultural Society of the District of Montreal for the year 1818. 261

List of premiums adjudged at the Quebec Exhibition of 1818. 266

Premiums offered by the District of Three Rivers in French. 273

The same in English. 279

Premiums for 1819 for the Quebec Agricultural Society. 280

Other awards, premiums offered, etc. 283 to 309

Richmond to Bathurst (private). Has received letter about precedence which he thinks will do very well. The importance attached to it in a small community. Congratulates him on the good divisions they have had. If the Imperial Parliament will make certain laws permanent, Canada will soon cease to be a source of expense. Income will be increased by enforcing certain payments which will throw odium on the House of Assembly. Report received from New York that England is by some treaty to take possession of Cuba to the serious alarm of the United States which are anxious to have that island; it would be a valuable acquisition and would benefit Canada by increasing trade with the West Indies. If Cuba is obtained, it should have nothing in the shape of a Parliament. 310

Same to the same (private). Transmits proposed bill to regulate the trade by the St. Lawrence with the United States, the object being to regulate the trade between Upper and Lower Canada, and between them and the United States by a permanent Act in a way which may equally promote the interests of the mother country and Canada, and provide a fixed revenue to support the civil list of the province without need of an annual application to the legislature. The want of a proper rule for trade between Upper and Lower Canada calls for parliamentary interference and should not be subject to mere temporary enactments; the risk of serious injury to the general interest from the jealousy or caprice of either province and neither should have the power to unsettle the trade with the United States by regulations for their intercourse with each

June 2,
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- 1819.
- June 15,
Quebec. other. Refers to his private dispatch of 10th November, 1818, for the principles of the trade with the United States, as shown in the able memoir of the Chief Justice. Other remarks on the bill. Page 313
Taschereau to Ready, enclosed in Richmond to Bathurst, 10th April 1819.
- June 21,
Quebec. Richmond to Bathurst (No. 48). Transmits copy of reserved bill and refers to dispatch from Sherbrooke (201 of 20th April, 1818) and to the Advocate General's report on a similar bill, also reserved. 320
Enclosed. Copy of "Act for the encouragement and promotion of education in the country parishes of this province" (Lower Canada). 321
Sherbrooke to Bathurst 20th April, 1818. Sends list of reserved bills. 330
- June 21,
Quebec. Richmond to Bathurst, transmits deal box containing exomplifications of the Acts passed at last session. 319
- June 21,
Quebec. Same to the same (No. 46). Transmits copy of minutes of the executive council on matters of state and concerning waste lands of the Crown. 318
- July 14,
Quebec. Same to the same (No. 49). Dispatch received with copy of letter from Leek with minute of the lords of trade on the memorial of the merchants of Quebec and Montreal relative to commerce between Canada and the United States. The recommendations of the Board of Trade have been anticipated by bill transmitted. Adds an additional clause and copy of the temporary Act, in hopes that these papers would enable Government to submit a complete measure to the Imperial Parliament. 333
- Enclosed.* Additional clause to the proposed Act for the intercourse with United States. 335
- Memoir signed J. R. Refers to Marriott's report as prophetic of what would occur. The Acts of 1774 and 1791 confirm the rights derived from the King of France, and upon the report and the Act of 1774 the instructions to Sir Guy Carleton in 1775 were no doubt founded and continued to the present time without being acted upon literally or agreeably to their spirit, except that the Jesuit estates were taken possession of on the death of the last member of the order. The suspicions of the ecclesiastics that the Crown does not intend to be longer passive; hence the voyage of Bishop Plessis to Rome. The civil rights of the religious orders and communities were reserved to the Crown, but so far from this being exercised, £10,000 had been granted to the nuns to augment the mortmain property of the Hotel Dieu and General Hospital of Quebec and Montreal. The King's supremacy has not been exercised. The civil patronage of the Church has been in the hands of the superintendent, now Bishop, of the Romish Church, who also divides parishes. The powers exercised by the Sulpicians of Montreal, and the addition of old Frenchmen, not subjects of His Majesty to their number, they are charging *lods et ventes* not only to private proprietors but to the Crown. Other acts destructive of the Crown which approaches to annihilation of government. The want of government influence in the Assembly; the deplorable situation of the members as to education and knowledge. The Council is better, but since its rapid augmentation, democratic principles are apt to prevail too much; nor does it seem inclined to support the Throne against the wild proceedings of the other House. The province is on bad terms with Upper Canada, which can only be settled by superior interference. She complains, not without cause, but more than necessary, of Lower Canada legislating for her in respect to taxes, &c., and in regulations for the navigation by the St. Lawrence. There are in Lower Canada 150 parish priests allowed their lay rights, but inducted without reference to the King. The right of patronage is exercised by the Superintendent of the Romish Church, who exercises also the right

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of reward and punishment uncontrolled by government and without reporting to His Majesty's representative. The large salaries given to the country curés by the valuation of wheat and other grain. The religious communities are also under his control. Gives the Sulpicians as an instance of these communities and comparative table of the population of their seignories and that of the rest of the province, and the same of the militia; the influence the population and militia of their lands would give them, were their titles made unquestionable. The value of their property cannot be ascertained, but it has been abundant, and yearly increases. The city and Island of Montreal would speedily become a little kingdom, were the rights of the Crown enforced, which should be done by placing unlimited power to this effect in the hands of the Governor. A despatch was prepared in 1811, but not sent. The authority to be held by Bishop Plessis should the power he has in view be granted to him, which he would most imperiously exercise. Description of the career and character of priest Lartigue, who had been secretary to Bishop Denaut, and at his death was made a member of the seminary. He is considered as the legal agent of the Sulpicians. The revenue of the province is only about £100,000, as compared with £200,000 in the hands of ecclesiastics, should Government legalize their claims. "They are already too far tacitly admitted, but the four authorities already referred to, have, in no respect, been legally set aside, viz.:-

- "Capitulation of Montreal in 1760.
- "The treaty of Paris in 1763.
- "The 14 Geo. III, chap. 83, in 1774.
- "The 31 Geo. III, chap. 31, in 1791.
- "This comparison of the public revenue of the province with the rights and power of individuals, proves an anomaly in the government unknown to the British constitution and can require only to be known to be destroyed.

"J. R." Page 338

- July 30
Quebec. Richmond to Bathurst (No. 50). In answer to complaint of Lieut. Donald Fraser that excessive fees have been charged him on a land grant, sends list of fees showing that that officer had little cause for complaint. 349
- July 30,
Quebec. Enclosed. Note of fees charged. 350
- September 1,
Quebec. Richmond to Bathurst (separate). Has granted Uniacke, Attorney General, six months' leave of absence. In consequence of losing a leg, he may require an extension of leave. 351
- September 15,
Quebec. Chief Justice Sewell to Bathurst. Reports the death of the Duke of Richmond on the 28th August at the village of Richmond, Upper Canada. Monk is to succeed, his bad state of health; the commission to Richmond does not provide for a successor to Monk under any circumstances. 353
- September 15,
Quebec. Maitland to Bathurst (No. 1). Refers to authority given to Richmond to purchase land most immediately interfering with the defence of Quebec; has made arrangements with Ferguson for the purchase of his property forming in great part the glacis to the citadel; the conditions; how Richmond had arranged to meet the payments. 544
- September 15,
Quebec. Same to the same (No. 2). Refers to authority to Richmond to purchase lands from the Mississaugas. Sends copy of agreement for the purchase of Indian lands in the Midland district from the back of the present military settlements to the Ottawa. The purchase of these lands had been previously recommended but had been delayed by accident. 546
- September 20,
Quebec. Enclosed. Articles of provisional agreement with the Mississauga Indians. 548
- September 20,
Quebec. Monk to Bathurst (No. 1). Death of Richmond on the 28th August, near Montreal, on his return from an extensive tour in Upper Canada.

1819. By the Duke's letters patent the administration has fallen on him (Monk). His ill health and other causes have delayed his being sworn in till this day. Will execute his duties with diligence and hopes to merit approbation. Page 358
- Enclosed.* Sewell to Monk, 1st September, 1819. Executive Council, on the death of Richmond, have decided that he (Monk) is, in accordance with Richmond's commission, to administer the Government of Canada. 361
- September 21, Monk to Bathurst (No. 2). Dispatches addressed to Richmond
Quebec. received and shall be attended to. 362
- October 9, Same to the same (No. 3). Has received copy of Act to prevent
Quebec. enlisting for foreign service; has taken steps to carry the Act into effect. 363
- October 13, Same to the same (No. 4). Reports the death of Thomas Dunn 5th April,
Quebec. 1817, and John Young on the 15th September last, leaving two vacancies in the Executive Council. Sends copies of dispatches from Richmond on the subject of Dunn's death. Both he and Young were members of permanent Council; in relation to these appointments sends copy of joint application from James Kerr and Ross Cuthbert. Believes their statement of duties to be correct, but it does not follow, because these two are first of the honorary members, that they should be promoted to the permanent Council, but whoever are appointed will leave two vacancies still in the Executive Council. The importance of the trust held by Young; recommends Hon. James Reid for the office of honorary member of Council; he has for some years been a puisné judge in Montreal. Sends the names of other two, James Cuthbert and Matthew Bell; their good character, &c. 364
- October 13, Same to the same (No. 5). Further respecting vacancies in the Execu-
Quebec. tive Council, with the names of persons recommended for the positions. The names are Matthew Bell, Mr. Justice Kerr, Ross Cuthbert, John Forsyth, David Ross, David Munro. 369
- October 13, Same to the same (No. 6). Has provisionally appointed W. B. Colman
Quebec. to the chairmanship of the committee for auditing public accounts. His qualifications. 374
- October 16, Same to the same (No. 7.) Death of John Ogilvy, commissioner for
Quebec. settling the boundaries with the United States. Recommends Hon. John Hale to succeed. 375
- Enclosed.* Extract from letter of Sherbrooke, dated 2nd September, 1816, that he has appointed the Hon. John Hale to be boundary commissioner. 377
- October 28, Ready to Goulburn. Sends papers relative to the resumption of the
Quebec. rights of the Crown in the St. Sulpician estates. The extraordinary letter of M. Roux was received during his Grace's absence, so that he did not obtain his Grace's opinion; his own is that it shows the slight grounds on which these ecclesiasties hold their estates. 355
- November 8, Monk to Bathurst (No. 9). The serious consequences of the precipi-
Quebec. tate embarkation of emigrants without rational provision for their support. Had His Lordship's plan been adopted great relief would have followed. Very few lands have been taken up for settlement conformably to the instructions. The inconveniences arising from indiscriminate emigration, although it is of interest to foster and assist the emigration of useful settlers. Will press this upon the colonial legislature but although he has great hopes of the action of the legislature, yet unrestrained emigration must produce distress which must be provided for; suggests that the power to relieve should be placed in the hands of the Governor. Calls attention to the work of the Emigrant Society and transmits report of its proceedings. Cannot yet report on the state of the Emigrant Hospital. 383

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- Enclosed.* Report of the meeting of the Emigrant Society, held on 11th October, 1819. Page 387
- November 9, Monk to Bathurst (No. 10). Dispatches received, with copy of Act for admitting persons to holy orders for the colonies, etc. 399
Quebec.
- November 9, Same to Goulburn. Sends receipt from Mrs. Wilkins of Drummondville for £100 paid to her by order of 9th July last. 400
Quebec.
- Enclosed.* Receipt. 401
- November 12, Monk to Bathurst (No. 11). Sends requisition for stationery for the civil department of Lower Canada for 1820. 402
Quebec.
- November 16, Same to the same (separate). Ross Cuthbert's mind has become affected. He (Monk) asks that consideration of the recommendation for members of Council be deferred until information be received of Cuthbert's restoration to health. 405
Quebec.
- November 16, Same to the same (No. 8). Death of Williams, formerly a puisné judge and at the time of his death member of the Legislative and Executive Councils. Recommends Hale for these last offices. Gives also the names of John Stewart and Louis de Salaberry. If promotions from the honorary to the permanent list of members of Council are to be settled by priority of appointment he need offer no opinion but if otherwise recommends John Mure. 378
Quebec.
- Enclosed.* Lists of the permanent and honorary members of the Executive Council. 381
- Copy of leave of absence granted by Sherbrooke to Mure dated 6th August, 1817. 382
- November 16, Monk to Bathurst (No. 12). Transmits the names of Edward Bowen, Richard Hat and Toussaint Fortier, from whom one is to be selected to replace in the Council Mr. Williams, deceased. 403
Quebec.
- November 17, Same to the same (No. 13). Transmits proceedings at the trial of de Reinhardt. Hopes to send the details to be found in the judge's notes, which the Chief Justice sent to Sherbrooke for transmission, but apparently not forwarded. His regret at the miscarriage of the trial. The commission was dated 19th April, 1818, and by adjournment has been continued till now. Repeated respites of de Reinhardt, as instructions have not been received. The record and case of Robertson and others accompanies this dispatch, as although the prisoners were acquitted the papers may prove useful. 406
Quebec.
- Enclosed.* Papers relating to the trials mentioned in the preceding letter. 410 to 538
- November 23, Dalhousie to Bathurst. His gratitude for the appointment to assume the chief command in the North American provinces. His anxiety to show his zeal, but it will be impossible to reach Quebec at this season. Has, therefore, forwarded the warrant to Maitland directing him to proceed forthwith to Quebec. The Assembly dissolves constitutionally in May next; on meeting Maitland will probably have the annual laws renewed and then dissolve, with the view that he (Dalhousie) should meet on his arrival with the new Assembly. Has no uneasiness as to affairs in Canada this winter; the popularity of Maitland in Upper Canada assures him (Dalhousie) of the propriety of his conduct in Lower Canada. Thinks it desirable he should meet the legislature before leaving Nova Scotia; shall look with anxiety for instructions as to the annexation of Cape Breton to Nova Scotia; it is a measure generally desired and imperiously called for with a view to the prosperity of the island. Shall obey instructions respecting marriage licence Act. There is anxiety about the Prothonotaries bill. Shall not prorogue the Assembly until the arrival of the January mail. 551
Halifax.
- December 30, Monk to Bathurst (No. 15). Has been considering dispatches on the subject of the Royal Institution for the advancement of learning. The difficulty of bringing the trustees together; has had the institution

1819.

organized. Is persuaded that the trustees under McGill's will, will demand possession of the estate devised for the college, but to provide for its organization letters patent must be issued for its incorporation. The desirability of carrying into effect the Prince Regent's intentions respecting the Royal Institution for the advancement of learning.

Page 539

December 30,
Quebec.

Monk to Bathurst (No. 16). Dispatches 48 and 49 received. Dispatch 47 shall be placed in the hands of Maitland on his arrival at Quebec to take over the civil government.

542

MISCELLANEOUS, 1819.

Q 153-1-2-3-4.

(Part I. is paged from 1 to 251, part II. from 252 to 517, part III. from 518 to 815, part IV. from 816 to 1,118.)

January 1,
London.

James George to Bathurst. Encloses three certificates relative to a severe wound received in the provincial service in Canada for which he received only the provincial pension of £20. Applies for the year's pay allowed in such cases.

Page 135

January 2,
Bridge Street.

Robert Waithman to Goulburn. Thanks for attention. Sends particulars which will enable him to send the information desired.

436

Extract from the will of William Watson of Baton Rouge, west Florida, leaving two lots to his brother, one of which, of 600 acres, has been taken possession of by David Ross, one of the executors, the rightful heirs knowing nothing of the facts till lately.

437

January 6
London.

A. J. Guibard to Bathurst. Asks that the signature of Sir John C. Sherbrooke on document enclosed may be legalised as the document is to be used in a court in Prussia.

136

January 7,
London.

Widdrington to the same. The Duke of York had promised to speak to his Lordship respecting his being replaced on the staff of Canada and the painful circumstances of his being removed from the command. Gore's applications to him (Widdrington) to take the civil administration of Upper Canada during his (Gore's) absence objected to, as the intention was not to continue a system which had originated in a state of war and ceased on the conclusion of peace. The hardship this has caused him, particularly as Brock was administrator before the war and Robertson (Robinson) after it. Leaves the decision however in his Bathurst's hands.

439

January 17,
London.

Same to Goulburn. Is gratified that Bathurst has every disposition to consider his wish for employment, and has no doubt His Lordship will be ready to admit the hardship of his case. Has no expectation of being replaced in his situation, but is persuaded that His Lordship will not estimate lightly the feelings of any officer whose interests are entrusted to his keeping. Owing to the manner of his removal, has no reason to apprehend that His Lordship's influence will be withheld from him.

442

January 18,
London.

Cosgrave to Goulburn. Regards him (Goulburn) as the founder of colonization, regrets that the North American colonies are not held in such estimation as they should be; the brave resistance of the population during the war of 1812. Calls attention to the advantage that might be given to these territories by the improvement of water carriage. The long navigation to the west from the foot of Lake Ontario to the southern extremity of Lake Michigan interrupted only by the falls of Niagara. It is to this interruption he calls attention, as it is a great drawback to the trade of the upper province. Proposes a canal between Lakes Ontario and Erie, the distance not above twenty miles at the

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utmost, but a junction might be found at twelve or fifteen miles. The canal must accommodate vessels of 100 tons, otherwise it would be useless, as smaller vessels would have to load and unload their cargoes to and from the larger vessels at great expense. A capacious canal would be useful to float down rafts of timber and staves, staple commodities of the settlers. How the settlers are situated as respects land; the burning of the trees leaves ashes, but the expensive portages prevent them from paying the settlers for their labour, and all they can do is to spread them on the land as manure, although in most situations the ground is already too rich. The duties that might have been collected are thus lost. The ease with which the canal could be built, and the employment of the troops would assist the other means that might be adopted. How the financial difficulty could be obviated. Page 81

January 29,
London.

Bishop (Anglican) of Quebec to Goulburn. Asks that an official application be made to the Admiralty for a passage for him (the Bishop) to Quebec in one of His Majesty's ships. 276

February 3,
Westminster.

Lieut. James Dongan to Goulburn. Had written to Bathurst on 3rd December last. Trusts His Lordship will take his claim into consideration. 123

February 3,
Quebec.

Charles Marshall to Bathurst. Should Uniacke not return asks for the office of Attorney General as his successor. The conditional promise made him and the good reports he has obtained encourage him to hope for the office, besides, the blow the appointment of another would be to his professional prospects and a censure on his official conduct lead him to trust these to be an excuse for the application. 208

February 5,
St. Andrew's.

Memorial of Robert Irvine stating his services in the navy in detail and asking for half pay. 164

Enclosed. Certificate of Irvine's gallant conduct at French Town. 167

Commission appointing Irvine first lieutenant in the naval department in the rivers and lakes of Canada. 168

February 6,
Kingston.

Certificate that Irvine was severely wounded at the River Raisin, 170
Memorial of Sergeant Collins. He has become a settler in Canada and asks for a passage for his wife and children. 93

February 6,
Hereford.

John Prince to Bathurst. Writes on behalf of Sergeant Prince of the 90th Regiment, who says he is entitled to a grant of land in North America. Had written to Col. Wright on the subject, and has been by him referred to the Secretary of State for the Colonial Department. 245

Enclosed. Lt. Col. Wright to Prince. The good conduct and character of Sergeant Prince. Does not know if he is entitled to land, but refers him to the Secretary of State for the Colonies for information. 246

February 8,
London.

Petition of John Black stating his services and embodying recommendations from various authorities. 21

February 10,
London.

Memorial of Mrs. Lynd for the renewal of lease to a farm called Belleville near Quebec part of the Jesuit estates. 200

February 10,
Battevant.

Ellen Brand. Petitions for a passage to Quebec to join her husband a private in the 3-60th Regiment. Encloses certificates. 37

February 10,
Glasgow.

Enclosed. Certificates.
Lieut. George Philpott to the Duke of Beaufort. Asks that an exception be made in the terms of the grant in favour of his wife and family in case of his death before the conditions are fulfilled. 249

February 11,
London.

W. Grant to Bathurst. Encloses memorial from the widow of an old brother soldier. Shall be glad if His Lordship can do anything for her. 137

February 15,
London.

McKay to the same. Before leaving wishes to address His Lordship on the present relations between the Indian department and the Indians resorting to Drummond Island. These were western warriors who joined the British Army during the war with the United States. Their lands are situated in the territory of the United States. From his experience

- 1819.
- February 16, Brighton. is afraid of the most serious consequences to the garrison of Drummond Island and to the lives of His Majesty's subjects in that part of the country unless some satisfactory communications are made to the Indians. Sends copies of the different talks with the Indians to save His Lordship the trouble of referring to the copies sent from time to time. These talks, from 1815 to 1818, will show the state of mind of these unfortunate people. Page 211
- February 17, London. Paymaster Alison to Goulburn. Relying on recommendation to the Duke of Richmond for lands, he intends to proceed to Canada in the spring. He calls attention to the strong recommendations in his favour. 2
- February 16, London. Black to Allsopp, office keeper. Asks if he can obtain information as to the progress his petition is making. 40
- February 17, London. The same to Goulburn. Applies for his help to get a favourable answer to his memorial. 41
- February 17, Downpatrick. Dean Knox to Bathurst. Writes on behalf of Rev. M. Campbell, persecuted for giving evidence in his (Knox's) favour, he being a Presbyterian and the Dean a clergyman of the Church of England. 189
- February 18, London. Thomas King to the same. Has been called on by the War Office for letter authorizing two months advance to discharged men of the 98th regiment. Asks for copy of the letter, the original having been destroyed. 188
- February 21, Stockport. James Bent to the same. Asks to have payment of his pension transferred to Canada and that a passage may be provided for himself and his wife. 42
- February 24, London. McKay to the same. Desires to know if His Lordship wishes for further information on the subject of the letter of the 15th instant, or if he has any commands of which McKay can be the bearer. 215
- March 1, London. Bishop (Anglican) of Quebec to the same. Lord Melville informs him that a frigate will sail when the proper season shall permit. Submits points for the most favourable consideration. (1) Acknowledgement of the Church of England as the established Church of Canada. (2) Completion of the arrangements for giving effect to the Bishop's jurisdiction over his own clergy and people in his diocese, which were entered upon by the Secretary of State, 1808. (3) Conceding to the Bishop of the Church of England the power of issuing marriage licenses in behalf of the members of his own church. (4) Changing the title of the Bishop's Commissaries into that of Archdeacon and granting to them some increase of salary. (5) Providing for daily service in the Cathedral at Quebec. (6) Providing a parsonage house for the minister at Quebec. (7) Conferring a set of bells upon the Cathedral at Quebec. (8) The application of more effectual means than have hitherto been employed for the promotion of the liberal education of Protestants in the Canadas. Each point is supported by argument at greater or less length. The Bishop concludes that he has been desired to request authority for the appropriation of £500 granted by Parliament for building a church at St. John's to the building of a church in some other part of the country as the people of St. John's had completed their church. Chambly is recommended as the place where a church should be built. 277
- March 5, Brighton. Paymaster Alison to Goulburn. Asks an answer to his letter of 16th February and that the recommendation to Richmond be sent, as without it he cannot make his final arrangements for proceeding to Canada. 4
- March 12, Edinburgh. James Hall to the Lord Advocate. Transmits petition from the settlers of Osnaburgh to be laid before the Secretary of State. The loyal character of their minister. The farms, &c., of the petitioners were

1819.

March 24,
London.March 29,
Belfast.

March (2),

April 7,
ParsonstownApril 8,
Bay Lodge.April 8,
London.April 14,
London.April 15,
Portsea.April 19,
Cork.April 29,
Quebec.April 24,
London.

April 27 (2).

April 29,
London.

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the scene of a decisive battle against the American army. Taylor and his congregation are anxious for a speedy answer. Page 153

Enclosed. Petition from settlers of Osnaburgh praying for a salary to their minister as was done in the case of Mr. Bell at Perth. 155

March 24, London.

Amherst to Bathurst. Hears that situations formerly held by absentees from Canada are to be given to residents. Applies in behalf of his brother-in-law Hale. His qualifications. 5

March 29, Belfast.

Robert McCloy to the same. Has six ships to sail with passengers for Canada. Is there any change respecting grants of lands there? 216

March (?),

John Black to Goulburn. Renews his request for a favourable consideration of his memorial. Instead of a grant of land, asks for a small pension to enable him to live for his few remaining days in Scotland. 43

April 7, Parsonstown.

Rosse to Bathurst. Transmits papers received from the Dean of Clonfert. 337

April 8, Bay Lodge.

Richard Stewart Dobbs to the same. States his services and circumstances and asks what encouragement he would have to go to Canada. The recommendations he could obtain, what grant of land might he expect? 124

April 8, London.

Richardson to Goulburn. Reminds him that he was to send duplicate dispatches for delivery to Richmond; Thanks for his civilities. Has the Montreal Bank bill been decided on? 338

April 14, London.

The same to the same. Has received duplicate dispatches from Bathurst to Richmond. 340

April 15, Portsea.

Cornelius Griffin to Bathurst. Has been informed that it is not in His Lordship's power to grant a free passage as a church missionary although that has been done in the case of even dissenting missionaries. If he should pay his own passage to Prince Edward Island, can he obtain a free grant of a small tract of land as an actual settler, or would His Lordship grant or sell a tract of 1,000 acres, subject to the original quit rent, and to settle one person upon every 200 acres. If sold or granted, he could assure the payment of the quit rent and the proper settlement. If he did not receive the land, his proposed settlers would go off to the United States, adding to the strength of that country. 143

April 19, Cork.

Jennings and Jamieson to Bathurst. The spirit of emigration existing in Ireland. The schemes adopted to defraud emigrants by individuals who engage vessels on speculation, and allege that they are for British North America so as to get additional passengers for the tonnage of the vessels. The fraudulent practices are not confined to Cork but extend to all the ports in Ireland. The want of knowledge on the part of many of the settlers prevents them from getting the advantages offered; asks for papers to enable them to obtain them. The alarming condition of the emigration question of settlers going elsewhere than to the British Colonies and transferring their allegiance. 171

April 20, Quebec.

Ready to Goulburn. The Duke of Richmond sends thanks for the information respecting Cole charged with having committed several murders in Wexford. Instructions have been sent to Montreal to ascertain what he is doing and to apprehend and bring him to trial should it be deemed advisable. 341

April 24, London.

J. Ogden to Goulburn. Applies for extension to his leave of absence. 227

April 27 (?).

Bathurst to the Anglican Bishop of Quebec. (The letter is undated; for supposed date see letter from the Bishop of Quebec of 29th April). Answers in detail the points suggested by the bishop in his letter of 1st March. 285

April 29, London.

Bishop (Anglican) of Quebec to Bathurst. Acknowledges letter of the 27th instant. Remarks on the mpts of conversion on the part of Roman Catholics, which take place chiefly in the hospitals; the bad effect these attempts have on patients. The Governor might be

1819.
instructed to make a temperate representation on the subject to the Roman Catholic Bishop. In reference to the issue of marriage licenses, bishops who have the power of granting licenses have also that of appointing surrogates so that the change proposed for lower Canada might be extended to Upper Canada. The daily service in the Cathedral could be arranged for in the province but not the provision for those who are to perform it. He submits to the decision to withhold assent to some of the propositions and is grateful for those to be granted. Page 291
- April 29,
London. Bishop (Anglican) of Quebec to Goulburn. An accident and illness have prevented him from calling. Asks him to expedite the final settlement of measures relating to the Anglican Church in Canada to which Bathurst has assented. These are power to issue marriage licences; changing the title of commissary to that of Archdeacon, of a parsonage at Quebec and bells for the Cathedral referred to the Lords of the Treasury. Bathurst has informed him that instructions have been sent to Richmond authorizing him to found a College at Montreal. 295
- April (?),
London. C. Grant to the same. Can any thing be done in respect to the enclosed? 138
- Enclosed. Memorial of Rev. Cornelius Griffin. Understands that encouragement is given to teachers of religion who are willing to reside in the colonies. Is desirous to go to Prince Edward Island, where he would give faithful service. 139
- May 1,
London. Sir John Perring & Co to Goulburn. Mr. Armstrong does not keep his cash at their house; returns his (Goulburn's) letter, addressed to Armstrong. 248
- May 2,
Southwell. Sherbrooke to the same. Cannot remember Lt. Irvine's case; his claims can only now be ascertained by the present commander of the forces in Canada. Lt. Rolette, not Lt. Irvine commanded the Government schooner and when she was no longer retained he (Sherbrooke) had obtained half pay for Rolette. 400
- May 3,
Inverness. Lieut. Donald Fraser to Bathurst. His services; applies for land in Upper Canada; the baneful effects of exorbitant fees charged in the land office, which would be avoided if he could obtain an order. Asks for passage for himself and family. 132
- May 8,
London. Thomas Campbell to the same. Asks for a recommendation to the Duke of Richmond to give him a situation and applies for a passage by one of the transports and also that the papers sent may be returned. 95
- May 8,
London. G. A. Young to the same. Forwards a packet sent by Ready on behalf of the Duke of Richmond. 469
- May 10,
London. Lieut.-Col. Innes to the Marquis of Huntley. Reminds him of an application made by the Duke of Richmond to Bathurst, and asks that his name be recalled to the memory of Bathurst. 177
- May 10,
London. William Pitt to Goulburn. Asks him to have a letter sent to the postmaster at Weymouth for delivery to John J. Ellis Wallstead, on board the "Royal Yeoman." If the ship has sailed the letter to be returned. 251
- May 13,
London. Bishop (Anglican) of Quebec to ——— Sends list of the persons for whom a passage is required. 298
- May 15.
John Young to Stuart Wortley. Hopes that the ministers will be strong enough to bring the matters taken up by Richmond before Parliament. Sends proclamation regarding seigniorial tenure and other documents. Had been ordered to report individually, but officially, on the value of imports and exports and on the revenue and expenses of the province, with his views independent of the Assembly. The Duke has given him letters of credit on the Receiver General for his full allowance of £1000, per annum from 1st November, 1817, to May 1st, 1819. Has no doubt the Duke's measures will be confirmed and if so it will make him independent of future governors. The Duke's cure for the errors of the con-

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1819. stitution is to unite the legislatures of Upper and Lower Canada leaving all other matters as they are, except that the revenues and expenses be in common. Details the complaints of Upper Canada on finance and the laws of Lower Canada affecting their imports and exports and from the 1st of this month no law exists to ascertain the ratio or amount of taxes to which Upper Canada is entitled. The probability of a rupture twenty years ago, which was averted by prudent management; a union of legislative interests is necessary for both provinces and in none more necessary than for a union for defence against a powerful and treacherous neighbour. The gradual decline in the qualifications of the members of Assembly. Its constitution. Some of the members are honest; others seek to overthrow the government altogether. The good effect of joining the Assemblies of Upper and Lower Canada, whether the English-speaking members are English, Scotch, Irish or Americans, with some Germans who are classed with them, they will always be with the Crown on all important questions. The amiable character of the Duke of Richmond and his acquired aptitude for business. The finance report is only to go forward next week, as the Duke wishes to study it carefully. Arrival of the mail from Upper Canada. Sends extract with remarks on the speech of the Duke of Richmond of 24th April. Page 480

May 20,
Quebec.

Young to Stuart Wortley. Is sending letters by way of Quebec in the same vessel with the dispatches from Richmond. Has enclosed his report on revenue and expenditure but cannot yet forward copy of that of imports and exports, which will follow soon. Much requires to be done to follow up the measures the Duke of Richmond has adopted. Rents are in private hands some for twenty, others for ten years. The public rights reserved for the Crown by the Acts of 1774 and 1791 are believed to be tacitly but not legally abandoned; the influence of the Crown is lost or thrown into the opposite scale to the injury of the administration by the uncontrolled patronage of 180 parishes being in the hands of the Superintendent of the Romish Church contrary to law and the present officer is now for life Roman Catholic Bishop of Quebec. The Crown property is considered fair plunder and the disposition to take possession of it by the Assembly openly avowed. The evil effects of the continual changes of governors; the good expected from the rank and power of the present governor (Duke of Richmond); there is a great field for improvement. 489

May 17,
London.

Thomas Campbell to Goulburn. Recapitulates contents of letter of the 8th and asks him to try to have an answer sent. 97

May 18,
London.

The same to Bathurst. Thanks for the procuring him passage to Canada. How he lost his employment; would be glad of any situation in the United Kingdom; if that cannot be given will accept of the offer of a passage to Canada. 99

May 28,
Quebec.

John Young to Stuart Wortley. Refers to previous letters. With this sends abstract of imports and exports; details and a copy of this abstract are sent to Bathurst. The population in Lower and Upper Canada is about half a million souls, about one thirty-ninth part of that of Great Britain and Ireland. Imports and exports, shipping seamen, etc., bear almost the same proportion; more than half the imports are in British manufactures and nearly the whole exports are naval stores, provisions or articles wanted by manufacturers. The increase in population, facilities for trade, etc. 470

Enclosed. A general view of the report on the extent and value of the imports into and exports from Lower Canada for the year 1818. 472

State of the value and amount at Quebec of the exports from Lower Canada in 1818. 475

1819. May 29, At Sea.	Bishop (Anglican) of Quebec to Bathurst. Remarks on a bill introduced into Parliament affecting him (the Bishop) and his clergy. Objects to the provision that prevents Colonial Bishops from ordaining when in England. Argues the case at some length. Page 299	
May —, London.	Memorial of George Spratt, dissenting minister, stating the circumstances of various dissenting bodies receiving registers for the entry of births, marriages and deaths, and asking that the same be issued to him. 393	
June 5, London.	Thomas Campbell to Goulburn. Thanks to Bathurst for his providing a passage to Canada. Asks for recommendation to Richmond and the return of documents. 102	
June 7, London.	The same to the same. Asks for a short interview. 103	
June 7, Randalston.	David Mulligan to Bathurst. Asks if any information can be obtained of Robert Hindman, a loyalist, so that he may be enabled to join him. 217	
June 9, London.	Berens to the same. In opposition to the opinion contained in Goulburn's letter, maintains that an inquiry should be made into the proceedings of the law officers in Upper Canada. 843	
June 12, Plymouth.	W. Hasse to Goulburn. When employed as a ship builder at Sorrelle (Sorel) he was induced to transfer his services to the British Government and was employed building flat bottomed vessels for transport across Lake Champlain, and in 1813 was engaged to go to Kingston. He assisted in building various vessels there. By the arrival of artificers from Europe he had lost his situation, returned to England and had not since obtained employment sufficient to maintain him. Asks that his case may be favourably considered. 159	
June 17, The Mote.	Lady Francis B. Riddell to the same. Sends a letter which she asks him to forward. 342	
June 18, London.	Thomas Campbell to the same. Asks for information respecting the passage promised, as his funds are nearly exhausted. 104	
June 20, Chichester.	Widdrington to the same. Has received a demand from the master of the "Camel" for the passage allowance of himself and family, who expresses surprise that no steps had been taken to settle with him. The disregard of equity in expecting him to pay for a passage when ordered on service. 445	
June 25, London.	Sir J. M. Murray to Bathurst. Has anything been done to improve the salaries of the judges in Canada, and particularly that of Mr. Justice Kerr? 219	
June 25, Southwell.	Sherbrooke to Goulburn. Transmits letters from Roux, Superior of the Seminary of Montreal, not feeling authorized to forward Roux's wishes until he could ascertain that it would meet Bathurst's approbation. Should Bathurst approve, would be indebted to him to procure an authenticated copy of the paper Mr. Roux wants. 402	
	<i>Enclosed.</i> Observations in relation to the seminary estates, Montreal. 404	
June 28, London.	Thomas Campbell to Goulburn. Has received instructions to take his passage by the "Hebe." Asks for recommendation to Richmond. 106	
June 29, Uxbridge.	Richard Cooper to Bathurst. Has observed that Acts have passed in regard to work of inland navigation and roads. Has been employed as an engineer, etc., and would be glad to go to Canada in government employ. 107	
June 29, Plymouth.	W. Hasse to Goulburn. In answer to the statement that there are no peculiar circumstances in his case to entitle him to special remuneration, repeats the account of his services which he thinks entitle him to the grant of land held out to settlers in North America. 161	
June 30, London.	Henry Osborne, Benson & Co. to Bathurst. Ask for a license to cut timber in Canada, in accordance with their contract with the commissioners of the navy. 433	

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 July 1,
 Limehouse.
 Dr. Rudge to Bathurst. Asks on behalf of the Mendicity Society for a passage to Quebec of Maria Sheridan and her child. The good the society is doing in the removal of mendicants. Page 343
- July 2,
 Dublin.
 Francis Kenny to Bathurst. Sends plan of emigration. Details are given at some length. 191
- July 12,
 Dublin.
 The same to the same. In consequence of the refusal to grant a bounty on the cure of fish in Newfoundland, suggests the removal of certain duties and the institution of drawbacks. 197
- July 14,
 Hercules.
 John Vernon to Goulburn. Asks for a passport to Philadelphia, to which place he desires to emigrate owing to the state of trade. 432
- July 16,
 Uxbridge.
 Richard Cooper to the same. Has no documents as to his ability. States his qualifications and training. 108
- July 23,
 London.
 John Gordon to Bathurst. Reminds His Lordship of memorial for compensation for the confiscation of his father's property in Plymouth County, Massachusetts. 146
- July 27,
 Mark Lane.
 Ellice to Gordon. Has mandamus been granted in favour of de Boucherville to be appointed to the Legislative Council in pursuance of Prevost's recommendation? 127
- July 28,
 Southwell.
 Sherbrooke to Goulburn. Asks for a letter from Roux, as he had not kept a copy and wishes to answer it. 412
- August 9,
 Southwell.
 Same to the same. Thanks for his endeavouring to procure the papers asked for. 413
- August 11,
 London.
 Bishop Plessis to Bathurst (in French). Has sent three small memorials. Apologizes for any want of form there may be in drawing them up. 263
- August 11,
 Greenwich.
 John Baldwin to Goulburn (?) Calls attention to the serious position in which Jamaica would be placed should the Floridas be ceded to the United States. 44
- August 12,
 Herndon.
 McGregor to the same. Sees by the newspapers that the Mississaugas have surrendered the territory on Lake Ontario. Recalls his previous communications on the subject. Is in France for the education of his family, but were his proposals in regard to the Credit acceded to, he would lose not a moment in proceeding to Canada to form an establishment for the benefit of himself and countrymen, who would show themselves useful in time of need. 220
- August 13,
 Limehouse.
 Dr. Rudge to the same. Asks if in the ship to sail shortly for Quebec Mary Sheridan and her child can be accommodated. 345
- August 18,
 Nottingham.
 Lt. Stretton to the same. Applies for the extra expense he incurred by landing to deliver dispatches from Richmond as rapidly as possible. 414
- August 20,
 London.
 Memoir of the Roman Catholic Bishop of Quebec (in French). Describes the situation and extent of the diocese; the necessity for its being divided which has been proposed several times but could only be done with the concurrence of his Britannic Majesty, now the harmony subsisting between the Court of St. James and Rome, the increasing difficulty for a single bishop to direct more than 200 ecclesiastics and 500,000 souls scattered over such an extent, with the circumstances (detailed) encourage him to make the journey to England and to go on to Rome to obtain from the Holy See the following divisions after they have been agreed to by the Prince Regent. (1.) the Province of Upper Canada (2.) the Province of New Brunswick and Cape Breton, Prince Edward Island and the Magdalene Islands. (3.) The district of Montreal. (4.) All the lands drained by the rivers which discharge into James and Hudson's Bays. This would still leave to the old bishop the three districts of Quebec, Three Rivers and Gaspé with more than 150,000 souls over an extent of 500 miles in length which is as much as the bishop can govern with his coadjutor. The first and second divisions are provided for by the acceptance by the two Courts of Rome and St. James' in 1817 of

- 1819.
- Messrs. Alexander Macdonell and Angus Bernard McEachren as Vicars Apostolic. The others are not less essential, the one on account of its extreme distance the other by reason of its large population. The bishop proposes to solicit bills for the third in favour of Mr. Jean Jacques Lartigue and for the fourth Joseph Norbert Provencher, both are born subjects of His Majesty and he would be security for their loyalty and hopes that their promotion may be forwarded. Good order etc., require that there should be in these new sees a certain dependence on the old see whose bishop should represent them at Rome. Page 254
- August 20, London. *Apparently Enclosed.* Acceptance by the King of Mgr. J. O. Plessis as Bishop of Quebec and Mgr. Panet as his coadjutor and successor. 258
- August 20, London. Third Memorial by Bishop Plessis, recapitulating the contents of a former memorial respecting the seminary of Nicolet, for which he desired to establish a trust so as to secure more permanency. 260
- August 20, London. Second Memorial from Bishop Plessis remonstrating against the suggestion that the properties of the Sulpicians should be taken possession of by government. 264
- August 23, Backwell. *Apparently Enclosed.* Extracts from correspondence on the subject of the above letter. 268
- September 1, Quebec. Lucy Visser to Bathurst. How can she have a small box sent to the Duke of Richmond. 434
- September 5, Devon. Chief Justice Sewell to the same. A duplicate; the original is in Q. 152-2, page 353. 415
- September 6, London. J. Ogden to Goulburn. Sends hints for settling the emigrants in Canada. If approved of asks that they be submitted to Lord Bathurst. His health still continues bad. 228
- September 6, London. *Enclosed.* Hints for settling emigrants in Canada. 229
- September 6, London. Lartigue to Goulburn (in French.) Had sent his dispatches for Lord Bathurst, requesting that if he could not settle the business immediately he would give him time enough to have his affairs on the continent settled. Asks that he (Goulburn) would obtain a decision, as his health requires a change of climate. 204
- September 6, London. John Jenkyns to the same. Had assisted Sir James Lucas Yeo in preparing the charges against Prevost. Now sends his bill. 180
- September 7, London. Wybault to Goulburn. Had been directed by the Duke of Richmond to take charge of a bag of dispatches which he delivered to Lord Bathurst. Asks for the usual amount for expenses. 447
- September 7, Quebec. Bishop (Anglican) of Quebec to Bathurst. Remarks on his (Bathurst's) objection to the establishment of archdeaconries on the ground of expense. Points out the advantages of the measure to religion. The Church of England demands the support of some additional dignity and influence; the weight of authority given to the Church of Rome by having so many dignitaries. Commissaries cannot supply the defect to the Church of England for reasons given. The respect attached to the archidiaconate and the advantages accompanying a course of regular visitations are not easily combined in the equivocal character of commissary. Emphasises the importance of the office of archdeacon. In respect to the issue of marriage licenses the power was placed in the hands of a junior clerk in the Governor's office, and this abuse so detrimental to the morals of the people would again prevail if measures were not taken to remedy it. Regrets that His Lordship made no reference to the question of the bells or of the parsonage house; the inconvenience caused by the want of these. The drawbacks in the bill now passed into law created by the restraint on persons ordained by a colonial bishop from obtaining preferment or a curacy in England. The number ordained by English bishops of persons not having a university education as compared with licenses to the same class of persons by colonial bishops is very great. Of the clergy of his diocese two-thirds at least are persons

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London.Septemb
London.Septemb
EdinburgSeptemb
London.October 1
Cork.October 1
London.October 2,
London.October 3,
EdinburgOctober 4,
Brentford.October 4,
London.October 6,
PortsmouthOctober 6,
MandertownOctober 10,
Beaufort.

1819.

- educated at the university and of the whole more respectable men cannot easily be found in any diocese in England. Is apprehensive of being suspected of having a narrow way of regarding the Roman Catholics, but in the absence of a governor he calls attention to the report that Quebec is to be created by the Pope an archbishopric, with bishops in the other provinces subject to the Archbishop. Sends extracts to show what France did on a similar proposal. Page 304
- Enclosed.* Extracts mentioned in letter. 314
- September 16, Roman Catholic Bishop of Quebec to Bathurst (in French) acknowledges with gratitude, receipt of dispatch. The support given to the Roman Catholics is a defence to the throne. Will communicate to Lartigue the intentions in his favour. 252
- September 25, Winter to Goulburn. Asks for the address of the agents of the Bishop of Quebec. 448
- September 28, Lartigue to the same (in French). Sends package for Bathurst, for which he asks that a receipt should be sent. 206
- September 29, James Irvine to the same. Transmits dispatch from Richmond to Bathurst granting him (Irvine) leave of absence and recommending an extension of his leave. 181
- September 30, Duchess of Richmond to the same. Apologizes for sending so many parcels to be forwarded to the Duke. 346
- October 1, Aldridge to Verner. The death of the Duke of Richmond reported. 8
- October 1, Meedford (editor of the Courier) to Goulburn. Has any confirmation been received of the reported death of Richmond? 223
- October 2, Seton, Plomer & Seton to Bathurst. Transmit petition to be laid before the Prince Regent, and ask that notice may be sent them when it is to be considered. 890
- Enclosed.* Petition praying that "Act to authorise the inquiry and trial of crimes and offences committed within the province, without the limits of any described township," etc., be disallowed. 891
- October 3, Irvine to Bathurst. Sends letter from his brother-in-law with details of the Duke of Richmond's death. 182
- October 4, Ellice to Goulburn. Sends letters from McGillivray to his partner in Montreal; they contain information respecting the great quarrels that have taken place. Sir C. W. Saxton and Major McLeod sent to Fort William by Richmond to investigate. Sad news of the death of Richmond. 128
- October 4, Skinner to the same. Confirmation of the death of Richmond; the season is too far advanced for communication by the St. Lawrence; he is going on business to New York and would take charge of dispatches. His character and experience of the provinces. 417
- October 6, Collector and Comptroller of Customs to Bathurst. A box containing papers, from the Duke of Richmond, has been landed for Bathurst and sent forward by carrier. 10
- October 6, A. J. Cochrane to the same. Had been engaged in an appeal for the representation of Lanark, but had been obliged to abandon the suit, as it would greatly exceed his finances. Had thought of applying for the government of Nova Scotia, as it was reported that Dalhousie was to be removed to a better situation. The death of Richmond makes an opening and induces him to apply to be successor to Dalhousie. 110
- October 10, H. W. Ryland to—Forwards a memorial from Mrs. Young. The claim of the memorial is founded on the establishment by her late husband of the Army Bill Office that "may justly be regarded as the greatest most successful financial operation that ever took place in a British Colony." Has personal knowledge of Mr. Young's proposal. Information on the subject asked for by Sir J. C. Sherbrooke. Recalls the introduction he (Ryland) received to Bathurst and from the atten-

- 1819.
- October 12,
Quebec. tion paid to him believes that his testimony to the services of Young may be of some advantage to his family. Page 347
 Bishop (Anglican) of Quebec to Bathurst. Had been instructed in 1808 to look out for a see house or for a site to erect one. Had sent an offer of Elmsley's house but nothing was done then; the house was subsequently purchased and used for officers' barracks. A house has now been offered by Mr. Justice Bowen, the purchase of which is recommended. Having repaired a house for his family the change would be disadvantageous to himself, but nevertheless he thinks the purchase of the see house so necessary for the dignity of the office that he cannot forbear to recommend it strongly. 319
- Enclosed.* Description of the house offered for sale by Mr. Justice Bowen. 321
 Opinion of E. W. Durnford on the value of the property. 324
 Plan. 325a
- October 13,
London. Skinner to Goulburn. Has received three letters for Quebec. Leaves next night for the ship and shall be glad to take charge of other dispatches. 419
- October 14,
Belfast. Charles Cambridge to Bathurst. Had reported to the consul at New York the death of Richmond. Sends additional details of the Duke's visit to Kingston, etc. He had dined on the 23rd August with detachment of officers stationed at Perth. Account of the progress of the Duke's illness from the 25th and the death. 112
- October 18,
Quebec. Bishop (Anglican) of Quebec to the same. Applies on behalf of and recommends Duchesnay for a permanent situation under government. 326
- October 19,
Quebec. The same to the same. Recalls his letter of 7th September respecting the erection by the Pope of an archbishopric in Quebec and new bishoprics in the different provinces. It is believed that the bull arrived in July just after Plessis had sailed for England. An extract from the *Quebec Gazette* will show the expectations the bull has raised in the minds of the Roman Catholics. The incongruous idea of the union of a Protestant Throne with a Roman Catholic Altar, which he trusts will not be exhibited to the Christian world; does not believe that it is the purpose of the British government to sacrifice the Church of England to the Church of Rome in Canada; the mortification at seeing the Church of England placed in a subordinate position. 328
- Enclosed.* Report of a dinner given "to Capt. Bushby of the Brig George Symes, as a mark of gratitude for his politeness and attention to Monseigneur the Archbishop of Canada during his passage to Liverpool." 332
- October 20,
Quebec. Bouchette to Goulburn. Trusts to his former protection to overlook the length of this letter, which is an appeal of the most solemn nature for justice when Surveyor-General to the commission; he believed it was on account of his qualifications, and had perfected himself in the theoretical and practical branches of astronomy at considerable expense. His feelings at being reduced to a subordinate position and possibly retained there out of compassion rather than from a sense of his fitness. Had the reduction taken place from incapacity or negligence rather than court an investigation, he would have been glad to save some trifle from the wreck. Believes the misrepresentations were made by the commissioners because he held his appointment directly from the ministry. On informing the commissioners under the 6th and 7th articles of the Treaty of Ghent, that he (Bouchette) was appointed Surveyor-General for the commission, he then declined to give instructions saying that he had appointed a surveyor for his part of the line. Col. Barclay desired him to come to Boston where he had some correspondence which was of benefit to the service. An astronomer appointed as his substitute

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instead of his assistant applied for, to whom he was directed to transfer the astronomical instruments. The assistance given to his substitute and the others employed. Details the steps he took to make the survey, his own personal exertions, etc. Cannot understand why application was made for his removal under pretence of his incapacity whilst receiving polite and civil letters from Col. Barclay with offers to obtain for him more agreeable employment. Comments on the employment of Odell, who, it may be said, it was intended should only be an additional surveyor. Reasons alleged for the preference given to Odell. Enters into detail of his (Bouchette's) services and asks to be made a member of the Council, an office promised him by Sherbrooke and Richmond, and which is held by other surveyors-general. Page 46

Enclosed. Extract from some of the principal letters from Ward Chipman, written while he (Bouchette) was on the exploring expedition and afterwards. 66

List of plans, report and sundry papers relative to the boundary line between the provinces of Lower Canada and New Brunswick and the United States transmitted to Goulburn. 69

Other papers. 74

Rev. R. G. Curtois to Goulburn. Has been at some expense in land- ing with dispatches. Asks for remuneration. 119

October 20, London. Taylor to Bathurst. The 12,000 acres granted him by Richmond hav- ing been refused, asks to be appointed boundary commissioner in room of John Ogilvie; or if that is to be given to John Hale, the present agent, asks for his situation. His services. 425

October 20, Quebec. *Enclosed.* Notice of the death of John Ogilvie. 428

Recommendation by John McMahon, by desire of the Prince Regent, in favour of Taylor. 429

October 21, Neston. James James to Goulburn. Asks for a frank. His affliction at the death of the Duke of Richmond. 185

October 26, Bath. J. Ogden to the same. Applies for extension of leave. His health not improved. Regrets the death of the Duke of Richmond. 242

October 29, Wragby. Rev. R. G. Curtois to the same. Took charge of dispatches at the request of the civil and military secretaries to the late Governor; the expense he incurred amounted to ten guineas. 120

October (?), No signature to Bathurst. Sends notification of the complaints against him (Bathurst) for indifference to the honour and welfare of the estab- lished church. The attempt of the writer to defend Bathurst failed, by the production of written evidence of his conduct towards a clergyman going to Canada. Sends extract from the letter produced. 12

Enclosed. Extract mentioned, dated 30th June, but without signature. Can get no recommendation to the Duke of Richmond; even his certifi- cates have not been returned. Could neither obtain an interview with Bathurst nor an answer to letters. All he has received is a passage to Quebec, which he could have had from Belfast for £9 or £10. 14

November 1, London. G. Pinckard to Sir Henry Torrens. Being from professional reasons interested in hydrophobia, asks for authentic statement of the case of the Duke of Richmond. 272

November 15, Southwell. Sherbrooke to Bathurst. Has received a letter from Mr. Justice Kerr, senior honorary member of the Executive Council of Lower Canada, complaining that he had not been appointed an effective member on the death of Dunn. The application is no doubt on account of the payment of £100 a year to effective councillors, as the treasurer will not be authorized to pay Kerr till the commission is received. 420

November 17, London. G. Pinckard to Goulburn. Returns thanks for copy of Cockburn's report on the illness of the Duke of Richmond. 274

November 20, London. Not signed to Bathurst. A number of admirers who think, however, that he (Bathurst) has been shamefully deceived, desire to place before

1819. him a beautiful specimen of Catholic gratitude and loyalty. Mr. de Calonne, the writer, is a brother to a well known French minister. Page 16
- Enclosed.* De Callonne to the *Gazette des Trois Rivières*. Adverse criticism on proposed school system in schools in which no religion is to be taught. Reflections on the subject. 17
- November 23, G. MacDonell to Bathurst. Offers his services on account of the political aspect of the western hemisphere. 224
London.
- November (?), Memorial of the widow of the late Hon. John Young states the services of her late husband which she trusts may be submitted for the Royal consideration, that the bounty of the Crown may be extended to her. 450
- Enclosed.* Young to Sherbrooke, 17th November, 1817. Recapitulates the statement of his services made to the Secretary of State. 454
- December 2, Col. Ellison to Goulburn. For the promised information respecting the Canada pinewood. 130
London.
- December 2, Ready to the same. Is sending report of the Reinhart trial by way of New York, the packet from Quebec being delayed by a snow storm. 352
Quebec.
- December 4, Captain Barclay, R.N., to the same. Had given certificate to John Bias, boatswain, that he had lost his effects whilst serving ashore. The Admiralty declines to interfere. How is he to apply for payment to Bias? 78
Edinburgh.
- December 6, John Johnson to the same. The person mentioned in the enclosed certificate was ordered before the medical board. Asks for the result. 184
London.
- December 13, Grenville to Bathurst. Sends letter the first part of which may be gratifying to Lady Bathurst; the rest may not be wholly uninteresting. 147
Drogheda.
- December 21, Ready to the same. Has sent letter brought by the October mail to Major Bowles as he could answer questions on the melancholy event better than he (Ready). Has been informed of Dalhousie being appointed to Quebec and that he (Ready) has the offer of the same situation as he held with Richmond; his thanks. Should the civil list be paid out of the Crown Revenues, Amyott's name could be placed on the pension list, but if the Assembly is to meet the expenditure from the general funds, this cannot be done, as the Assembly has resolved to pay only residents who are actually employed, and will grant no pensions, so that there is a difficulty of obtaining from the province retirement for the officers, who have for the present year been paid out of the extraordinaries of the army. Having accepted Dalhousie's offer, asks that Richmond's recommendation that the secretary be appointed to the Executive Council should be considered. There are now three vacancies. The business of the secretary would be much facilitated by his being a member of the Council. Fears that Maitland may be put to inconvenience by being ordered to take the administration of Lower Canada. He and Lady Sarah are in good health and may be able to undertake the journey which is very fatiguing at this season. Omitted to mention that Richmond had recommended, as the Assembly would not vote a salary to any absentee or any retirement to any officer, that Amyott should be paid from the Jesuit fund. 387
Quebec.
- December (?), "A memoir on the means of promoting the joint interests of England and her American colonies." A review in detail of the articles of trade, etc., etc. 353
- No date. Hoskins to Goulburn. Asks for an interview on the subject of exhibitions in the English universities to natives of Canada. 162
- James Hughes memorial. Prays for a grant of a lot in Montreal called Old Market place, on which he had been allowed to build. 149

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1819.
No date.

January 30,
London.

February 11.

May 5,
London.

John Richardson to Goulburn. His nephew, Charles W. Grant, wishes to see him (Goulburn) relative to Grande Isle in Upper Canada. Sends copy of a ten dollar bill to be issued by the Bank of Montreal, which will remove objections. Page 335

Vander Sluys to Goulburn. Applies for a passport on his going to Canada. 423

J. Halkett to Bathurst. Long and minute detail of the law proceedings of the North-west Company and Lord Selkirk. 494, 610

Enclosed. Simon McGillivray to McTavish, McGillivray & Co., 1st June, 1811. The confirmation of the grant by the Hudson's Bay Co. to Selkirk being postponed Ellice, Inglis and himself were purchasing stock to enable them to attend the meeting, the stock he himself purchased was not transferred in time but the gentleman from Mark Lane said all he could have said had he been present. The confirmation was carried but he and his friends will apply to the Court of Chancery for an injunction to prohibit the conveyance without an adequate consideration and also apply to Government and Parliament to prevent the injurious consequences to the fur trade of the settlement. They will leave no means untried to thwart Selkirk's schemes and being stockholders they can annoy him and learn his measures in time to guard against them, Selkirk has complete ascendancy in the committee which proposes to maintain the rights and extend the trade of the company in opposition to the North-west Company in every quarter. The difficulties in the way of their plans. How they are to be resisted. The efforts he and his friends are making to obtain stock, etc. 611

Simon McGillivray to William McGillivray 25th May, 1811 (extract). Reports the plans of Selkirk respecting the Red River territory. 621

A large part of the documents consists of letters, depositions, etc., of such extent that a summary cannot be made within reasonable limits.

The following is a list of them :

- Sherbrooke to Selkirk, 30th March, 1818. 624
 - Selkirk to Sherbrooke, 30th March, 1818. 626
 - Same to the same, 4th March, 1818. 636
 - Same to the same, 13th April, 1818. 646
 - Narrative of Frederiek Damien Huertter, late acting sergeant major and clerk in the regiment de Meuron 8th March, 1819. 656
 - Narrative of Pierre Chrysologue Pambrun of Montreal formerly lieutenant in the Voltigeur corps of Lower Canada 16th March, 1819. 712
 - Narrative of Mr. John Pritchard of the Red River settlement 4th May, 1819. 732
 - Mundell to Bathurst 5th February, 1819 is marked Pecutiar, immediate and important 797
 - Selkirk to Liverpool, 8th February, 1819. 804
 - Same to Bathurst, 15th February, 1819. 813
 - Halkett to Bathurst. Had no intention to inculcate high official authority in Canada in charges of prejudice and injustice towards Lord Selkirk. The public officers he charges are the commissioners of special inquiry, the principal and some other judges and the law officers of the Crown. As to the charge of inaccuracy in the extract from dispatch of 11th February, 1817, Selkirk did not keep the copy, but it is sufficiently accurate to show that the indictment against Selkirk was founded on an *ex parte* statement by a clerk of his inveterate enemies. 816
 - Berens to the same. Writes respecting the charter of the Hudson's Bay Company, to obtain a determination of the rights of property and jurisdiction vested in the company by the charter; the benefit this would be in checking violent outrages, etc. 818
- (The letter is long, covering 18 pages of foolscap).

- 1819.
- Enclosed.* Selkirk to the directors of the Hudon's Bay Company. Encloses letters from William and Simon McGillivray found at Fort William. Page 836
- Samuel Gale to J. B. Robinson, 9th September, 1818. Encloses affidavits of James McIntosh against Simon McGillivray, Henry McKenzie and James C. McGillivray. 839
- J. B. Robinson to Gale, 9th September. Returns depositions, etc. His charge against Fletcher, if unexplained, would call for a criminal prosecution besides the civil remedy, etc. 840
- July 16, London. Selkirk to Bathurst. Encloses copies of letters to the Earl of Liverpool with answer. The difficulty of obtaining redress at law either from the partners in England or from the junior partners in the Indian country out of the reach of any court of judicature and whose property could not afford adequate compensation for injuries; asks therefore for the interference of the Crown. How this should be done. 846
- July 21, London. Bleasdale, Lowloss and Crosse to Goulburn. On behalf of the Hudson's Bay Company, send caveat against an Act (title not given). 850
- July 30, London. Selkirk to Bathurst. Has no doubt that the Acts of Upper Canada passed during last session which have been received are authentic copies so that action could be taken on the Act, of which he complained. Memorial enclosed. 851
- Enclosed.* Memorial of Selkirk complaining of the proceedings in the court of Upper Canada in relation to the charge made against him. Sends copy of Act which he asks to be disallowed. 854
- Act to authorize the inquiry and trial of crimes and offences committed within this province (Upper Canada) without the limits of any described township or county to be had in any district thereof. 866
- June 2, London. Simon McGillivray to Goulburn. Having seen a pamphlet privately circulated by Selkirk, with correspondence, etc., has addressed a letter to Lord Liverpool and will publish a counter statement. 1020
- June 2, London. The same to Liverpool. Respecting Selkirk's pamphlet and the differences between the Hudson's Bay and the North-west companies. 1021
- Copy of indictment against Selkirk and others. 1030
- Certificate that J. B. Macaulay is entitled to sign the preceding paper. 1032
- June (?), London. Memorial of the North-west Company, with a long and minute detail of grievances against the Hudson's Bay Company, praying that speedy and effectual measures may be taken to restore the North-west Company to their lawful rights and commerce and for indemnifying them for their losses, etc. 906 to 999
- Appendices.*
- (A.) Depositions of Charles Brumby and John Theodore Misani, lieutenants in the de Meuron regiment, 16th September, 1816. 1000
- (B.) Extract from a journal of occurrences at Fort William, in August, 1816, of Joseph Vandersluis, bookkeeper to the North-west Company. 1010
- (The journal contains correspondence with Selkirk.)
- September 13, London. Pelly to Bathurst. Sends copy of letter from the agents of the Hudson's Bay Company in Montreal to the Governor General of Canada respecting unprovoked aggressions committed by the persons employed by the North-west Company. 870
- Enclosed.* Maitland, Gordon and Auldjo (agents) to Ready, Governor's secretary, 17th June, 1819. Call attention to the aggressions of the North-west Company and ask for protection and redress. 876
- Deposition (in French) of Jean Hamel. 882
- October 14, London. Pelly to Bathurst. Has been informed that his communication of the 13th ult. has been referred to the Governor General of Canada; sends

1819.

copies of correspondence received from the agents of the Hudson's Bay Co. Page 895

Enclosed. Ready to Maitland, Gordon and Auldjo, 24th June, 1819. Has received complaint of assault by Black of the North-west Company on Robertson employed by the Hudson's Bay Company. The Governor General will take every practicable measure to bring the offender to trial, but does not approve of the measure proposed in their letter for serving the writ, etc. 896

Maitland, Gordon and Auldjo to Ready, 29th June. Cannot accept the proposal of the Governor General to serve the writ, etc., through the partners of the North-west Company. Accuses the company of a tissue of crimes committed in Indian territories. 898

Ready to Maitland, Gordon and Auldjo, 10th July. The Governor General will in no case feel justified in having recourse to military force for the apprehension of any person within reach of the civil power unless that has been successfully resisted. He cannot alter his resolution in consequence of the protest. 902

November 12, McTavish, Fraser & Co. for North-west Company to Goulburn. Ad-
London. ditional complaint against the Earl of Selkirk. 1034-1051

Enclosed. Deposition of Angus Shaw, late of the North-west Com-
pany. 1052

Deposition of John George McTavish, partner of the North-west Com-
pany. 1073

Deposition of Hyacinth Perrier, voyageur (in French). 1095

Translation of the same into English. 1101

Deposition of Joseph Beauchemin (in French). 1107

Translation into English. 1113

PUBLIC OFFICES, 1819.

Q. 154.

1819, January 6, Torrens to Goulburn. Asks that directions be given to provide ton-
Horse Guards. nage for detachments mentioned in returns. Asks that an arrangement
be made for bringing back the reduced men, etc. Page 63

January 22. Merry to Goulburn. The article of warrant of 15th May, 1815, quoted
by Lt. Col. Addison as to staff pay does not apply to the personal staff
of a general. Addison is entitled to pay as military secretary to Sir
John Sherbrooke up to the time that officer's command terminated. 186

February 11, Palmerston to Mrs. Mainwaring. The regulation as to pension to the
War Office. widow of an officer who died on half pay prior to 24th June, 1806, can-
not be deviated from. Her request must therefore be refused. 189

February 16, Navy Board to Goulburn. Sends as requested. "Account of the
Navy Office. expenses incurred last year in granting a passage to settlers in Canada
from Greenock, Whitehaven and Ireland. 132

Enclosed. The account; total £3,899, 16.8. 133

February 24, Lushington to Goulburn. The Treasury desires to have the date of
Treasury. Prevost's appointment to be Governor &c., of Lower Canada and the date
of his arrival. 162

March 1, Wellington to Bathurst. In reference to the defence of Canada
London. concurs entirely with the Duke of Richmond that the points of most
importance in the two provinces are Quebec, Montreal and Kingston.
Considerations given in detail on the measures for defence. 140

March 2, Barrow to Goulburn. The "Active" frigate will be ready at Ports-
Admiralty. mouth to convey the Lord Bishop of Quebec and his suite to Canada on
the opening of navigation. 1

1819.
March 15, Whitehall. Lack to Goulburn. Sends minute of Lords of trade on the subject of the commercial intercourse with the United States. Page 77
- Enclosed. Minute of the Lords of Trade in respect to memorial of the merchants of Quebec and Montreal and others interested in the agricultural and commercial prosperity of Canada relative to the commercial intercourse between Canada and the United States. 78
- March 22, Navy Office. Navy Board to Goulburn. Are passages now required for Mr. Raines his wife and five children? 134
- March 23, Treasury. Lushington to the same. The Treasury do not object to the Duke of Richmond granting some relief to settlers arriving in Canada in distress, but it must be done economically. 163
- March 30, Downing Street. Gordon to the same. Sends memorandum respecting the establishing a bank at Montreal. 59
- Enclosed. Memorandum. 60
- April 3, Navy Office. Navy Board to Goulburn. Orders have been sent to Cork to provide passages for Mrs. Evatt and her three children. 135
- April 8, Horse Guards. Torrens to the same. To move Bathurst to provide transport for the two companies of the Royal Staff corps now serving in North America to be replaced by two complete companies, the arrangement to be such that those now in North America may be able to sail even before the relief arrives. 64
- April 12, Admiralty. Barrow to the same. The Lords of the Admiralty have forwarded copy of Bathurst's letter on the convention with the United States to the Admirals on the Newfoundland and North American Stations, with instructions to comply with the directions in the letter. 2
- April 13, Pall Mall. Chapman to the same. Introduces and recommends Major Lewis for the important charge proposed to be given him. 160
- April 19, Boston. Manners to Planta enclosed in Planta to Goulburn 12th June, 1819.
- April 22, Foreign office. Planta to Goulburn. Transmits memorial from Captain Fitzgerald for compensation for losses sustained in Georgia in the late war, as Lord Castlereagh believes the question is more immediately in the colonial department and Treasury than in the Foreign Office. 98
- Enclosed. Fitzgerald to Torrens. Transmits memorial for compensation for the loss he sustained by joining the British army during the late war. 99
- Memorial by Capt. George Fitzgerald. 100
- April 22, Treasury. Lushington to Goulburn. Is the sum paid by Mr. Chapman for instruments for the boundary survey to be repaid to him? 164
- Enclosed. Troughton to Lushington, 11th March, 1819. The instruments have been paid for by Chapman to his (Troughton's) clerk. The amount paid was £139. 165
- April 23, Navy Office. Navy Board to Goulburn. Orders have been sent to Cork to provide passages for Mary Jones and her three children. 136
- April 23, Navy Office. The same to the same. Mrs. Caldwell, an officer's widow, and her five children, can have passages to Quebec aboard the "Brunswick," and may embark at Deptford about the 5th of May. 137
- April 24, War Office. Merry to Goulburn. Can information be found of where the Duke of Cumberland's regiment (a provincial corps) was raised, or of the services of officers of provincial corps during the American war? 190
- April 27, War Office. The same to the same. Sends memorial from Michael Connolly addressed to the Prince Regent. 192
- April 29, Horse Guards. Torrens to the same. To obtain passage for non-commissioned officers and men of the 1-60th regiment. The letter contains list of the number. 66
- May 6, Treasury. Lushington to the same. Asks again for information respecting the appointment and date of Prevost's assuming the office of Governor, etc., of Lower Canada. 167

1819
Page 77
May 7, London
May 8, Treasury
May 10, Admiralty
May 14, Whitehall
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Horse G
May 18, Whitehall
May 18, Victual Office.
May 18, Post Office
May 24, Foreign
May 25, Treasury
May 25, Treasury
May 25, Treasury
May 31, Doctors' Common
June 5, Whitehall
June 9, Treasury

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memorial of
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or Mr. Raines
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huel Connolly
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signed officers
the number. 66
respecting the
Governor, etc.,
167

- 1819.
- Enclosed.* Audit Office to Treasury, 21st April. The commissioners call attention to the application for information as to the appointment of Prevost. Page 168
- May 7, London. George Burdon to Bathurst. Introduces and recommends Rev. G. Spratt, a dissenting minister at Quebec, employed by the London Missionary Society. 206
- May 8, Treasury. Lushington to Goulburn. The Treasury has authorized Richmond to pay Marehand, Roman Catholic missionary to the Hurons, the annual amount of £50. 169
- May 10, Admiralty. Croker to Goulburn. Desires to have a list of the family and suite of the Bishop of Quebec, the payment of the usual advance to the captain of the "Active" depending on this. 3
- May 14, Whitehall. Lack to the same. Sends copy of application from C. F. Grece for a title to the inheritance of 150 acres in Canada. Were any steps taken, in consequence of letters of 1805 and 1807, with respect to granting the land in question to Mr. Grece? No blame is attachable to Mr. Grece for the delay, and he is entitled to have his title completed. 83
- Enclosed.* Petition of Thomas Frederick Grece, mentioned in preceding letter. 85
- M Horse-Guards. Torrens to Goulburn. Asks if there will be any objection to trying to get a passage for Rev. Mr. Campbell, to Canada. 67
- May 18, Whitehall. Lack to the same. The Governor may assent to the bill for the establishment of a bank at Montreal, provided certain amendments are made. 88
- May 18, Victualling Office. Victualling Board to Bathurst. Sends account of provisions, etc., delivered on the 3rd August, 1818, by the master of the "Brunswick" transport for the use of the settlers at Quebec. 195
- May 18, Post Office. *Enclosed.* Account giving the details. 196, 197
- May 24, Foreign office. Freeling to Goulburn. Letters from Maitland and Woodward did not arrive at Falmouth in time for the packet. 194
- May 25, Treasury. Planta to the same. Transmits from the Council at Embden the report that numerous applications are made in that part of the country for permission to emigrate to British Colonies. 106
- May 25, Treasury. *Enclosed.* Report from Marshall, Consul at Embden. 107
- May 25, Treasury. Lushington to Goulburn. The Treasury consider it expedient to purchase Indian lands in the neighbourhood of Lake Simcoe and Rice Lake, part to be sold and the comforts of the Indians to be protected in every such transaction. 170
- May 25, Treasury. The same to the same. In reference to the defences of Quebec Richmond may obtain, as far as possible, all the land necessary, paying so far as that can be managed by an exchange of land; when money must be paid the best practicable arrangements to be made. 173
- May 25, Treasury. The same to the same. The Treasury will not object to sanction the execution of the works proposed for a communication between the provinces of Upper and Lower Canada by the Ottawa, as detailed in Mann's report, provided the colonial legislature takes measures for payment of a moiety. 172
- May 31, Doctors' Commons. Robinson, Shepherd and Gifford to Bathurst, in answer to the application of the Bishop of Quebec referred to them, the title of Archdeacon cannot be given to the Bishop's commissaries, that power not being granted by the letters patent. The King could, by letters patent, appoint Archdeacons, authorizing them to be commissaries for the Bishop. 126
- June 5, Whitehall. Lack to Goulburn. In reference to the application by Grece, refers to letter of 14th May recommending that Grece's grant should be completed. 90
- June 9, Treasury. Lushington to the same. The Treasury does not think it would be expedient for government to take shares in a steamboat, but the com-

- 1819
- missariat may advance £1,500 or £2,000 to be repaid in instalments, the steamers to have preference for freight. Page 174
- June 12, Planta to Goulburn. Transmits additional information from Manners, Foreign office. consul at Boston respecting the emigration of British manufacturers to the United States. 169
- Enclosed.* Manners to Planta 19th April, 1819. The manner in which the laws respecting emigration are evaded. 114
- June 14, Lushington to Goulburn. In reference to report from the Audit Office, Treasury. the Lords of the Treasury have not called on Ridout, the Surveyor General of Upper Canada, to account for his expenditure, as the warrants were issued for the exact amount. That system to be continued on the Surveyor General sending a certificate from the Governor in Council that the sums issued out of the military chest were in discharge of accounts settled and audited by the Council. 175
- July 3, Croker to the same. In reference to letter respecting Widdrington's Admiralty. passage from Gibraltar, the Lords of the Admiralty see no reason why it should be paid for by the public. 4
- July 3, The same to the same. Applies for license to cut timber in Canada, Admiralty. above Montreal, in terms of the contract with Messrs. Osborne, Benson & Co. 6
- July 8, Antrobus to Wallace, enclosed in Planta to Goulburn of 26th November, Washington. 1819. 177
- July 9, Lushington to Goulburn. Under the circumstances of the destruction Treasury. of the church at Niagara, the Duke of Richmond may be authorized to pay £500 to the minister and church wardens to be applied towards rebuilding. 177
- July 14, Barrow to the same. In reference to the letter of 3rd July sends copy Admiralty. of contract of Osborne, Benson & Co. 7
- Enclosed.* Contract giving in detail the sizes, prices, etc. of the timber. 8
- July 27, Merry to Goulburn. Before the claim of Mrs. Conolly for a pension War Office. can be considered the enclosed paper must be properly executed. 191
- July 30, Wallace to Antrobus, enclosed in Planta to Goulburn 26th November, Savannah. 1819. 1819.
- July 31, Torrens to Goulburn. Refers papers from Major General Widdrington in relation to his passage from Gibraltar to England. 68
- August 6, Chetwynd to Goulburn. The Lords of Trade will give the fullest consideration to the address of the Legislative Council and Assembly praying for a renewal of the Act of 1813 in favour of the lumber trade. 91
- August 10, Barrow to the same. Sends copy of letter from Commodore Bowles Admiralty. relative to the redelivery to the United States of the settlements on the Columbia River. 39
- Enclosed.* Commodore Bowles to Croker. Transmits documents relating to the redelivery of the settlement on the Columbia River to the United States. 40
- Copies of correspondence between Captain Hickey, of H. M. S. "Blossom," Mr. Keith, a partner of the North-west Company, and Mr. J. B. Prevest, American agent, relative to the redelivery of the settlement of Fort George, on the Columbia River, to the United States. 41 to 54 (The letters are all dated in 1818).
- August 19, Chetwynd to Goulburn. The Lords of Trade recommend that the Whitehall. Governor withhold his assent to the Act for the improvement of education in Canada; but he may assent to a new bill, provided it shall contain provisions conformable to the several suggestions in the reports mentioned in letter. 92
- August 24, Navy Board to Goulburn. Thomas Campbell and Mary Sheridan and Navy Office. child may embark at Deptford on board the "Abeona" transport. 135

1819.
August 25, Horse Guards. Torrens to Goulburn. Sends letter from Campbell, which he had neglected in the hurry of business. Supposes the poor man had better go out. Page 69
- Enclosed. Rev. Thomas Campbell to Torrens, 18th May, 1819. Sends Bathurst's answer with his reply, asking that it be forwarded with a recommendation. 70
- August 27, Treasury. Harrison to Goulburn. The Lords of the Treasury approve of the provisional articles of agreement with the Chippewas for a tract of land near Lake St. Clair. They have already sanctioned the sale of part of the acquired Indian land. 178
- August 28, Treasury. The same to the same. By a dispatch from Richmond it appears that the sum of £10,000 has been already voted by the Assembly of Upper Canada towards the water communication between Upper and Lower Canada, and there is reason to believe that £25,000 and £10,000 a year will be voted next year. The Lords of the Treasury do not think it would be expedient to put a stop to the work till this amount be voted, and desire that Earl Bathurst be moved to write Richmond accordingly. 179
- August 31, Washington. Antrobus to Planta, enclosed in Planta to Goulburn of 26th November, 1819.
- October 15, Treasury. Lushington to Goulburn. Sends claim of Lieut.-Col. Macdonell for pay for extra services in 1814 for Bathurst's opinion. 181
- October 20, Horse-Guards. Torrens to the same. Refers to letter of the 19th April with petition from Findlay Campbell out-pensioner. Sends an additional application. 71
- Enclosed. Petition from Findlay Campbell, dated 4th September, 1819. 72
- October 21, Treasury. Lushington to Goulburn. The Treasury has desired the solicitor to pay John Jenkin his bill for assisting Yeo to draw up the charges against Prevost. 182
- November 5, Doctors' Commons. C. Robinson to Goulburn. On the question of power being granted to the bishop to issue marriage licenses. The inconvenience that may arise from transferring the power from the government to the bishop. 128
- November 11, Treasury. Arbuthnot to the same. The Lords of the Treasury have written to Dalhousie approving of the payment of £100 to Lord Frederick Lennox for his expenses in bringing the news of the Duke of Richmond's death. 183
- November 12, Whitehall. Laek to the same. Asks for a copy of a private dispatch from Richmond dated 10th November, 1818, on the principles which regulated the commercial intercourse with the United States. 94
- November 22, London. K. de Latour Maubourg to Castlereagh, enclosed in Hamilton to Goulburn, 1st December 1819.
- November 26, Foreign office. Planta to Goulburn. Transmits dispatch with enclosure, from Antrobus, Chargé d'Affaires in America, respecting Fitzgerald's claim. 117
- Enclosed. Antrobus to Planta, 31st August. Sends copy of letter from Wallace, British Vice-Consul at Savannah, that Fitzgerald never had any real property in Georgia and left there some time before the outbreak of the war of 1812. 118
- Wallace to Antrobus, 30th July, respecting Capt. Fitzgerald as in preceding letter. 119
- Antrobus to Wallace, 8th July, 1819. To make inquiry into the justice of the claim made by Fitzgerald. 121
- December 1, Foreign office. Hamilton to Goulburn. Sends letter from the French ambassador, stating the grounds on which the Sulpicians at Montreal should continue to possess their property in Canada. 112
- Enclosed. K. de Latour Maubourg to Castlereagh (in French) 22nd November, 1819. Gives an account of the manner in which the Sulpi-

- 1819.
- December 3,
Carlton
House. cians came into possession of their property in Canada, and praying
that there may not be trouble in its enjoyment. Page 113
Order in Council approving of the instructions to Dalhousie as Gov-
ernor of Lower Canada and New Brunswick. 95
- December 15,
Treasury. Harrison to Goulburn. The Lords of the Treasury approve of the
provisional treaty made with the Mississaugas for the purchase of a tract
of land. Instructions to be given to carry it into effect. 184
- December 18,
Foreign office Planta to the same. Barclay recommended by the Duke of York for
the vacant commissionership; Anherst recommends Hale. 123
- December 22,
Admiralty. Barrow to the same. Transmits letter from Navy Board respecting
a contract with Isaac Solly for Canadian red pine timber and asking for
a licence to cut the same. 55
Enclosed. Navy Board to Admiralty to move Bathurst to grant
licence to Isaac Solly. 56
- December 27,
Admiralty. Croker to Goulburn. Is the passage mentioned in note (the name for
whom it is wanted is not given) to be at the public expense. 57
- December 29,
Post Office. Freeling to Goulburn. Sends letter from the Deputy Postmaster
General in British North America respecting the illegal carrying of
letters by the steamboats, especially between Quebec and Montreal.
States the law to show the undoubted illegality of the practice. The
bargain with the masters of steamers opposed by the people of Upper
Canada. The question of enforcing penalties is one of great delicacy,
and is referred to Bathurst for his consideration. 198
In a postscript respecting the steamers whose passengers carry letters
desires a document that may enable him to put a stop to the practice.
Enclosed. Sutherland to Freeling, 1st November. Reports that per-
sons in Upper Canada refuse to pay postage on letters brought by
steamers as being illegal. The commissariat have a box on board and
pay no postage. 203

ACTING GOVERNOR J. MONK, ACTING GOVERNOR SIR P. MAITLAND AND
GOVERNOR LORD DALHOUSIE, 1820.

Q. 155—1.

1820.
January 13,
Quebec. Monk to Bathurst (No. 17). Petition for clemency to de Reinhardt,
now under sentence of death, has been received. As the matter has
been referred to His Lordship transmits the petition without remark. 2
Enclosed. Petition of de Reinhardt. 9
Memorial to accompany petition. 9
- January 14,
Quebec. Monk to Bathurst (No. 18). Reports the death of W. Scott, Legisla-
tive Councillor, and recommends W. B. Coltman to fill the vacancy.
Refers to previous dispatches for other recommendations. 48
- January 14
Quebec. The same to the same (No. 20). On receiving dispatch respecting
the arrest and imprisonment of Colin Robertson, directed the Solicitor
General to make inquiry and report. 50
Enclosed. Report by Marshall, Solicitor General on the case of Colin
Robertson. 51
Deposition of Simon McGillivray, junior. 56
- January 14,
Quebec. Marshall, Solicitor General, to Ready. In reference to the seizure of
Colin Robertson encloses two depositions received from the legal advis-
ers of Selkirk. Sees nothing in them to strengthen the case. 64
Enclosed. Deposition of Duncan Campbell. 65
Deposition of Alexander Macdonald. 71

	1820.		
and praying	January 14,	Monk to Bathurst (No. 21). Reported in No. 15 the progress made with the Royal Institution for the advancement of learning. Sends report of subsequent progress.	Page 75
Page 113	Quebec.	<i>Enclosed.</i> Bishop (Anglican) of Quebec to Bathurst. The Royal Institution for the advancement of learning held its first meeting under the charter and applied to the trustees under McGill's will for a conveyance of the property bequeathed to them and other steps were taken. Sends proposed charter for a university or college.	76
184		Proposed charter for incorporating McGill College.	78
of York for	February 8,	Maitland to Bathurst. In accordance with instructions has proceeded to Quebec and is making the necessary arrangements for its government. It is necessary to meet the Parliament of Upper Canada; after delivering the administration to the senior councillor he will return to Quebec.	143
123	Quebec.		
respecting	February 26	Monk to Bathurst (No. 22). Sends transcript of proceedings of Executive Council on matters of state from 13th May to 16th June, 1816, and on the waste lands of the Crown from 30th July, 1818, to 16th July, 1819.	91
asking for	Quebec.		
55			
at to grant	February 26,	Monk to the same (No. 23). Report in No. 19 on the settlement of emigrants on Crown lands. Had consulted Executive Council on the references A and B., and desired the surveyor general to make ample report to assist the Council. His reports have been laid before the Council and copies of these and a plan are transmitted.	92
56	Quebec.		
the name for	February 26,	(A) Reference to the Executive Council respecting the settlement of emigrants on Crown lands.	94
57	Quebec.	(B) Further reference.	98
Postmaster		Report of the committee of Council on the reference.	100
carrying of		Report No. 1 of the surveyor general 25th January, 1820.	106
of Montreal.		Plans.	113 a, 113 b.
practice. The		Report No. 2, dated 2nd February.	114
of Upper		Estimate of three years' expenses for each family in the Craig and Dudswell Roads.	126
at delicacy,		First range of townships. Those east of the Mississquoi Bay and those west of the same. The result shows that in the ten miles breadth from Connecticut River to St. Regis there are about 839,000 acres, of which about 587,400, including Crown and clergy reserves are Crown lands laid out in townships, the remaining 252,200 acres are granted in fief and seigniorly (shown in table).	128
198		Expenses that will be incurred in carrying the emigrant settlements into effect.	129
carry letters	March 2,	The same to the same (No. 24). Had in last dispatch sent report and documents on the settlement of emigrants. Makes suggestions for the future management of the settlements.	130
practice.	Quebec.	<i>Enclosed.</i> Report No. 3, in respect to an easy settlement from the principal towns, as recommended by the report of council of 26th February, 1820. This report is in connection with those of 25th January and 2nd February, 1820.	134
ts that per-		Monk to Bathurst (No. 25). Had endeavoured to act faithfully in administering the government of the province. Delay in the arrival of the governor, so that Maitland had to leave him (Monk) in Quebec for the winter. Maitland has this day taken the oaths of office.	140
ought by		Maitland to the same (No. 1). His receipt of letter from Dalhousie; delay in receipt of mails; his arrangements to open the legislature but the term having expired, writs were issued for a new election. Death of the King*. No official report made so that the session took place. Care taken to introduce no measures that would reawaken animosities,	
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respecting			
the Solicitor	March 17,		
50	Quebec.		
ase of Colin			
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seizure of	April 25,		
legal advis-	Quebec.		
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71			

* George III died on 29th January, 1820.

1820.

his object was to provide for the immediate exigency of the public service. The documents sent will give the result of the session. Remarks on the enclosures. The dispute between the council and assembly settled by the dissolution consequent on the death of the King. Page 141	
<i>Enclosed.</i> Schedule of papers accompanying this dispatch.	149
Writ for calling a new Assembly for Lower Canada, dated 24th February, 1820.	150
Writ for Gaspé.	153
Act to extend the period for making the return of members elected for the county of Gaspé.	156
Proceedings of Assembly in relation to the deputation to the administrator; his speech, and the refusal of the House to receive a message from the Council.	159
Resolution of the House:—	
“Resolved <i>nemine contradicente</i> that it appertains solely to the House to judge the question of its competency or incompetency without the intervention or concurrence of any branch of the legislature.”	160
Official announcement of the death of the King and dissolution of the legislature.	161
Proceedings at the opening of the new legislature.	163
Address by the Assembly.	167
Proceedings of the Assembly, that in consequence of legal defects in the summoning a member for Gaspé the House is incompetent to proceed to business.	170
Report to the Legislative Council of the refusal of the Assembly to admit the Usher of the Black Rod. Appointment of a committee to examine the question.	173
Report of committee of the Council and speech of the Governor.	177
Provincial act for regulating elections with schedules attached	184
The same in French with schedules in part 2.	217

GOVERNOR LORD DALHOUSIE, 1820.

Q. 155-2.

January 21, Halifax.	Dalhousie to Bathurst. Ready has consented to continue as civil secretary. Is doubtful as to the persons recommended by Monk to fill the vacancies in the Council, and advises that a decision may be delayed.	Page 280
March 17, Halifax.	Dalhousie to Bathurst. Transmits letter from Maitland. <i>Enclosed.</i> Maitland to Dalhousie. Has, as instructed, proceeded to Quebec, but as he desires to meet the Parliament of Upper Canada he will go to York, and after delivering the Government to the senior councillor, he will return to Quebec.	282 283
May 10, Quebec.	Maitland to Goulburn. The transport in which Ellis sailed did not arrive here, it may have gone to Halifax; has forwarded to that place the letter of inquiry.	251
May 13, Quebec.	The same to Bathurst (No. 2). Has received circular announcing the death of George III. and proclamation the following day of his successor. The death had been proclaimed previous to the receipt of the circular, and since then His Majesty has been proclaimed in accordance with the terms in the circular.	252
May 13, Quebec.	The same to the same (No. 3). Has received circular announcing the death on the 23rd Jannary of the Duke of Kent.	253
May 15, Quebec.	The same to the same. Reports the sale of property purchased to promote the defence of Quebec but not required for that purpose.	254

Public ser-
Remarks
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1820.
May 16,
Quebec.

May 16,
Quebec.

May 22,
Quebec.

May 26,
Quebec.

May 26,
Quebec.

May 27,
Halifax.

June 2,
Halifax.

June 24,
Quebec.

July 4,
Quebec.

July 5,
Quebec.

July 11,
Quebec.

Maitland to Bathurst. The sale of the site of the old barracks, he had written, would go to reimburse the expense of those of stone built last year at Fort Henry. Reports the result of the first sale, &c.

Page 256

The same to the same (No. 4). In compliance with instructions in dispatch of 20th February, had issued proclamation to prevent the recurrence of the disputes between the Hudson's Bay and North-west Companies. The Solicitor General has been instructed to supply each company with a sufficient number of proclamations and to press on them to disseminate them in the most effectual manner possible, which is preferable to sending a person express, not to speak of the expense of travel to these distant countries.

Enclosed. Proclamation (in English). 258

The same in French. 264

Maitland to Bathurst. Has received instructions to place John Johnston on the same footing as those who sent claims for losses during the late war, whilst the commission was sitting. 268

The same to the same (No. 5.) Transmits report by the Solicitor General on the steps he had taken to promulgate the proclamation respecting the disputes between the Hudson's Bay and North-west Companies. 269

Enclosed. Report of the Solicitor General of how he distributed the proclamations, and of the assurances he received from the companies that they would distribute them. 270

Maitland to Bathurst (No. 6.) Forwards memorial, as it appears that the principle of permitting a provincial Act to supersede one of the British Parliament is highly pernicious. 272

Enclosed. Memorial of James Monk, stating the law as to forfeitures; one-third of the amount to go to the King, one-third to the Governor, Lieutenant-Governor or administrator, and one-third to the seizing officer. Complains that he has not, as administrator, received the amount provided for by law. 273

Dalhousie to Bathurst. Transmits observations from Buchanan, Consul at New York, respecting mails between Great Britain and Upper and Lower Canada. Objects to the proposals and encloses remarks on them by Mr. Howe, who has grown up in the post office and has the interests of the province at heart, which show the disadvantages of Buchanan's plan. Sends also a letter from Wallace, the treasurer of the province, who concurs with Howe. 284

The same to the same (private.) Arrival of Kempt after he had given up hopes of it. Has received enclosure addressed to Maitland, of which he shall take care. Shall retain dispatch "secret and confidential" for his own guidance. Thinks there is an opening for Uniacke more practicable than that suggested by Ready. 287

The same to the same. Arrived on the 18th and was sworn in the next day; Maitland left for York on the 20th. 288

The same to Goulburn. Has paid Mrs. Wilkins, of Drummondville, £100 in accordance with instructions to Maitland; sends receipt. 289

Enclosed. Receipt. 290

Dalhousie to Bathurst. The seizure of the timber ordered to be transferred to the commissioner of the navy has been abandoned from the uncertainty of the suit and the good effect produced by the seizure. Suggests that consequent on the death of Wentworth, the office of Surveyor of Woods in North America might be made separate for each province. 291

The same to the same (No. 3). In consequence of the vacancies in the Council caused by the deaths of Young and Williams, recommends the

1820.

- appointment of the senior honorary members, Ross Cuthbert and Michael Henry Perceval. Page 293
- July 11, Dalhousie to Bathurst (No. 4). Transmits and recommends petition from the merchants of Lower Canada and others interested in the timber trade. 294
- July 14, Quebec. *Enclosed.* Petition against any alteration of duties disadvantageously affecting the existing trade of the province. 295
- July 14, Quebec. Dalhousie to Bathurst. Will comply with instructions contained in dispatch marked "most secret and confidential." 303
- July 14, Quebec. The same to the same Has had Monk's recommendation for the Executive Council returned to him. There are nine councillors, which he thinks enough; the honorary councillors may be allowed to die out. The Legislative Council exceeds the number fixed by the constitution and there is a want of inclination on the part of the most respectable to accept the office. Recommends deliberation till he knows more of the character of those who should be appointed. The subject of the St. Sulpice estates is not very pressing; it must be dealt with cautiously. Shall give it his immediate attention. 304
- July 14, Quebec. The same to the same. Has been notified of the arrival of 1,200 families from the county of Lanark to be sent to Upper Canada. They have not yet arrived, but arrangements shall be made for their reception. 306
- July 14, Quebec. The same to the same. Had delayed writing on material business till he had greater knowledge of affairs. The pressing nature of the subject of the civil list; desires to receive instructions whether he is to accept the decision as to restrictions or to insist on the prerogative. The Duke of Richmond has justly observed that the representative part of the Legislature here is only fit for a superintending watch on expenditure, which must be directed according to constitutional law. The better this will be found to answer the character of the people. Wishes to meet the Parliament, but without instructions cannot expect a favourable result. 307
- July 14, Quebec. Ready to Goulburn. Sends letter from Blennerhasset; the Governor General knows nothing of the subject but believes that it should be made known to government; if he receive instructions he shall follow them. 310
- July 14, Quebec. *Enclosed.* Blennerhasset to Dalhousie, 17th March. A person in Connecticut, calling himself Dennett, is a defaulter from Barbadoes who had been commissioner of public expenditure there. He will go on certain conditions to Connecticut to identify him and has no doubt Col. Lavin-court will do the same. 311
- July 14, Quebec. Ready to Goulburn. Sends extract from a dispatch of Sherbrooke of 1st October, 1816, recommending James Kerr for the permanent Council. The Governor seconds the recommendation and asks for mandamus after that of Duchesnay on the vacancy created by the death of Dunn on 15th April, 1818. 313
- July 14, Quebec. *Enclosed.* Extract. 314
- Dalhousie to Bathurst. Agrees with the Duke of Richmond, that the offices of civil and provincial secretary should be consolidated. The provincial should be under the civil Secretary, who, he recommends, should be a permanent officer. The mischief caused by the frequent change of governors and with them the change of confidential secretary, has been severely felt. A change of system would be a great advantage. Amyott has appointed a young man to be his deputy, in whom he (Dalhousie) can have no confidence, although he may be competent. Acceptance by the office of civil secretary, but to make up the salary he has had to appoint him the first aide-de-camp. The deprivation of a private secretary; asks that better arrangements may

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1820.

July 15,
Quebec.

be made. In a P.S. suggests that the governor may appoint the acting provincial secretary, to be entitled to all the fees. Page 315

Dalhousie to Bathurst. The importance of considering the state of the courts of law; the illness of Chief Justice Sewell; the large space he fills in the direction of public affairs; the necessity of having a judge able to speak both languages. Should Sewell die, trusts that the vacancy may soon be filled up. The inconvenience arising from the absence of Monk and Ogden, judges, and Uniacke, attorney general. The increasing population requires more judges; the absence of so many overloads those who remain. 319

August 1,
Quebec.

The same to Goulburn. Recommends that the site asked for by Town Major Hughes be granted. 322

August 30,
Quebec.

The same to the same. Quarter Master Ellis is residing in the Perth settlement, Upper Canada, with his family. 323

Enclosed. Major Powell to Fowler. Ellis arrived in 1817 at Perth, where he now resides with his family. 324

September 25,
Quebec.

Dalhousie to Goulburn. Shall make the grants ordered to the families from Scotland when they present themselves. 325

October 27,
Quebec.

The same to Bathurst (No. 6). Has been during the summer visiting the different parts of the province. Sends his observations in different papers. 326

October 27,
Quebec.

The same to the same (No. 7). Strongly approves of the measures Sherbrooke and Richmond have taken to establish communication by the Ottawa to Kingston. From Montreal to the Chaudière Falls there is only one obstacle, the Long Sault of about 12 miles, which will be overcome by a canal which should be pushed with vigour; besides its military importance, the communication will open valuable parts of the two provinces, affording a refuge for industrious immigrants. Reports the result of his visit to the Chaudière Lake (Deschênes Lake) to the Chats Falls, through Richmond to Perth. Recommends the continuance of expenditures on account of military settlements. The pay recommended for Cockburn. 327

October 27,
Quebec.

Enclosed. Memorial from Cockburn for increased remuneration. 332
 Dalhousie to Bathurst (No. 8). On the arrival of the 1,200 settlers from Lanarkshire, he had put them under the control of the Quarter-Master General's department and had given them a new township to be called Lanark. The plan on which they have been sent is good, although at first it may cost considerable expense. 335

October 27,
Quebec.

The same to the same (No. 9). Complains of the accommodation for the Governors. At Quebec he has the Castle of St. Louis, at Montreal Government house is uninhabitable; the same at William Henry. Suggests that there should be a military quarter provided for the commander of the forces in that part of the country. Has felt his office degraded by the mean way he had to live last summer. 337

October 27,
Quebec.

The same to the same (No. 10). Recommends additional couriers to facilitate the conveyance by post from Halifax and New Brunswick. 341

Enclosed. Dalhousie to Sutherland, Deputy Postmaster-General. Calls attention to the delay in the conveyance of mails which requires an amendment. 342

October 27,
Quebec.

Dalhousie to Bathurst (No. 11). Shall give immediate attention to the papers sent him in relation to the Indians. 344

October 27,
Quebec.

The same to the same (No. 12). Transmits representation from Howe, postmaster at Halifax, made before he (Dalhousie) left there. Had submitted it to the head of the department here (Sutherland) whose letter is also approved. In consequence of Sutherland's approbation recommends Howe's memorial and assures Bathurst of his respectable character, zeal, &c. 345

- 1820.
- Enclosed.* John Howe to Dalhousie, 26th May. Gives in detail the state of the post office establishment as proof of the inadequacy of the emoluments to support its respectability, &c. Page 346
- November 7, Sutherland to Dalhousie, 18th October. Agrees with Howe as to the
Quebec. inadequacy of the remuneration stated in his (Howe's) letter. 356
- November 7, Dalhousie to Bathurst (No. 13). Sends requisition for stationery for
Quebec. the civil department of Lower Canada. 358
- November 7, The same to the same (No. 15a). Refers for decision the application
Quebec. of the Catholic Bishop for the repayment of £122 currency for the passage of himself and suite across Lakes Ontario and Erie in H.M. Schooner "Ontario." Was not aware there would be a charge on the King's vessel; he could have gone at less expense in a private conveyance. 374
- November 9, The same to the same (No. 14). Sends letter from Chief Justice
Quebec. Sewell relative to the appointment of his son, William Smith Sewell to be joint comptroller of Customs at Quebec with Mr. Young, and recommends favourable consideration for Sewell's application. 359
- Enclosed.* Sewell to Dalhousie. Applies in behalf of his son. The statement of Young, that he was the proposer and founder of the Army Bill Office during the War of 1812, is incorrect; his plan was rejected and that of Sewell adopted by the Executive Council from whom a report on the subject had been asked for by Prevost. Gives a summary of Young's report which was not adopted, and the preamble as it appears in the Bill, which preamble was drawn by Sewell. States his long and uninterrupted services, and asks His Lordship's aid in favour of his son. 361
- November 11, Dalhousie to Bathurst (No. 16a). Sends proceedings of Executive
Quebec. Council on waste lands of the Crown. 375
- November 18, The same to the same (No. 16b). Transmits papers sent from the
Quebec. Assembly of Prince Edward Island. Expresses no opinion on the subject of them. 376
- Enclosed.* Address. On the 5th January, 1819, an address was sent complaining of the conduct of Lieutenant Governor Charles Douglas Smith, with resolutions of the House dated 5th December, 1818, which were not submitted for consideration. Now submits the report of a committee of the Whole House dated 2nd August, and resolutions founded on them dated 5th August. Asks that these documents be taken into consideration, and an order issued on the subject. 377
- Report of the committee that the previous resolutions were passed constitutionally and regularly. 380
- Resolutions founded on the report. 382
- November 18, Dalhousie to Bathurst (No. 17). Has received all necessary instructions, which he shall act upon. The last vessels sail this evening or tomorrow morning. 385
- Quebec.
- November 29, The same to the same (No. 19). Sends return of all the timber cut
Quebec. within the American lines that has passed the port of St. John's and Lake Champlain between 1800 and 1820, with a return of the timber imported into Lower Canada, from the United States, entered at the custom-house at Coteau du Lac from 16th June, 1815. Sends also return of the timber exported from Quebec for the first mentioned period, which does not state whether it was cut in the United States, Upper Canada or Lower Canada. 386
- Returns. 388, 389, 390
- December 2, Dalhousie to Goulburn. Has not been able to find any trace of
Quebec. Frederick Dotzler, a German merchant, or of his brothers. 391
- December 23, The same to Bathurst (No. 21). Had opened the legislature on the
Quebec. 16th. Sends copy of his speech, addresses, etc. 394
- Enclosed.* Speech from the Throne in English. 395
- In French. 403

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1820.	Address by Council in reply.	Page 413
	Answer.	416
	Address by Assemby.	418
	Answer.	426
December 27, Quebec.	Dalhousie to Bathurst (No. 20). The quarters he proposes to build at Sorel for the commander of the forces may be built from the sale of spare stores instead of from the funds previously mentioned.	392

PUBLIC OFFICES AND MISCELLANEOUS.

Q. 156-1-2-3.

(Part I is paged from 1 to 253; Part II from 254 to 496; Part III from 497 to 735.)

1819. December 10, Whitchall.	Audit Office to Harrison, enclosed in Harrison to Goulburn, 15th May, 1820.	
1820. January 4, Admiralty.	Croker to Goulburn. Solly's contract is very voluminous. Would a summary not be sufficient?	Page 3
January 4, Admiralty.	Barrow to the same. Rear Admiral Griffith has been ordered to provide a vessel for the conveyance of Dalhousie from Halifax to Quebec.	4
January 6, Chichester.	Widlington to Bathurst. Reminds His Lordship of the promises made by the Prince Regent and of the assurance of Torrens as to his continuance on the staff of Canada. The injury done to him by his removal when it was neither by promotion nor by the reduction of the staff. Has been waiting twelve months for a remedy.	441
January 11, Quebec.	Bishop (Anglican) of Quebec to the same. Thanks for his promise to recommend measures for the appointment of archdeacons, although there should be four, namely, Quebec, Montreal and Three Rivers, York, in Upper Canada and Kingston. Ventures, therefore, to recommend an archdeacon of Quebec, whose archdeaconry is to be limited by the limits of Lower Canada, and an archdeacon of York whose limits must be those of the Upper Province. Recommends George Jehosaphat Mountain, to be archdeacon of Quebec, and George Okill Stewart, to be archdeacon of York. Is persuaded that he will have the patronage for these offices. His disappointment at the issue of marriage licenses being withheld when the power is granted to the Roman Catholic Bishop of Quebec and the Bishop of Nova Scotia. Asks consideration for the question of building a parsonage house and conferring a set of bells on the cathedral at Quebec.	404
January 12, London.	Sarah M. Broek to Bathurst. The Prince Regent granted £200 a year to each of Sir Isaac Broek's four surviving brothers. She (Mrs. Broek) is the widow of William Broek who supplied the money for Sir Isaac Broek's commissions, these advances he was about to repay when he was cut off. Prays therefore for consideration of her claim, as she is left in destitution.	209
January 13, Treasury.	Harrison to Goulburn. Asks that Bathurst inform the Treasury if the sums of £100 to Lord Frederick Lennox and of £40 to Ensign Ross for carrying dispatches announcing the death of the Duke of Richmond have been satisfactorily accounted for.	121
January 14, Admiralty.	Croker to Goulburn. Sends copy of contract with Solly.	5
January 14, Quebec.	Ready to the same. An official report will be sent of the death of Scott, Comptroller of Customs at this port. His father-in-law Uniacke, Attorney General of Nova Scotia, wishes the office for one of his family. Suggests that the office might be used for the retirement of the Attorney General of Lower Canada.	419

1820.
January 14, Quebec. Sewell to Goulburn. Is applying in behalf of his son for the appointment to be Comptroller of Customs or surveyor and searcher at Quebec. Page 424
- January 14, Quebec. The same to Bathurst. Applies for the appointment of his son to be comptroller of Customs, Quebec, or surveyor and searcher there. 425
- January 14, War Office. Merry to Goulburn. A reply asked for by Castlereagh to letter respecting the bounty of £10 currency granted to such discharged soldiers as did not accept of land. 159
- January 15, Tretou. James Innes to Goulburn. Earnestly asks that his name be again brought before Bathurst. His distressed circumstances. 310
- January 15, Rome. Bishop Plessis to Bathurst (in French). Reports that Monk, President of the province, would not issue a warrant for the six months' rent of the Bishop's palace, until the increase sanctioned by the ministry, the increase being from £150 to £500. Asks that instructions be sent to Quebec on this subject. His travelling expenses were based on the increase and the Duke of Richmond settled the increase after full inquiry. 390
- January 17, Quebec. Ready to Goulburn. Transmits letter to be forwarded to the Duke of Richmond. 421
- January 18, Quebec. Kerr to Bathurst. Applies for the situation of Comptroller of Customs; if he obtains it he will resign his appointment of Judge of the King's Bench and of the Vice Admiralty Court. The benefit that would arise to the public from the arrangement. 313
- January 21, London. Grayhurst, Harvey & Co. to the same. Certify that they know A. H. Launay and that he had come to the country to take passage to Canada. 298
- January 21, London. Whitlaw to Goulburn. Has no copy of the report of 1748-9 relating to the Hudson's Bay Company except the one in the book sent, which is to be returned. 444
- January 22, London. Broecker to Goulburn (?). Thanks for his kindness in giving a letter of introduction to Lord Dalhousie in behalf of Matthews. 211
- January 24, Westminster. Acheson to Bathurst. Asks for an interview on the subject of the address of the Emigrant's Society lately established at Quebec. 182
- Address, dated 11th October, 1819, to be used for obtaining the contribution of funds for the society; the distress of emigrants. 183
- January 28, Dublin. James Campbell to Goulburn. Applies for a decision on his memorial submitted on the 28th January, 1818. Thanks for personal kindness. 267
- January 31, Quebec. Bishop (Anglican) of Quebec to Bathurst. Had certified as to Young's services in originating and carrying out the Army Bill Office; finds that he was mistaken and that the plan adopted was that written by Chief Justice Sewell, the report on the subject by Young being set aside. 407
- January —, London. Pinckard to Goulburn. Thanks for having been favoured with the reading of Cockburn's statement of the case of the Duke of Richmond. 392
- February 1, London. Lartigue to Bathurst (in French). His regret at the death of the King. Discusses the question of the property of the Seminary and offers his assistance in regard to legal points. 325
- February 6, Rome. Cardinal Consalvi to the same (in French). Explains the reasons that led to the appointment of Bishop Plessis to be Archbishop. 299
- February 7, London. Lartigue to the same (in French). Sends observations on the property of the Seminary as a supplement to the defence already sent. Contests the opinion of the law officers in Canada, that the property of the Seminary belongs to the Crown; the whole subject will be referred by the Duke of Richmond to His Majesty. 329
- February 8, Westminster. Acheson to the same. Asks for an interview respecting emigration. Encloses a letter from Belfast on the subject. 195
- Enclosed. Robert Stewart to Acheson, 2nd February. Calls attention to the misrepresentations made to emigrants, the burden caused to

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 calls atten- caused to
- Canada by sending people who landed in a state of pauperism; suggests that a person be appointed to examine each case; and the precautions to be taken to prevent an improper emigration. Page 196
 February 10, Navy Office. Navy Board to Goulburn. Have learned that some mast timber was cut and seized at Quebec. Has Lord Bathurst any information on the subject and has he any objection to the delivery of the trees to the commissioner of the navy in Canada? 169
 February 12, War Office. Merry to Goulburn. Deschambault has applied for military allowance equal to his half pay and his emoluments in the Indian department at Montreal. What was the amount of these last? 160
 February 12, London. Capt. John Fitzgerald, 1—60th regiment, to the same. Believes he can remove the objections that may be felt by Bathurst or him (Goulburn) to recommend his memorial to Government. To do this effectually asks for the points on which explanation is necessary. 283
 February 15, Admiralty. Barrow to the same. Urges that license for Solly to cut timber to fulfil his contract should be issued as soon as possible. 6
 February 21, Chichester. Widdrington to the same. His astonishment that the plain claim of the master of the "Camel" for passage for him (Widdrington) and snite from Gibraltar should have been refused. Calls attention again to the humiliating position in which he is placed by his being withdrawn from command in Canada. 445
 February 24, London. Lartigue to Bathurst (in French). Explains that his reason for calling at Downing Street on the 11th was to ascertain if certain of his communications had been received. Had been promised an interview, but had not been notified of that, nor had he received acknowledgment of the receipt of his letter and observations. Asks that he be informed on this point and that the questions affecting the seminary be referred to the law officers. 333
 February 25, Foreign office. Planta to Goulburn. Sends Fitzgerald's original memorial. 30
 February 26, War Office. Palmerston to the same. The bounty to her late husband cannot be continued to the widow of the late William Broek. The family of Sir Isaac Broek was the only one to which the liberality of Government made a grant to the brothers of the deceased which cannot extend to so remote a connection as that of Mrs. Broek. 161
 February 26, Callan. Wright to Callan. Thanks for kindness when he applied for employment as a clergyman in Canada. Sends letter for the society for the Propagation of the Gospel. Learns that the society has difficulty in procuring clergymen to enter into their service. 447
 March 2, Quebec. Bouchette to Goulburn. Hopes the documents he sent by the Eueretta may receive favourable consideration. Transmits report of Council for 1787 showing that the Surveyor General and deputy were both in the Council, a precedent in his own favour should Bathurst be pleased to honour him with the appointment. 212
Enclosed. Minute of Council with list of members present and copy of instructions to John Collins, deputy surveyor general who, with the Surveyor General, appears in the list of councillors. 214
 March 3, Foreign office. Planta to Goulburn. Sends a set of papers handed to Castlereagh by Rush, U. S. Minister, respecting proceedings between the British authorities and the American Indians, which are not pleasing to the United States Government. No official note was left by Rush but Bathurst is asked to consider the papers carefully. 31
Enclosed. The papers, which include: (1.) Louis Cass to Calloun, 3rd August, 1819. Complains of the proceedings by the British authorities with the Indians. 33
 (2.) Whitney to Cass, 8th October, 1819. Reports the number of the Indians he met with in the course of his journey, who were returning from Malden. 42

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- (3.) Cass to Calhoun, 8th October, 1819. Sends certificates confirming the statements in his letter of 3rd August respecting the intercourse between the British authorities at Malden and the Indians. Page 51
- (4.) John R. Walker to ———, 4th September. According to request sends statement of the number of Indians who crossed over the Big Rock to Malden to receive their presents or annuities. The number of each party is given. 60
- (5.) Certificate by W. Knaggs, Indian agent, that arms and ammunition have been furnished to the Indians by the British authorities at Malden more liberally than in any previous year. 63
- (6.) Questions sent respecting the Indians. 64
- (7.) Deposition by Francis Savoy. 65
- Other documents 66 to 90
- March 7, George Spratt to Bathurst. Recalls complaint he had made of being London. deprived of the power of administering the rite of baptism, as a dissenting minister. 426
- March 9, Dirrill to Goulburn. Respecting the duties performed by Marshall, London. Solicitor General, in the absence of the Attorney General. Is afraid of the dissatisfaction that would be caused by the changes in law proceedings, &c. 278
- March 11, Harrison to the same. The Treasury does not consider the proposal Treasury. of the Bishop of Quebec to purchase a house for his residence to be advantageous, and therefore will continue the annual allowance. 122
- March 14, Memorial of Andrew Bulger. States his services, his loss of health, London. &c., requests that his case may be taken into consideration and that he be granted a pecuniary compensation for his services and loss of health in the direction of the Indians on the Mississippi. 221
- March 18, Harrison to Goulburn. Recommends an allowance to Cockburn for Treasury. extra services and desires Bathurst to give his opinion as to the amount. 123
- March 21, The same to the same. Sends documents on the subject of remunera- Treasury. tion to Cole for conveying the family and suite of the late Duke of Richmond for his opinion. 124
- Enclosed.* Barnett and King to Harrison respecting Cole's claim. 125
- Barnett and King to Harrison. Cole received no remuneration from the family of the late Duke of Richmond. 126
- Minute of Treasury on the claim of Lieut. Cole. 127
- March 29, Lushington to Goulburn. Asks for copy of letter from Maitland on Treasury. the subject of works required to be executed in Canada this year. 128
- March 29, Norris to the same. Thanks for his politeness on the subject of Lincoln's Inn. Michael Whelan's claims. Lartigue is anxious to get back to Montreal; asks that his business be pushed forward as much as possible and that he (Lartigue) be present at the conference on the subject. 368
- April 4, Merry to Goulburn. In reference to Cleather's application for War Office. an allowance equal to his half-pay with his emoluments as assistant engineer on the boundary survey, Castlereagh wishes to be informed of the amount of the latter. 162
- Copy of this letter was sent on the 21st in consequence of no answer being received. 163
- April 7, Wilson to Goulburn. Asks him to receive £100 to be forwarded to Reading. Mrs. Wilkins, Drummondville. 448
- April 12, Planta to the same. Antrobus reports that Capt. Fitzgerald never Foreign office. had any property in the State of Georgia and no control over his wife's property. 91
- April 14, Lartigue to Bathurst (in French). Has been informed that the case London. of the seminary is before the law officers; as soon as their decision was given it would be made known to the head of the community. Was also told that there was no reason for him (Lartigue) remaining longer, there

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- being nothing in the case so particular as to detain him. Is in doubt as to the meaning of this phrase, as nothing can be so important to the seminary as the settlement of a question which threatens its existence. Argues at length in favour of the claims of the seminary and that all the opinions now given were founded on decisions *ex parte*, &c.
- Page 335
- April 20, Bulger to Goulburn. Besides the testimonials submitted through Sir James Kempt, sends one from Sir Gordon Drummond to be laid before Bathurst. 226
- April 22, Channon to the same. Sends copy of letter from the commissioners of the Navy in reply to his application for the estimated value of the "Cyrus" captured in November, 1813. The vessel has been taken into His Majesty's Service; asks that directions be issued for payment. 268
- Enclosed. Navy Board to Channon. Have received application on behalf of the officers and men of the "Dreadnought" for the estimated value of the "Cyrus," American schooner captured in 1813. He should apply to the Treasury or to the Colonial department. 270
- April 25, Harrison to Goulburn. In regard to Irvine's application for half-pay the Treasury has written to the Commander of the Forces in Canada for information as to his services. 129
- April 26, Ogden to the same. Applies for an extension of his leave of absence. 385
- May 4, Harrison to the same. Orders shall be sent to the commissioners of Customs to permit the ornaments, &c., mentioned by Bishop Plessis to be landed and deposited in the Custom House for exportation to Quebec. 130
- May 9, Barrow to the same. Dalhousie appointed vice Admiral of British North America. 7
- May 12, Bishop Plessis to Bathurst (in French). Summary of the points discussed with Bathurst (1). To obtain letters patent for the establishment of the petit seminaire at Nicolet. (2). To give instructions that Messrs. Lartigue and Norbert Provencher be clothed with the episcopal character to assist the Bishop in the spiritual administration of the district of Montreal and of the country to the north and north-west of the provinces of Upper and Lower Canada. (3). To give instructions to maintain the rent of the Bishop's palace at the rate of £500 sterling per annum. (4). To allow ecclesiastics to be admitted from France not exceeding twelve in all for whose good behaviour the Bishop would be security. 393
- May 15, Harrison to Goulburn. Transmits copy of letter from the Audit Office respecting the accounts of Caldwell, Receiver General. If the duplicate accounts and reports of the committee of council have been received, asks that they may be transmitted to the Treasury. 131
- Enclosed. Audit Office to Harrison 10th December, 1819. Caldwell's accounts being under examination, asks him to ascertain if duplicates and the report of the committee of council have been received and if so that they be transmitted to the Audit Office. 132
- May 17, Lord Clanwilliam to Goulburn. Desires that the application of Marquis de la Tonr Manbourg respecting the seminary of St. Sulpice in Canada be called to the attention of Bathurst. 92
- May 18, Bishop Plessis to Bathurst. Asks for an interview. 395
- London. Philip Mores to the same. Gives in detail an account of his services and prays for recompense. 343
- May 20, London. Bishop Plessis to the same. Again asks for an interview. 396
- May 23, London. The same to the same (in French). Desires to explain anything that may be equivocal, especially respecting the rent of the Bishop's palace, which was not a question of lodging money, but of the property in the building. Private property brought a rent commonly two or three

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- times more than had been allowed by Government for his palace. Had agreed with the Duke of Richmond for an increase making the rent £500 a year. Refusal of Monk to carry out this agreement, argues against the prohibition to the admission of French ecclesiastics into Canada whilst people of every nation and renegades of all classes are admitted; other reasons. Page 397
- May 25, Quebec. Bishop (Anglican) of Quebec to Bathurst. Reports that the Roman Catholic Bishop of Quebec is arrogating to himself titles which he has no authority to assume. Has been informed that there is no intention to raise the Roman Catholic Bishop of Quebec to the rank of Archbishop. 412
- Enclosed.* Title of a circular in French and English giving the title of the Roman Catholic Bishop of Quebec. 414
- May 26, Guernsey. Memorial of Capt. John George Fitzgerald, stating his services and losses, and praying for the royal bounty. 284
- Enclosed.* Various certificates in favour of Fitzgerald. 288, 292
- May 27, Kilkeel. Henry Hayden to Bathurst. Is desirous to be sent as a missionary to British North America. Being a married man with a family he is anxious to be appointed to either of the provinces of Canada or to Nova Scotia, in a section to which a comfortable residence and some land are attached. 304
- May 30, Horse Guards. Taylor to Goulburn. Transmits Memorial by Captain Fitzgerald, of 7th Veteran Battalion, for favourable consideration. 14
- May 30, Vine Street. Charles Barry to the same. States the case of the widow of James Campbell, sent to Canada to promote the cultivation and manufacture of hemp, and recommends that relief be given her. 227
- June 1, War Office. Merry to the same. In reference to application from Cameron, Adjutant of the Canadian Embodied Militia, for an allowance to the same extent as Adjutants Miller and Stewart of the same militia, Palmerston asks if these two amounts and any sum that may be granted to Cameron should not be paid out of the colonial revenues of Canada. 164
- A letter dated 11th July is substantially the same as the preceding letter. 166
- June 1, London. Uniacke to Goulburn. Asks for an extension of his leave of absence. 435
- A note of the same date asks that an answer be returned as soon as convenient. 436
- June 2, Horse Guards. Taylor to Goulburn. The sum of twenty shillings a day would be a reasonable compensation to Cockburn for his additional services. 15
- June 5, New York. Cadwallader R. Colden to Bathurst. In consequence of letter from Captain Thomas W. Stewart, he had been making inquiry respecting a negro woman to whom a reward is to be given for her fidelity in sheltering British prisoners of war, although the sum of \$500 was offered for each of the prisoners, eleven in number. Has at last discovered her. She is named Hannah York, and is to be found by inquiring of McDullough in Philadelphia. The cause of the delay and the necessity for the caution he observed. Mr. Benjamin Shaw was entrusted with the letter and identified the woman; he is referred to for information. There is a Cadwallader D. Colden in the city whose feelings towards the British nation are not in accord with those of the writer. 271
- June 8, Treasury. Harrison to Goulburn. Transmits letter from Maitland and other documents for Bathurst's opinion on the proposals for new work, &c., especially on the question of sale of Government property, which seems necessary to meet the heavy expenditure for new works in Canada. How it is proposed these should be authorized in future. 133
- June 13, London. Hamilton to Bathurst. Asks for an interview; he is deeply engaged in the colonial timber trade, and wishes to point out to Bathurst the

June 14
PlymouthJune 18
LondonJune 20
WhitechJune 21
ChelseaJune 26
TreasuryJuly 1,
SouthwJuly 6,
London.July 10,
London.July 11,
London.July 12,
TreasuryJuly 17,
Paris.July 19,
Lincoln's

	1820.	ruinous consequences that would result from the proposed change of duties.	Page 306
	June 14, Plymouth.	James Watson to Bathurst. Inquires if John Watson, quartermaster of the late Glengarry fencibles, is now a resident in British North America.	449
	June 19, London.	Bainbridge to Goulburn. Transmits copy of petition from the merchants trading to British North America to be presented to both Houses of Parliament.	229
		Petition of merchants praying for protection to the colonies and that no alteration be made in the duties that may have the effect of giving advantages to foreigners greater than those which they already possess.	172
	June 20, Whitehall.	Robinson to Bathurst. Transmits memorandum on duty on timber. <i>Enclosed.</i> Memorandum. The rates are given for the various descriptions of timber.	17 18
	June 21, Chelsea.	Major Stephens to Goulburn. Applies to be informed if the rule of making grants of land to officers contingent on their being in Canada could not be relaxed in his favour.	427
	June 23, Treasury.	Mitford to the same. Asks him to return memorial of James Pott for John Forbes praying for indemnification for the desertion of his slaves during the British invasion of Georgia.	135
	July 1, Southwell.	Sherbrooke to the same. Sends letter to be forwarded to Quebec. Asks for copy of the correspondence respecting the Earl of Selkirk and the North-west Company, which was laid before the House of Commons.	428
	July 6, London.	Buchanan to the same. Has reported himself on his arrival in London. Submits matters relating to the colonies which are contained in the reports of his office. Apologizes if he has erred.	230
		Observations bearing on the extension of the commerce of the North American possessions.	231
		Meer (?) Outline of measures which would produce an increase of revenue.	241
		Number of British subjects forwarded from the United States by James Buchanan to the North American colonies, chiefly to Upper Canada.	243
	July 10, London.	Shaw to Bathurst. Transmits letter from Colden; any communication respecting it will be attended to.	429
	July 11, London.	Buchanan to Goulburn. Apologizes for sending report which Bathurst thought unnecessary, and was done in the persuasion of the importance of the carrying trade.	244
	July 12, Treasury.	Harrison to the same. In consequence of Bathurst's opinion, orders have been sent authorizing the execution of works specified in letter of the commander of the forces, dated 18th November last, and the sale of property in Montreal to be applied towards the expense for new works. No new works are to be executed without authority being previously given.	136
	July 17, Paris.	Morier to the same. Has transmitted certificate of the death of the Duke of Richmond to the agent at Aubigny, Mr. Paultre, and encloses acknowledgement of receipt of certificate.	346
		<i>Enclosed.</i> Paultre to Morier, Consul-General, 10th July. Has received report of the death of Richmond. Has waited impatiently to learn to what period he would have to pay the administration of the King's dominions for the dues on the Duchy of Anbiguy.	347
	July 19, Lincoln's Inn.	Dea'try to Goulburn (?) Remarks on the power of establishing arch-deaconries in Canada and the Bishop's power to appoint them or dismiss them from the office of commissary.	97
		<i>Enclosed.</i> Form of appointment, &c.	99
		Clause of revocation.	119

1820.
July 19, Treasury. Harrison to Goulburn. The satisfaction of the Lords of the Treasury that the sales of government lands in Montreal and Kingston would go far towards reimbursing the expense of the works there. Page 138
- July 21, War Office. Lukin to the same. Asks what is the value of the situation of Antrobus as grand voyer of Three Rivers. Was he appointed on 31st January, 1820? 167
- July 22. Gordon to the same. Sends information respecting means of passage to Canada. 170
- July 23, London. Bulger to the same. His destitute condition. Prays for an early consideration of his case. 247
- July 25, London. Colvill to the same. Sends packet which came under cover addressed to Colvill brought to Montreal by messengers of the Hudson's Bay Company and improperly addressed to him (Colvill). 275
- July 26, London. Mrs. Whale to Bathurst. Asks for assistance to go to Philadelphia to join her husband. 450
- July 26, Lincoln's Inn. Bannister to Goulburn. Sends plan of a proposal to civilize the Indians of North America, by a minister of Montreal; it appears to be singularly judicious. Remarks on the condition of the Indians. 248
Enclosed. Paper entitled: "A few thoughts on the propriety and mode of an Indian college." 250
To page 261 of Q. 156-2.
- July 29, Lincoln's Inn. Gifford and Cowley to Bathurst. The penalties for carrying letters other than by post can be recovered in the Canadian courts of record, 106
- July (?), Buchanan to Goulburn. Explains why a letter for him (Buchanan) was addressed to the Colonial Office. 246
- August 1, Geneva. Baron de Kolli to Vice Admiral Coekburn (in French). (It is marked "Aug. McMelly Duchêne Banquier au Vice Amiral Sir G. Coekburn à l'amirauté à Londres.") Is applying for a grant of land on the right bank of the Ottawa for himself, family and 50 Swiss farmers and workmen and applies for his (Coekburn's) support. 317
Memorial (*demande*) for a grant of land on the right bank of the Ottawa with terms and conditions. 318
- August 12, Albany. Saxton to Goulburn. Asks the enclosure to be sent to Quebec. 430
- August 17, Portobello. Wilson to the same. The letter from Dalhousie to Sir James Stewart was not enclosed. 452
- August 17, Montreal. Hughes to Bathurst. By desire of Dalhousie sends dimensions of the lot in Montreal of which he is to obtain a grant. 307
- August 30, London. Bulger to Goulburn. Recapitulates the contents of the memorial dated the 14th March, with recommendation from Sir Gordon Drummond and Colonel McDonall. Had cited the case of an officer of the Indian department with a salary of £500 now receiving a pension of £300. Learns that the memorial has been sent to the Treasury and by them referred to the Secretary at War, a misunderstanding as he did not apply for remuneration for military services. 262
- August 31. Goulburn to Middleton. Forwards the proposed joint note to be presented to the court of St. Petersburg; the paragraph objected to by Middleton to be left out and statement of United States to be inserted by him. After this a copy to be sent to him (Goulburn) or to Castle-reagh for final consideration. 93
- September 5, Whitehall. Lack to Goulburn. Acts passed in Lower Canada in 1819 are to be left to their own operation. 28
- September 9, London. Amyot to Bathurst. Is writing in consequence of having received copies of correspondence between Ready and Ryland Junior whom he had appointed his deputy. The qualifications of Ryland; shall, however, comply with Bathurst's desire on behalf of Ready and is willing to surrender his present office on receiving an equivalent situation. 199
Enclosed. Ready to H. W. Ryland. His (Ryland's) son William should take upon himself the duties of the office. By the time an answer is

	1820.	received from Bathurst believes that William shall have shown Dalhousie that he is competent, a fact which, from his youth, Dalhousie doubts.	Page 202
		Other correspondence on the subject of the appointment.	203-207
	September 12, Kensington Palace.	Conroy to Goulburn. For the address of Chief Justice Monk.	276
	September 28, London.	Henry Usborne, Benson & Co. to Bathurst. Apply for a license to cut timber in Canada in accordance with the contract made with the government.	437
	October 16, London.	The same to Bayley to know if the license is prepared.	458
	October 18, A. Minister.	Ogden to Goulburn. Applies for further extension of leave. From his illness and age would be willing to resign provided he were assigned a pension of £750 and on his death £100 to his wife. States his services, salary, &c.	386
	October 20, Admiralty.	Barrow to the same. Recapitulates contents of letter respecting contract with Henry Usborne, Benson & Co., and asks for issue of license to cut timber contracted for.	8
		Enclosed. Navy Board to Croker respecting the contract of Usborne, Benson & Co., and applying for license to cut.	9
		Description of the goods in the contract.	10
	October 20, London.	Petition of Monk, Chief Justice King's Bench, Montreal, for a retiring allowance.	356
		"Notes respecting the administration of the civil colonial government of Lower Canada under the trust of James Monk, Chief Justice of the "District of Montreal in that province."	348
	October 20, London.	Monk to Goulburn. Has prepared a petition to Bathurst for a retiring allowance. Gives cases of a similar allowance as precedent for his application.	358
	October 20, London.	The same to the same. Encloses an application for an extension of leave of absence.	361
		Enclosed. Monk to Bathurst, same date. Application for an extension of leave.	362
	October 21, Admiralty.	Barrow to Goulburn. Further respecting a license to Usborne, Benson & Co., to cut timber in Canada.	11
		Enclosed. Navy Board to Croker. Respecting license to Usborne, Benson & Co.	12
	October 24, London.	Monk to Goulburn. Has not yet received communication of Bathurst's permission for extension of leave of absence.	363
	October 27, London.	The same to the same. Has received communication respecting extension of leave of absence. Is leaving for Paris.	364
	October 27, London.	The same to Bathurst. Thanks for extending his leave of absence. Is about to go to the south of France.	365
	October 31, Chelsea.	C. Stewart to Goulburn. Thanks for his kind reception. Has contributed £800 towards the building of two churches in the seignory of St. Armand, and one in the township of Hatley and a parsonage in each of these places.	431
	October —, Treasury.	Harrison to the same. Transmits letter from Hiort with further application respecting his loss by the war of 1812.	139
	November 1, London.	Hawthorne to Bathurst. Asks for Capt. Cosgrove's MS. respecting emigration which was to be sent to him.	401
	November 3, Treasury.	Harrison to Goulburn. As Castlereagh does not think the United States Government would afford facilities to secure a person who has defrauded His Majesty's Government, the Treasury does not think any expense should be incurred.	140
		Enclosed. Planta to —, 29th September. As the result of former experience Castlereagh does not think the United States would	

1820.

- afford facilities for securing a person charged with defrauding His Majesty's Government. Page 141
- November 6, Nichol to Bathurst. Desires to call attention to neglected trade of the north-west coast of America to China, and suggests a plan which would increase it and remove the distress caused by its decline. The basis of the plan is to consist of a settlement at Nootka Sound for the prosecution of the fur trade and whale fishery and to have free ports on the confines of China and the Eastern Archipelago to facilitate the sale of furs, &c. The Americans have carried on such a trade for a number of years past and it is not impossible that their Government will at some future time seize on the whole coast of New Albion on some frivolous pretext, unless timely measures are taken to prevent them. Indeed, they already consider that coast their own and would have no hesitation in seizing it but for their fear of British naval power, which they are straining every nerve to cope with. The advantage in many respects (stated) of the establishment of the proposed colony, which might be made on the same plan as that of Botany Bay. The advantages which would attend such a colony, among which is the introduction of Chinese, by whose services the copper mines could be worked to advantage and the encroachments of the Americans resisted. For the establishments in the neighbourhood of China and the Eastern Archipelago proposes Siccapore (Singapore) as a free port, that being a central port for trade. How the trade with the Chinese might be conducted at Singapore and the privileges to be given to British vessels by which they would become carriers for the world. The articles of manufacture that would be taken by the Chinese which would be disposed of to the immense population of China; the cheering prospect of such a trade, which would reverse the balance of trade now against Britain. Chili and Peru, might also share in the benefit of the trade with China. Proposes an establishment on the north-west part of New Guinea for the spice trade, and the settlement would afford supplies to the ships bound for China, or would give them an opportunity to refit in the case of being dismantled or meeting other serious damage, and would be a good station in case of war. Another settlement, attended with more difficulty owing to the distance, jealousies, &c. He proposes it on Aniway Bay, on the southern extremity of Sachalin (Saghalien). The Japanese have a small establishment on it; it is for government to consider if this forms a sufficient obstacle to prevent colonization; there is nothing to be feared from them, as the whole Japanese fleet could be destroyed by a single British sloop of war, and the Anios would derive benefit from the settlement and offer no resistance. The Japanese might take umbrage at first, but would find a British settlement so much of a comfort as to get rid of their prejudices. General considerations on the subject of the letter. 379
- November 6, Robinson to Goulburn (?). Suggests that he might obtain the form adopted for creating archdeacons in India. 108
- November 6, Doctors' Commons.
- November 11, The same to Bathurst. Approving of the form of charter for a college in Canada, the university powers conferred not affecting injuriously the universities in England. 103
- November 12, Doctors' Commons.
- November 12, London. The same to Goulburn. Sees no substantial objection to the instruction for the appointment of archdeacons, although there are difficulties, owing, no doubt, to the peculiar circumstances of the country. Wishes to have a conversation with him (Goulburn), before returning the instruction. 111
- November 15, The same to Bathurst. Remarks on the appointment of archdeacons with precedents of appointment in the old dioceses. 112
- November 15, Doctors' Commons.

November
London.November
London.November
London.November
Treasury.November
Cambre.November
Foreign.

November

December
Treasury.December
Walton.December
Temple.December
Temple.December
London.December
London.December
London.December
London.December
Quebec.

Various

1820.

- Enclosed.* Form of warrant for the appointment of two archdeacons in Canada. Page 114
- November 16, London. Richardson to Goulburn. Does any part of the fund for emigrants to Canada remain? From 24 to 30 families from Lanarkshire are desirous to go out but have not funds, they trust to raise money from their countrymen in London. He thinks he can help them but is anxious to know first that their purpose is practicable. 422
- November 16, London. Memorial of Mary Anne, widow of Colonel Welch, for a pension for herself and family. 453
- November 16, London. Gilbert to Goulburn. Sends account for books, &c., furnished by the society for promoting Christian knowledge. The department agreed with the society for the furnishing of books on their catalogue that might be wanted in return for annual subscription of £50, and as three years have elapsed £150 have been added to the charge for books. 302
- November 24, Treasury. Lushington to the same. Sends papers relative to the sum of £3,706 1s. 5½d. sterling advanced to the Receiver General for Lower Canada on account of civil expenditure. 142
- Enclosed.* Wood to Harrison, 8th August. Transmits the warrant authorizing the issue of £3,706 1s. 5½d from the military chest. 143
- The warrant. 144
- November 24, Cambridge. J. H. Monk to Goulburn (?) His uncle the Chief Justice of Canada, desires to know by what ship the orders of Lord Bathurst concerning him were sent to the Governor of Canada. 366
- November 29, Foreign office. Planta to Goulburn. The correspondence with the consul at New York contains an allusion to services rendered by Hiort to government. 94
- November (?), Mrs. Weich to the same. Respecting Hiort's claim. 95
- December 1, Treasury. Mrs. Weich to the same. That one letter from Sir Herbert Taylor was not among those sent back and asks that it be returned to her. 455
- December 4, Walton. Lushington to the same. Sends for opinion of Bathurst on an item in the accounts of Green from 25th December, 1808, to 24th December, 1809. The item is for £200 currency for secret service. 146
- December 7, Temple. Wilkins to Bathurst. Had from his wounds been obliged to retire from the army and lose all prospects of promotion. There is an insurmountable obstacle to his obtaining the grant of land offered. 456
- December 7, Temple. Firth to the same. Formal application to succeed Monk as Chief Justice. 295
- December 8, London. The same to Goulburn. Applies for the office of Chief Justice in succession to Monk. 293
- December 10, London. Bulger to the same. Urges a decision on his memorial. 265
- December 12, London. Uniacke to the same. For a further extension to his leave of absence. 439
- December 20, London. Tanner to the same. A package arrived for him in the "Eucretta," which he will clear on receiving the bill of lading. 433
- December 20, London. Pinckard to the same. Has any reply been received to the question he (Pinckard) suggested respecting the death of Richmond? Has Col. Coekburn yet returned to England? 402
- December 22, Quebec. Bishop (Anglican) of Quebec to Bathurst. Reminds His Lordship of the proposal respecting the parsonage house and the bells for Quebec, which had been referred to the Treasury. What has been done in Montreal for the Church there? Reminds His Lordship of the recommendation for the office of Archdeacon. 415
- Various dates. Papers of various dates from 1817 to 1820 respecting memorial of Mrs. Kohere. 147 to 157
- Additional documents relating to the North-west Company. 707 to 735
- Additional documents relating to the Hudson's Bay Company. 460, 496
- And Q 156-3. 497 to 705

GOVERNOR LORD DALHOUSIE, 1821.

Q 157-1.

1803.
March 1,
Downing
Street. Hobart to Hunter.
1813.
February 28.
Prescott. Lieut.-Col. G. Macdonell to Rev. Alexander Macdonell.
1815.
October 10,
Downing
Street. Authority to increase Rev. Mr. Macdonell's salary.
1818.
August 6,
Downing
Street. Goulburn to Macdonell.
1819.
October 29,
Picton. Donald A. Fraser to Michael Wallace.
- December 8. Michael Wallace to Dalhousie.
- March 16,
Downing
Street. Goulburn to McLaurin.
- December 13.
Lochiel. John McLaurin to Dalhousie.
- December 23,
Quebec. Anglican Bishop to Governor.
The whole of the preceding letters were enclosed in Dalhousie to Bathurst, of 18th January, 1821.
1821.
January 17,
Quebec. Dalhousie to Bathurst (No. 23). Has investigated the charges by the United States of the dealings with the Indians on the western frontier, and finds that the complaints of Governor Cass are utterly unfounded. The trade and friendship with the Indians has been too long established to admit of any marked change of conduct. He shall maintain a friendly relation, as far as possible, with all parties and shall reduce the presents to the Indians so far as civility shall permit. Page 36
- January 18,
Quebec. Same to the same (No. 22). Sends and recommends memorial from members of the Presbyterian Church in Canada. The mischief caused by wandering preachers from the United States. The Roman Catholic Church provided for by tythes; the Established Church of England is taken care of by the Society for the Propagation of the Gospel; hopes that some extensive system may be founded on the memorial to connect Canada with the Established Church of Scotland, to enable it to send preachers, with fixed salaries till the provinces are able to provide for them. Sends also private memorial which explains the situation. 2
- Enclosed.* Memorial from persons in full communion with the Church of Scotland praying that their Church be put on a respectable footing and that a portion of the support now enjoyed by the sister establishment be extended to it. 5
- Michael Wallace to Dalhousie, 8th December, 1819. Respecting a suitable provision for clergymen of the Church of Scotland. 14
- Donald A. Fraser to Michael Wallace, 29th October, 1819. Has been obtaining information respecting the probable number of settlers in the district who are members of the Church of Scotland. Gives a sketch of the early ecclesiastical history of the district. 17
- John McLaurin to Dalhousie, 13th December, 1820. Has sent memorial to be forwarded to Bathurst respecting the Church of Scotland in Canada. 28

1821.

Memorial states that he had been sent to Locheil in consequence of a memorial to the General Assembly of the Church of Scotland and prays for the same salary as that of other Protestant clergymen. Page 29

Goulburn to McLaurin, 16th March, 1820. Bathurst declines to make any provision till he hears from Canada. 30

January 18,
Quebec.

Dalhousie to Bathurst (No. 24). In consequence of the want of information or regular official communication between the Lieutenant-Governor and the Governor-in-Chief, he has sent a circular to have documents of official authority collected. Sends copy of the letter and questions. 38

Enclosed. Circular to the Lieutenant-Governors with a series of questions so that he might obtain information to enable him to communicate confidentially, but with no desire to interfere in the local administration. 39

Questions as to revenue, militia, roads and lands. Also requests for a copy of the laws. 41

January 18,
Quebec.

Dalhousie to Bathurst (No. 25). Transmits memorial from Rev. Mr. McDonell, the chief of the Catholic clergy in Upper Canada. His hard case; his authority to bring out schoolmasters was clear, but he has received no salary for these men, has maintained them himself and now they threaten to sue him. Nor has he received a salary equal to his station and wandering duties, and his house is necessarily the resort of all travellers, particularly the Roman Catholics. Reasons for sending the memorial. Suggests that the salaries might be given from the military chest until some other plan can be adopted. 43

Enclosed. Memorial of Right Rev. Alexander Macdonell. 46

January 18,
Quebec.

Dalhousie to Bathurst (No. 26). Sends second memorial from Right Reverend Alexander Macdonnell; but on a different subject. Recommends a special pension for his past services, and for the future benefits that may arise from his influence. 51

Enclosed. Memorial from the Right Reverend Alexander Macdonell, stating his services from 1792, giving in detail the events which led to these being required and praying for relief. 52

Hobart to Lieut.-General Hunter, 1st March, 1803. The intention of a body of Highlanders to proceed to Upper Canada. Their strong claim to marks of favour. 62

Lieut.-Col. G. Macdonell to Rev. A. Macdonell, 28th February, 1813. Thanks for his exertions in stimulating and encouraging Highlanders under their privations, and for the services he rendered on the attack on Ogdensburgh and Fort Oswegatchie. Thanks him also for the steps he took to enforce the orders for transport after his successful attack, as otherwise he must have left valuable stores behind. Thanks also for his personal activity in obtaining volunteers. 64

Authority, dated 10th October, 1815, to increase Mr. Macdonell's salary from £50 to £100. 66

Goulburn to Macdonell, 6th August, 1818. Bathurst regrets that provision has not been made by the legislature for the salaries of Roman Catholic clergymen and schoolmasters. If none is made next session, measures shall be taken to secure to them the salaries they were led to expect. 66

January 18,
Quebec.

Dalhousie to Bathurst (No. 27). Transmits extract from letter from the Bishop of Quebec respecting a parsonage house for the rector and a set of bells for the Anglican Cathedral. The site selected for the parsonage house by the late Governor General is suitable; the bells, it is believed by the congregation, were promised by His late Majesty, or expected to be given with the communion plate. 68

Enclosed. Extract from the Anglican Bishop of Quebec, 23rd December, 1820, respecting parsonage house and bells. 69

1821. January 23, Quebec.	Dalhousie to Bathurst (No. 28). Had given the military settlers at Perth the hope that they would obtain £200 from the Jesuit Estates towards building their church, but as that fund cannot be used for Upper Canada asks that the like sum be advanced from the military chest. Page 72	
March 10, Quebec.	Marshall to Ready. Opinion on bills. Enclosed in Dalhousie to Bathurst, 26th March.	
March 10, Quebec.	Protest against Act for the establishment of the Quebec Bank. Enclosed in Dalhousie to Bathurst of 26th March. Proposals follow, undated, for supplementary Act respecting the bank at Montreal.	
March 17, Quebec.	Dalhousie to Bathurst (No. 29). Closed the session this day; sends speech and list of bills assented to, with remarks on one to grant new duties, to which he had assented, although it was only passed for one year.	74
	<i>Enclosed.</i> Proceedings of legislature, and list of bills assented to, speeches, &c.	76
March 19, Quebec.	Marshall to Ready. Enclosed in Dalhousie to Bathurst of 26th March.	
March 26, Quebec.	Dalhousie to Bathurst (No. 30). Sends in a separate letter the list of reserved bills with remarks.	86
	<i>Enclosed.</i> Opinion of Marshall, Solicitor General, 10th March, on the bill for encouraging education.	89
	Opinion of Marshall, 19th March, on certain bills.	93
	Protests against the Act for the establishment of the Quebec Bank.	100
	Proposal for a supplementary Act to supply defects in the Act for the establishment of a bank at the city of Montreal.	106
March 26, Quebec.	Dalhousie to Bathurst (No. 31). The question of a retiring allowance to Chief Justice Monk has been left unsettled by the Assembly.	109
March 26, Quebec.	Dalhousie to Bathurst (No. 32). Sends memorial from the Committee of Trade of Quebec on the subject of the agricultural and commercial interests of the provinces, with a view to have measures adopted to relieve the distresses of these classes.	110
	<i>Enclosed.</i> Memorial on the distressed condition of the agricultural and commercial classes, with proposals for their relief.	111
	Statement A, prices of flour from Upper Canada in the Quebec market, showing deductions and the net return.	121
	Statement B, account of the quantity of wheat and flour exported from the port of Quebec from 1817 to 1820, inclusive.	122
March 26, Quebec.	Dalhousie to Gordon. Sends to him as agent of the province papers connected with a subject brought before His Majesty's government by an address from the Assembly.	127
March 26, Quebec.	Same to Bathurst (No. 33). Sends summary of the case between the censitaires of La Salle and the purchasers of the township of Sherrington, to the latter of whom he has promised an answer in the course of summer.	123
March 26, Quebec.	Same to the same (No. 34). Sends transcript of the proceedings of Council on matters of State.	128
April 13, Quebec.	Same to the same (No. 35). Urges the passing of an Act by the Imperial Parliament to regulate inter-provincial trade, and that between the provinces and the United States.	129
	<i>Enclosed.</i> "Additional clause to the draught of an Act for the regulation of the intercourse between this province and the United States" transmitted with private dispatch of 3rd June last."	130
	Act to regulate the commerce between the provinces and the United States.	133
April 24, Quebec.	Dalhousie to Bathurst (No. 36). Calls attention to the prohibition to settle the frontier townships between Montreal and Lake Champlain.	

1821.

On account of the soil and timber a considerable population has gathered into it without grant, and these townships are the resort of felons escaping from justice within Canada or the United States. All sorts of crime are committed there with impunity, and American lumbermen are cutting everywhere the best timber. Submits, therefore, that the prohibition be removed, and that he may be empowered to grant the land to loyal British subjects on condition of immediate settlement.

Page 182

April 25,
Quebec.

Dalhousie to Bathurst (No. 37). Forwards memorial from Widow Baby and earnestly recommends that her pension be increased to £300, on account of Baby's long and faithful service. 184

Enclosed. Memorial for an increase of pension. 186

April 30,
Quebec.

Dalhousie to Bathurst (No. 38). Sends return of discharged soldiers placed on land at the Rideau military settlement, who asked for passages for their families. 188

Enclosed. Return. There are three named, namely, Henry McDonald, Pat. Timmins and James Smith. 183

May 23,
Quebec.

Dalhousie to Bathurst (No. 39). Misrepresentations must have been made to the commander-in-chief as to the pensioners going to the United States and forming connections that in event of hostilities would throw them into the enemy's ranks. Only one such case has occurred, and his pension was stopped. In future, however, he shall insist on being furnished with satisfactory certificates that all pensioners, officers or men, have their residence in His Majesty's dominions. 190

June 10,
Quebec.

Same to the same (confidential A). Recommends the appointment of Coltman to the Executive Council. Recommends Mr. Justice Kerr, Mr. Justice Bowen and Mr. Beaujeu for appointment to the other vacancies. 192

June 10,
Quebec.

Same to the same (confidential B). Dissatisfaction at the Roman Catholic Schools being subject to the superintendence of the Royal Institution of which the Protestant Bishop is president. A similar Roman Catholic Institution to superintend the schools would, he is told, be satisfactory. Without obtaining leave the Roman Catholic Bishop of Quebec has appointed Messrs Lartigue, Provencher and Macdonell to be bishops; another has arrived to succeed the late Dr. Burke, Roman Catholic Bishop of Nova Scotia. 193

Enclosed.—Notes (in French) by the Roman Catholic Bishop of Quebec on the appointment of additional bishops. 196

June 10,
Quebec.

Dalhousie to Bathurst (confidential C). On the constitution of the executive Council. From the inconvenience sustained by the absence of members recommends different persons from those mentioned by Monk. Has appointed the Speaker of Assembly and Col. Ready, both *ex-officio*; another vacancy has been filled by the appointment of John Hale. 198

June 10,
Quebec.

Same to the same (confidential D.) Defects of the Executive Council in the dispatch of business, arising from absence due to various causes. How the constitution of the Council could be improved by a different method of appointment. 200

June 10,
Quebec.

Same to the same (confidential E). Thinks the audit system complicated and unnecessarily expensive. What machinery he would dispense with to make it simpler and less expensive. 204

June 10,
Quebec.

Same to the same (confidential F). Reports the financial state of the province; had referred the question of the payment of civil government to the Council, copies of whose reports he transmitted in No. 47 (Dispatch 47 is dated 13th June). These show that the mother country is indebted to the province £73,000; the question of this sum will be brought forward next session and he asks for distinct instructions respecting it. There are now ample means to go on with, so that his difficulties are prospective and they are serious. Proposes to have a session

1821.
 in December, to show the income and expenditure from October 1820 to October 1821, leaving former accounts as distinct questions and would submit the estimates for 1822. Has no doubt that the Assembly will not pass a permanent bill, leaving him as before, but the Council will certainly throw out any bill that does not grant a civil list during the King's life. Does not expect the Revenue law will be renewed, which will add to the embarrassment. Page 206
- June 10,
 Quebec. Dalhousie to Bathurst (confidential H). Sends his private sentiments respecting certain officers of Government mentioned in address of the House of Assembly. (1). The advantages of the lieutenant governor residing in Quebec; instances given of the services he could render. (2). The necessity of a superior officer residing at Gaspé. Does not think it necessary to say anything of 3 and 4,—the secretary and agent of the province. The other points are, the Executive (5), his opinion of this he sends separately. Agrees with the Assembly on (6), the impropriety of a judge of King's Bench being French translator. Cannot say anything (7) on vice-Admiralty Court, agrees as to the impropriety of the case of Ryland (8) who has besides a large salary, considerable fees and a pension. The case (9) the Legislative Council considers as a matter belonging to its House. Shall express himself fully respecting the Board of Audit (10). See page 204 of this volume. 213
- June 11,
 Quebec. Same to the same (G). Ready has been acting as Provincial Secretary as Amyot's deputy. All the fees have been paid to Ready since 25th December last, and he is prepared to give Amyot ample security. How is Amyot's salary to be paid, as there is little hope of a vote being passed for it in the Assembly? 211
- June 11,
 Quebec. Same to the same (No. 40). Sends address from the Assembly respecting officers of the civil Government and asks what answer he is to return. 216
Enclosed. Address of Assembly in respect of certain officers, &c., of civil government. 217
 Answer by Dalhousie. 226
 (The subject of each article is given at page 213 of this volume.)
- June 11,
 Quebec. Dalhousie to Bathurst (No. 41). Sends copy of address for the abolition of the office of Inspector of Woods and Surveyor of Highways above Long Sault, on the Ottawa, and that pensions be granted equal to the salaries. 224
Enclosed. Address. 225
 Answer by Dalhousie that he would send the resolutions. 227
- June 11,
 Quebec. Dalhousie to Bathurst (No. 42). Transmits report of Council recommending that the grants of lands to militia men be made free of patent fees. As these fees are paid to the officers how are they to be met? 228
Enclosed. Report of the Council on the petition of the officers and men of the militia respecting the fees to be paid on their applications for land. 229
- June 11,
 Quebec. Dalhousie to Bathurst (No. 43). Had laid before the House dispatch relating to Ogden's pension. 231
- June 12,
 Quebec. Dalhousie to Goulburn. Has received letter of introduction brought by Garry to whom he shall pay attention. The junction of the Hudson's Bay and North-west Companies is a happy event to promote the peace and prosperity of those distant regions. 232
- June 12,
 Quebec. Dalhousie to Bathurst (No. 44). Asks that the reports by Mr. Fordyce and his successors on the Jesuit Estates, now fallen to the Crown, be sent which would serve as a guide to the commissioners. 233
- June 13,
 Quebec. Same to the same (No. 45). Is in doubt as to what he ought to do as regards the canal at Grenville. Sends report of Council; has determined on that advice to work this summer to the extent of £8,000, part of the sum granted to the canals of La Chine and Ottawa. 234

1821.
June 14,
Quebec.

Dalhousie to Baqhuret (No. 46). The settlement of 1,200 people from Lanark, Scotland, followed this summer by 2,000 more having been attended with considerable expense, he has called on the Deputy Quarter-Master General for a report on the subject. He (Dalhousie) is satisfied, so far as the settlement has gone, but thinks as the military settlements are sufficiently established, exertions should be directed to the unsettled townships on the lower part of the Ottawa. Page 235

Draught of answer undated. Acknowledges receipt of Quarter-Master General's report on land grants. Satisfaction at the measure, which relieved families from distress and at an expense not greatly exceeding the original estimate. Usefulness of the details for the management of future settlements and as evidence of the advantage of advances in kind instead of in money. Regarding the fees on land patents, they are chargeable to government; a compromise might be effected with the land granting officers for the amount. On the different modes of allotting land; with respect to the Crown reserves the settler should bear a temporary inconvenience for the general benefit of the province. He is, therefore, to adhere to the system of making reserves for the Crown on the same principle as those for the clergy. 237

Reports on settlement by Deputy Quarter-Master General. 240 to 242

Cockburn to Dalhousie, 28th May. Has sent report of the expense of the military settlement. The range of townships to the north-west are those laid out for the Lanarkshire settlers last year. There are from 1,500 to 2,000 persons settled there, upwards of 800 from Lanarkshire; 700 are emigrants with means, who received no encouragement from government except a small supply of implements and 100 acres of land; about 130 are military settlers who received one year's subsistence for themselves and families, with land and implements. There is still room on ungranted lands in the new townships for 700 or 800 families. Orders sent to Marshall to provide for the expected settlers from Lanarkshire in as near neighbourhood as possible to the settlers who came last year from the same county. Has put down patent fees as one of the expenditures, as he believes the settlers are to have their land free of fees. Quotes the authority for this statement and a precedent in the case. Does not know how far the laws of Upper Canada would warrant the including all lands in one grant to save the fees, the grants being afterwards divided. Desires instructions. Calls attention to the question of the Crown reserves in military settlements; their inconvenience. Points out the return showing the expenses for each family (see p. 241). What security is to be taken for the repayment. It is probable that further advances must be made if the settlers are to be kept on their lands so as to repay the sums already advanced. Provisions can be supplied on better terms to the emigrant settler than by giving him an equivalent in money. His report of five years ago has been confirmed by experience, that the expenditure must be proportioned to the extension of the settlements. There are still some points requiring expenditure (these are enumerated). The difficulty of obtaining assistance to these from the Legislature of Upper Canada. The settlers are willing to make roads to the extent of their means but that is of no avail without government help. The cost of transport a reason for asking public help. The prosperity of the military settlement; the object of their establishment has been accomplished. 243

GOVERNOR LORD DALHOUSIE, 1821.

Q. 157-2.

1821.
June 13,
Quebec.

Dalhousie to Bathurst (No. 47). Has sent reports on the state of the finances, with extracts from the Minutes of Council of 29th March.

Page 259

Enclosed. Extract from Minutes of Council containing proposal of Dalhousie to consider and report on the system of paying public moneys.

260

Report, dated 30th March. Council desire to have a report of the proposed expenditure, the available moneys to meet the payments, the sources from which the money is derived, such charges as are provided for by statute, &c., with other information. Payment recommended for the Board of Audit. Remarks on the Grenville Canal, no arrangements having been made for the prosecution of the work.

264

Second report respecting payments to the Civil Service.

269

Third report on the revenues, &c.

271

General memorandum of the state of the funds.

276

Report of a committee of the whole Council on the state of the province in consequence of the want of an adequate parliamentary provision.

281

Appendix A. Statement of the expense of collecting, keeping and paying the revenues of the province, to be deducted from the gross amount.

294

Appendix B. Statement No. 1 of the permanent offices constituted by the legislature, and of the expenses incurred in the execution of such offices.

302

Statement A.

346

Statement B.

347

Statement C.

349

June 13,
Quebec.

Dalhousie to Bathurst (No. 48). Sends copies of the Acts and journals of the last session.

350

Schedule of the Acts.

351

June 14,
Quebec.

Continuation of the report in Dalhousie's No. 46. "Statements of implemments, &c., issued to the emigrants who arrived from Lanarkshire, North Britain, in the year 1820."

257

Diagram of townships in the Rideau Settlement.

258a

June 28,
Quebec.

Dalhousie to Bathurst. Introduces two young men proceeding on a mission on behalf of the Mohawk or Six Nations of Indians, the subject of whose mission is totally unknown to the military department at Quebec.

356

June 28,
Quebec.

Same to the same (No. 49). Calls attention to the case of Reinhart, reported by Monk, who was sentenced to be executed on 5th June, 1818, but respited on account of doubts as to the jurisdiction of the court that tried him. Recommends that from his long imprisonment and other circumstances he may be pardoned.

357

June 28,
Quebec.

Same to the same (separate). Sends correspondence with the Catholic Bishop of Quebec, who has never assumed the title of Archbishop. Shall grant the patent to Nicolet college as originally instructed.

358

June 28,
Quebec.

Same to Goulburn. Introduces and recommends Messrs. Kerr and Brant, who are charged with some important concerns of the Mohawk Indians.

359

June 28,
Quebec.

Same to Bathurst (No. 50). Sends letter from Sir John Johnson with communication from the Secretary of State, New York, for a book of commissions and Indian treaties, alleged to belong to that State. The documents being public, submits the subject for instructions.

360

1821.

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360

Enclosed. Sir John Johnson to Darling. Transmits letter from the Secretary of State of New York for Indian record he alleges to belong by treaty to the State of New York. The records in his possession include all the territories within the limits of the northern district of North America and belong to no particular State. The paper he alludes to is probably the treaty of 1777 or 1778 to settle the Indian boundary, a copy of which may be found at Quebec. The informality of the application made by Viger. He (Johnson) has the records of the Dutch Government of New York and those of the English commissioners at Albany from 20th December, 1677, to the death of Sir William Johnson in 1774. Page 362

Secretary of State of New York to Sir John Johnson. Applies for book of commissions and Indian treaties which of right belongs to the State of New York. 364

Ready to Goulburn. In the absence of the Governor in chief on a tour has sent memorial from the Committee of Trade at Quebec. 366

Enclosed. Stewart to Ready. Transmits memorial on the trade with Demerara, &c., to be forwarded to Bathurst. 367

Dalhousie to Bathurst (No. 51). Transmits letter from the chief engineer with sketch of the city of Quebec, suburbs, &c., recommending the purchase of property which interferes with the defence of the place. The plan shows the extent of the premises, part of which would be occupied by field works. Refers to letter of 11th August, 1818, respecting ground laid out for suburbs near Cape Diamond, since acquired, which has removed the inconvenience of its falling into the hands of individuals. The same considerations apply to the present case, so that he entirely concurs in the opinion of Lieut.-Colonel Darnford. The purchase can be made for £4,000 of those parts marked green in the plan. 368

(The enclosures are not with the letter.)

September 13, Dalhousie to Bathurst (No. 52). Transmits memorial from the Com-
Quebec. mittee of Trade of Quebec and the merchants generally of the province. Recommends the subject to His Lordship's protection and to the favourable consideration of Government. 371

Enclosed. Memorial on the distress caused by the depreciation of every article of produce of the provinces, the provisions of the corn laws having become nugatory. 372

Statement referred to in memorial. 377, 378

October 10, Dalhousie to Goulburn. Has drawn for £50 sterling in favour of
Quebec. Charles Wilkins. Receipt enclosed. 379

Enclosed. Receipt. 380

October 21, Dalhousie to Bathurst (No. 53). Dispatches received, which shall be
Quebec. attended to. 381

Same to the same (No. 54). The complicated state of the public accounts. Sends claim for repayment of salaries paid out of the funds of the province. 382

Enclosed. Account of the sums referred to. 384 to 387

Dalhousie to Bathurst. Transmits correspondence and documents from the Governors of the States of New York and Vermont for the delivery of criminals who had taken refuge in Lower Canada. 388

Enclosed. Correspondence, depositions, &c. 389 to 401

November 6, Dalhousie to Bathurst (No. 56). Asks for instructions respecting the
Quebec. charges to be paid to the law officers of the Crown on legal questions for the guidance of the military departments. Encloses demands made which he felt bound to pay, although doubtful of the propriety of doing so to Crown officers receiving a salary. 402

Enclosed. Account of the Attorney General for opinions on titles. 404

Account of Solicitor General. 405

1821.
November 13, Dalhousie to Bathurst (No. 57). Sends requisition for stationery for the civil departments. Page 406
Quebec
- November 14, Same to the same (private). Gives an account of the state of affairs. Reports his tour of the western posts; his visit to York, where he declined to take the oaths of office, in order to avoid interfering with Maitland. His voyage on Lake Erie; the naval depot at Grand River is in a poor place; Talbot's settlement prosperous so far as raising necessaries is concerned, but without a market; the same along Lake Huron. Importance of the post at Drummond Island. It is the only safe anchorage in the western half of Lake Huron. There is no harbour at Michilimackinac or in the Michigan Lake nearer than Green Bay. As the Americans are steadily pursuing the policy of extending posts to the far west, hopes a post at the Falls of St. Mary, the key of Lake Superior, will not be neglected; the abandonment of the depot by the North-west Company brings the post into more prominent notice. The propriety with which the distribution of Indian presents, &c., is conducted, and the Indians are satisfied. The barrenness of the land on the north shore of Lake Huron from the Falls of St. Mary to the Falls "au Chat" on the Ottawa, and this he says to counteract the statements of speculators in emigration. The knowledge he has acquired in his tour. The province is tranquil and the crops abundant, but there is silent dissatisfaction from distress in the agricultural and commercial classes; petitions and memorials are transmitted; hopes measures of relief will be taken. The expense of remitting. The revenues, shipping, &c., of the province. Commissioners from both provinces met to settle the proportion of revenue, but did not agree. Shall call the legislature for 11th December and press the question of the civil list remaining during the King's life. Health of the Chief Justice restored. 407
- November 14, Same to the same (No. 58). Transmits petition from the merchants of Montreal; represents the justice of their complaints of distress and the fear of an increase. 414
Quebec
- November 15, Same to the same (No. 59). Sends petition praying that the restriction on the importation of wheat and flour into Great Britain may be taken off. Petitions to a similar effect are preparing all over the province. Recommends them to favourable consideration. 416
Quebec
- November 15, Same to the same (No. 60). The excessive establishment of the Indian department now that peace exists. Reductions have been made since the war and others can be effected, but any sudden reduction would be a disaster to old and meritorious servants. Such persons he hopes will be considered in the provision to be made for them when their services are dispensed with. Return No 1 shows the establishment, with salaries and allowances; No. 2 shows the reductions proposed. Does not think it necessary to reduce Sir John Johnson's establishment, but the tribes in the province can receive their presents at Montreal so that only one establishment is necessary, except the Roman Catholic missionaries at the Indian settlement. Remarks on arrangement at Montreal and Quebec and in Upper Canada at Fort George, Kingston, York, Amherstburg and Drummond Island. 417
Quebec
- Enclosed, Statement of Indian department for Lower and Upper Canada, with salaries, &c., for 1821. 422
- Return showing the proposed reductions. 424
- Return showing the establishment after the reductions in Lower Canada. 425
- The same in Upper Canada. 426
- November 15, Dalhousie to Bathurst (No. 61). Sends return of emigrant settlers on the Rideau military settlement who have petitioned for passages for their families from Ireland, and recommends favourable consideration to their petitions. 427
Quebec

	1821.	<i>Enclosed.</i> Return.	Page 429
	November 21, Quebec.	Dalhousie to Bathurst (No. 62). Transmits petition from Three Rivers that the restriction on the importation of wheat and flour to Great Britain may be taken off.	430
	December 17, Quebec.	Same to the same (No. 63). Transmits proceedings of Executive Council in respect to waste lands of the Crown.	431
	December 17, Quebec.	Ready to Goulburn. Sends letter and paper from Archdeacon Mountain, containing statement of the receipt of two supplies of Bibles in 1818 and 1820, and of the means taken for their distribution. Sends order on London for the amount of the sales.	432
		<i>Enclosed.</i> Mountain to Ready. Reports the means taken to distribute the Bibles sent; the difficulties of transport, &c., have caused delay in accounting for the amount of the sales, part of which has not yet been paid. Refers to communications previously sent. The Bishop will be thankful for a continuation of the benefit of sending the Bibles.	434
		Circular to the clergy on the distribution of Bibles.	438
		Schedule of the distribution (1819).	439
		The same for 1820.	441
	December 20, Quebec.	Dalhousie to Bathurst (private). The legislature met in no better humour than when it prorogued. Has brought forward the civil list; hopes to carry it through, but will not mislead His Lordship with too flattering expectations.	468
	December 22, Quebec.	Same to the same (No. 64). Opened the legislature on the 11th. Sends copy of speech, address, &c.	442
		<i>Enclosed.</i> Proceedings of the legislature, with speech, address, &c.	443
		In French.	454
	December 29, Quebec.	Dalhousie to Bathurst (No. 65). Recommends that Olivier Perrault succeed Baby in the Executive Council.	467

PETITIONS ON AGRICULTURAL AND COMMERCIAL DISTRESS.

Q. 158.

(The contents are as indicated by the title. The signature are given with the petitions).

PUBLIC OFFICES AND MISCELLANEOUS, 1821.

Q. 159—1—2—3.

(Part I from page 2 to page 209; part II page 210 to page 430; part III page 431 to 532.)

January 3, Taunton.	Isaac Ogden to Goulburn. His continued ill health. His proposal for a retiring allowance. It can only be granted by the House of Assembly of Lower Canada on the recommendation of Bathurst. Hopes that will be made.	Page 371
January 10, Horse Guards.	Taylor to the same. Asks him to submit for the consideration of Bathurst memorial from Harvey, Deputy Adjutant General in Canada.	18
January 10, Quebec.	Roman Catholic Bishop of Quebec to Bishop Poynter, London, (in French). Sends to be transmitted to Rome, account of the death of Burke, Vicar Apostolic of Nova Scotia. Dalhousie has received no	

- 1821.
- account from Bathurst of the promotion of Lartigue and Provencher, or of the letters patent for the establishment of the Seminary of Nicolet. Page 382
- January 13, Horse Guards. Taylor to Goulburn. The Commander-in-Chief has been informed that pensioners paid in North America, have gone to the United States, where they spend their money, and where their connections would in event of fresh hostilities throw them into the enemy's ranks. The Commander-in-Chief believes the statement to be greatly exaggerated, but from the importance of the subject asks that an investigation be made. He does not know the regulations governing the payment of pensions, but suggests certain precautions. 19
- January 20, Horse Guards. Same to the same. The Commander-in-Chief concurs with Bathurst in the observations on the memorial of Harvey, and will transmit them to Dalhousie with this opinion. Asks for the return of Dalhousie's dispatch with Harvey's memorial. 21
- January 20, London. Hamilton to ——. The communication relative to Dr. Thompson was sent by mistake to Dr. Gaskin hence the delay. The Society for the Propagation of the Gospel will adopt Thompson as a missionary provided his qualifications, &c., are satisfactory. 214
- January 22, Treasury. Harrison to Goulburn. Transmits copy of Treasury minute on Balger's memorial. 183
- Enclosed.* Minute of Treasury. Their Lordships agree with Bathurst on the merits of Bulger and direct a warrant to issue for the payment to him of £500. 184
- January 23, Orton. Dr. Stewart to Bathurst. Sends account of his mission to Canada. 465
- Enclosed.* Report delivered to the Society for the Propagation of the Gospel on the 15th December, 1820. An account of Dr. Stewart's visit to the different localities in Lower and Upper Canada in relation to the state of the Church of England in these places. 466
- February 1, Edinburgh. James Irvine to Goulburn (?). Calls attention to the evil consequences part of the Act 49 George 3 cap. 27 will bring on Canada. Has put the facts in the shape of memoranda. 297
- Enclosed.* Memoranda on the disadvantages of the islands and part of Labrador being annexed to Newfoundland, and the hope expressed that the Act mentioned may be repealed and that the territories in question be reannexed to Lower Canada. 299
- February 1, Walton. Lt. Col. Wilkins to Bathurst. His wounds have compelled him to retire from the army. His inability to take advantage of the offered grant of land in Canada. 498
- February 6, London. W. Stewart to Bathurst. Sends papers on the question of the duties on foreign timber; has already placed the observations in the hands of Vansittart. The papers are not with the letters. 458
- February 14, London. Pratt to Goulburn. Sends notarial document signed by Dalhousie to be recognized and approved by Bathurst. 383
- February 18, Belfast. Manners to Colonial Secretary. Is preparing a treatise on emigration; asks for a subscription to enable him to have it printed. 328
- February 20, Treasury. Harrison to Goulburn. Transmits papers from Dalhousie respecting new works and a residence for the Governor General. The Lords of the Treasury are desirous there should be no new works, except such as are absolutely necessary. 188
- February 23, Carlton House. Order in Council for the distribution of prize money for captures on the coast of Georgia, during the war of 1812. 27
- February 26, Walton. Lt. Col. Wilkins to Goulburn. The reason for the grant of land to his father and the cause of the delay in applying for the bounty. 500

	1821.	<i>Enclosed.</i> Particulars of the grant made to the late John Wilkins in 1765, in the County of Albany on the east side of Lake Champlain, then in the province of New York. Page 503	
	March 1, Navy Office.	Edward Laws to Goulburn. Is leaving for Quebec and offers to carry dispatches.	315
	March 2, London.	Hamilton to ——— Asks for a copy of documents connected with the Clergy Reserves in Canada and of instructions sent to the Cape of Good Hope on similar reservations in Algon Bay.	215
	March 13, Treasury.	Hill to Goulburn. The Lords of the Treasury are anxious to receive a reply, so as to be informed that no works are to be proceeded with in Canada except such as are absolutely necessary.	190
	March 13, Hennett Street.	N. & J. Kirkland to Bathurst. Apply for a year's pay for Lieut. Daniel McDougall, of the incorporated militia of Upper Canada, for wounds received by him in action.	314
	March 15, Treasury.	Harrison to Goulburn. Transmits memorial from Coffin for assistance to remove French families from the Magdalen Islands, his property. The subject belongs to Bathurst's department.	191
	March 16, Westminster.	N. Acheson to the same. Transmits for the consideration of Bathurst, petition from land holders in Lower Canada, to be laid before the King.	1
	March 17, London.	<i>Enclosed.</i> Petition (in French) against the proposed change in duties on timber, &c.	2
	March 17, London.	G. C. Hopkinson & Sons to Goulburn. Apply for an increase to the half-pay of Lieut. W. Clarke, in the late Canadian Voltigeurs.	282
		<i>Enclosed.</i> Merry to Hopkinson & Sons. The addition to Clarke's half-pay can only be made on the recommendation of the Secretary for the Colonies.	283
		Copy of commission to Clarke.	284
	March 20, Treasury.	Harrison to Goulburn. Transmits copy of letter from Dalhousie that he had advanced £5,000 to Maitland for civil expenditure in Upper Canada.	192
		<i>Enclosed.</i> Dalhousie to Harrison. Transmits copy of letter from Maitland respecting money required.	193
	March 20, Glasgow.	Maitland to Dalhousie. Applies for £5,000 for civil expenditure. Lamond to Willison, surgeon. Has appointed him surgeon to the ship "George Canning." The conditions of his engagement.	194 523
	March 23, Whitehall.	Luck to Goulburn. The Lords of Trade, on the memorial of Mrs. Campbell for losses sustained by her husband in his endeavours to introduce the cultivation of hemp, trace the history of the attempt, the responsibility of government, &c. Account prepared by the Lords of Trade shows a balance due of £898 5s. 4d., the payment of which, with the completion of the grant of 150 acres, would be an equitable adjustment of the claim.	395 35
	March 23, Quebec.	Bishop (Anglican) of Quebec to Bathurst. In January, 1820, a proposed charter was sent for consideration at the desire of the Royal Institution. As a suit may be necessary to obtain the estate, asks that a charter be granted, and submits anew the proposed charter and outline of the proceedings of the institution.	395
		<i>Enclosed.</i> "Draft of a Royal Charter for incorporating McGill college at Montreal, in the Province of Lower Canada."	396.
		"A brief statement of the proceedings of the Royal Institution for the advancement of learning respecting Mr. McGill's devise for the erection of an university," &c.	407
	March 24, The Pavilion.	Blomfield to Goulburn. Transmits memorial for which he asks favourable consideration, as it is a crying case of distress.	225
		<i>Enclosed.</i> Ralph Gore to ———, 28th February, 1821. Is unable to obtain a purchaser for his estates in Ireland. Prays for a situation in Canada, as all he was led to expect was a grant of land as a mere settler.	226

1821.
March 29,
London. Wellington to Bathurst. Sends reports respecting ordnance stores at Kingston, so that a settlement as to their disposal may be come to. Page 88
- Enclosed.* Crew to Fitzroy Somerset. Transmits papers respecting unserviceable stores. 90
- Letters, reports and returns of unserviceable ordnance stores in Upper Canada. 91 to 182
- March 31. Memorial of Mrs. Baker for a free passage for herself and children to enable them to join her husband and their father at Quebec. 229
- Enclosed.* Certificate of the rector, church wardens and overseers of Christ Church parish, Surrey. 231
- March 31,
Paris. Monk to Bathurst. Applies for an extension of leave of absence. 350
- Letter of J. H. Monk to Goulburn which forwarded the preceding. 351
- April 5,
London. Coffin to Goulburn (?). Asks that reply to his memorial be sent to his London address, as the last letter was sent to the Magdalen Islands. 242
- April 6,
Treasury. Harrison to Goulburn. The agent in Upper Canada has been authorized to accept a bill for £200 towards the erection of a church at Perth. 195
- April 6,
Greenock. James Oughterson and Robert Lusk to Lamond. Report of survey on the ships chartered for the conveyance of emigrants to Quebec. 524
- April 9,
Holborn. Poynter to Goulburn. Explains the position of Bishop Plessis and M. Lartigue as evidence that the agreement with Bathurst has not been violated. 384
- April 11,
Glasgow. Lamond to Dalhousie. James Barrie, of the Rutherglen Society, who was to sail on the "Earl of Buckinghamshire" has been prevented; his wife goes in that ship. He will sail in the "Penelope." Lists will be kept by the societies. Sailings of the other vessels. 522
- April 12,
Greenock. Q. & J. Leitch to Lamond. The "George Canning" ready for sea, but waiting his (Lamond's) arrival. The wind is fair, so that every hour is precious. 525
- April 13,
Paris. Monk to Goulburn. Thanks for extension of leave of absence. 352
- April 13,
Greenock. Q. & J. Leitch to Lamond. Acknowledge payment in full of passage money agreed on. 526
- April 14,
Foreign office. Planta to Goulburn. Sends copy of letters sent by the American Minister for certificate of a grant supposed to have been made by Governor Dobbs in the province of North Carolina in 1761 or 1762 and asks that this be obtained. 49
- Enclosed.* Rush to Planta. Sends copy of the letter applying for the information. 50
- Rhea to J. Q. Adams. Applies on behalf of John F. Jack for certificate of a grant by Dobbs on what is known as the Little Tennessee river. 51
- April 19,
Glasgow. Robert Lamond to Bathurst. Sends returns from the emigration societies of the district. Will make any improvement that may be suggested. 507
- Enclosed.* Returns (21) not paged.
- April 21,
Navy Office. Navy Board to Goulburn. Have received three lists of the wives and families of discharged soldiers who wish to join their husbands and fathers in Canada. Those in England by coming to London may embark at once. More particulars are wanted of the others. 83
- April 23,
Mark Lane. Inglis to the same. Sends petition from the merchants trading to Canada for the admission without restriction of grain and flour from Canada into the ports of the United Kingdom under the peculiar circumstances of the colony. 306
- Enclosed.* Petition. 307

1821.
 April 23, Quebec. Bishop (Anglican) of Quebec to Dalhousie. Further respecting grant of land and the request contained in his memorial. Page 419
Enclosed. Dalhousie to the Bishop. Reasons for refusing to grant the Bishop's request. 422
- April 24, Quebec. Bishop (Anglican) of Quebec to Dalhousie. Further respecting his grant of land. 423
- April 27, London. Lemon to Goulburn. A thorough search has been made among the state papers, but no trace can be found of a grant of land supposed to have been made by Governor Dobbs of North Carolina in 1761 or 1762. Papers returned. 216
- April 27, Davies Street. Dr. Stewart to Goulburn. Sends memorial to be presented to Bathurst if approved of. The money he has expended in public buildings in Lower Canada, independently of his personal services, would be sufficient to purchase 5,000 acres of uncultivated land there. 490
Enclosed. Memorial states his services towards the Church of England in various parts of Canada and his large expenditures. Prays for a grant of land in Lower Canada. 491
- April 28, Quebec. Bishop Plessis to Bathurst (in French). Urges that the bill to encourage education in country parishes, referred by Dalhousie to the King, may be sanctioned as so strongly desired by the Roman Catholic population who have not hitherto had encouragement for their country schools. 387
- April 29, Quebec. The same to the same (in French). Calls attention to the delay in the issue of letters patent to establish permanently the seminary at Nicolet. 390
- April 30, Quebec. Bishop (Anglican) of Quebec to the same. Respecting charges brought by the Assembly against the Council in respect to dealings with land in which he (the Bishop), Chief Justice Osygoode and Lieut. Gov. Milnes are affected, so that the question may be settled. 412
Enclosed. Memorial respecting the grant of land to each of the Council who had acted on the Land Board. 414
 Ready, secretary to the Governor 13th April. That the prayer of the Bishop's memorial cannot be granted. 418
 Receipts, accounts, &c., respecting emigrants from Lanarkshire and Renfrewshire. 527 to 532
- Various, April to June. Taylor to Goulburn. Sends for consideration memorial from quartermaster Samuel Price for a greater portion of land than that allotted to him by the Governor of Quebec. 22
- May 4, Horse-Guards. Finlay to the same. Sends lists of societies embarked on board the "Buckinghamshire," from Greenock to Quebec. Two other ships have been chartered and he expects the rest of the emigrants will be afloat before the 20th. 508
- May 5, Glasgow. Lists follow (8) not paged.
- May 8, London. Baron Segurier to Goulburn (in French). For information respecting the succession of Rodolphe Jaccay, a native of Savoy, merchant in Quebec or Montreal, who died some years before, leaving property in one or other of these two places. 460
 Isaac Ogden to the same. Sends letter received by private ship, containing fuller particulars than the public letters. Dalhousie's judicious conduct. Is sorry to find that no recommendation to the Assembly for his retiring allowance has been received. Asks that it be sent and also an extension of leave. 374
- May 12, Glasgow. Finlay to the same. Sends lists of the emigrants on board of the "Commerce." 509
 Lists follow (9) not paged.
- May 14, Horse-Guards. Taylor to Goulburn. Transmits for favourable consideration dispatch from Dalhousie, recommending that the officer stationed at Montreal to

- 1821.
- take charge of detachments, works, &c., should receive an extra allowance of ten shillings a day. Page 23
Enclosed. Dalhousie to Taylor. Recommends the extra allowance as above. 24
- May 21, Navy Board to Goulburn. A passage has been provided for Abraham Cuthbert, wife and children. 35
- May 21, Lords Harwood and Amherst to Bathurst. Urge the appointment of Hale to be Lieut.-Governor of Lower Canada, in event of the present holder of the office declining to take up his residence there. 286
- May 25, Col. Gore to Goulburn. Refers him to previous correspondence relative to a grant of land in Upper Canada. His anxiety to sail immediately, so as to return this season. 281
- May 25, Armstrong to Goulburn. Asks advice as to the claim to be made by Bath. Wyly for his losses in South Carolina. 219
- May 29, Lieut.-Col. Wilkins to Bathurst. His sense of His Lordship's disposition to attend to his (Wilkins') just claims, although at present he has not the means. Should Courtenay's motion pass, hopes that he (Wilkins) may obtain a share of the amount. The nature of the claim arising from the grant made to his father. 504
- May 30, Taylor to Goulburn. In reference to letter of 31st May, 1820 and at Horse Guards. the request of Captain Fitzgerald, the Commander-in-Chief has no hesitation in saying that Captain Fitzgerald's promotion to a company in the 60th regiment in August, 1815, was in consideration of his military services. 25
- June 2, Memorial of Captain Fitzgerald. States the amount of the property in London. in Georgia, which he sacrificed on account of his loyalty. Prays for compensation. 273
- Enclosed.* Affidavit by Fitzgerald that he had abandoned his estates in Georgia to join the British forces under Coekburn. 279
- June 6, Monk to Bathurst. Thanks for His Lordship's strong recommendation of him to the Legislature of Lower Canada. Asks for an extension of leave, as he desires to remain in England. 353
- June 6, The same to Goulburn. Although the advices from Quebec have not London. conclusively satisfied Bathurst's wishes respecting him (Monk), yet they countenance an application for His Lordship's favour. Letter sent to be presented to Bathurst. 355
- June 7, Finlay to Goulburn. Sends the final papers respecting the emigration Glasgow. from this county (Lanark) and the county of Renfrew. (1) Minute of the committee; (2) copies of the charters of the ships; (3) accounts of the money received and disbursed. The favourable state of wages and employment no longer requires an outlet for a superabundant labouring population, but cases may occur where portions of families had gone, whose remaining relations might wish to join them. Had thought it best to communicate all the information in his possession. 510
- Enclosed.* Minutes of the committee on emigration. 512
- Abstract of the embarkation of emigrants. 515
- Copy of the charter party for the ships to be employed in the service of carrying out emigrants on Government grant to Quebec. 516
- June 8, W. Wilson to Goulburn. Asks him to receive £50 to be transmitted to Charles Wilkins, Drummondville, St. Francis. 506
- June 9, Moffatt to Bathurst. Should it be determined to encourage and Ballyhair. provide for clergymen of the established Church of England who wished to go to Upper Canada, he desires to go and would produce certificates of his qualifications and experience. 325
- June 14, Clanwilliam to Goulburn. Transmits copy of letter from the French Foreign office. Chargé d'Affaires, relative to property said to have been left by Rodolphe Jaecay, who died some years before, either at Quebec or Montreal and asks that inquiry be made. 53

	1821.	Bishop (Anglican) of Quebec to Bathurst. The alarm caused to the Church of England in Canada by the intelligence that the clergy reserves are to be applied to the benefit of the ministers of the Church of Scotland as well as those of the Church of England. Page 425	
Extra allow- Page 23	June 15, Quebec.	<i>Enclosed.</i> Draught of letter (undated) from Bathurst to the Bishop giving reasons for the Church of Scotland in Canada receiving a portion of the benefits of the clergy reserves. 428	
allowance as 24	June 18, Old Bailey.	James Serley to Goulburn. How can he send £20 to his brother-in-law Thomas Overa, at Bathurst. 461	
of Abraham 85	June 18, Lambeth.	Cooper to Bathurst. Applies for employment in Canada or any other of the Colonies. 243	
appointment the present 286	June 19, Lambeth.	Same to Goulburn. Encloses letter addressed to Bathurst asking for employment. 244	
of silence rela- tion immedi- ately made by 281	June 22, Treasury.	Harrison to Goulburn. The Lords of the Treasury see no objection to paying the widow of the late James Campbell £898 5s. 4d. for the losses he sustained in trying to introduce the culture of hemp in Canada. 196	
of the disposi- tion he has (Wilkins) of arising 504	June 25, Orton.	Stewart to the same. Encloses letter to be presented to Bathurst. Thanks for the grant of land which Dalhousie has been ordered to make him. 494	
of 320 and at as no hesi- tation in his military 25	June 26, Navy Office.	The letter to Bathurst of same date contained formal thanks for the grant. 495	
of the property Prays for 273	June 26, Old Charlton.	Navy Board to Goulburn. For the addresses of two families named Maitland and Ballintyne from Scotland to Canada. 86	
of his estates 279	June 28, Bath.	Mrs. du Vernett to the same. Applies for information respecting lands granted in West Florida to her late father, but confiscated on account of his loyalty; this information, with the estimated value, is wanted for the purpose of making a claim for compensation. 245	
of commenda- tion extension 353		Armstrong to the same. Further respecting Wyllie's claim for losses. 221	
of we have not (yet they for sent to 355	July 1, London.	<i>Enclosed.</i> Proclamation of the Governor of South Carolina relative to slaves carried off during the war of 1812. 222	
of migration Minute of accounts of wages and labouring had gone, ought it best 510	July 5, London.	Count Mandelsloh to Bathurst. Sends papers relative to the case of John George Spartz, which he asks to be transmitted to Montreal. 327	
of the service transmitted 506	July 5, London.	Monk to Goulburn. Asks for an interview on particular business. 356	
of who wished certificates 325	July 6, Downing Street.	The same to Bathurst. Has been induced to review the events of his life and transmits memorial on the subject. 357	
of the French Rodolphe Montreal and 53	July 6, London.	<i>Enclosed.</i> Memorial by Monk reviews the events of his life and prays for some mark of the royal favour. 359	
	July 9, Quebec.	Monk to Goulburn. The difficulty of obtaining an interview. Sends application for some mark of honour on account of his long services. Hopes the grounds may be sufficiently stated. 366	
	July 10, Edinburgh.	<i>Enclosed.</i> List of baronetcies bestowed on judges, &c., for services to the Crown. 367	
		Richard Rush to Goulburn. Apologizes for giving trouble and applies for information respecting Virginia for a clergyman who is collecting material for a history of that State. Are the records in the Colonial Office? If not, is it known how they were disposed of? 452	
		Memorial of W. B. G. Lavers stating the advances his grandfather made to the extent of about £10,000; the loss of the vouchers by fire. Asks for a grant of land to make up for the loss. 316	
		Sheaffe to Bathurst. Sends memorial praying for favourable consideration. His reluctance to make such an application; "I trust that although justice may but feebly sustain my claim, the pleading of benevolence will not be disregarded." 462	
		<i>Enclosed.</i> Memorial by Sheaffe. His services and losses, and prays for a special grant of land in each of the Canadian provinces. 463	

1821.	Stewart to Goulburn. Intends to call on him.	Page 496
July 12, Davies Street.		
July 18, Letterkenny.	Capt. Dawson to the same (?). Transmits petition for presentation to the King.	256
	<i>Enclosed.</i> Petition from Mrs. Dawson stating her services in carrying dispatches during the war of 1812, and praying for compensation.	257
	Note from Freer that Sir George Prevost had received the letter brought by Mrs. Dawson.	261
	A second note from Freer to acknowledge receipt of letters.	262
	Testimonial by Sir J. F. Falkiner.	263
	Same from Noah Freer.	264
	Same from De Rottenburg.	265
July 21, London.	Monk to Goulburn. To express to Bathurst his willingness to accept a knighthood but not as a retired judge, the retirement depending on advices from Canada.	369
July 21, Davies Street.	Stewart to the same. Has still the desire to succeed to the bishopric of Quebec in event of a vacancy and asks that the subject be mentioned to Bathurst.	497
July 22, Boyle.	Dorington to Sidmouth. Applies for a free passage to Canada and to know how his pension is to be paid.	248
July 28, Holyhead.	Bloomfield to Goulburn. Recommends Major Martin, an applicant for land in Canada.	232
July 31, Kilmeekridge.	Rev. James H. Paeko to Bathurst. Recommends the case of the family of James Boyce; the services of the father; the family desires to emigrate.	392
July 31, Horse Guards.	Taylor to Goulburn. The explanation given by Dalhousie relative to the out pensioners of Chelsea Hospital is satisfactory to the commander-in-chief.	26
August 2, London.	Monk to the same. Asks for the exemplification of the patent of grant of land to Osgoode. Letters sent to be forwarded to Quebec. Proposes to leave for the country unless Bathurst wants him.	370
August 4, Devizes.	T. McRea to Bathurst. Will a merchant trading in England and Canada, who has become bankrupt be protected in the colony as in England against suits at law for debts incurred previous to the bankruptcy?	331
August 7, Navy Office.	Navy Board to Goulburn. Orders have been given for passages for three soldiers mentioned in letter of the 6th instant.	87
August 16, Clatham.	Attrill to the same. Asks for the usual letter to enable him to obtain the established grant of land in Canada.	224
August 24, Aldgate.	J. and G. Lermite to the same. Send extract respecting the employment of the late Chevalier de Niverville in the Provincial marine. The name is not in the books at the Navy office, the Admiralty having had nothing to do with colonial appointments till the last war, which was subsequent to de Niverville's commission.	321
	(The extract precedes the letter).	
August 25, Treasury.	Harrison to Goulburn. An order has been given to issue a warrant for £898 5s. 4d. to Mrs. Campbell in full payment of the claims of her late husband.	197
August 27, Dublin.	J. de Joncourt to the same. States the case of the late Capt. Patrick Kennedy, and asks how the lots he possessed in his lifetime can be recovered for the benefit of his heirs.	312
August 28, Foreign office.	Hamilton to the same. Sends copy of dispatch from Bagot with details of the application made to the Emperor of Russia and to the consul to undertake the arbitration of the difficulties on the interpretation of the first article of the Treaty of Ghent.	54
	<i>Enclosed.</i> Bagot to Londonderry. Applied to Nesselrode to convey the wish of the King to the Emperor that he would take the friendly office of arbitrating in the difference which had arisen as to the inter-	

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pretation of the first article of the Treaty of Ghent. Answer is enclosed and copies of correspondence with the American Government. Page 55

Bagot to Nesselrode (in French). Applies for the Emperor's friendly offices. 56

Nesselrode to Bagot. The Emperor accepts the office of arbitrator. Bagot to send all acts, memoirs and observations which may throw light on the subject. 58

Middleton to Nesselrode (in French). Copy of convention referring the difference between Great Britain and the United States to the Emperor of Russia. 60

Nesselrode to Middleton (in French). In similar terms to the letter to Bagot. 62

August 29,
Belmont.

Bishop (Anglican) of Quebec to Bathurst. Returns thanks for the erection in his diocese of the archdeacons of Quebec and York. Presses for an augmentation to the salaries of the archdeacons who have now £150 a year. The gift of a peal of bells and the erection of a parsonage house urged by Dalhousie otherwise he would not have pressed these objects. 431

August 29,
Aberdeen.

Rev. W. Mearns to Bathurst. Sends petition from landholders, &c., in New Brunswick, transmitted to him as Moderator of the Church of Scotland. Calls attention also to the propriety, in a political as well as in a religious and moral point of view, of providing Scotch settlers with properly qualified religious teachers of their own persuasion. 337

Enclosed. Minute of Committee of the Church of Scotland empowering Dr. Mearns to do what he may judge expedient respecting the petitions. 339

August - ,
Letterkenny.

Mrs. Dawson to Goulburn. Calls attention to her petition sent on 18th July. 266

September 6,
London.

Lowless & Crosse to the same. Sends forms of proposed grants to the Hudson's Bay Company and others. 223

September 8,
Petersfield.

Acheson to Bathurst. Requests His Lordship's favourable attention to the petition of the Committee of Trade of Quebec respecting intercourse between Canada, Demarara, &c., and that the commissioners of the Treasury be recommended to send instructions on the subject to the officers of the Revenue in Canada, &c., to allow the intercourse to be carried on. 13

Enclosed. Memorial on the subject for the Committee of Trade. 15

September 18,
Quebec.

Bouchette to Goulburn. Introduces and recommends his son, who has been promised a commission in the army by the Duke of York. His qualifications. 233

September 20,
Hamilton.

Henry Monteith to the same. Sends petition from the Glasgow Wrights' Society, the answer to be sent to him. 332

Enclosed. Petition of the Glasgow Wrights' Society for emigration, for an extension of the grant to enable them to settle in Upper Canada. 333

September 21.

Memorial of Sir Chambre Eehlin. His claim to property in Ireland defeated; his distress. Prays for a grant of land near Niagara. 268

September 22,
Whitehall.

Clive to Goulburn. In consideration of the circumstances, the King has decided to grant a free pardon to Reinhart, convicted of murder in June, 1818, in Lower Canada. 64

September 23,
Ballymeor.

Richard Hare to the same. Recommends Rev. Mr. Hogan, a Roman Catholic clergyman, to be chaplain of the garrison at Corfu, or to go to Canada. 288

September 25,
Whitehall

Laek to the same. Certain Acts of Lower Canada, being free from legal objection, may be left to their own operation. 42

September 25,
Hamilton
Palace.

Archibald Hamilton to Bathurst. Respecting emigration from Lanarkshire. Reasons for assisting the emigrants. 289

1821.
September 25, War Office. **Merry to Goulburn.** The Secretary at War desires to be furnished with information regarding a provision for reduced adjutants of colonial militia. Page 209
- September 26, Hamilton Palace. **Archibald Hamilton to Bathurst.** Sends one of the numerous petitions sent him by those desirous to emigrate, which emphasises the point of the apparent breach of faith in separating relations who expected to be reunited in Canada. 293
- September 28, War Office. **Merry to Goulburn.** Respecting the claim of Adjutant Fraser. He has only served in the colonial forces, so that his case is different from that of Adjutant Stewart. 294
- September 29, Pennsylvania. **Lawrence Bathurst to Lord Bathurst.** He has received a grant in Canada of 900 acres. Applies for assistance to make the grant useful. 235
- September (?), London. **Lieut. Brown to Goulburn.** Sends a list of questions respecting grants of land. 237
- October 1, Dublin. **Talbot to Sidmouth.** Sends memorial from Sir Charles Echlin, Bart. (Chambre elsewhere.) 217
- October 4, Hamilton Palace. **Duke of Hamilton to Bathurst.** Sends letter to be forwarded to Dalhousie. 296
- October 8, Whitehall. **Laak to Goulburn.** Acts of Lower Canada (except No. 344 reserved for further consideration) are to be left to their own operation. 43
- October 15, Tamton. **Ogdon to the same.** Applies for extension of leave. His health not improved. The Assembly not disposed to be liberal. Good crops in Canada, but no sale. 376
- October 19, London. **Memorial by Osgoode.** Quotes Portland's announcement that he was to receive a retiring allowance of £500 a year on his resignation taking place. Its regular payment until now when a change had taken place in the Revenue Department which has caused a suspension of payment for which he asks redress. 377
- October 20, London. **Barry to Bathurst.** Has received the amount of £898 12s., (elsewhere 5s. 4d.) awarded to Mrs. Campbell, widow of the late James Campbell, for his services in raising hemp in Canada. Asks for completion of the deed for 150 acres granted her. 258
- October 21, Letterkenny. **Mrs. Dawson to Goulburn.** Further respecting her petition. 237
- October 22, Whitehall. **Laak to the same.** In reference to memorial from the Committee of Trade at New York, relative to the duties on rum, a bill is to be submitted for removing the difficulty arising from the provisions of the law and in the meantime relief will be granted in particular cases. 44
- Enclosed.** Delarand to Laak. The revenue officers at Quebec had admitted free rum from Demerara, although free importation was confined to spirits from the sugar colonies in the West Indies. The law was, therefore, ordered to be enforced. On an application to the Treasury an order was issued to have a bill prepared to extend the privilege to the South American colonies, and in the meantime relief to be granted in case of Jones and every similar case. 45
- October 23, Treasury. **Harrison to Goulburn.** Transmits copy of the report of the Commissioners of Customs on Monk's complaint of the mode of distribution by the Collector of Customs of Lower Canada of foreign goods illegally imported from the United States. 198
- Enclosed.** Report of the Commissioners of Customs giving result of the inquiry as to the distribution of seizures by the Collector of Customs. Steps taken to prevent irregularities. 199
- October 25, Quebec. **Ready to Goulburn.** Introduces a son of Judge Kerr, who was appointed a waiter and searcher at Three Rivers, whom the Duke of Richmond intended to recommend to be confirmed in his appointment but which he (Ready) fears has not been done. 454

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- Enclosed.* Commissioners of Customs to Richmond, 8th June, 1819. Requesting him to appoint a waiter and searcher at Three Rivers, the Treasury having authorized a salary of £100 but not having appointed any person to the office. Page 456
- October 25, Leonard to Bathurst. Transmits pamphlet as an instance of loyalty. 324
London.
- October 30, Ready to Goulburn. Introduces Marshall, Solicitor General, who has obtained six months leave of absence. 457
Quebec.
- November 1, Lack to the same. Act No. 344 of Lower Canada to be left to its own operation. 47
Whitehall.
- November 2, Patton to Bathurst. Reports that he has on board his ship a box from Deptford. Dalhousie which he asks to be sent for. 394
- November 7, Hamilton to Bathurst. Transmits application of Sir Chambre (Charles?) Eehlin for a grant of land in Upper Canada for consideration. 65
Whitehall.
- November 12, Report of the Quebec Emigrant's Society for 1821. On the establishment at Drummondville (St. Francis); on the establishment at the Cape (Quebec); showing the means of employment for those retained there, the weekly average from October to June, being seventeen men, sixteen women and thirty-three children. Respecting the expense of removing persons certified by medical men that they should be removed to Europe; report of minor and miscellaneous expenses, indicated but not given in detail. General remarks of the operations of the society. The report is signed by G. J. Mountain (Bishop), Frederick Arabin, T. W. Satterthwaite and Edward Hale, Jr. 439
Quebec.
- November 14, Order in Council appointing John Ready and John Hall to be members of the Executive Council. 48
Carlton House.
- November 14, Toone, Monkhouse and Churton to Bathurst. Apply for leave to examine the records of South Carolina removed from there during the revolutionary war. 340
London.
- November 16, Bishop (Anglican) of Quebec to the same. Remonstrates against granting any part of the benefit of the clergy reserves to the Church of Scotland in Canada, and quotes (p. 437) from the discussion on the bill of 1791, to show that the fund was intended solely for the Church of England. 432
Quebec.
- November 16, Davidson to Goulburn. Applies for information respecting a grant of land in Florida, made to a Mr. Richard James. On account of losses he (Davidson) has sustained, he wishes to go to a British colony, preferably to Upper Canada, provided he can get a moderate grant there. He has some poor relations who will follow him. 249
London.
- Enclosed.* John Gilliam to Davidson & Co., respecting grant of land to Richard James, whose daughter he (Gilliam) married. 251
- November 21, Law officers report on the proposed grant to the Hudson's Bay Company. Specification in the grant quoted, and they remark: "We doubt whether this description is so full and accurate a specification as ought to be introduced, if possible, to correspond with the power given by the Act of Parliament." 66
Doctors' Commons.
- Enclosed.* Copy of the Act commented on. 68
Covenant to be entered into with the Hudson's Bay Company and Messrs. McGillivray and Elliee. 78
- November 21, Merry to Goulburn. Dr. Hacket has applied for allowance equal to his half-pay, besides his income, as health officer at Quebec. Asks for return of the amount of the office. 212
War Office.
- November 22, Harrison to the same. Sends papers connected with the claim of Major General Baynes to a continuance of his staff pay for the opinion of Bathurst as to whether the Treasury would be justified in issuing a warrant for a sum equivalent to his staff pay. 204
Treasury.

1821.
November 28, London. Burton to Bathurst. In answer to letter of 29th September, that he can not expect a provision as Lieut.-Governor unless he is prepared to reside in Lower Canada, he will go there early in spring. Page 239
- December 3, Treasury. Lushington to Goulburn. Transmits copy of a letter from the Lords of the Treasury on the subject of the application of Lieut. Fraser of the Glengarry Militia for half pay as adjutant. 206
Enclosed. Harrison to Secretary at War. The Colonial revenue being inadequate to meet demands, the Lords of the Treasury request him to pay Lieut. Fraser three shillings a day on the military establishment. 207
- December 3, London. Burton to Goulburn. Has received copy of letter of 20th (29th) September, which he has answered and informed Bathurst of his readiness to proceed to Canada early in spring. 240
- December 4, Treasury. Harrison to the same. Dalhousie has been authorized to purchase the premises that interfere with the defence of Quebec. 208
- December 5, London. Berens to the same. Asks for interview, accompanied by Pelly to define the limits to be set out in the licenses for the Hudson's Bay and North-west joint trade. 241
- December 27, War Office. Merry to secretaries of Bathurst. Lieut. Henry Thomas has applied for increased half pay. Does Bathurst think he is entitled to it? 213
- No date. Osgoode to Goulburn. Had come to Downing street to present memorial. Gives an account of the manner in which a patent for a grant of land had been sent to Monk. 380
Memorial of members of the Church of Scotland in Canada for a communication of the same advantages as are enjoyed by the sister establishment of the Church of England. 342

STATE PAPERS RELATING TO SHERRINGTON AND SEIGNIORY LA SALLE, 1821.

Q-160.

The papers contain an account of the proceedings relating to the alleged encroachments of the seignior of La Salle on the township of Sherrington.

GOVERNOR LORD DALHOUSIE, 1822.

Q-161.

1822.
January 21, Quebec. Dalhousie to Bathurst (No. 66). Sends petitions from the Agricultural Society of Montreal and from the inhabitants of various counties (named), praying that the restriction on the importation of wheat and flour into Great Britain may be taken off. Page 2
(The petitions are together in Q. 158).
- January 21, Quebec. Same to the same (No. 67). Has submitted to the Attorney General questions as to how far he could avail himself of the Lieut. Governor on his arrival, whilst he (Dalhousie) is within the limits of the province. 3
Enclosed. Questions and answers on the subject mentioned in the letter. 4
- January 21, Quebec. Dalhousie to Bathurst (No. 68). Transmits address from the Legislative Council on the agricultural and commercial interests of Canada, also resolutions on the request of Assembly to Joseph Marryatt to act as authorized agent of the province. Asks that favourable consideration be given to the address. 7
Answer to the Legislative Council that His Lordship would transmit the address. 8

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		Copy of the address.	15
		Report of wheat, &c., exported from Quebec.	15
		Statement of British manufactures, merchandise and colonial produce at Quebec from 1800 to 1821.	18
		Statement of annual value of British manufactures and merchandise from 1813 (when the <i>ad valorem</i> duty was imposed) to 1821.	19
		Resolution of the Legislative Council, 19th January, on the constitutional powers of the legislatures.	21
January 21,	Quebec.	Dalhousie to Bathurst (No. 39). A difference having arisen between the commissioners for settling the boundary under the 5th article of the treaty of Ghent, has asked Bouchette for a report. Transmits the papers received from Bouchette.	23
		<i>Enclosed.</i> Ward Chipman to Dalhousie, 8th October, 1821. Reports that the boundary commissioners have not agreed. They are to meet again in New York in April; he (Chipman) will return to the province.	24
		Opinion of Thomas Barclay, one of the commissioners, 4th October, 1821, as to the proper boundary of Nova Scotia.	26
		Opinion of C. P. Van Ness, the other commissioner on the same.	28
		Detailed statement by Bouchette on questions relating to the boundary.	29
		Supplementary report.	39
		Plan of part of Lower Canada and New Brunswick.	48a
January 25,	Quebec.	Dalhousie to Bathurst (No. 70). Transmits the names of W. B. Felton, Matthew Bell and Antoine G. Conillard, as those of men proper to fill the vacancy in Council caused by the death of deLotbinière, and specially recommends Felton.	49
January 25,	Quebec.	Same to the same (No. 71). The Assembly has decided to refuse a civil list to continue during the life of the King or to renew the revenue Act 59 George 3, which expires on first May next. This shows the temper of the House. Sends papers containing suggestions, one by the collector of customs, the other by Coltman, chairman of the board of Audit.	50
		<i>Enclosed.</i> Memorandum by Percival on the effects of the repeal of the Revenue Act and the changes that that involves.	51
		Memorandum by Coltman 31st December, 1821, on the duties collected under Act of 14 George 3.	56
January 25,	Quebec.	Dalhousie to Bathurst (No. 72). Transmits address on the subject of the civil list and a petition on the subject of the agricultural and commercial interests of the province.	58
		Answers to requests for transmission.	59, 60
		Address from the Assembly on the course taken in declining to grant a civil list for the King's life.	61
		The same in French.	69
		Petition on the subject of the agricultural and commercial interests of Lower Canada.	77
		The same in French.	81
January 25,	Quebec.	Dalhousie to Bathurst (No. 73). In consequence of Maitland having forwarded dispatch respecting the claim of Dibbs, had caused inquiry to be made and sends report of the deputy quartermaster general, showing the improper conduct of Dibbs.	85
		<i>Enclosed.</i> Dibbs to Dalhousie 26th November, 1820. Complains that he cannot get his deed from Major Powell, secretary at Perth.	86
		Memorial by Dibbs for his deed.	88
		Memorandum by Capt. Fowler respecting the allotment to Dibbs, 20th February, 1821.	90
		Memorandum respecting John Dibbs an emigrant settler in the Perth military settlement, 29th December, 1821. Gives the dates of allotment,	

1822.	&c., and charges Dibbs with selling to an emigrant named Colton, after having previously sold to two other persons, one of whom is in possession of the land. The business was amicably settled amongst the dupes of Dibbs.	Page 91
February 13, Quebec.	Dalhousie to Bathurst (No. 74). Dispatches received.	94
February 20, Quebec.	Same to the same (No. 75). Has received dispatch with copy of Osgoode's memorial. The difficulty respecting his pension has been removed and the arrears paid to his agent.	95
February 22, Quebec.	Same to the same (No. 76). As requested, sends copy of reserved bill, entitled, "Act for the encouragement and promotion of education in the country parishes in this province."	96
February 23, Quebec.	Same to the same (No. 77). Will ascertain how the expenses of the administration of justice can be reduced. The heaviest is that for the prosecution of criminal cases; sends report by the Board of Audit on the subject with which he agrees. The Solicitor General being now in London can explain his case.	97
February 23, Quebec.	<i>Enclosed.</i> Report on Public Accounts.	98
February 23, Quebec.	Dalhousie to Bathurst (No. 78). Transmits an address from the Legislative Council asking him to send to the foot of the throne petition from the House that they may receive portraits of his late and present Majesty. Sends answer to address.	102
	<i>Enclosed.</i> Answer.	103
	Address, asking that the petition be transmitted.	104
February 23, Quebec.	Dalhousie to Bathurst (No. 79). Sends copy of speech at the closing of the Legislature on the 18th inst., with a list of bills assented to.	106
	<i>Enclosed.</i> Gazette containing list of bills assented to and speech on closing.	107
	The same in French.	110
February 25, Quebec.	Dalhousie to Bathurst (No. 80). Transmits copies of letters from the Anglican Bishop of Quebec and from the Attorney General, on the subject of the form of letters patent of presentations to livings in the province.	114
	<i>Enclosed.</i> Bishop of Quebec to Attorney General, 3rd December. Calls attention to an error in the letters patent for presentations.	115
	Bishop (Anglican) of Quebec to Dalhousie on the same subject.	117
	Letters by Uniacke, Attorney General, on the subject; entering into arguments in support of his view in opposition to that of the Bishop.	119 to 125
	(In the letter at page 125, the Attorney General urges the necessity of a clause to compel the clergy to reside in their parishes.)	
	Question whether the letters patent erecting parsonages and inducting rectors should contain "during pleasure and the actual residence of the rector in the parish."	127
	The King's supremacy upon the collation and appointment of Roman Catholic priests to parish curacies.	130
March 14, Quebec.	Dalhousie to Bathurst (No. 81). Encloses petition from Mr. Cumming and the family of Peter McNaught, emigrants from Lanarkshire, for advances to each member of each family according to particular instructions. As he has no authority for the advances to the petitioners, sends petitions for consideration.	135
	<i>Enclosed.</i> Petition of Paul Cumming on behalf of his wife.	136
	Certificates respecting Mrs. Cumming.	137 to 139
	Petition of Thomas McNaught.	140
	Certificate respecting McNaught.	142
March 14, Quebec.	Dalhousie to Bathurst (No. 82). Transmits letter from Maitland recommending the construction of a bridge between Kingston and Fort	

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March 22,
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March 22,
Quebec.

April 20,
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April 22,
Quebec.

Henry, to cost £6,000; its advantages. Strongly recommends the proposal. Page 143

Enclosed. Maitland to Dalhousie. Recommends the building of a bridge between Kingston and Fort Henry; pointing out its advantages. 145

Dalhousie to Bathurst (No. 83). In addition to papers sent on 25th January, No. 71 (see page 50 of this volume), sends copy of memorandum by Justice Kerr on the subject of an import duty on salt. 148

Enclosed. Memorandum advocating the withdrawal of the drawback on salt for the fisheries within limits prescribed by the Act, and to impose a remunerative duty. 149

Dalhousie to Bathurst (No. 84). Transmits memorial from Bouchette, with accompanying papers. 151

Enclosed. Memorial from Bouchette, as to his qualifications for the office from which he was removed, the injury the removal has done to his professional character, and asks for such marks of approbation as shall prove that it was not from inefficiency he was removed from office. 152

Statement of plans, &c., of record in the Surveyor General's office sent to Col. Barclay, Boundary Commissioner. 156

Extracts from letters from Ward Chipman on the subject of the preparatory arrangements of the exploring survey (Boundary Commission). 158

Extract from letter from Barclay approving of his (Bouchette's) services. 161

Additional extracts to the same effect, 162

Other extracts in relation to Bouchette's services. 163 to 168

Dalhousie to Bathurst (No. 85). Sends copy of report of the Board of Audit on the letters of credit issued by Richmond in favour of the late Mr. Young for His Lordship's decision. 169

Enclosed. Report of the Board of Audit on the claims of government against the estate of the late Hon. John Young in reference to letters of credit issued to him for £400 to be accounted for. 170

Dalhousie to Bathurst (No. 86). Transmits copy of Act for regulating the trade between Lower Canada and the United States. 176

Enclosed. Copy of the Act (English). 177

The same (French). 181

Dalhousie to Bathurst (No. 87). Has received dispatch respecting a provision to the pastors of Presbyterian congregations to which he would give further consideration. Referred the question of the seizure of tobacco at Carleton Island to the Lieut. Governor of Upper Canada, the transaction having taken place in that province. 184

Same to the same (No. 88). Sends copy of petition for a charter for the Montreal General Hospital report on the petition and draught of the charter. Submits the whole for favourable consideration as an object which does honour to Montreal and promises great public advantages. 185

Enclosed. Copy of petition, signed by John Richardson, William McGillivray and J. Gerrard. 186

Memorandum attached on the nature of the charter asked for. 189

Report of Committee of Council recommending that the charter be granted. 192

Form of authority to grant charter. 194

Sketch of a charter. 195

Dalhousie to Bathurst (No. 89). Sends papers supporting the petition of the daughters of Dambarges for a continuance of the pension given to their mother, which has ceased on her death leaving them destitute. Strongly recommends that the petition should be granted. 212

1822.
April 22,
Quebec.

Dalhousie to Bathurst (No. 90). Recommends that the branch of the settling department for the military settlements on the line from Richmond and Perth be discontinued as sufficient has been done to induce common emigrants to go there. Suggests that on the 24th December, the whole should be transferred to the civil government of Upper Canada retaining only that branch in which he has settled the Lanark emigrants in order to recover the large amounts advanced to these people. Page 214

June 8,
Quebec.

Same to the same (No. 91). The inconvenience of uniting in one person the offices of civil secretary to the Governor and acting Provincial Secretary. Ready informed of this, has signified his determination to return to England; shall provide a passage for him. Cochran appointed civil secretary, which he held under Sherbrooke, but has been allowed to retain the office of auditor of land patents. The duties of the Provincial Secretary's office intrusted to Montizambert. 216

June 10,
Quebec.

Same to the same (No. 92). Observations on the proceedings of the legislature. The irreconcilable differences between the Assembly and Council. Change by the assembly of the quorum from 15 to 26 the last being a majority of the whole representation. The appointment of Joseph Murryat as authorized agent. Sends copy of resolutions on the application for indemnity for advances made from unappropriated funds. The action taken as to a permanent civil list; resolutions agreed to; an address founded on these forwarded on 25th January last (No. 72). Rejection of the bill to renew the expiring Revenue Act. Violent discussion in the Assembly on the words of one of the Council held to be offensive; address for his removal from all public trusts; the demand refused. Avoided prorogation until a last attempt could be made to have the civil list voted; its unsuccessful result. The effect of the change of quorum. The appointment of an agent indicates the ignorance and pretensions of the Assembly; sends papers relating to it; believes that the agent appointed will not be listened to. The embarrassment caused by the refusal to pass the civil list is increased by the expiration of the Revenue Act. Transmits report from the Executive Council on the question of local charges not included within the expenses of the civil government and how the collection of the revenue can be improved and expenses curtailed. Asks for instruction for next session on the questions of the civil list and the revenue; how he proposes to get over the difficulty. 218

Enclosed. Resolutions of the House of Assembly, 12th January, 1822. 231

30th January, 1822. 237

9th February, 1822. 236

14th February. 229

Speech of Hon. Mr. Richardson in the Council, 31st January, 1822, on a motion for going into committee to consider certain rules, &c., with a view to their amendment. 239

Report of Committee of Council on the expenses, &c., of civil government as distinguished from those of local establishments. 242

Schedule No. 1. 251

Schedule No 2. 255

June 10,
Quebec.

Dalhousie to Bathurst (No. 93). Notice has been sent to those whose salaries are classed as local that they cannot be paid from 1st of May last, unless especially provided for by the legislature. Pensions have not been considered as coming within either class of expenditure, but the salaries to schoolmasters are reported to be a local expense. Differs from the Committee, and shall apply £5,000 from the remittances of customs and post office revenues to these two branches, and shall in the meantime cause the sum to be paid now from the military chest to the Receiver General, to be appropriated for these payments. 258

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1822.
 July 6,
 Quebec. Dalhousie to Bathurst (No. 95). Transmits proceedings of Executive Council on matters of state between 5th November, 1820 and 31st December, 1821. Page 262
 A letter of same date (No. 96), transmitting the proceedings on waste land. 262
- July 12,
 Quebec. Dalhousie to Bathurst (No. 94). In accordance with authority contained in letter of 31st December last, he has purchased the premises represented in dispatch of 28th August, 1821, for purposes of defence at a cost of £7,026. 9s. sterling; the whole is about 65 acres. The commanding engineer has urged the purchase of other lots to complete the glacis, but as the price asked is unreasonable he has declined to sanction the purchase. 260
- September 10,
 Quebec. Same to the same (No. 97). In consequence of Drummond Island being given up, as within the boundary of the United States, recommends that a post be established at the Falls of St. Mary. It is a Hudson's Bay post, with buildings which might be made to answer for the necessary military establishment. 264
- September 10,
 Quebec. Same to the same (No. 98). Transmits proceedings of Executive Council on matters of State between 18th December, 1821, and 5th July, 1822. 265
- September 10,
 Quebec. Same to the same (No. 99). Having obtained report on the application of W. B. Felton for an additional grant of land, on the ground that he had expended the amount agreed on with government before he obtained an addition, recommends that a grant of 5,000 acres be made as stated in the report. 266
Enclosed. The report. 267
- September 10,
 Quebec. Dalhousie to Bathurst (No. 100). Having received confidential communication of the decision of the commissioners with respect to the boundary from St. Regis to the upper end of Lake Huron, had applied for copies of the plan, but, on account of the expense, requires His Lordship's authority. 269
Enclosed. Note to Cochran, 4th August, 1822. Sends extract from letter from Barclay respecting copy of the map asked for. 271
 Barclay to Hale, 29th July. Owing to the absence of his draughtsmen cannot have the map asked traced by them. If Dalhousie send some competent person to New York to copy the map, or authorize the expense of his (Barclay) engaging a person, he will facilitate the work. Apparently an inadequate idea seems to be formed of the extent of the work. 272
- September 10,
 Quebec. Dalhousie to Wilmot, M. P. Will carry out Bathurst's directions for a grant to McRobb of 1,200 acres, with reserve of 2,000, if cultivation of the first is satisfactory. Will carry out Bathurst's instructions, but calls attention to the embarrassment caused by the reserve. 273
- September 10,
 Quebec. Same to Bathurst (No. 101). Had delayed reporting the arrival of Sir Francis Burton till he had ascertained if any difficulties were caused. His services are useful. Has taken a house for him, the rent of which, he trusts, the Treasury will authorize to be paid out of the unappropriated revenues of the province. 274
- September 15,
 Quebec. Same to the same. During the discussion of the bill for the reunion of the provinces, he hesitated to submit any measure spoken of in Quebec; now that a decision has been come to, suggests calling Sir Francis Burton to the Council as Speaker, in room of Chief Justice Sewell, whose abilities, character and conduct eminently qualify him for the chair; but there is a strong feeling of jealousy against him which has increased the difference between the two branches. 276
- September 16,
 Quebec. Same to the same (No. 102). A man named Oliver Fitzgerald, arrested for the murder of Major Going, in Limerick, confessed that,

- 1822.
- though not an accomplice, in that crime, he was a principal in the murder of a post boy. Asks for instructions what he is to do with him. Page 278
- September 17, Dalhousie to Bathurst (No. 103). Under present circumstances, sees
Quebec. no objection to the seminary bringing four young priests from France for the purpose of giving instructions to youth. 280
- October 22, Same to the same (No. 104). Mr. Uniacke having declined to resign
Quebec. his office in the manner required, cannot appoint Marshall, Attorney General. Nor can he employ him in criminal prosecutions, as an economical system had been decided upon. Sends extracts from two reports of Council on Marshall's former emolument. Marshall informed that he could not be appointed, and has, therefore, requested leave to return to England on his private affairs. There is no probability of Uniacke resigning. The services Uniacke has rendered and the confidence felt in him. Personally he (Dalhousie) presses His Lordship not to make any change. 283
- Enclosed.* Uniacke to Dalhousie, 20th October. Declines to resign and enters into the discussion of the proposal and of his reason for retaining office. 285
- Extracts from the reports of committee of Council on the employment of the Attorney and Solicitor General. 288 to 290
- October 28, Dalhousie to Bathurst (No. 105). Sends exemplifications of Acts and
Quebec. schedules, also printed journals of Assembly for 1821 and 1822. 291
- Enclosed.* Schedule, for which see pages 107 and 110.
- October 28, Dalhousie to Bathurst (No. 106). Sends requisition for stationery. 293
Quebec.
- October 30, Same to the same (No. 107). Causes of the delay in sending the
Quebec. return asked for of the revenues, taxes, expenditure and offices of the province. 294
- November 15, Constitutional Committee of the city and district of Quebec to Wilmot,
Quebec. M.P., stating objections to the union with Upper Canada; the delay in the signing, &c. of the petitions in opposition to the measure. The inhabitants are opposed to any union and especially to one on the conditions contained in the bill. 295
- November 28, Dalhousie to Bathurst (No. 111). In consequence of authority given
Quebec. to defray half the expenses of water communication between Upper and Lower Canada by the Ottawa on condition that the Legislature granted the other half, he has signed a warrant for £10,000 for the LaChine Canal and £25,000 for the Grenville Canal, a bill having passed last session appropriating £35,000 and granting free passage to boats on His Majesty's service on condition of an aid of £10,000. Asks for further orders. The water communication means two canals, the one at LaChine, the other in the Township of Grenville, the first provincial, the other military. Recommends that government should decline further co-operation in the LaChine Canal, making the Grenville Canal a military work. The care taken in respect to expenditure on the latter, it will require £25,000 more to complete it. In process of time the tolls will repay the expense; in the meantime it furnishes employment to many hundred starving emigrants and will in time greatly advance the settlement between it and Kingston. The loss and damage that would be incurred by stopping the work. 314
- Memorandum relative to LaChine Canal and water communication between Upper and Lower Canada independent of the St. Lawrence, giving the opinion of general officers and others on the utility of the work. 318
(The memorandum is neither signed nor dated and appears to be a summary made in the Colonial office.)
- December 16, Dalhousie to Bathurst (No. 112). The difficulty of reducing the
Quebec. expense of the Indian department, curtailing of the allowances would be

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considered by the Indians as a breach of faith and would be followed by serious consequences. The Indians are, however, reasonable and acknowledge the propriety of checking abuses. Sends schedule of the reduction of officers and of the allowance to each on retirement. The saving in presents can only be ascertained by the annual estimates. The expenses of the engineer department have been applied to three great works, the new citadel at Quebec, the Isle aux Noix and the arsenal on the Isle Ste. Helene at Montreal. To check these works now would be very unwise. There is, besides, the keeping in repair, &c., of an immense extent of public military property. With respect to the concentration of troops, he believes that whilst present peaceful relations would admit of such concentration in Quebec, Montreal and Kingston, yet that it would have a bad effect in many parts of Upper Canada. The general line of posts should be maintained and the Americans must be followed as they extend their line to the westward, so as to maintain connection with the Indians. Amherstburg and Drummond Island (or Sault Ste. Marie, if that is given up), are most important to be maintained. Is taking steps to sell off all the smaller posts of war and all the store houses that can be dispensed with; this will in a short time effect a very considerable reduction. Page 322

December 17,
Quebec.

Enclosed. Schedule of reductions in the Indian department. 326
Dalhousie to Bathurst (No. 108). Transmits representation from the magistrates and inhabitants of the eastern district of Upper Canada on the consequences to the province from the confirmation of the agreement for the boundary line from St. Regis westwards. 297

December 17,
Quebec.

Enclosed. The representation. 298
Dalhousie to Bathurst (No. 109). Transmits copies of resolutions by the committee appointed to prepare petitions against the union of the provinces; they pray that consideration of the measure be postponed until the petitions be received, to which he adds his recommendation. 304

December 17,
Quebec.

Enclosed. Proceedings at the meeting of the committee at Montreal. 305
The same of the committee at Quebec. 308
Dalhousie to Bathurst (No. 110). Resignation of Irvine from the Council on account of his private affairs. Coltman recommended as his successor. The incapacity of Ross Cuthbert to act as Councillor; recommends William Smith for the office. How the difficulty with regard to the precedence of Mr. Hafe in Council arose and how it might be removed. 311

December 17,
Quebec.

Dalhousie to Bathurst (No. 113). Respecting pension to Mrs. Kennelley, whose case is peculiar; recommends that the pension be granted. 317

December 28,
Quebec.

Same to the same (No. 114). Transmits petition for the union of the provinces. 329
Enclosed. Petition. The petitioners are described as "seigniors, magistrates, members of the clergy, officers of militia, merchants, landholders and others, inhabitants of the city and district of Quebec." 330

PUBLIC OFFICES AND MISCELLANEOUS, 1822.

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1822.

- (Part 1 is paged from 1 to 184, part 2, from 185 to 393.)
- January 1, Treasury. Lushington to Wilmot. Transmits letters from Dalhousie with three reports from the committee of Council for the audit of public accounts for Bathurst's observations. Page 105
- January 1, Downing Street. H. Blennerhasset to the same. Recapitulates his services in respect to the affairs of Canada. Cannot state any pecuniary consideration to indemnify him for the loss of his professional practice. Desires to have a judicial appointment. 205
- January 1, London. J. H. Kerr to Richmond. That he had been appointed water and searcher of customs at Three Rivers by the late Duke, but finds that he has been superseded. Unfortunately Goulburn is in Ireland, shall write him. Asks his (Richmond's) influence. 262
- January 11, Goodwood. Richmond to Wilmot(?) Sends letter from a gentleman of whom he knows nothing but his case seems to be a hard one. 322
- January 14, London. Kerr to Goulburn. Sends letter from Ready which he had hoped to have delivered personally. Asks for his interest to procure an equivalent for the situation he has lost. 263
- January 16, Cavendish Square. Marshall to Bathurst. Has received leave of absence. Asks for an interview. 273
- January 16, London. Toone, Monkhouse and Churton to Bathurst. Apply on behalf of their client Sir James Wright, Baronet, for permission to search amongst the records of the State of South Carolina brought over for security during the revolutionary war to obtain proof of his title to property there. 352
- January 17, London. Kerr to Wilmot apologises for applying a second time to urge the consideration of his memorial. 265
- January 23, Treasury. Arbutnot to the same. Lord Liverpool from other engagements, cannot confer upon Sewell the office of Comptroller of Customs at Quebec. 106
- January 29, Treasury. The same to the same. If a favourable opportunity offers of employing Kerr shall mention him to Liverpool with Bathurst's recommendation, but Kerr has no ground for complaint against the Treasury. 107
- January 30, Bath. Monk to Gordon. His present address is at Bath; should his attendance in London be requisite he shall be happy to receive Bathurst's commands. 274
- February 2, Saffron Walden. Hall to Bathurst. Asks for information respecting a statement by William Turner, charged with forgery, that he had received a draught for £4. 10s from Lower Canada, payable at His Lordship's office, but which he (Turner) had destroyed. 245
- February 7, Leith. Kerr to Wilmot. Returns thanks for his kindness. Hopes he will obtain an equivalent for the situation he has lost, or a letter to the Governor General recommending him for the first reasonable vacancy. 266
- February 23, Coolmillen. S. T. Roberts to Bathurst. Recommends, as had been done in cases mentioned, free passages for starving families to Canada. He lives in a wild part of the country and he wishes His Lordship would send over ten families who would be willing to go if they could. 323
- February 25, Mark Lane. Committee of merchants interested in the British North American trade to Bathurst. Ask for an interview respecting the proposed extension of intercourse between the United States and the West Indies, and that there be no final determination arrived at till they have been heard on behalf of British North America. 278
- February 26, Navy Office. Navy Board to Wilmot. Ask for the address of Colour Sergeant Robert Muirhead for whose passage to Canada and those of his wife and three children Bathurst has signified his desire. 89

	1822.		
	March 6,	Inglis to Wilmot. Sends petition from the County of Leinster, Lower Canada, representing their distress for want of a market and asking for an interview with Bathurst on the subject.	Page 259
	Mark Lane.		
	March 7,	Wurtemberg chargé d'affaires to Bathurst. Transmits power of attorney and asks that the signature of the Governor in Chief of the Canadas be legally authenticated.	384
	London.		
	March 8,	Navy Board to Wilmot. Passages have been ordered for Muirhead, his wife and three children.	90
	Navy Office.		
	March 12,	Harrison to the same. Sends statements of Indian presents for two years namely, to the end of 1821, but only a moiety should be sent in the present year.	109
	Treasury.		
		<i>Enclosed.</i> Statement of Indian presents to stock the depots for two years namely, to the end of 1824.	110
	March 12,	Harrison to Wilmot. Transmits memorial from George Hawdon, late storekeeper general for the Indian department, for remuneration for his services.	111
	Treasury.		
	March 18,	Marshall to Goulburn. Sends a letter from Ready which he had not sent before, believing it to relate to his own (Marshall's) private affairs, now thinks it may not be exclusively so and, therefore, sends it. If his first surmise is correct, asks that he would communicate to his successor Wilmot.	275
	Cavendish Square.		
	March 23,	Sir H. Taylor to Wilmot. Refers for consideration, petition from Eleanor Gibbons for a passage for herself and two children to Quebec, to join her husband, John Gibbons, a settler at Perth.	6
	Horse-Guards.		
		<i>Enclosed.</i> Petition with certificate.	7
	March 23,	Merry to Wilmot. Having received no answer to his letter of the 22nd ultimo., asks that enclosures in letter of 28th September be returned.	154
	War Office.		
	March 26,	Burton to the same. Applies for a passage to Quebec to resume his duties as Lieut.-Governor of Lower Canada.	207
	London.		
	March 27,	Pelly to Bathurst. The Russian Government has laid claim to the North-west Coast of America from Bering's Strait to the 51st degree of latitude, and have prohibited foreign vessels from approaching the coast within 100 miles. Claim of the United States to considerable extent of country on the Pacific Ocean, and a bill is in progress to settle the Columbia and form it into a state of the Union. In the report on which the bill is founded it is stated that the claim from the 41st to the completion of the 53rd degree of north latitude is unquestionable; but there is a good claim as far as 60 degrees north latitude. The progress of discovery traced and other statements made in opposition to these claims.	180
	London.		
	March 28,	Order-in-Council that Oliver Perrault is to be appointed a member of the Executive Council of Lower Canada.	10
	Carlton House.		
	March 29,	Pelly to Bathurst. For an audience on behalf of the Hudson's Bay Company.	174
	London.		
	March 30,	Harrison to Wilmot. Sends estimate for the Canadas for the present year.	112
	Treasury.		
		<i>Enclosed.</i> Proposed establishment of the Barrack department.	114
		Statement of the difference in the establishment of the Barrack department for 1821 and 1822.	116
		Reductions effected since 24th March, 1821.	117
		Proposed establishment of the Settling department in Canada for 1822.	118
		Estimate of the probable sums required for the Indian department from 25th December, 1821, to 24th December, 1822.	119
		Statement of the Indian department and the pay, pensions and allowances for 1821, beginning 23rd December, 1820.	121

- 1822.
- Proposed establishment of the Royal Engineer department in the Canadas, dated 25th October, 1821. Page 124
- March 30, Cavendish Square. Marshall to Wilmot. If it would expedite matters to have the Canadas bill prepared by Thursday, he should be happy to employ himself towards that object with Mr. Caldwell and Mr. Robinson, of Upper Canada. If this is approved of, asks for the use of Robinson's draught and that of the proposed Canada bill. 276
- March (?). Macandew to Colonial Secretary. Shall embark from Leith for Quebec on 1st April. If there are any dispatches for Quebec shall take charge of them, if His Lordship thinks fit. 272
(There is no date on the letter, but it appears to have been written about the middle of March.)
- April 7. Hampton Court Palace. James Yeo to Bathurst. Applies for a grant of land in Upper Canada proportioned to the rank his son held as Commander-in-Chief of the naval forces at that station. The renewal of the application arises from his sense of duty to his daughters to whom their brother had left all his property. They cannot comply with the conditions unless a deviation is made in their favour as a special mark of the sense of their brother's services. 390
- April 8. Treasury. Lushington to Wilmot. Sends statements of payments to the amount of £3,322 7 8½ by Commissary General Robinson, to ascertain if the application has been made to the satisfaction of Bathurst. 127
Enclosed. Abstract of payments made on account of secret service of the army in Canada for 1813. The dates and numbers of the warrants are given, but not the names. 128
- April 10. Admiralty. Barrow to Wilmot. Orders have been given to the Navy Board to purchase Canadian hemp for the use of the province and to purchase one-fourth of the hemp used in the dockyards in Britain on condition that the quality is good and the price not higher than it can be purchased elsewhere. 3
- April 12. London. Admiral Coffin to Bathurst. Applies for leave to sell the Magdalen Islands to the United States. It is peopled by refugees from St. Pierre and Miquelon, who refuse to acknowledge his claims. Encloses letter from the Secretary of the Governor of Quebec, to whom he applied for redress. 221
Enclosed. Ready to Coffin. The regret of the Governor that without further information he cannot appoint a sheriff's officer to order off people who refuse to pay the rent demanded. 223
- April 17. London. Simon McGillivray to Bathurst. In gratitude for the license granted for the exclusive privilege of Indian trade in North America, he and his brother desire to be presented to the King at the levee by Bathurst, or to be allowed to refer to him as presenting them. If that is not considered suitable, asks that his brother may be presented as connected with Canada, a member of the Legislative Council and who rendered great service in the war of 1812. 175
- April 18. Pollock. Maxwell to Wilmot. Sends the names required; prays him to communicate his benevolent purpose to Mrs. Craig, Rev. G. Givings, Glasgow. 277
- April 19. London. Antonio della Torre to Bathurst. Asks for a passport to Dominico Fontana, to proceed to Canada. 354
- April 20. London. W. Wilberforce to Wilmot. Had sent the answer to the emigrants from Glasgow he had received from Bathurst, but asks that he (Wilmot) answer the agent, Robert Lamond, the exact terms intended. 385
Enclosed. Advertisement of the sailing from Greenock to Quebec of the ship "Earl of Buckinghamshire." 387
- April 25. Navy Office. Navy Board to Wilmot. The "Earl of Buckinghamshire," on board of which Bathurst desires passages for Mrs. Craig and three children, is not in the service; if desired, the agent at Leith will be directed to engage passages on the cheapest terms in his power. 91

1822.
April 20.
London.April 30.
Lincoln.May 1.
London.May 4.
Navy O.May 6.
Navy O.May 8.
Navy O.May 9.
General
Office.May 9.
London.May 17.
Navy O.May 18.
Carlton
House.May 20.
London.May 21.
Hamp
Court 1May 21.
Paris.May 21.
Hudson
House.May 22.
Lon-fo

	1822.		
April 29,	London.	Wurtemberg chargé d'Affaires to Bathurst. Sends document respecting the late Samson Frederick Mittleberger to have the Governor's signature legally authenticated.	Page 388
April 30,	Lincoln's Inn.	Opinion of counsel (Attorney and Solicitor General) that the Legislature of Lower Canada has authority to grant an Act of incorporation to the Bank of Montreal.	11
May 1,	London.	Trench to Wilmot. Asks him to recommend Worthington and to forward to Quebec the letter enclosed.	355
May 4,	Navy Office.	Navy Board to the same. Colour-sergeant John Harrison, wife and eight children and corporal William Mathews and wife, may embark on board the "Brunswick" at Deptford for Quebec on the 7th instant. Both men of the 41st regiment.	92
May 6,	Navy Office.	The same to the same. Asks for the address of Mrs. Craig for whom and for her three children passages were required.	93
May 8,	Navy Office.	The same to the same. Two pensioners may embark at Deptford to Quebec.	94
May 9,	General Post Office.	Freeling to the same. The American mail detained for Saturday's post in conformity with note from Planta.	169
May 9,	London.	Lowless and Crosse to Bathurst. Send the deed of covenant from the Hudson's Bay Company and MacGillivray and Ellice for performing the conditions in the grant of the exclusive trade with the Indians in certain parts of North America.	184
		<i>Enclosed.</i> See Q. 162-2. Copy of the covenant.	185
May 17,	Navy Office.	Navy Board to Wilmot. Directions have been given to the agent at Leith to provide passages for the 71 persons for whom Bathurst desires passages to Quebec.	95
May 18,	Carlton House.	Order-in-Council confirming the Act incorporating the Bank of Montreal.	13
May 20,	London.	Marshall to Wilmot. Gives a history of the circumstances leading to his appointment as Solicitor General; his disappointment at the small emoluments, his joint action with the Attorney General in criminal cases, the absence of the Attorney General whom he was led to expect he should succeed, but who had returned, and he (Marshall) was again placed in a subordinate capacity. Offers to conduct the Crown business singly, even if he should have to give up part of his emoluments.	278
May 21,	Hampton Court Palace.	James Yee to Bathurst. The little value a grant of land in Upper Canada would be to his daughters has led him to withdraw the application. Applies for an equivalent nearer home as a testimony of the estimation in which their brother's services were held.	392
May 21,	Paris.	Stuart to the same. Asks for a free passage to Canada for Mrs. Fleck widow of a British officer.	326
May 21,	Hudson's Bay House.	Pelly to the same. Is it the intention to appoint magistrates, courts of records, &c., in the Indian territory, as provided by the Act passed last session (1 and 2 George IV., chap. 66)? If not asks if the Governor and Committee of the Hudson's Bay Company in conformity with the power granted in the charter may direct Governors and their council to administer justice and to arm and enroll some of their servants and other inhabitants for the defence of the settlers.	177
		Unsigned and undated document being the terms of an answer to the preceding letter. That it is not the intention to institute courts in North America within the territories granted to the Hudson's Bay Company, but the Governors and committee of the company are to appoint conservators of the peace and embody such force as may be necessary to enforce the civil authority.	179
May 22,	London.	Charles R. Simpson to the same. In relation to grants of land in East Florida, a commission has been appointed in the United States to inves-	

- 1822.
- May 22,
Treasury. tigate titles. There are papers which he believes are in Somerset House that are necessary for proof but he can obtain no official information respecting them from the authorities there. Appeals to His Lordship to obtain the information. Page 327
- Harrison to Wilmot. The Lords of the Treasury desire information from Bathurst respecting the sum of £369 sterling repaid by Daverne to settlers and of £905 10s. 0½d. Halifax currency repaid on the like account. 129
- Enclosed.* Navy Board to Treasury. The sum of £283 6s. paid to Hill is no part of the £369 and it does not appear that that sum was paid into the hands of Captain Young. 131
- Copy of Treasury Minute, dated 4th January, 1822. 132
- Extract from Daverne's account in respect to the repayment to settlers of £410 Halifax currency equal to £369 sterling. 133
- Extract from Auditors' state of Burke's account for similar payment of £905 10s. 0½d. Halifax currency. 135
- Harrison to Wilmot. Treasury desire that Bathurst be moved to order payment to Hill of the sum deposited with Goulburn for settlers and if Goulburn be in possession of a list of settlers that he transmit the same. 139
- May 23,
Mendicity
Office. Bodkin to the same. Sends a case to see if it is possible to get the family passages to Canada. A more deserving case was never before the institution. 159
- Enclosed.* Examination of Moses Little, the person referred to in preceding letter. 160
- Abstract of the case from 27th November, 1821, to 22nd May, 1822. 162
- Gordon to Little. It would only be under very exceptional circumstances that a passage would be granted to Canada. It is now too late to proceed there this season. 164
- May 28,
Navy Office. Navy Board to Wilmot. Moses Little, late of the 74th, his wife and six children may embark on the "Hyperion" at Deptford. 96
- May 29,
London. Polly to the same. Encloses letter to Bathurst with resolutions of the general court of the Hindson's Bay Company, which he hopes will be sufficient to obtain His Lordship's sanction for the measures proposed. 190
- Enclosed.* Berens to Bathurst. Encloses copy of the resolutions. 191
- The resolutions for the government of the territory passed 29th May, 1822. 192
- Extract from charter. 195
- May 30,
Foreign office. Planta to Wilmot. Transmits letter from the United States Minister for copies of certain papers supposed to exist in the public records. 23
- Enclosed.* Rush to Londonderry. Applies for copies of papers relative to lands declared by Spain to be forfeited in East and West Florida. 24
- Application by various persons for the copies of the papers. 26
- May 30. Edward Ellice to Bathurst. If he has no objection he (Ellice) will get some one to move for a return of the post office revenue and expenditure of Canada, as he himself cannot be in the House till the 13th of next month. 234
- June 3,
General Post
Office. Freeling to Lushington. There are many objections to the production of papers required by Ellice. The political importance of the packets, as otherwise the dispatches would pass through the hands of American Government agents. Enclosed are two papers to show the gross and net revenue and expenditure in Canada and Nova Scotia. 165
- Enclosed.* Returns for Canada and Nova Scotia of unpaid letters, postage and expenses. 167, 168
- June 5,
Ordnance. Crew to Wilmot. Transmits copy of letter respecting an issue of brass guns and carriages for the consideration of Bathurst, as it is a

- 1822.
- new occurrence to issue cannon for settlers, or for the purpose of celebrating His Majesty's birthday. Page 98
- Enclosed.* Cockburn to the Board of Ordnance in Canada. Sends letter from the military secretary respecting the three pounder brass guns and carriages sent to the military settlements. 99
- Military Secretary to Cockburn. By order of the commander of the forces gives an account of the circumstances leading to the order for ordnance to the military settlement between Ottawa and Kingston. 100
- June 7, Captain Buchan to Wilmot. Asks him to forward letters respecting pending court martial. 209
- Portsmouth.
- June 7, Monk to Wilmot. Has examined the draft of the Canada bill, with Orchard Street. Marshall and made such alterations as were suggested. Hopes that every part is so softened and smoothed that it will soon be passed into law. 283
- June 8, Mitford to Bathurst. For an interview to make a personal communication. 284
- Grosvenor Place.
- June 11, Planta to Wilmot. Transmits dispatch from the Minister to the Foreign office. United States respecting the seizure on Carleton Island of tobacco belonging to a citizen of the United States. 17
- Enclosed.* Dispatch from Stratford Canning respecting the seizure. Carleton Island, is a mere smuggling depôt, and part of the territory now before the Boundary Commission for settlement. Has not answered complaint from Adams until he receives Dalhousie's account of the affair. 18
- Note from John Quincy Adams to Stratford Canning respecting the seizure of tobacco on Carleton Island. 21
- June 11, Marshall to Wilmot. The clause in the Canada bill objected to by the Cavendish Square. Bishop, that Rectors should hold their cures "during pleasure and their actual residence in their respective parishes," may be omitted, it being already provided for. 285
- June 13, Freeling to the same. The American mail detained by Planta till General Post Office. Saturday next. 170
- June 20, Kingston to Bathurst. Proposes as a measure of relief to Ireland that Ross Corby. he should send a few families to Upper Canada, say thirty, provision them for one year and grant land to others who should emigrate, many would follow if the first were settled comfortably. One of the transports or ships of war could carry them. Many left last April for the States. 267
- June 21, Kerr to Wilmot. He still holds the situation to which he was appointed by the late Duke of Richmond. Elliot appointed has, it is believed Three Rivers. obtained a situation in the West India Doeks, so that he would not come to Three Rivers, asks therefore that his (Kerr's) name be again brought forward. 268
- June 22, Sherbrooke to the same. Sends letter from Dr. Poynter enclosing one Calverton. from L'Abbe Thavenet. Recollects that on the application of Mr. Roux, leave was given to bring four young priests from France, the greater part of the ecclesiastics of the seminary at Montreal being old and infirm. Why there should be so long a delay, he does not understand. As there might be a change in circumstances asks if he should answer the letter or desire Dr. Poynter to write direct to the office. 330
- Enclosed.* Thavenet to Sherbrooke. Reminds him of permission granted to bring four young priests from France for the college and for Indian missions. The difficulties in the way of getting these priests are now in the course of removal and he recurs to him (Sherbrooke) to know what steps are necessary to obtain from the new Governor a renewal of the permission granted to Mr. Roux. 332

- 1822.
- Poynter to Sherbrooke. Encloses Thavenot's letter; the gratitude of the bishop and Catholic Canadians to him (Sherbrooke). Page 334
- June 28, Henry Hiort to Bathurst. Applies for compensation for secret service performed in the United States. Has been referred by the Commander in Chief to him (Bathurst). 246
- London.
- July 2, General Brooke to Bathurst. Asks for an interview. 210
- London.
- July 3, Sherbrooke to Wilmot. Asks him to forward letters by the next North American mail. 335
- Calverton.
- July 4, Planta to the same. To give a decided negative to the idea of Buchanan proceeding to Canada. 28
- Foreign office.
- July 6, Bricknell to the same. In the action brought by Forbes, a British subject settled in East Florida, against Admiral Cochrane and Vice-Admiral Cockburn for harbouring and detention of people of colour, alleged to be the slaves of Forbes; a clerk is to bring to the court all the papers relating to the case that have been received. 74
- Spring Garden.
- July 9, Segnier to the same (in French). For information respecting the succession of Clement Petit, whose death has been reported either at Louisbourg or Gaspé. 336
- London.
- July 10, Planta to the same. Transmits dispatch from the Minister to the United States respecting an Act of Congress passed in anticipation of the British Colonial system being relaxed. 29
- Foreign office.
- Enclosed.* Stratford Canning to Londonderry, 8th May (No. 30). Reports the passing of an Act by Congress empowering the President to rescind the law which excludes British vessels trading with the West Indies from the ports of the United States as soon as he shall receive satisfactory evidence that the West Indian Colonies have been opened to United States vessels. The exultation in the United States at what is considered a national triumph. 30
- Extracts from the proceedings of Congress in respect to trade with the West Indian Colonies. 32
- July 17, Fitzroy Somerset to Wilmot. May Sergeant Peter Kisson of the artillery remain in Canada after his discharge and Corporal Miller of the artillery remain in the West Indies, each being recommended by the commanding officer? 102
- Ordnance.
- July 18, James Stephen, Jr. Opinion of counsel in relation to an Act of incorporation for the establishment of a body corporate for Lower Lincoln's Inn. Canada. 77
- July 26, Monk to Bathurst. His regret that the Assembly of Lower Canada should have withheld receiving and enforcing the favourable expressions of the royal pleasure. Is sorry to discover that an interested few have influenced the many, but he has to acknowledge the withholding His Majesty's commands, till a favourable time arrived for their consideration. Asks for prolonged leave of absence, until the royal recommendation in his favour may receive the consideration of the Colonial Legislature. 302
- Orchard Street.
- July 26, Same to Wilmot. His object in visiting Downing street was to speak upon the subject of carrying into effect the part of the Act respecting tenures. Sends enclosures asking: (1) for a continued leave of absence; (2) that Dalhousie should be desired to act on Bathurst's instructions in October, 1820; but that can be asked for only after the first is granted. Asks the return of part of the enclosures. 287
- Orchard Street.
- July 27, W. Pepperell to Goulburn. Desires to know if by the terms of a grant of land to Sir William Pepperell he has any claim as the next male heir. 318
- London.
- (A note annexed says "The grants of land are registered in the proper office in the colony and not in England").

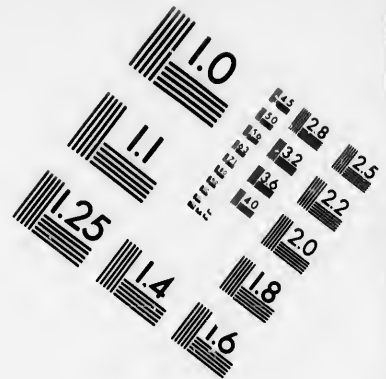
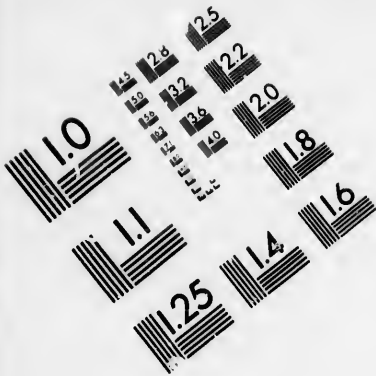
	1822.	Harrison to Wilmot. Sends list of sums taken credit for by Commissary General Robinson; to move Bathurst to inform the Treasury if the sums have been properly accounted for. Page 140	
attitude of Page 334 ret service Commander 246 210	July 30, Treasury.	<i>Enclosed.</i> List of sums advanced to Captain Richard O'Connor by Commissary General Robinson. 141	
the next 335	July 30, London.	Hort to Wilmot. Has Bathurst taken his case into consideration? (See page 246.) If not will he (Wilmot) urge His Lordship to do so. 247	
the idea of 28	July —,	Monk to the same. Sends documents relating to change of tenure in Lower Canada as more desirable than a personal interview. The strong feelings that will be excited by the late proceedings in Parliament whose right to legislate is admitted. The opposition only struggled for delay to consider what can be offered against the expediency of the Union. To put a stop to the clamour of demagogues there should be an early meeting of the legislature to learn what has been before Parliament for consideration and that it has been allowed to stand over. If not, the session of Parliament would be over before advices could be had. The opposition might present the same ground of precipitancy with three months rancour by popular combinations in the Colonies. Questions as to the effect of the whole bill and that of half measures. 289	
a British and Vice- of colour, urt all the 74		Notes on the change of fensual tenure to that of common socage. 291	
g the suc- at Louis- 336		Observations in respect to Courts of Justice. 293	
ster to the icipation of 29		List of papers on Chief Justice Monk's case. 295	
(No. 30). resident to the West ll receive opened to at what is 30	August 5, London.	The papers mentioned in letter follow. 296 to 301	
rade with 32		Captain Ogden to Wilmot. His long service and the injury to his constitution by tropical climates have induced him to retire from the army and to go to Canada where he was brought up from infancy. Hopes for a situation on account of his own services and those of his father, brother and family. 314	
on of the Miller of led by the 102	August 6, Orchard Street.	Monk to the same. Desires to know the determination respecting his leave of absence, as he wishes to leave town in search of a milder climate than that of England. In expectation of the Canada bill passing, which is now laid over, he had prepared instructions in respect to the supremacy. 304	
Aet of in- or Lower 77	August 9, London.	Hort to the same. Sends copies of letter to the Commander-in-Chief and answer referring him to Bathurst. The hardship of his case; trusts to his (Wilmot's) benevolence to have it considered by Bathurst. 248	
er Canada expressions few have lding. His considera- ecommen- Colonial 302		<i>Enclosed.</i> Letter to the Commander-in-Chief stating his services as secret agent at Washington. He had never applied for remuneration till poverty stared him in the face. 249	
s to speak respecting f absence; uctions in s granted. 287	August 10, Orchard Street.	Answer referring him to Bathurst, the Commander-in-Chief not having the means of considering claims of this description. 253	
of a grant male heir. 318		Monk to Wilmot. Had learned through Gordon of his leave being extended. Although the usual term is six months, hopes to obtain a continuance until advices are received from Canada as to the object on which his application is solicited. 305	
n the pro-	August 16, Treasury.	Lashington to the same. In answer to application from the Lord Chamberlain for 300 guineas to be paid to Sir Thomas Lawrence for painting a picture of His Majesty, which is allowed to ambassadors and governors, in future pictures should only be granted to embassies and governments and not ambassadors or governors and that the picture once granted to any ambassador or governor should remain at the seat of the embassy or government and not again be granted to successors. Subject to this arrangement the Treasury approve of the price. 142	
	August 19, General Post Office.	Freeling to the same. Sends satisfactory note from the postmaster at Liverpool as to the disposal of the dispatch for the British Consul at New York. The agent at Falmouth had detained the packet for the arrival of dispatches which would therefore be in time. 171	

	1822.	Planta to Wilmot. Sends extract from letter from Robertson, consul at Philadelphia, respecting West Indian restrictions. Page 34	
August 22, Foreign office.		<i>Enclosed.</i> Extract from the letter mentioned holds that the measures by the United States Government to starve the West Indian colonies were visionary and that the opening of the trade is part of a general system. 35	
August 30, Treasury.		Lushington to Wilmot. In answer to application from Sheaffe transmitted by Bathurst, the Treasury have no means at their disposal for making any provision for Sheaffe. 143	
August (?), London.		Alva Woods to Bathurst. Has come to the land of his forefathers to obtain a library and apparatus for a university, lately established near the capital of the United States (Washington). Members of Parliament (named) have expressed their approbation. Asks in company with some other gentlemen, for an interview. 377	
		<i>Enclosed.</i> Address by the trustees of Columbian College in the district of Columbia, United States of America to the friends of literature, science and arts in Great Britain. 379	
		Other documents respecting the university. 382, 383	
September 2, General Post Office.		Froeling to Wilmot. Has received approval of the detention of the packet until Bathurst's dispatches arrived. Has given instructions that sailing orders for the packets are not to be sent unless the usual bags are received from his (the Colonial) office. 172	
September 9, Treasury.		Arbuthnot to the same. Sends copy of letter and enclosure on the abolition of four of the telegraph stations on the St. Lawrence. If they are no longer required for military purposes the expense should not be defrayed by the public, but if their convenience and good effect on the mercantile interests are such that they should be permanently maintained an arrangement should be made for charging the expense to the local revenue. 145	
		<i>Enclosed.</i> Dalhousie to Harrison. The proposed reduction of four of the telegraph stations on the St. Lawrence as not being required for military purposes. Their importance in mercantile matters has induced him to re-establish them this summer at the public expense, with a notice that in future other arrangements must be made, &c. Encloses letter from the Quebec Committee of Trade which he hopes will justify his maintaining these stations for this season. 146	
		Peter Burnet, for Committee of Trade, to Cockburn. Calls attention to the service the telegraph stations have been of in saving life, &c. 147	
September 16, London.		Calvert to Colonial Secretary, for papers necessary to settle with accuracy the position of 20,000 acres granted to William Barker in East Florida in the year 1769. 225	
September 18, Treasury.		Harrison to Wilmot. Sends papers respecting the public accounts of Canada for Bathurst's observations. 149	
September 30, Bridport.		Sam Hood to Bathurst. Offers to go to Canada as government agent for the encouragement of the culture of hemp. Has used Canadian hemp for lines and twines and is convinced it is much stronger and more lasting than Russian hemp. 254	
September - Treasury.		Arbuthnot to Wilmot. Transmits for Bathurst's opinion, letter from Dalhousie reporting the purchases of lots of ground necessary towards the defences of Quebec. 144	
October 6, Foreign office.		Planta to the same. Transmits copy of convention signed at St. Petersburg on the 30th June and 12th July between Great Britain, Russia and the United States, attention being specially drawn to the 2nd and 3rd clauses relating to remuneration for slaves carried away. 37	
		<i>Enclosed.</i> Copy of convention. 39	
		Annex A. 48	
		Annex B. 50	
		A I. Opinion de Sa Majesté-Imperiale. 53	

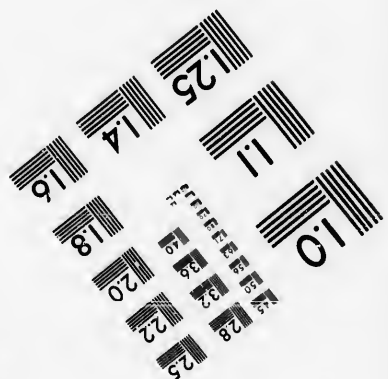
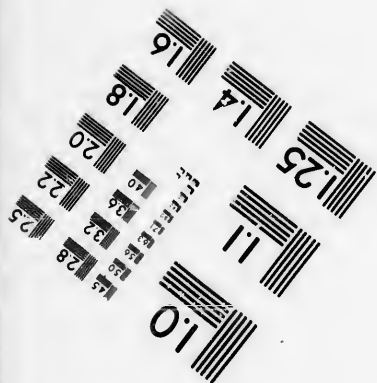
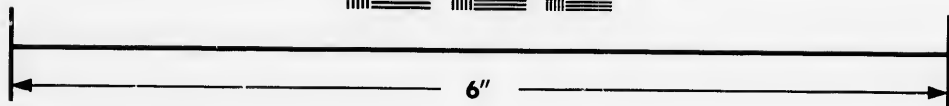
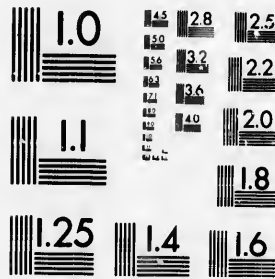
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- (The annexes and opinion are in French).
Harrison to Wilmot. Before approving the building of a bridge between Kingston and Fort Henry at an expense of £6,000 currency, the Treasury desire to have information respecting the amount of tolls to be collected. Should the bridge be erected at the cost of individuals who would be the lowest sum they would expect for accommodation to the public establishment. If it is considered advisable to build the bridge by the public, the expense properly belongs to the Colonial legislature. Page 150
- October 10,
Whitehall. Dawson to the same. Transmits copy of letter from Goulburn, with copy of report from Justice Moore on the case of a convict named Thomas Power, under sentence of transportation for vagrancy. Moore believes that there is strong reason for believing Power to have been guilty of some enormous offence in British America. Applies to have inquiry made. 67
- October 15,
Foreign office. Planta to the same. Requests an answer to letter of 9th October, 1821, respecting titles in New York carried off by Sir John Johnson to Canada. 57
- October 17,
Foreign office. The same to the same. Asks him to lay letter from the busy consul at New York before Bathurst. Hardly thinks it worth while to send it officially. 58
Enclosed. James Buchanan to Planta. In obedience to Lord Londonderry's order and Bathurst having declined his offer to aid in framing commercial regulations between Canada and the United States, he will employ no portion of his time outside the duties of his office; points out the services he had rendered to Canada in respect to settlement and to its other interests. 59
- October 18,
Foreign office. Planta to Wilmot. Transmits copy of note from the Envoy Extraordinary for the United States, representing the expediency of appointing United States Consuls in the West Indies and in North America. 63
Enclosed. Copy by Richard Rush on the subject of consuls. 64
- October 29,
Whitehall. Dawson to Wilmot. Steps to be taken to have Oliver Fitzgerald now in Canada secured, as he is charged with the murder of a post boy in Ireland. The papers sent are to be available on his arrival. 68
Enclosed. Goulburn to Dawson, 26th October, respecting Oliver Fitzgerald charged with murder. 70
- November 1,
London. Blennerhasset to Bathurst. Denies that he had asked for official authority for a publication that would have been offensive to the United States. The letters in question were confidential; hopes for an interview. Proposed printing his memorial for facility of perusal; the publication of the extracts was to be made without any implied caution. Gives instances of his zeal; among others, the offer to have a defaulter from Barbados, now concealed in New Haven, Connecticut, identified and brought to justice. Delay in receiving an answer to his offer which he renounces. 211
- November 5,
Southwark. Memorial of James Green. States his services and losses on account of his loyalty; received no land in Nova Scotia nor any allowance, such as was given to others; his distressed situation. He prays for a consideration of his case. 238
- November 7,
Quebec. Cockburn to Bathurst. Had received an allowance of 20 shillings a day from the 5th January, 1819. Prays now that the allowance should be from the date of his appointment, 3rd November, 1817. 227
- November 7,
Florence. Monk to Wilmot. His gratification at Bathurst's favourable opinion of his endeavours for the prosperity of the Canadas. Respecting his suggestions. 312
- November 8,
Halifax. Richard F. Uniacke to Bathurst. Respecting the dismissal of his son from the office of Attorney General of Lower Canada. Enters at length





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1822.

- into an account of his son's education, abilities, &c., and urges that the order for his dismissal be withdrawn. Page 357
- Enclosed.* Uniacke to Dalhousie. Thanks for His Lordship's honourable and just behaviour to his son. How his son obtained the office; his abilities; cannot resign except on honourable terms, &c. 369
- Portland to Shannon, 19th July, 1797. The merits of Uniacke; appointed Attorney General in Nova Scotia in succession to Blowers. 374
- November 9, Bathurst to Bathurst. Represents the claim of Widow Campbell for London. payment of the balance due her late husband for cultivating hemp. The land given is waste, and not clear arable land, as agreed upon. 215
- November 16, Porter to Wilmot. Bills 390, 391, 392, 395, 396, 401 to 405, 407 to Whitehall. 409, and 413, passed by the legislature of Lower Canada, in March, 1821, are to be left to their own operation. With respect to 406, 410 and 411, the Lords of Council are not prepared to offer an opinion. 15
- November 19, George Darling to Bathurst. Applies on behalf of William Rogers, Dublin. heir to the late Colonel Heron Hansard for information respecting him (Hansard). 230
- November 20, Marshall to Wilmot. The resolution of Dalhousie to make no change London. (in the law offices) on the authority of Bathurst's letter and would retain Uniacke as Attorney General in whom he had confidence. Defends himself against the charge of misrepresenting Uniacke. His reluctant determination to return to London. Relies on Bathurst's protection. 306
- Enclosed.* Copy of letter from Chief Justice Sewell to Marshall's father giving testimony of his son's propriety of conduct as Solicitor General. 311
- November 23, Harrison to Wilmot. Transmits petition from Harriet Badcock Treasury. respecting claims for property taken by the British Government in America in 1775. Asks for information on the claim. 152
- November 23, Merry to the same. Ensign George Macaulay of the Royal Newfoundland Fencible infantry has applied for permission to receive his War Office. half-pay with his income as Registrar of Midland District Surrogate Court in Canada. The Secretary at War desires to know the income of the situation and the date of appointment. 155
- November 25, Goodman to Bathurst. Is a curate at £75 a year with no prospect of Molohiffe. advancement. Asks for information respecting British North America as a place for a clergyman in the Established Church to go to. 242
- November 20, Davidson to Bathurst. Applies to be employed to clear case by the London. ship "Mary Russell" from Quebec. 231
- December 11, Blennerhasset to Wilmot. Has sent as much of his memoir upon American London. affairs as is ready for inspection. This specimen will enable an estimate to be formed of the character of the rest. The points to be taken up in the latter part of the memoir. 217
- December 11, Darling to Bathurst. Sends copy of letter of the 19th ulto. an answer Dublin. to which is of the utmost consequence. 232
- (For the letter of the 19th see page 230.)
- December 11, Perceval to Wilmot. Transmits document to show he has been granted London. six months' leave of absence. 319
- Enclosed.* Leave signed by Dalhousie. 320
- December 11, Sheaffe to Bathurst. Calls attention to an article in the *Quarterly Edinburgh Review*, No. 54, under the head of "Campaigns in Canada." Sends remarks on the article and papers to illustrate them. 337
- Enclosed.* Papers indicated in the letter. 339 to 350
- December 12, Taylor to Hobhouse. Transmits letter of Mr. Lafontaine of Canada Horse Guards. covering a petition. 72
- December 12, Forbes to Bathurst. Had only received letter of 29th September, Enfield. 1821, on the previous evening. In accordance with Bathurst's suggestion he is prepared to return to Lower Canada, and to reside in the district of Gaspé. 236

	1822.	Crew to Wilmot. In reference to Bathurst's approving of Dalhousie directing the issue of four 3-pounder brass guns and 100 stand of arms to the military settlements in Canada, the King's pleasure must be ascertained, as the issue is contrary to regulations. Page 103	
	December 16, Ordnance.		
	December 20, Taunton.	Isaac Ogden to the same. Sends paper from Canada containing the sentiments of the gentlemen and merchants of Montreal on the subject of the reunion of the provinces. Asks for an extension of leave of absence till May. 316	
	December 27, War Office.	Merry to the same. Mrs. Harriet Antill Panet, widow of the late Charles Blake, placed on half pay as surgeon of Montreal, has applied for a pension. Asks for information respecting Blake's appointment. 156	
	No date.	Case for opinion of Counsel respecting the duties levied in Canada under the Statute 14th, George 3, cap. 88. 80	
		Neither signature nor address, apparently to Kerr, that he had made an application to the Treasury. 108	
		Petition of Jessy Mary Katherine Bruyeres, widow of David Thomas Kenelly, (Kennelley elsewhere) praying for the usual pension to the widow of a surgeon in the army. 202	
		<i>Enclosed.</i> Affidavit of the death of Kenelly, surgeon. 204	
		Joseph Cetti to Bathurst. Requests that leave be granted to F. M. Revolton to proceed to Canada to settle some mercantile affairs. 224	

PAPERS COLLECTED BY MR. WILMOT HORTON ON THE CANADA BILL, 1822.

Q.—163-1-2.

	1815.	(Part I is paged from 1 to 313, part II from 314 to 583). Abstract of the papers follows the Acts, namely:—	
		Heads. Page 40	
		Quotations from Parliamentary debates. 45	
		State of the pecuniary accounts between the Governor and the province, showing the source of the revenues, the expenditures, &c. 48	
		Schedules of papers. 51	
		Abstracts of bills. 52, 57, 61	
		Details of the proposed bill for uniting the Legislatures of the Canadas. 63	
		Financial concerns of the two provinces. 69	
		Trade of the Canadas. 71	
		Canada bill, a paper divided into three parts (1) change in the constitution (2) providing for the trade of the provinces (3) regulating their financial concerns with each other. 73 to 81	
	1819.	Report of the special committee on the estimate of the civil list for 1819, with report of meetings to take evidence. 229	
	March 26.	The same in French. 263	
		At the end of English report comparative statement of the estimates of 1818 and 1819. 262	
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	No date.	Plan of the principal settlements of Upper Canada in 1817. Note says, "This communication explored by Lieut. Catty, Royal Engineers, in 1819." 533a	
	1821.	Prices current of exports. 573a	
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1821 December 21, Quebec.	Resolutions moved by Davidson respecting the effect of the legislation of the United Kingdom, in respect to the produce of Canada and that it is expedient to petition for the free admission of the agricultural produce of Canada for consumption in the United Kingdom. Page 299	299
	The same in French.	303
1822 January 8.	Joint address of the Legislative Council and Assembly of Upper Canada to His Majesty for a remedy to the state of affairs between Upper and Lower Canada in respect to the revenue from import duties.	318
	Resolutions of the Council and Assembly in view of the fruitless attempt to come to an agreement with Lower Canada respecting the division of the revenue from import duties.	323
	Report of the joint committee on the resolutions dated 22nd December, 1821.	328
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	Documents accompanying the report:—	
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	(2) Answer on behalf of Lower Canada.	418
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	B. Statement of the claim of Upper Canada, between 1st January, 1813, and 1st January, 1817.	441
	General statement of dutiable articles imported into Quebec in 1817, 1818, 1819 and 1820, with calculation of provincial duties paid thereon.	444a
	General statement of merchandise reported by the Inspector to have passed Coteau du Lac from Lower Canada into Upper Canada in 1813, 1814, 1815, 1816, 1817, with calculations of the provincial duties for 1817.	444b
	List of merchant Canadian bateaus and Durham boats that passed through the locks from Lower Canada to upper Canada, between 1813 and 1820, inclusive.	445
	Revenue of Upper Canada and whence derived.	446
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February 16	Resolutions of Assembly of Lower Canada on the report of commissioners appointed to treat with commissioners on the part of Upper Canada.	468
March 5.	Substance of information communicated by Caldwell, Receiver General.	462
	Second statement by Caldwell.	464
	Another statement by Caldwell.	466 to 467
March 14, Calverton.	Sherbrooke to Bathurst. If the provinces continue in the same state as when he left, a union on proper principles would be desirable, so that the undue influence of the Assembly should be somewhat controlled, but sees considerable difficulties before the measure could be reconciled with the jarring interests of the inhabitants. The mischief arising from the class of persons returned to the Legislative Assembly; that of Upper Canada more tractable, but doubts if it will remain so. The circumstances modifying the state of opinion there as to the United States, whilst in Lower Canada there is a rooted anti party to that government.	186

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1822.
 March 20,
 Belfast.

Stewart to Wilmot. Objects to the opening of the ports of the British West India Islands to the United States as prejudicial to the British North American colonies and to Canada in particular. The bad effects of the European restrictions on grain and duties on wood. The heavy crops of 1820 and 1821, enable Canada to supply all the wants of the West Indies; but whilst Canadian warehouses are overflowing, the West Indies cannot give any definite charge as to shipping prices of lumber, fish, &c., owing to the low rates for rum, sugar, &c. The ruinous effect of Americans obtaining access to the trade with the West Indies. The diminution of the European trade from Canada owing to recent duties on timber. Unless protecting privileges are granted, there will be a great falling off in Canadian exports as well as imports. Page 523

March 26,
 Plymouth
 Dock.

W. Sabatier to the same. Sends copy of printed letter in reference to the proposal to impose duties on colonial timber. The admission of the United States to the West Indian trade threatens to deprive British North America of its last means of subsistence owing to various restrictions on trade (stated). The last four years have proved a cruel and tantalizing state of suffering to the northern colonies without that protection which their loyalty and suffering naturally taught them to expect. The danger of losing the colonies, especially Nova Scotia, by the present policy. 526

List of part of the papers on the subject to be found in the colonial office. 528

April 12,
 London.

No signature. Observations on the difficulties in Lower Canada respecting the civil list which does not arise from disloyalty, but from the natural desire to preserve control of the finances; the frugal habits of the members of the Assembly and their little education cannot be supposed to enable them to appreciate the remuneration required for eminent services. The little influence government possesses in the election of members. 202

April 13.

A note says it was written by Caldwell.
 Charles Marshall (Solicitor General). Observations on the differences between the branches of the legislature of Lower Canada on the mode of proceeding for the civil list. The main points of disagreement are: (1.) The right claimed by the House to grant by items, that is, to dictate to the government what officers it shall employ and what each shall receive for his services. (2.) The right also claimed by the Assembly to make the grant, whatever it may be, annually. Arguments against these demands and suggestions for the removal of disputes between the two provinces by the opportunity now presented by the bills for settling the trade and duties. 210

April 15,
 London.

W. McGillivray. Estimated cost of vessel and disbursements and the difference of freight between Quebec and New York to the West Indies as a guide to the scale of duties. 543

April 18,
 London.

J. B. Robinson to ——— Comments on the position of the Assembly of Lower Canada, as advanced in the resolutions published in the Courier of which he sends a copy. 449

April 23,
 London.

(Robinson was commissioner for Upper Canada.)
 J. B. Robinson to Wilmot. In view of the importance to the provinces of the question of union, sends his opinion in writing. 97

April (?)
 May 15.

Enclosed. Considerations upon the expediency of giving a united legislature to the two provinces of Canada. States the arguments for and against, concluding that on the whole the relation should be left unchanged. 99

Remarks on the union of the Canadas by Dr. Strachan. 82

Observations by Caldwell on the effect which the present and probable state of trade in Canada will have on the revenue. 497

1822.
May 30,
London. J. B. Robinson to Wilmot. Desires that the liberty to purchase heavy goods in the United States may be left to the regulations of the provincial legislature owing to the very large cost of the transport by the St. Lawrence. Page 485
- June 10,
Quebec. Observations by Caldwell addressed to Dalhousie on the provision for the civil list in Canada. Gives in the form of a journal the proceedings of the Assembly in respect to the civil list and also a short summary of correspondence with the colonial office on the subject. 192
- June 17,
London. Hibbert to Wilmot. Sends in writing his suggestion that Canada and the other British North American colonies should make an alteration in the duties on sugar and rum, imported from the British West Indies and on those from other parts. 529
- June 21. *Enclosed.* "Observations," being suggestions for differential duties on articles imported from the British and foreign West Indies and from the East Indies, into the British North American colonies. 530
- June 21. "Bill" [as amended by the committee] "to make more effectual provision for the government of the Provinces of Lower and Upper Canada; to regulate the trade thereof, and for other purposes relating thereto." 9
- June 24. (A printed copy.)
"An Act to regulate the trade between His Majesty's Possessions in America and the West Indies, and other parts of the world." 26
Cap XLV.
- June 24. (A printed copy.)
"Act to regulate the trade between His Majesty's possessions in America and the West Indies, and other places in America and the West Indies." 33
Cap. XLIV.
- June 28,
London. (A printed copy.)
Hart Lotair. Is sorry to learn that there is a doubt of the Union Bill passing. If postponed, a thousand difficulties will arise from the intrigues of the curés and notaries. Desires to have a petition prepared which he will have signed. 164
- June 29,
London. John Christophers to Wilmot. Sends remarks by his partner, Thomas H. Hunt, relative to the trade of the colonies. 487
- July 2,
London. *Enclosed.* Canada Trade Bill, with marginal remarks. 488
- July 2,
London. Monk to Wilmot. Calls attention to the propriety of a change of words in a clause in the Canada Bill respecting tenures. 94
- July 8,
London. W. Parker, D. Munro and G. Stansfield to Bathurst. Earnestly advise that the Union Bill be postponed; the hurrying on of this measure, without giving the Canadians a hearing, is pregnant with the most disastrous consequences. 166
- July 20. Monk to Wilmot (private). Considerations on the Bill for the union of the provinces. The letter is in the form of questions as to the effect of the Bill. 130
- July 20,
London. No signature. Observations on the Canada Bill, with reference to the proposed postponement of the clause for uniting the legislatures, and to the omission of the clause for continuing the duties. Urges the immediate passage of the Union Act, alleging the bad consequences that would flow from the yielding to agitation against it as the cause of its withdrawal. 160
- July 24,
London. J. B. Robinson to Wilmot. Remarks on duties imposed in Lower Canada on rafts, scows, &c., passing from Upper Canada through the waters of Lower Canada. 476
- July 24,
London. Observations by Charles Marshall (Solicitor General for Lower Canada) on a clause proposed by Mr. Robinson to be inserted in the Canada Bill for abolishing certain rates levied on rafts, &c., passing from Upper to Lower Canada. 478

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July 31.	1822. "Bill" [as amended by the Committee] "for uniting the Legislatures of the Provinces of Lower and Upper Canada." (A printed copy.)	Page 21
August 5.	"Act to regulate the Trade of the Provinces of Lower and Upper Canada and for other purposes relating to the said Provinces." (A printed copy.)	1
October 31, Quebec.	Resolutions of Committee for preparing petitions against the Union. (A list of the Committee is given.)	144
November 15, Quebec.	Constitutional Committee (de Salaberry, chairman) to Wilmot. In opposition to the Union of the Provinces.	141
December 16, Montreal.	Constitutional Committee (Papineau, president) to the same. Opposition to the Act of Union; defence of the French Canadians against the charge of disloyalty.	136
No date.	Sketch of the history of Upper Canada, with notes of the laws in force, &c. Notes on the tenures in Lower Canada. General remarks on the Government. Tenures, notes on the 29th section. Brief statement of such ordinances and provincial statutes of Lower Canada passed since 14 George III. as have principally tended to introduce principles of British law into the provincial code. Summary of the petitions for and against the union. Petition of the inhabitants of the Eastern Townships complaining of the grievances under which they labour from foreign laws, want of representation, &c., and praying that the townships of Lower Canada may be divided into counties, entitled to elect members, and that the provinces of Upper and Lower Canada be united. No signature. Short statement of facts relating to the mode of providing for the civil list of Lower Canada. No signature. Notices upon bill projected to unite the provincial legislatures of Lower and Upper Canada. These notices so called give a history of the previous legislation with notes on the separate clauses of the proposed bill for the Union of the two Provinces supporting the proposal for union. (The notes on the clauses begin at page 172. Another series of notes begins at page 189, another begins at 189). Attempt to state that part of the expenditure of Lower Canada for 1819 to 1821, which the legislature do not conceive themselves to be bound to make appropriations for. Statement of the debts due to the provincial government of Lower Canada from the military chest. Shows how the obligations arose, and a statement at the end, of the sums paid by the legislature of Lower Canada and partly reimbursed. Statement relative to the unappropriated sums at the disposal of the legislature of Lower Canada. Memorandum on the state of the question between the provinces. Resolutions of Assembly on the report of the committee on public accounts. Note that the legislature is not due any amount for interest on army bills after the 7th December, 1815, when the transaction was considered as effectually closed. Sketch of the origin of the army bills, and the obligation for interest taken by the legislature. Summary and remarks on the Canada Trade Bill with summary at the end of the schedules A, B and C.	113 119 122 126 128 135 147 219 225 to 228 307 311 472 456 314 315 481 to 484

1822.
No date.

No signature. Remarks on the Canada Trade Bill, proposing modifications in the duties on spirits and with respect to the oaths to be taken by importers into Newfoundland. Page 490

Duties proposed by Mr. Caldwell on articles imported into the West Indies and British North American Colonies from the United States.

Duties imposed by the Jamaica Act 53 George III, Cap. 13. 492
Permanent Acts on spirits. The dates of the Acts and the rates imposed are given in the table. 496

Paper submitted by Robinson (representing Upper Canada) to Lord Bathurst, pointing out objections to the union of Upper and Lower Canada. 553

Notes on various subjects, unsigned. (1.) On education and the need of a university in Upper Canada. 574

(2.) On the state of religion and the want of additional clergy. 577

(3.) On revenue; the expediency of appointing some person to superintend the collection of the Crown rents. 581

(4.) On trade; states that a particular memorandum has been furnished. 582

(5.) For a decision on the application of Crookes for the remission of seizure of his schooner. 582

Jottings. (1.) The Adjutant-General of Militia. A bill passed in 1822, but was reserved. 583

Receiver-General's bill (only the name). 583

Contracts for provisions for troop in the West Indies (title only). 583

The most advantageous trade of Nova Scotia, New Brunswick and Newfoundland, is that in fish, for which rum is exchanged, which could be bartered with Canada for provisions, but that trade is stopped by the operation of the present duties. 500

Other undated memoranda on trade, chiefly advocating preferential duties, with statistics of the trade in wheat and flour, and table of duties. 501 to 522

Unsigned memorandum on North American timber, and on navigation and exports to North America. 534

Enclosed. Printed statement, being introduction to returns, dated 21st February, 1821. 537

(1.) Account of various kinds of timber exported from the port of Quebec in the years 1800 to 1820 inclusive. (A printed return.) 537a

(2.) A statement of the rafts of timber and their contents imported into the province of Lower Canada from Lake Champlain, in the United States of America, and entered at the port of St. Johns, from the year 1800 to 1820 inclusive. (A printed return). 538

(3.) Return of timber of all descriptions which has been imported into Lower Canada from the United States of America, as entered at the port of Coteau du Lac, between 16th June, 1815, and 3rd September, 1820. (A printed return.) 538 verso

Statement, entitled "Navigation." An account of the number of ships and men, with the amount of the tonnage, employed in the trade with any of the Northern Powers in the Baltic for the year 1820. 541

The same employed in the trade with the British Colonies in North America for the year 1820. In both cases the number of ships, tonnage and men on British, and same on foreign ships, are given. (A printed return.) 541

Return of shipping outwards for the year ending 5th January, 1821, giving the British and foreign tonnage and the official value of British produce and the same of foreign and colonial, each separately, the return showing the countries and colonies to which the vessels were sent with the value of the cargoes similarly distinguished. 542

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1823.
February 19,
Montreal. Report in the Canadian Spectator of speech of Sterling, member of
Assembly from New York respecting the trade between Canada and the
United States, delivered in Congress on the 24th January, 1823. Page 545
- February 19,
Montreal. Extracts from the Canadian Spectator (1). That the refusal of Lord
Dalhousie to remove Uniacke from the Attorney Generalship to be re-
placed by Marshall, Solicitor General has been approved of by the
Imperial Government. (2.) Suggests that a declaratory Act be passed by
Parliament, as to the application of the duties raised by virtue of the
Act of 14 George III. The argument that these duties are under the
control of the province is long and detailed. 564 to 566
- March 7. "Act to amend an Act of the last session of Parliament for regulating
the trade between His Majesty's possessions in America and the West
Indies and other parts of the world." (A printed copy.) 32

GOVERNOR LORD DALHOUSIE, 1823.

Q.—164-1-2.

- (Part I is paged from 1 to 215, part II from 216 to 402.)
Abstract of a bill for uniting the Legislative Councils and Assemblies
of the provinces of Lower Canada and Upper Canada in one Legislature
and to make further provision for the government of the said Provinces.
Pages 1 to 25
- (With marginal remarks on each clause.)
Papineau and Neilson to Wilmot. In opposition to the union of the
provinces and with observations on the clauses of the bill for effecting
that object. 113
Enclosed. List of petitions from Upper and Lower Canada against the
bill for uniting the legislatures. Signatures in the three districts of Lower
Canada 60,642; in 11 counties, &c., of Upper Canada 8,097 total 68,739.
In Upper Canada the petition from the London district was signed by
1,576; that from Kingston, Lennox and Addington and the district of
New Castle by 2,600; the others from 255 the lowest to 753 the highest
being an average of these latter of $435 \frac{2}{3}$, or a total average of all
places in Upper Canada in which petitions were signed of 736. Taking
the respective populations in 1825 (the nearest census obtainable), the
signers of the whole population, give an average of 12.7 for Lower
Canada and 5.1 for Upper Canada. 140
Petitions of the inhabitants of Lower Canada (dated Lower Canada,
1822). 141
Address of the Legislative Council of Lower Canada, against the union.
The address was carried by 31 yeas to 3 nays. 148
Petitions of the counties, &c., of Upper Canada against the union. 154
Address of the Legislative Council of Upper Canada to the Governor
General leaving the settlement of the question of union to the wisdom
and justice of the Imperial Parliament. 174
Resolutions of the Assembly of Upper Canada. That it is not called on
to express an opinion, the House having been elected previous to the
contemplation of so great a change, and the great body of the people
having made known their sense thereon by petitions, &c. 175
Undated and unsigned. Observations on bill for uniting the legisla-
tures of Lower and Upper Canada to make further provision for the
government of the said provinces. The observations are favourable to
the bill, but amendments are proposed which it is considered would im-
prove its provisions. 177

1823.

June 6,
London.

(Published as a pamphlet in 1824.)

J. Stuart. "Observations on the proposed union of the Provinces of Upper and Lower Canada under one Legislature, respectfully submitted to His Majesty's Government by the agent of the petitioners for that measure." It begins with a sketch of the changes in the system of government since the Conquest, and states in the following terms the points he will endeavour to establish:—

"(1.) That in the present circumstances of the Canadas, it is expedient that two separate legislatures should continue to regulate their concerns, and that as well the past as present inconvenience and evils resulting from this political arrangement as those to be apprehended in future require a remedy.

"(2.) That the union of the Provinces of Upper and Lower Canada under one legislature is the remedy urgently required and is alike necessary for the security and prosperity and for the interests of the parent state.

"(3.) That the objections which have been made to that measure have originated in prejudiced and interested motives, are without any reasonable foundation and ought not to prevent its adoption."

Argues at length in support of these points and on the evils resulting from the separation, financially and politically. Pages 26 to 130

Lists of petitions for a union of Upper and Lower Canada. 101

Petition of the city and county of Montreal to the Commons (see vol. 166, the petition being the same as that to the King in that volume).

Petition of the Eastern Townships (see vol. 163).

Petition of the city and district of Quebec. 106

Bill for the union of the Canadas as prepared by Attorney General Robinson, and in parallel columns the provisions as amended by the committee. The title states that the bill was prepared by Attorney General Robinson, but in a memorandum at the end dated 29th May, J. Stuart says it was he who prepared the draught of the bill. At the same date Dr. Strachan approved of the bill (Robinson's or Stuart's), with a few modifications. 247

Stuart to R. W. Horton. Criticises the proposals contained in two papers on the union with general remarks on the question of revenue, etc. 220

Attached. Statement exhibiting the probable future composition of the joint Assembly after a union. The calculation differs from that given at page 216.

Unsigned and undated. Probable state of the House of Assembly in the United Legislature. An elaborate calculation of the numbers in the separate legislatures and when brought together. In the latter the numbers are:—

For Lower Canada.....	60	
For Upper Canada.....	46	
		— 106
Roman Catholics.....	47	
Protestants of all denominations.....	59	
		— 106
French Canadians.....	44	
English speaking.....	62	
		— 106

Giving a majority of 18 to the latter.

Page 216

Plan for a general legislative union of the British Provinces in North America by Chief Justice Sewell and Attorney General Robinson in three parts.

Part 1. Extract from a paper entitled "Memoir on the Means of promoting the joint interests of the Mother Country and her North American Colonies." 323

1824

No date.

1824.
May —.

July 1,
London.

No date.

1824.

Part 2. Second extract from the same.

Page 330

Part 3. The plan.

335

Remarks by Stuart on the plan entitled: "A plan for a General Legislative Union of the British provinces in North America," dated 8th April, 1824. Mr. Stuart's conclusion is in these words: "Upon the whole a dispassionate consideration of the subject it is presumed must lead to the conclusion that a general union of the British Provinces would not at this time be expedient, but would be prematurely adopted; and that such a measure if resorted to would not in any way supersede the necessity of the proposed union of the Canadas under one legislature, but on the contrary, the latter measure ought to be considered as preliminary to the former."

365

"Observations on the policy of a general union of all the British Provinces of North America," by Dr. Strachan, 1824.

383

"Short review of a plan for uniting the provinces of North America under a congress or general legislature." The writer states objections to the proposed union from various points of view.

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UNION OF THE LEGISLATURES, 1823.

Q.—165.

1822.			
December 14.	Petitions in favour of the Union.	Page 165	
	From the County of Leeds, Upper Canada with the names of petitioners.	68	
	From the inhabitants of William Henry, Lower Canada, with names.	85	
December —.	From the inhabitants of March, Upper Canada with names.	90	
December 25.	From the seigneurs &c., of Three Rivers, Lower Canada.	95	
	From the inhabitants of Carleton County, Upper Canada.	100	
	Petition from the inhabitants of townships in Lower Canada.	105	
1823.	Comments on the proceedings of the Assembly in relation to the question of the union of the provinces and on Ogden's amendment.	48	
January 21 to 24, Quebec.	Resolutions of Assembly that copy of the resolutions of the 21st instant be sent to Papineau and Neilson, agents for presenting the petitions of the inhabitants, and that they be requested to present petitions of Assembly to both Houses of Parliament.	6	
January 23, Quebec.	Stuart to Bathurst. Asks for an interview to present petition in favour of union.	2	
February 17, London.	Additional comments on the proceedings of Assembly.	64	
March 28, Quebec.	Stuart to Wilmot. Believes that the information from the legislature has arrived for want of which the consideration of the question of union was postponed. Being charged with petitions in favour of union, he asks for an interview.	3	
April 18, London.	Dr. Strachan to ——. He has been in confidential communication with Stuart on the subject of a bill for uniting the legislatures of Lower and Upper Canada and has handed to the Colonial Office the bill as agreed on, with the very few particulars on which they differed.	10	
June 5, Quebec.	(The letter is long and gives in minute detail, remarks on the different clauses of the bill.)		
June 5, London.	Bill for uniting the legislatures of Upper and Lower Canada,	106 to 150	
June 10.	Papineau to Wilmot Horton (in French). Has been told that it would be better to defer presenting the petition till next session. Should Government persist in the plan of union to which the constituted authorities and a large majority are opposed and have made their demands known, a census should be taken and commissioners heard in		
July 14, London.			

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1821.

Parliament before any alterations in the constitution should be adopted. Will communicate a statement of additional signatures received since he saw him. Wishes also to point out the state of education in Lower Canada and how great is the desire for facilities for the establishment of schools in the country.

Page 8

Gov. LORD DALHOUSIE, 1823.

Q. 166.—1-2-3.

- (Part 1 is paged from 1 to 231; Part 2 from 232 to 419; part 3 from page 420 to 663.)
1822.
November 21, Quebec. Proceedings (in French) at a meeting of the Committee of the district of Quebec to prepare, have signed and forwarded a petition against the bill for the union of the legislatures of Upper and Lower Canada. The proceedings include the petition to the King, those to the Houses of Lords and Commons being identical except for the necessary changes of form. Page 10
- December 7, Quebec. Resolutions passed at a meeting of Committee for preparing petitions against the union of the provinces, appointing John Neilson to proceed to England as one of the agents to convey petitions against the union; to request the district of Three Rivers to appoint another agent and to communicate the proceedings to the Committee at Montreal. 2
1823.
January 4, Quebec. Statement of the number of signatures to the petition, general and in detail. 5
- January 11, Montreal. Recapitulation of the number of signatures in the district of Quebec to the petitions against the passing of the bill for the union of the legislatures of Upper and Lower Canada. The table contains: (1) A general statement of the numbers in Quebec and the counties and (2) a detailed statement showing the number of signatures in each parish. 5
- January 14, Quebec. Dalhousie to Bathurst (No. 115). At the request of the Committee for Quebec sends petition to the King against the bill for the union of the provinces. 1
- January 15, Quebec. Statement of the number of signatures in the district of Montreal to petitions against the bill for the union of the legislatures of Upper and Lower Canada. 9
- January 18, Quebec. Proceedings of the Legislative Council with address to the Governor and answer. 40
- January 20, Quebec. Proceedings of the House of Assembly from the 15th to the 18th January with address to the Governor and the answer. 34
- January 23, Quebec. Dalhousie to Bathurst (No. 116). Opened the session of the Legislature on the 11th. Mr. Vallière de Real elected speaker. Sends copy of speech, &c. 23
- Enclosed.* Proceedings of the legislature in English, with the governor's speech. 24
- January 20, Quebec. The same in French. 29
- January 23, Quebec. Dalhousie to Bathurst. The Speaker has left; sends copy of letter addressed to him (Dalhousie) a few days before the time fixed for the opening of the legislature. 43
- Enclosed.* Papineau to A. W. Cochran (Governor's secretary) 6th January (in French). He will not be near Quebec on the 10th of the month at the opening of the provincial parliament, nor during the session. The unforeseen and cruel situation in which the province is placed by the proposed change in the constitution. 44
- January 23, Quebec. Petition of the House of Assembly, Quebec, against the bill for the union of the legislatures of Upper and Lower Canada. 19

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1821.
January 24,
Quebec.

Dalhousie to Bathurst (No. 117). Transmits copy of petition in favour of the union. Page 46

Enclosed. Copy of petition from subjects of British birth of the city and county of Montreal. 47

Copy of the signatures numbering 873. 63

Certificate by the committee of the correctness of the copies of the petitions and signatures. 87

January 24,
Quebec.

Dalhousie to Bathurst (No. 118). In accordance with request of the Legislative Council transmits address against the proposed union. 88

January 24,
Quebec.

The same to Wilmot. Has forwarded addresses from both Houses against the proposed union; now sends documents from those holding a contrary opinion. 89

Enclosed. Protestation from the journals of the Legislative Council of the 22nd instant, signed by John Richardson, C. W. Grant, James Irvine, Rod, Mackenzie and W. B. Felton. 90

January 24,
Quebec.

Dalhousie to Bathurst (No. 119). In compliance with the request of the House of Assembly, sends address against the proposed union. 92

Enclosed. Address (in French) from the Legislative Council. 93

The address from the Assembly is in volume 164.

January 24,
Quebec.

Dalhousie to Bathurst (No. 120). In compliance with request from the ministers and elders in connection with the Church of Scotland in Upper and Lower Canada, transmits petition for a legal establishment of that church in these provinces. 97

List of documents in reference to the petition. 98

Wilmot Horton to Gordon. The papers relating to the application should be referred to Stephen for his opinion as to the right of the petitioners to have a portion of the Treasury (*sic*) reserves. 99

February 22,
Quebec.

Dalhousie to Bathurst (No. 121). Transmits memorial from the committee of trade of Quebec, praying for the introduction of a bill to equalize the duties on brandy imported from the continents of Europe and Africa and from the United Kingdom. 100

Enclosed. Memorial of the committee of trade at Quebec. 101

February 22,
Quebec.

Dalhousie to Bathurst (No. 122). Transmits petition of Reverend Mr. Desjardins and ten other ecclesiastics, natives of France, for letters of denization; they have for more than twenty years domiciled in the province. His Lordship recommends them as deserving of the favour. 103

Enclosed. The petition and other documents. 105 to 107

At page 107 the names of all the priests are given, two being omitted at page 105.

February 22,
Quebec.

Dalhousie to Bathurst (No. 123). Has received dispatch to make up to Mrs. Campbell the quantity of land promised to her late husband. She has already been put in possession of the farms made over to her late husband for the raising of hemp, containing upwards of 100 acres of cleared lands. The Executive Council, in recommending that the remainder should be made up of waste lands were influenced by the fact that Government was deceived by Campbell, who is worthless; represents, therefore, that the further claim of Mrs. Campbell is unfounded. 108

Enclosed. Extract of report from a committee of Council on dispatch directing a grant of land to be made to the widow of the late James Campbell. 110

February 22,
Quebec.

Dalhousie to Bathurst (No. 124). Cannot recommend that Hood should be engaged for the management and manufacture of hemp and flax, as there are many persons in the province competent to it and previous engagements are a warning against further encouragement in that way. 112

February 22,
Quebec.

The same to the same (No. 125). Has received no decision as to his recommendation to fill up the vacancy in the Council caused by the death of de Gaspé. Adds name of Matthew Bell as a suitable person. 113

1823.
February 22,
Quebec. Dalhousie to Bathurst (No. 126). Sends answer to dispatch for information as to the amount to be expected from members of the Church of Scotland, either in Canada or Scotland. Calls particular attention to the letter from Lochiel, which places the subject in a light deserving favourable attention. The misstatements in the letter from Harkness as to the relative duties of the ministers of the Churches of England and Scotland. Page 114
- Enclosed.* Rev. John McLaurin to Dalhousie. Lochiel, 16th October, 1822. Since 1820, when he arrived, he has only received £60. The poverty of the people prevents them from giving. The number of sectaries and the cause. 116
- Rev. James Harkness to Dalhousie, 3rd December, 1822. Reports the sources of income to the congregations of the Church of Scotland, and hopes, should the union of the provinces take place, that provision may be made constituting the Church of Scotland into a corporation, with the same privileges as the Church of England or the Church of Rome. 121
- List of baptisms, marriages and burials in the Churches of England and Scotland, respectively, from 1810 to 1821, inclusive. 126
- February 22,
Quebec. Dalhousie to Bathurst (No. 127). Submits for decision a question of precedence which has arisen between the Lord Bishop and the Chief Justice, with documents. 127
- Enclosed.* Bishop (Anglican) of Quebec arguing that as Bishop of the Church of England, he has a right of precedence over the Chief Justice. 128
- Chief Justice Sewell contends that by the royal instructions, the Chief Justice has precedence over the Bishop. 132
- Mandamus appointing Sewell, the Chief Justice, to the Executive Council. 142
- Mandamus appointing Jacob, Lord Bishop of Quebec, to the Executive Council. 143
- Answer of the Lord Bishop, containing, in parallel columns, summaries of the reasons of the Chief Justice and the Bishop's replies to each separately. 144
- March 31,
Quebec. Dalhousie to Bathurst (No. 128). Closed the session on the 22nd instant. Sends copy of speech and list of Acts which received the royal assent. 173
- Enclosed.* List of bills. 174
- Speech from the throne. 180
- List of Bills in French. 183
- Speech in French. 189
- April 23,
Quebec. Dalhousie to Bathurst. Sends report of a committee of Assembly upon the provincial accounts in which a question is raised as to the right of government to apply the proceeds of revenue arising from 14 George III. and other sources permanently appropriated, declared in the several Acts. The question will be disputed till settled by competent legal authority. Calls attention to parts of the report. Davidson who fought in favour of Government can fully explain the question. 251
- Enclosed.* Report of the select Committee of the Assembly on the public accounts of the province from the beginning of the constitution in 1791 until 1822, inclusive. 253
- The same in French. 282
- Statement of the funds of the province with abstracts, details and continuation of the proceedings of the committee in English and French. 311 to 365
- April 27,
Quebec. Dalhousie to Wilmot. In reference to letter from Merry relative to the appointment of Blake as surgeon at Montreal, had sent his commission to the War Office by which it would be seen that he was regularly

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1823.

April 28,
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April 28,
Quebec.

April 28,
Quebec.

May 27,
Sorel.

June 2,
Quebec.

June 3,
Quebec.

appointed by His late Majesty, and in reference to the army list, his name so far back as 1790 appears on the half-pay list, with other officers of the Hospital staff reduced in North America subsequent to the peace of 1783, and there is nothing to show that Mr. Blake's was a Colonial appointment. Page 193

Dalhousie to Bathurst. Reports that the Receiver General is deficient in the amount of cash due to the public, has asked for help from the military chest which has been declined, but he (Dalhousie) has ordered payments to be postponed to enable the Receiver General to state his case to the Imperial Government. He (Dalhousie) cannot lose sight of the duties he owes to the officials who look up to him for their salaries. Sends report of Council and other documents, which with the personal attendance of Davidson will remove all difficulty. 194

Enclosed. Report of the committee of Council on the accounts of the Receiver General. 197

List of papers referred to the committee. 201

A series of accounts and other documents relating to the liabilities of the Receiver General. 203 to 250

Dalhousie to Bathurst. The prevalence of smuggling from the United States to all parts of Canada; the impossibility of applying a remedy; sends copy of letter on the subject of the smuggling of tea addressed by Richardson to a director of the East India Company; his suggestions are corroborated by the opinion of the committee of trade at Quebec. Asks that His Majesty's government may take steps to put down this illicit trade. 366

The same to the same. Calls attention to the subject of immigration; the sum of £750 granted for the relief of emigrants who may arrive in sickness will materially assist the efforts of the society, but the annual arrival of 10,000 emigrants, three-fourths of whom are paupers, has determined some to withhold subscription and assistance. It is the common opinion that this description of people is by no means desirable and the Legislature will give no assistance beyond the support of the sick. Asks for authority to grant assistance to an amount not exceeding £1,000, which will be expended with the utmost economy. 368

The same to Wilmot. Introduces and recommends Mr. McDonell, Catholic Bishop of Upper Canada. 370

The same to Bathurst (No. 129). Complains of the delay in the arrival of mails in the four winter months of November, December, January and February and asks that in these months they may be sent by way of New York. 371

Enclosed. Darling to Admiral Fahie. The disappointment caused by the arrival of the November packet at New York, without the public dispatches, reported to have been left at Bermuda, to be sent to Halifax. During the winter months they should be sent to New York to which place an officer is sent to receive them. 374

Halliday (Secretary to Fahie) to Darling. The mails are kept at Bermuda to be sent to Halifax, by express orders of the Postmaster General. 375

Arrival of the winter mails at Quebec for 1821, 1822 and 1823. 376

W. Smith, Commander-in-Chief at Bermuda, to Admiral Fahie. The postmaster at St. George's has received express orders to forward the Quebec mails only by way of Halifax. 377

Dalhousie to Bathurst (No. 130). In reference to ascertaining the value of the buildings belonging to the Hudson's Bay Company at the Falls of St. Mary, Thain, the agent, cannot negotiate. Time, therefore, would be spared by communicating direct with the president of the Hudson's Bay Company in London. The ground on which the trading post stands belongs to government and can be resumed when wanted for

1823.
military purposes. Suggests that only such should be taken over as would be useful for the troops, only adding what would be necessary. Page 378
Enclosed. Correspondence. Thain to Darling and Darling to Thain. 380, 382
- June 13, Quebec. Dalhousie to Bathurst (No. 131). Has received dispatch respecting the boundary between the British and American territories in the vicinity of Cornwall and Barubart's Island. As that part of the boundary is in Upper Canada, has forwarded the instructions to Maitland. 383
- June 13, Quebec. Dalhousie to Bathurst (No. 132). The application from the agent for Ellice, the proprietor of the Seignory of Beauharnois, for a change of tenure to free and common soccage was referred to the Executive, whose report he transmits for consideration whether there are any objections to the Council's plan for estimating the indemnity to be paid the Crown on the change of tenure. 385
Enclosed. Report of Council, narrating the provisions of the law by which lands in fief transferred in mortmain are charged with one-third of the value to be paid to the Crown; lands *en roture* so transferred are charged one-fifth. In the case of conversion if any inferior proposition be received that must be determined by the King. 387
- June 13, Quebec. Dalhousie to Bathurst (No. 133). Sends draught of a bill for establishing a corporation for the education of the Catholic youth of the country, similar to that under the School Act of 1801, which from religious prejudices proved ineffectual as a general measure. Recommends the bill to favourable consideration; asks to be instructed if he is to sanction such a bill if passed, and suggests giving a joint power, where two exist, to the Catholic and Protestant corporations of managing schools under such regulations as would prevent one religious denomination from interfering with the creed of the other. Suggests power to be taken by the Crown to control the acquisition of property. 391
Enclosed. Proposed bill endorsed, "Bill for establishing free schools and more effectually to encourage the advancement of learning in this province than heretofore." 393
- June 13, Quebec. Dalhousie to Bathurst (No. 134). Transmits memorial from Bowen for an extensive tract of land. His respectability &c., give him a claim to consideration, but he has been informed of the objections to extensive grants. 401
Enclosed. Memorial of Edward Bowen. 402
Letter from Bowen to A. W. Cochran (Secretary), explanatory of the grounds of his memorial. 406
- June 13, Quebec. Dalhousie to Bathurst (No. 135). Transmits, with other Acts, copy of that by which pensions are granted to Chief Justice Monk and Justice Ogden. As the instructions from Bathurst did not specify the amount that has been stated in the Act, a petition from the Judges represented that the amount was too small and that the bill should be reserved, but he had assented to it, knowing it could be disallowed, if the representations of the judges were found to be just. 410
Enclosed. Extract from the instructions respecting pensions to Chief Justice Monk and Justice Ogden. 412
Memorial from the justices of the Court of King's Bench respecting pensions. 414
- June 13, Quebec. Dalhousie to Bathurst (No. 136). Sends copy of the journals of the Legislative Council and exemplifications of the Acts passed last session. 841
- June 13, Quebec. The same to the same (No. 137). Sends proceedings of the Executive Council on matters of State, between the 18th December, 1821, and 9th May, 1822, inclusive. 420
- June 13, Quebec. The same to the same (No. 138). Has, according to instructions, sent over Oliver Fitzgerald, charged with the murder of a post boy in the

1823.

County of Limerick, Ireland. The measures taken for his security. As the expense for conveyance and custody cannot be defrayed from provincial funds, leaves that to be arranged by His Lordship. Page 421

Enclosed. Copy of the instructions given respecting the custody on the voyage of Oliver Fitzgerald, charged with murder, and the steps to be taken on arrival. 423

Instructions for Corporal Johnson, charged with the special custody of Fitzgerald. 425

June 16,
Quebec.

Dalhousie to Bathurst (confidential). Had reported differences of sentiment among the authorities of the Catholic Church in the province. Now sends copy of circumstantial information on the subject. It confirms his opinion of the prudence and policy of His Majesty assuming greater control over the Catholic Church and its concerns in Canada. Papineau proposes to remain in London with the wish to obtain alterations on the subject of the immense property of the Sulpicians at Montreal and also in regard to the Jesuit estates now in the hands of the Crown. His views have been kept carefully concealed from Government, although he has been three years a member of the Executive Council, so that there is reason to apprehend he has some mischievous design. 426

Enclosed. "Questions sur le Gouvernement ecclesiastique du district de Montreal." In the answers it is contended that the appointment by the Bishop of Quebec of Mgr. Lartigue to be suffragan Bishop of Montreal and making Montreal into a diocese under the ecclesiastical government of Mgr. Lartigue, even after the death of the Bishop of Quebec, is invalid as being contrary to canonical law and to the rights of the King, who, by the treaty of Versailles of 1763, obtained all the rights held by the King of France in Canada. 428

(The enclosed document is not signed).

June 21,
Quebec.

Dalhousie to Bathurst (No. 139). Encloses copies of letters from Ward Chipman and answer to his first letter respecting the disputes in New Brunswick as to his right to assume the government on the death of Major General Smyth. Chipman and Billop having brought their pretensions before His Lordship, he simply submits the papers. His opinion given when first referred to was formed upon the judgment of the Council of New Brunswick, on the public necessity of the course adopted and of the manifest indiscretion of Billop's measures. 459

Enclosed. Dalhousie to Chipman. Regrets the disturbance to the tranquillity of the province. At this distance no impression of his opinions can be of any legal authority in the existing contention, and he hopes his presence is not necessary to put an end to it. All the circumstances lead him to confirm the steps taken by the Executive Council; the illegal measures taken by Billop; the meeting of the inhabitants of St. John being no justification for them. 451

Ward Chipman to Dalhousie. Reports his having by advice of the Council assumed the administration of the government of the province on the death of Major General Smyth. The Acts subsequent to that by Billop and others highly derogatory to the good character of government and which may endanger the public peace. (These are given in detail.) Sends copy of the proclamation which he hopes will prevent a recurrence of the proceedings. 464

Same to the same. Thanks for his Lordship's letter. Gives an account of the motives of the advisers of Billop in leading him to take the course he had adopted or which was taken in his name. 468

August 2,
Quebec.

Cochran to the Catholic Bishop of Quebec. To inform Mr. Desjardins and the other priests that their petition for denization has been complied with. 104

1823.
August 12,
Quebec.

Dalhousie to Bathurst (No. 140). Sends copy of letter from Maitland respecting the proposed bridge between Kingston and Points Frederick and Henry to be built at the estimated cost of £6,000, showing that the annual saving would be upwards of £600 besides the advantage to the King's service of having this communication solely in the hands of government. 472

Enclosed. Maitland to Darling (Secretary). Sends calculation to show that the saving that would be effected by building the bridge after deducting repairs and cost of collection would be £634,10. 473

August 13,
Quebec.

Dalhousie to Bathurst (No. 141). In reply to inquiry as to the footing on which the officers of the late corps of Provincial Royal Artillery drivers was placed, to decide on the claim of Mrs. Goddard to a pension as the widow of an officer, encloses order on which the corps was raised in 1813. By a letter from the Treasury, 1817, surviving lieutenants of the corps were to receive half-pay of ensigns, the sum of three shillings a day being specially authorized. Had therefore forwarded Mrs. Goddard's pretensions to half-pay. 476

August 20,
Quebec.

Dalhousie to Bathurst (No. 142). The inability of the Receiver General to pay warrants can only be received as a declared bankruptcy. Further steps must rest on instructions from His Lordship or the Treasury, probably from the latter by which the appointment was made and his securities are held. Cannot estimate the amount of the deficiency nor form an opinion of where the loss may fall which will become matter of serious discussion in the Assembly. Transmits documents. 478

Enclosed. Extract from Minutes of Executive Council respecting the financial difficulties of the Receiver General. 480

Memorandum by S. Gerrard on the affairs of the Receiver General. He has proposed to advance £16,000 out of the funds of the Bank of Montreal to be repaid with interest from the public revenues. 484

Report by the Council on the offer and arrangements for the management of the office of Receiver General. 485

August 24,
Sorel.

Dalhousie to Bathurst (private and confidential). Gives details of the bankruptcy of Caldwell and the steps taken to provide for the expenses of government. 487

August 30,
Quebec.

Same to the same (No. 143). Recommends granting the prayer of memorial of the Advocate General of Lower Canada, not as a favour to an individual but to an office which should be placed on a more respectable footing; suggests that a salary of £200 a year would be sufficient. 490

Enclosed. Memorial from Vanfelson, Advocate General for such salary as might be considered suitable. 491

Sewell to the Governor. Recommends the prayer of Vanfelson's memorial. 493

October 10,
Quebec.

Dalhousie to Bathurst (private). As it is decided to continue a Chief Justice in Montreal, expresses his high opinion of Justice Reid. Difficulty of appointing Stuart to be Attorney General, on account of his unfriendly relations to the Chief Justice; this obstacle has, however, been removed. The reason for not recommending Vanfelson to the office of Solicitor General. It would be to burden him with services in the House of Assembly. For this reason he recommends Charles Ogden in place of Vanfelson. Ogden's great qualifications for the office. 495

November 7,
Quebec.

The same to the same. In respect to fees on land grants to emigrants in the military settlements, all discharged soldiers and emigrants in these settlements to 24th December, 1822, have received their deeds free. Other persons claiming through Morris, are unknown to the Quartermaster General's department and have no claim. 494

1823.
 November 11, Quebec. Dalhousie to Bathurst (No. 144). Transmits and recommends memorial from the Royal Institution for the advancement of learning for means to carry into effect the bequest of the late Mr. McGill. A temporary provision was made from the revenues of the Jesuits' estates, but it cannot be made permanent, as the revenues are not equal to the ordinary demands. Page 498
- November 12, Quebec. The same to the same (No. 145). Transmits proceedings of the Executive Council on matters of state. 500
- November 12, Quebec. The same to the same (No. 146). Transmits proceedings of Executive Council concerning waste lands of the Crown. 501
- November 12, Quebec. The same to the same (No. 147). Transmits requisition for stationery. 502
- November 13, Quebec. The same to the same (No. 148). Transmits return of the public expenditure and revenue and of the officers of the civil establishment with table of fees received for 1821, a similar return for 1822 will be forwarded before the close of navigation. 503
- November 13, Quebec. The same to the same (No. 149). There must be a mistake in the representation that the Rev. Mr. Wilson, who proceeded to Kingston as master of the grammar school there had not received the salary of £200 promised him as it had been paid regularly to this period. 504
- November 13, Quebec. The same to the same (No. 150). Dispatches received respecting (1) Provision for the Church of Scotland in the Canadas. (2) Authorizing the expenditure of £1,000 for the relief of distressed emigrants. (3) Grant of land to Judge Bowen. (4) Mode of effecting change of tenure to free and common socage. 505
- November 21, Quebec. The same to the same (confidential). Agrees on the whole with Stuart in regard to the advantage to be derived from a legislative union, although differing on some points. Directs attention to his statement as to the means taken to obtain signatures, the sentiments of the Canadians in the lower province being directly the reverse of what Papineau and Neilson have stated. Remarks on Stuart's observations on the different clauses. Those from 9 to 12 are necessary as the increasing population will require changes in the subdivision of the two provinces and consequently in their representation, but sixty members for each should not be exceeded. The 13th clause fixing a qualification of £500 for a member is necessary as securing greater respectability. With respect to the 16th clause he does not think it would attain the desired object. The Attorney and Solicitor General of both provinces should be in the Assembly and should endeavour to obtain seats; failing that two sitting members might be chosen, either by letter of appointment or by notification to the House that the confidence of His Majesty's representative was placed in them. The proper place for the meeting of the legislature is Quebec. The extension of the duration of parliament from four to five years appears to be immaterial. None of the usual parliamentary privileges should be abridged. The restriction to the one language as provided for in the 24th clause is most important. The 25th clause should form a separate enactment. The King's prerogative as head of the Church ought to be exercised in the province to the same extent in the Catholic as in the Protestant Church, at least in regard to the formation of parishes and induction of ministers, and this would be acceptable to the individual clergy. The 28th clause he considers unnecessary. Is convinced of the expediency of a union, and that the prosperity of both provinces depends on it. Has not consulted with Stuart on the points raised as they are in substantial agreement. The importance of Stuart being in London to give local information. 506
- December 1, Quebec. The same to the same. Calls attention to the provision in the Union bill which gives the Lieut.-Governor of Upper Canada precedence next to the Governor-in-Chief. Thinks it must be an oversight, as the Lieut.-

1823.

- Governor of Quebec should be first, failing him, the Lieut.-Governor of Upper Canada and next the Administrator of Quebec. Page 513
- December 19, Dalhousie to Bathurst. In accordance with regulations makes application for supplies of arms and accoutrements. His unsuccessful attempt to rouse the militia to the active spirit found in almost all other parts of the British Empire. The good example shown by the young men of Quebec and Montreal, which will certainly spread in the country. 515
- Enclosed.* Demand for ordnance carriages and stores for service of the Canadas. 518
- December 19, Dalhousie to Bathurst. Sends dispatches in relation to Caldwell's deficit, that His Lordship may keep separate the two questions relating to provincial finances, Caldwell's affairs being totally distinct from the accounts between the Imperial and provincial governments, which latter question is not now under discussion. If Caldwell's affairs are not settled by the legislature a person might be sent to explain affairs to the Treasury, but it would be better to send some one where all the materials are. 520
- December 19, The same to the same. (No. 151). Transmits copy of address from Quebec. the House of Assembly relative to the reimbursement of duties levied in the province and remitted to England and asks for instructions as to the answer to be made. 522
- Enclosed.* Resolution of the House of Assembly on the reimbursement of duties raised in the province and remitted to England contrary to law. 523
- December 19, Dalhousie to Wilmot Horton (private). Discussions having arisen Quebec. with regard to the appointment of vicars general, with the title of Bishop, by the Catholic Bishop of Quebec, sends papers showing that there are two parties in that church who are warmly interested. 552
- Enclosed.* Memoir for the consideration of Lord Dalhousie (in French) relative to the documents entitled *Questions, &c.* (see page 428), from the conclusions of which the writer dissents contending that the Bishop had acted in accordance with law and had agreed with the British Government on the division of his diocese. A large number of documents quoted in support of his views. 553
- "Lettre à M. Chaboillez, curé Longueil relativement à ces questions sur la gouvernement ecclesiastique du district de Montréal." This letter is signed by P. H. Bedard. 575
- December 19, Dalhousie to Bathurst (No. 152). Sends extract from report by a Quebec. committee of the Executive Council for auditing public accounts, on the duties raised by Imperial Act 3, George IV., caps. 44 and 45, which are remitted to England by the collector of customs and accounted for to the commissioners of customs alone. There is no doubt the Assembly will raise the same question as those relating to the duties under 51 George III. Submits also the question of the percentage deducted from the duties by the collector as his remuneration for the collection. Asks that that part of the report be communicated to the Treasury so that he may be informed of the decision as to the allowance to officers of customs. It is probable, however, that the authority of the Treasury in this matter will be questioned on the grounds stated in report of last session from the special committee on the public accounts, which was transmitted in dispatch of April last on which he asks that a competent legal opinion be sent. 524
- Enclosed.* Extracts from the report. 526
- December 19, Dalhousie to Bathurst (No. 153). Transmits copy of a report from Quebec. the Executive Council respecting an allowance to the collector at one of the provincial custom houses, to be communicated to the Treasury for decision. 530

	1823.	<i>Enclosed.</i> Report.	Page 531
Governor of	December 19,	Dalhousie to Bathurst (No. 154). To bring the affairs of the Receiver	
Page 513	Quebec.	General's Department under the consideration of the legislature at the	
makes appli-		earliest possible moment, had met it on the 25th November. Transmits	
unsuccessful		copy of his speech. Sends papers to show every succeeding step. Has	
lost all other		suspended Caldwell and appointed, pending His Majesty's decision, the	
the young		Hon. Mr. Hale to the office. The amount due; doubts of the validity of	
the country.		the will of Caldwell's father, &c. Shall only communicate on the subject	
515		with His Lordship, and asks that such communications be made to the	533
service of		Treasury as may be thought necessary.	536
518		<i>Enclosed.</i> Governor's speech.	538
o Caldwell's		Extracts from the minutes of the Executive Council.	
ons relating		Ryland to Caldwell. Intimating his suspension from the office of	
et from the		Receiver General.	541
ents, which		Message from the Govern. : to the Assembly relative to the Receiver	
airs are not		General.	542
n affairs to		Opinion of Council, signed by Uniacke, Attorney General; Vanfelson,	
ere all the		Advocate General, and Stuart, on the will of the late Henry Caldwell,	
520		and on the debt due by him and J. Caldwell.	545
dress from	December 20,	Dalhousie to Bathurst (private). Public report says that the Assem-	
es levied in	Quebec.	bly will make some provision to relieve the difficulties of the late	
ns as to the		Receiver General. He will take advantage of the leave of absence and if	
522		not prevented will sail on the 1st June.	649
reimburse-	December 20,	Same to Wilmot Horton. In answer to inquiries relative to the	
contrary	Quebec.	Crown and clergy reserves in the province sends the Surveyor General's	
523		returns which he summarises and gives suggestions for the improvement	
ring arisen		of the system on which the lands are held and disposed of.	620
he title of		<i>Enclosed.</i> Returns (4) of Crown and clergy reserves in the different	
owing that		districts.	627 to 630
ed. 552		Suggestions by W. B. Felton on the management of Crown reserves.	631
housie (in		Bishop (Anglican) of Quebec, respecting the clergy reserves.	636
(see page	December 20,	Dalhousie to Bathurst (No. 155). Arrival of two vessels with immi-	
nding that	Quebec.	grants from Ireland. Sends statement of the expenses which may in-	
d with the		fluence the determination as to an extended scale. Will not positively	
number of		advise against continuing the measure, but points out the improper	
553		selection of those sent. The advantages of a well regulated system of	
questions		emigration, but a twelve months preparation is necessary. Were he	
This letter		authorized to make this, and the emigrants treated as those on the mili-	
575		tary settlements, he could answer for general success.	640
port by a		<i>Enclosed.</i> List of leased clergy lots in Lower Canada.	643
nts, on the		Statement of sums paid by the commissariat and estimate of further	
which are		charges to be incurred for transport, &c., of Irish emigrants sent from	
l for to the		Cork to Quebec.	646
embly will	No date.	Memorial of merchants and manufacturers of flour in Upper and	
51 George		Lower Canada, that in all contracts for the supply of flour to the forces	
d from the		in the West Indies, &c., Canadian flour should be preferred.	961
Asks that			
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oms. It is			
matter will			
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ted in dis-			
opinion be			
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526			
port from	1816.		
r at one of	September 21,	Cockburn to the Governor (Sherbrooke). Was unable from indis-	
asury for	Kingston.	position to visit the Rideau with Fowler; had done so, how-	
530		ever, when recovered and after visiting Perth had returned	
		satisfied and convinced that the new settlement would answer the	

LORD DALHOUSIE, GENERAL ORDERS AND MILITARY SETTLEMENTS,
1820 to 1823.

Q. 167 A. & B.

The dates are given in chronological order; the papers in the two volumes, are marked as in A or B, as the case may be.

September 21, 1816.
Kingston. Cockburn to the Governor (Sherbrooke). Was unable from indisposition to visit the Rideau with Fowler; had done so, however, when recovered and after visiting Perth had returned satisfied and convinced that the new settlement would answer the

1818.
most sanguine expectations, provided means kept pace with its extension. More assistance will be required for superintendence owing to the number located. An increase in the medical department, a hospital, a barrack, and a school-house are required. From the distance from the depot of settlers on the Mississippi it would be a great advantage to them to have an issuing store in the neighbourhood. Recommends laying out another village between townships 3 and 4; if approved of no time should be lost in laying out the roads in dry weather so as to have the lands surveyed ready for settling in spring. Recommends certain officers for positions in the department on the ground of economy. Is still of opinion that a person of higher rank than Fowler and with more extensive powers should be directed occasionally to visit the settlement to give the settlers an opportunity of communicating any grievance they may imagine themselves to have received and confirming the superintendent's measures for the welfare of the settlers. Sends memorandum of the expense. Is about to proceed to York respecting lands, &c. Asks that he be informed when the Governor hears from Moore respecting the emigrants at New York. Page A 1
1818.
October —. Report by J. F. Maun, Royal Staff Corps on the navigation of the Ottawa or Grand River, from Point Fortune to the head of the Long Sault. B 1
1819.
January 14,
La Chine. Report by E. J. Cleather on the Richelieu River with remarks on the means of deepening the channel to enable vessels drawing five feet to navigate the river from the St. Lawrence to Chambly during the whole season. B 8
- July 10,
Quebec. J. A. de Rottenburg to the Quarter-Master General. Report on the state of the roads, &c., between Fredericton, New Brunswick and Quebec. B 11
- Various dates.
1820 to 1823. *Enclosed.* Table of distances between Fredericton and Quebec. B 18
General orders by Lord Dalhousie, the first dated 19th June, 1820, announcing his arrival at Quebec and that he had assumed the Government. A 47 to 59
1821.
May 1,
Quebec. Return No. 1 of expenses of emigrants from Lanarkshire placed on land at Lanark, in the military settlement, 167 families or 883 persons. Return No. 2. Expense for each family placed on land. Comparative expense of an issue of 16 months rations and the advance of £8 to each individual averaging one woman and three children to each head of a family. (The two returns are not paged but precede page 1 in 167 A.)
- May 22,
Quebec. Cockburn to Dalhousie. To ascertain the cost of placing on land the settlers from Lanarkshire who arrived last year, he had endeavoured to collect every item chargeable to that branch, and shown the amount on returns Nos. 1 and 2. The total number of settlers in the townships to the north-west are from 1,500 to 2,000, of whom upwards of 800 are from Lanarkshire; 700 having means to cultivate land received no assistance except a small supply of implements in addition to 100 acres of land; about 130 are military who received a year's rations for themselves and families besides land and implements. There is still sufficient ungranted land in the new townships for 700 or 800 heads of families; but as the portion immediately under the superintendence of Marshall will be nearly all taken up by the settlers notified as coming from Lanarkshire, Marshall has been instructed to reserve these lands for them, so that they may be as little separated as possible and at no great distance from the Scotch who came out last year from the same county. Has in the meantime charged for patent deeds until a decision is arrived at by the provincial authorities. Hundreds of respectable emigrants who have fulfilled every settlement duty are, in consequence of no decision as to fees left without any legal possession of their land. Previous to the last general

1821.

election 251 military settlers had their patents paid by the military chest. An idea prevails that the lands in the military settlements might be granted in one deed and afterwards transferred; does not know the legal effect this would have, but some definite arrangement should be made to prevent a feeling of grievance. Calls attention to the order respecting the retention of Crown reserves, which prevents the settlements from being compact and surveys are paid for which are of no immediate benefit. Points out the result to be expected from the system shown in the return No. 2 of giving 16 months rations rather than £8 a head. The disadvantages of the latter system; asks for positive instructions. The added cost of supplies to the settlers over the price at which Government can obtain them in large quantities. Expenditure still required for places of public worship, for school-houses, for school-masters, for the relief of settlers suffering from sickness, fire or other unavoidable misfortune, for the relief of widows and orphans, for medicine, &c. The settlers are willing to help in opening communications, but need government assistance. The general prosperity in the settlement.

Page A 6

Various returns and accounts follow.

August 30,
Downing
Street.

Bathurst to Dalhousie. His satisfaction that the settlement of emigrants has fully answered the end for which it was adopted, and at an expense not greatly exceeding the original estimate. The details will be useful for further settlements, especially as showing the advantage and economy of making advances in kind rather than in money; the information will, besides, enable him to advise with individual settlers in answer to questions. The patent fees should be paid by government, but means, if possible, should be devised to reduce the amount. The difficulty of dealing with the Crown reserves, their interposition and that of the clergy reserves, must tend to retard settlement, but they are the source to which the Crown must look for a revenue applicable to colonial purposes. The general benefit of the province requires some immediate sacrifice on the part of the settler.

A 17

No date.

"Observations made in the year 1821 by Lieutenant-Colonel Cockburn, Deputy Quarter-Master-General to the Forces, when in attendance on His Excellency, Lieut.-General the Earl of Dalhousie, G.C.B., on a tour of inspection made by His Lordship to the western frontier of this command."

A 60

1822.
September 10,
William
Henry.

H. C. Darling (Secretary) to——. The object of the military settlements is so fully accomplished that they can be handed over to the civil government of Upper Canada; to arrange for the transfer to take place on the 25th September next, when the establishments at Perth and Richmond are to cease; that at Lanark to be continued for a short time on a reduced scale, to secure, as far as possible, a return of the large sums advanced. The further control will be with Maitland, to whom Marshall must report. He is to consult with the Major-General as to the disposal of the buildings, provisions, &c. When the cash and store accounts close on the 24th December, all expenses of this branch will cease. The returns for pay of the storekeeper and clerk at Lanark have to be transmitted to the Secretary's office direct after being submitted to Maitland.

A 20

September 20,
Quebec.

Cockburn to Dalhousie. Report on the district of Gaspé.

A 20

October —,
Stanford.

Maitland to the same. Sends observations on the details of transferring the military settlements to the civil government of the province.

A 22

Enclosed. Observations divided into three columns respectively entitled: "Memorandum submitted by the Deputy Quarter Master

1822.
November 23, Quebec. General to Sir P. M." "Sir P. Maitland's answers." "Lt. Colonel Cockburn's observations on Sir Peregrine's answers." Page A 23
Parker to Colonels Powell, Burke and Marshall (circular). Is directed to give the following items of information respecting the transfer of the military settlements an: (1) public buildings; (2) public stores; (3) persons without deeds; (4) rations; (5) schools. General remarks. They will be ordered to Quebec to have the accounts adjusted. A 28
General order of same date, that the military settlements on the Rideau are to be transferred to the provincial government. A 31
The note of same date by Cockburn to Dalhousie enclosing circular for approval. A 32
- November —, Chambly. Report by Capt. Du Vernet, Royal Staff Corps, of progress made with the Greville Canal. B 42
- No date. Papers respecting military settlements in Canada. Schednles. B 48
Memoranda on military settlements: (1) Considerations as to whether the military settlements on the Rideau are available for defence and are worth the cost. Substitution of a road for a canal is recommended. B 48
(2) "Topographical" remarks on Capt. Mann's report on the navigation of the Ottawa or Grand River. The memorandum states that no data are given to calculate the expense; it contains, also, remarks on Lieut. Cleather's report on the Chambly River, on de Rottenburg's report on the communication between Quebec and Fredericton and Lieut. Colonel Cockburn's report of his military tour of inspection between Quebec and Gaspé. (3) Memorandum on military settlements to procure a communication between Montreal and Kingston by means of the Ottawa and Rideau. It is initialed F.C., that is, no doubt, Francis Cockburn, Deputy Quarter Master General. B 52 to 60
- 1822 (?) Joseph Bouchette, jr. Remarks respecting the district of Gaspé relative to a communication from Bay of Chaleurs to the River St. Lawrence. B 28
1823.
March 10, Quebec. Brewer to Cockburn. The Committee on Waste Lands requests his attendance to give information on the subject. A 33
Queries by and answers to the committee respecting settlers, &c. A 34
- July 14, Quebec. Adams to ——. The accounts for cash, provisions and stores have been received from the different military settlements in the Canadas to the latest period, except those of Daniel Daverne, who was secretary at Perth. Is not aware that any difficulty will arise in their final adjustment. B 47

PUBLIC OFFICES AND MISCELLANEOUS, 1823.

Q-167-1-2.

1823.
January 6, Quebec. (Part 1 is paged from 1 to 331; part 2 from page 332 to page 624.)
Bouchette to Bathurst. Argues in favour of the union of the provinces. Calls attention to the tone of the petition from Quebec in favour of the union, distinguished for its moderation and which has tended to disarm the opponents. The fitness of Papineau and Neilson to present the petition against the union; as they were the cause of its necessity they can best explain their reasons. His (Bouchette's) grief at the want of acknowledgement to his communications to Goulburn, as it looks like a censure. Page 244
Enclosed. Memorial of Bouchette. States his services in regard to the boundary question. Had sent documents for his justification and to remove the impressions which caused his discontinuance from the commission for which his competence has been fully established. 249

	1823.	Certificate of his capacity, &c., by Capt. Montgomery Cairns. Page 253	
	January 13, Paris.	Poynter to Wilmot. Thanks for the permission to four young priests from France to go to Montreal. 459	
	January 18, London.	Percival, Collector of Quebec, to the same. Calls attention to a dispatch from Dalhousie to the Treasury, for the remuneration to be made for the collection of the colonial revenue. 460	
	January 21, London.	Same to Bathurst. Along with a dispatch from Dalhousie, sends copy of a memorial he intends to present to the Treasury. 461	
	January 21, St. Martin's.	Memorial from the Society for the Propagation of the Gospel to the same. That they have provided for the spiritual wants of the North American colonies to a greater amount than their means warranted, and apply for an additional grant. 237	
	February 17, London.	Bastable to Wilmot. It would exceed the limits of a letter to state all that was necessary on the subject of the enclosed letter; asks for an interview. 256	
	February 17.	<i>Enclosed.</i> Goulburn to Bastable, 22nd January. In respect to his views as to a settlement in Canada recommends him to apply to Wilmot at the Colonial Office. 257	
	February 17.	C. Grant to Wilmot. Introduces Mr. Bastable and asks that his case be attended to. 408	
	February 20, Quebec.	Bishop (Anglican) of Quebec to Bathurst. Calls attention to the petition from the Ministers of the Church of Scotland for a share of the clergy reserves and opposes the granting of it. Has prepared a circular. 474	
	February 20, Quebec.	N. F. Uniacke to the same. Writes on the correspondence between His Lordship and Dalhousie respecting the office of Attorney General. Was not afraid that any injustice would be done to him. The policy he had adopted in dealing with the inhabitants and his opposition to the introduction into the province of Americans as settlers; the best lands ought to be given to the Canadians and emigrants. By judicious arrangement these colonies would provide for the superfluous population of Ireland. His conduct and policy commended. 605	
	February 21, Quebec.	Bishop (Anglican) of Quebec to ——— Enters at length into the question of a share of the clergy reserves being given to the Church of Scotland, the reasons against the claim being stated at some length. 476	
	February 26, London.	Ward Chipman to Wilmot (?). Asks for an extension of his leave of absence. His anxiety as to the measures to be taken with respect to the 5th article of the treaty of Ghent. 345	
	February —, Quebec.	Cockburn to ——— Is at a loss to understand the difficulty mentioned. He communicated and acted on orders respecting deeds to settlers and as his superintendence of military settlements ceased on 25th December last, he had avoided all interference. 340	
		<i>Enclosed.</i> Papers respecting the fees to be paid on deeds to settlers. 341 to 344	
	March 5, Foreign office.	Canning to Wilmot. Sends abstract of letter on the proposed union of Upper and Lower Canada which need not be returned. 91	
		<i>Enclosed.</i> Abstract of Hale's letter to Lord Harewood on the proposed union of Upper and Lower Canada. 92	
	March 5, London.	Newton to Wilmot. Desires to ascertain if proof can be obtained of the death of Mary Henley, reported to have died in Montreal in 1804. If living she is entitled to a sum of money, if dead without issue and intestate the money comes to a sister. 438	
	March 6, War Office.	Merry to the same. Is Bathurst aware of any objection to comply with the application of Bigsby, assistant surgeon, for a military allowance whilst assistant secretary of the Boundary commission? 219	
	March 8, Dublin.	Gregory to the same. Oliver Fitzgerald, charged with robbing the mail and murdering the post boy, who has been arrested at Quebec, is to be returned to Limerick. 227	

1821.
March 11, Treasury. Hill to Wilmot. The commissariat in the West Indies contract for flour at the lowest price, with a guarantee that it will keep good for six months. If the Canadian merchants can meet these requirements there is no reason why they should not get the contracts. Page 172
- March 12, Admiralty. Barrow to Wilmot. In consequence of a communication between Lords Bathurst and Melville, he has been directed to send to Bathurst copy of letter addressed to Captain Barrie, Acting Commissioner of the Navy at Kingston. 65
- Enclosed. Barrow to Barrie. Should his assistance be required in surveying the St. Lawrence between Lake Ontario and Montreal, he is to help in that work. 66
- March 12, Perth, U. C. Memorial of F. T. Lelievre. Applies for land on the same terms as lands were allowed to the children of officers at the end of the Revolutionary war. 416
- March 12, Hoxton. Moses to Wilmot. The state of wretchedness to which he is exposed by the refusal of the Admiralty to consider his case. 420
- March 21, Hoxton. Same to the same. Asks for his influence with Bathurst to obtain employment for him in the Spanish service. 422
- March 25, Quebec. Bishop (Anglican) of Quebec to Bathurst. Applies for leave to resign on being granted a suitable pension, and asks that a pension be granted to his wife should she survive him. He cannot resign until assured of his retiring allowance. 482
- March 29, Treasury. Harrison to Wilmot. Encloses letter from Commissary General Wood with list of Indian supplies required, asking Bathurst's opinion as to the extent of the supplies, when they should be sent, and whether there would be danger in gradually discontinuing gratuitous supplies. 173
- March 31, Navy Office. Navy Board to the same. Thomas Shannon, an out pensioner, may embark on board the "Susan" for Quebec. 133
- March 31, War Office. Merry to the same. For information as to the footing on which the corps of Provincial Royal Artillery Drivers stood, in reference to application for a pension from the widow of Lieut. James Mason Godard, late of that corps. 220
- March 31, London. Dr. Southey to the same. Applies once more on account of Capt. Southey's settlement in Canada, who is anxious to be allowed to choose his land. Asks for an interview. 502
- April 2, Admiralty. Barrow to the same. Asks that Bathurst grant license to Isaac Solly & Sons to cut red pine timber above Montreal, to fulfil their contract with the Navy Board. 67
- April 2, Taunton. I. Ogden to Bathurst. Applies that his son, Richard, be appointed to the office of Solicitor General for Lower Canada. His services and qualifications. 440
- April 3, Brighton. Order-in-Council, appointing W. B. Coltman and W. Smith members of the Council. 59
- April 3, Enfield. Forbes to Wilmot. Owing to infirm health, &c., hopes that he may be allowed to take a summer passage, in June or July next. 389
- April 9, London. Chipman to the same. Has been instructed by Canning to return to America, and asks for an interview. He will leave to Wilmot the propriety of asking an interview with Bathurst to take leave. 346
- April 19, London. Robinson to the same. Sends information respecting the condition of holding lands granted in Upper Canada, under heads. (1.) Compelling cultivation of lands heretofore granted in Canada and (2.) Mode of disposing of the remaining waste lands of the Crown. His opinion in the first is, that owing to the large proportion of the grants being made as rewards for services or payments for losses, &c., it would be impossible to enforce cultivation without hardship and probable injustice. On the second head, the methods for granting lands at present in force are stated, namely, to disbanded soldiers, sons and daughters of U.E. Loyalists and poor emigrants. To others the lands are given on the payment of

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- established fees and a rate of purchase. The policy of reducing the rates discussed and the methods of disposing of waste lands in the United States described. Suggestions as to turning the attention of capitalists to the country. In some cases public auctions might be advantageously resorted to. Page 490
- April 11,
Treasury. Harrison to Wilmot. Sends copy of letter from Dunn, dated York upon the subject of the junction of Upper and Lower Canada. 175
Enclosed. John W. Dunn to Arbutnot. Argues in favour of the union of the provinces, which is supported by the most respectable of His Majesty's subjects. 176
- April 11,
London. Lowe to Wilmot. Thanks for offer to forward a letter to Horton, but he (Lowe) after his return from an absence will wait on Wilmot personally. 415
- April 12,
London. Sir John Franklin to Bathurst. Presents a copy of his narrative and asks that a copy sent for that purpose may be presented to the King. 391
- April 15,
London. Bark to the same. Applies for introduction to His Majesty's evening levée. 258
- April 16,
Brightelm-
stone. Medical certificate by Walter Barratt, that the sailing of Forbes for Canada this summer would be attended with dangerous consequences. 390
- April 17,
Admiralty. Burrow to Wilmot. Asks that Bathurst grant a license to Charleton and Dixon to cut timber in Canada to fulfil their contract with the Navy Board. 68
- April 17,
War Office. Merry to the same. Reminds him that no answer has been returned respecting the late corps of provincial Royal Artillery drivers. 221
- April 21,
Taunton. Isaac Ogden to the same. For an extension of his leave of absence till 1st November next. 442
- April 28,
Lincoln's Inn. Stephen to the same. Sends statement of case with reference to Canadian duties. His opinion is in favour of the House of Assembly. 146
- Enclosed.* Statement of the various statutes for levying duties in Canada, with a summary of the statement (p. 157); discussion of the claim of the collector of customs to a percentage, the conclusion of which is that the collector of customs may lawfully claim and receive a fair and reasonable commission. 147
- May 5,
Brighton. Milnes to Bathurst. The gratitude of Forbes for the extension of his leave of absence; the medical opinion of the danger, in his state of health, he would incur by going to Canada this year. He fully intends to go next year to do his duty as Lieut-Governor of Gaspé. 424
- May 12,
Navy Office. Navy Board to Wilmot. Transmits copy of contract with Charleton and Dixon for the delivery of Canadian timber. 139
- May 13,
London. C. Stewart to Bathurst. Applies to be appointed Lord Bishop of Quebec, in case the present Bishop should resign. 503
- May 16,
London. Same to Wilmot Horton. The bequest of McGill to found a college before the end of ten years after his death. The risk of the bequest lapsing; the expediency of having the college instituted, and the propriety of having money for this purpose brought before Dathonsie by the Bishop, who does not wish to repeat this application. Asks him (Wilmot Horton) to confer with Bathurst as to the funds applicable to the building of a college. 504
- May 20,
Treasury. Harrison to the same. The Treasury transmits papers relating to the claim of Percival, collector of customs, for remuneration for collecting the provincial revenues. Suggests that legal opinion should be obtained regarding the provincial laws on the subject. 179
- May 21,
Navy Office. Navy Board to the same. Ships engaged for settlers; wanted the number of women and children that are to accompany them. 140

1823.
May 21, London. Rus to Wilmot Horton. Offers his services as surgeon on board an emigrant ship. Page 500
- May 26, Navy Office. Navy Board to the same. Where is Robinson, in charge of the settlers, to embark? Are the ships to be detained in the Thames after they are ready to proceed? 141
- May 26, Bridport. Hood to Bathurst. Had written in October last, relative to the growth of hemp and flax in the Canadas, and was told he would hear further when an answer was received from Dalhousie. Shall be happy to receive some further communication. 409
- May 26, London. C. Stewart to Wilmot-Horton. Transmits letter respecting the petition of the Church of Scotland for a share of the clergy reserves, and also extracts from Hansard's Parliamentary History. 507
- Enclosed.* Petition of the corporations for superintending, &c., the Clergy Reserves. 509
- Petition from the ministers and elders of the Church of Scotland in Upper and Lower Canada. 521
- (At page 528 is a list of the incumbents).
- Notice, dated 15th June, 1820, of the erection of a corporation to superintend, &c., the clergy reserves, to whom all lease holders, &c., are to apply. 532
- Letters patent erecting the Protestant Episcopal Church of Montreal into a parish or rectory. 533
- Extracts from Hansard's Parliamentary Reports, A.D. 1791, on the debates on the Quebec Government bill of 1791. 543
- A case for the consideration and opinion of Mr. Grant. How are the committee managing the affairs of the Presbyterian Church in Montreal to proceed respecting the property, &c.? 546
- Opinion. 547 to 550
- Letters patent incorporating the Lord Bishop of Quebec and the clergy of the Church of England to superintend the clergy reserves. 551
- Petition from the corporation for superintending, &c., the clergy reserves respecting the application of the Church of Scotland in Canada for a share of the reserves. 557
- (Part of the petition consists of an ecclesiastical chart of Upper Canada. The petition is signed by Dr. Strachan.)
- An appendix gives the net receipts from the lessees. 571
- May 27, Taunton. Isaac Ogden to Wilmot. Complains of the reduction of the usual pension in his case. Cannot understand why he should have been the subject of this caprice, unless it is on account of the part his son took as a member of Assembly. Renew his application for the appointment of his son to the office of Solicitor General. Sends memorial, petition, &c. 443
- Enclosed.* Memorial by Ogden, stating his services and losses as a loyalist. Complains of the diminutions by the legislature of the usual pension to retiring judges; asks that the Governor General in Canada be instructed to issue warrants for his full salary till the legislature make such allowances as shall be satisfactory, and further, that the legislature be recommended to grant a pension to his widow on his death. 445
- Copy of letter from Dalhousie to the Assembly, recommending a pension to Judge Ogden on his retirement. 451
- Copy of letter from Cochran, Secretary, to C. R. Ogden, that the order respecting the pension to his father and Judge Monk was submitted to the House in the precise terms used and the Governor must give his assent to the Act as passed. 154
- May 29, Admiralty. Barrow to Wilmot Horton. Transmits letter from the victualling office for directions as to the disposal of provisions, &c., for settlers by the "Hebe" and "Stokesby." 69
- Enclosed.* Victualling office to Croker. Who are to be charged with the cost of provisions, &c., for settlers? Suggest that the commissariat officer at Quebec take over the provisions unexpended. 70

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1823.
 June 3, Navy Office. Navy Board to Wilmot Horton. The two vessels engaged for settlers have sailed from Deptford to Cork. Page 142
 June 4, War Office. Merry to the same. Has Bathurst obtained information relative to the appointment of the late Mr. Blake as surveyor of Montreal? 223
 June 9, Treasury. W. Hill to the same. Comments on the *Minutes* (called *notes* on Dr. Morse's report) on report which he has not seen. The most interesting part appears to be that on the system of presents, which might be useful if it encouraged Indians in settling down, but as long as they subsist principally by hunting, they can only afford temporary relief. The notes show that some have been induced to settle, and if this could be multiplied it is worth some cost. But they cannot be civilized till they find their subsistence depends on something besides hunting. The difficulty of checking the baneful effects of spirits. Instead of the presents consisting of tobacco, glass beads, &c., they might be confined to blankets, coarse woollens and agricultural implements. Guns, gunpowder, shot, &c., might be discontinued by degrees. 181
 Enclosed. Notes on the report of Dr. Morse on Indian affairs. 183
 June 14, London. John Davidson to ——. In event of the Union bills being again brought under consideration, suggests that a new division of the province be made and a census taken to satisfy the subjects in either that the number of representatives is fairly proportioned. The number should not exceed sixty in each province. Other suggestions. 355
 June 14, Belfast. Robert Stewart to Bathurst. Is it intended to facilitate emigration to Canada by granting a free passage to Quebec and assigning a grant of land on arrival? Offers his services as accredited agent. 572
 June 16, Montreal. John Richardson to Edward Elliee. Has received report on the indemnity to be paid on change of tenure. No advantage to be gained by the seignor from the change, &c. 383
 Enclosed. Report of Committee of Council on petition of Edward Elliee for a change of tenure. 386
 June 17, London. Armstrong to Wilmot. Urges the case of Wyllly, as the appointment might be filled up by the Foreign Secretary. 242
 June 19, London. A. F. O'Neill to Wilmot Horton. Is it intended to send vessels to the disturbed districts of Ireland to convey emigrants to Canada? If so, would an offer from him to furnish such vessels be considered? 455
 June 23, Navy Office. Navy Board to the same. In accordance with instructions the agent for transports had written to Robinson reporting the arrival at Cork of vessels for settlers. Having had no answer to that or a previous letter, the agent intended to go to Fermoy to inquire about Robinson. 143
 June 23, London. C. Stewart to the same. Compares the work done in Quebec by the clergy of the Churches of England and Scotland respectively, in answer to statement by Dr. Harkness. 573
 June 21, Navy Office. Navy Board to the same. The agent found that Robinson had left Fermoy for some days but was expected back. The number of settlers was completed and the ships would only be detained a few days. 144
 June 25, Tuam. Burke to Bathurst. Applies for help to recover the property in the Island of Bonaventure left him by John Lamb. 259
 June 30, Treasury. Harrison to Wilmot Horton. Transmits report of Commissioners of Audit on the balances remaining in the hands of the Receiver General of Lower Canada, dated 22nd April, and copy of letter of Treasury Board of 10th ulto. to the Earl of Dalhousie. 195
 Enclosed. Report of the Board of Audit showing the increasing balances in the hands of the Receiver General, and the irregularities in accounting for the imprests issued, with suggestions for the adoption of a better system of accounting for the interests of the Mother Country as well as of Lower Canada, issues to the amount of £55,169,3s.7³/₄d sterling having been made to the Receiver General of the province out of the

- 1823
 extraordinary of the army in aid of the colonial revenues between July, 1818, and May, 1821. Page 196
- Statement of payments made by the Receiver General of Lower Canada, under warrants of the Governor and commander of the forces, the outstanding imprests and the real balances in his hands from 10th October, 1811, to 10th October, 1821. 203
- Treasury to Dalhousie. Transmit report of the Board of Audit on the balances remaining in the hands of the Receiver General of Lower Canada, and request that he send report on the nature and amount of the securities entered into by the Receiver General, with his opinion as to the future system of issuing warrants, &c., and the regulation of balances. He is authorized to make provisional regulations till the decision of the Treasury is known. 204
- June 30, Beresford Place.
 Astle to Gregory. Has sent a number of settlers to Canada; hopes the parliamentary grant will relieve Ireland from a portion of her super-abundant population. The emigration now is mostly from the northern and midland counties of the better sort of tenantry, the poorer do not care to go, as they have an idea that the United States is the land of promise and they delay till the last moment in Quebec till their money is spent, and instead of going to the back settlements for employment they cross to the United States. How settlements should be established, &c. 228
- July 15, London.
 Cook to Gordon. Sends, as requested, copy of memorial sent to governors of Upper and Lower Canada. If any favourable consideration is given, hopes for an early notice to afford time for preparation. 336
- Enclosed.* Memorial of merchants and manufacturers of flour in Upper and Lower Canada. 337
 (The signatures are attached.)
- July 15, London.
 Adam Gordon to Wilmot Horton. Sends draught of bill read a second time in the Legislative Council of Lower Canada for the consideration of Bathurst, that Dalhousie may receive information for his guidance with regard to giving it his assent. 1
- Enclosed.* Dalhousie to Gordon. Transmits bill for the purpose of remedying defects in the administration of justice read a second time in the Legislative Council, to be brought in again next session, to be laid before Bathurst, so that he (Dalhousie) may receive instructions whether or not he is to assent to it. 2
- Copy, called "Plan," of a bill proposed to the Legislative Council and read a second time, to amend a previous Act and to make further provision for the more certain and uniform administration of justice within the province, in English. 3
- Same in French "Projet." 34
- July 15, London.
 Kennedy to Wilmot Horton. Has been at an extra expense of £5 in conveying a dispatch from Dalhousie relative to a prisoner, Oliver Fitzgerald, placed under his charge. 414
- July 16, Treasury.
 Lushington to the same. Sends note of bills drawn without advice by P. Robinson, superintendent of emigration from the south of Ireland for Bathurst's opinion whether these ought to be paid or other bills drawn by Robinson and to what amount should these be limited. 206
- July 26, London.
 John Davidson to the same. Remarks on the audit of the accounts of the Receiver General under four heads. (1) The nature of the securities. (2) The funds from which his balance has increased between 1812 and 1821. (3) The manner in which the sums by way of imprest are drawn out of his hands and subsequently accounted for. (4) The regulations which may be advisable for the future conduct of the Receiver General in respect of his office. These points are discussed at some length. 358

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1823. July 28, London.	Davidson to Wilmot. For an interview.	Page 362
July 29, Chambly.	P. G. R. Lafontaine to Bathurst. Asks what is the decision on his application, which was referred to Bathurst as some time has elapsed since the reference was made.	417
	<i>Enclosed.</i> Hobhouse to Lafontaine, 18th December, 1822. His application for remuneration for his services has been transmitted to Bathurst.	419
July 31, Tuan.	Burke to Bathurst. Is unable from poverty to employ a professional person for the recovery of property left by Lamb and begs that his case may be recommended to some competent person.	260
July 31, London.	Monk to Wilmot Horton. His disappointment at the rate of pension allowed him on retirement. Asks that Bathurst direct the Colonial government to take steps to induce the legislature to make a proper allowance, and in the meantime that his leave of absence should continue.	425
August 1, London.	Same to the same. His understanding of the leave of absence granted on the 30th August last year, was that it was a general absence until a pension of three-fourths of his salary should be granted by the legislature of Lower Canada. Refers to his previous letter as expressing his views on the subject of his retirement.	427
August 7, Foreign office.	Conyngnam to the same. Has received from Barclay memorial from inhabitants of Cornwall complaining that Barnhart's and Long Sault Islands had been assigned to the United States.	97
	<i>Enclosed.</i> Barclay to Canning 14th June, 1823. Long and detailed statement respecting the boundary questions with the United States.	98
	No date nor signature. Apparently from the Under Secretary for the Colonies. Answer to certain questions as to the boundaries, raised in preceding letter.	124
	Extract from Barclay's letter.	130
	Note from Bathurst (undated). That enclosures from the Admiralty should be sent to the Foreign Office to be returned.	131
	R. W. H. (Wilmot Horton?) to Gordon. Sends papers to be kept confidentially. Remarks on the boundary controversy.	132
	Remarks on Barrie's notes on the boundaries as respects the islands in the St. Lawrence.	134
August 13, Audit Office.	C. Stewart to Wilmot Horton. Refers to report to the Treasury of the 7th instant in reference to the subject he inquires about. The statement of the case respecting Caldwell appears to be perfectly just and fair. He can say nothing farther about the £36,000 paid to the clergy than is in the account. Since 1813, the payment of the clergy has never been admitted by the colonial legislature as a charge against the colonial revenue, and he believes the clergy have always been paid from the Crown revenue. Sends a statement respecting the issue of Army bills, with extracts from the Acts.	577
	<i>Enclosed.</i> Extracts from minutes of the Executive Council respecting the accounts of Green, director of the Army Bill Office, which contains a financial statement of the interest, expenses, &c., showing a balance of £58,702 12s. 10d. in favour of the public revenue.	581
August 14, General Post Office.	Francis Freeling to Wilmot Horton. In reference to the complaints of delay in the delivery, in the four months of winter, of mails to Quebec and Halifax, the Postmaster General does not think it proper that the mails should be subject to be stopped in transit through foreign territory, but that they should be ordered to Halifax all the year through; and now that the packet establishment is transferred to the Admiralty, there will probably be a less naval expenditure incurred than by sending vessels of war from Bermuda during winter. Asks Bathurst to send the views of Government on the subject.	230

1823.
August 19,
London. Davidson to Wilmot Horton. For an interview. Page 363
- August 19,
London. C. Stewart to Bathurst. Submits statement to His Lordship. Will not again trespass on his generosity. Sends copy of his last report to the Society for the Propagation of the Gospel. 589
Enclosed. Document entitled: "The Church in Canada," dated 14th August, 1823. 590
- August 21,
Lincoln's Inn. Bannister to Wilmot Horton. Gives the heads on which an inquiry should be made into the condition of the Indians. 261
A subsequent letter, dated 20th October, mentions a point which had been omitted, namely, the quantity of trinkets, &c., the tribes have been in the habit of delivering to the agents. 271
Documents relative to the Indians of North America. 273
Some thoughts upon the British Indian interest in North America, more particularly as it relates to the Northern Confederacy, commonly called the Six Nations, being a sketch of the causes which led to the declension of the British Indian interest; the efforts of Sir William Johnson to remedy this, &c., followed by letters on the subject of the Indians, dated from 1730 to 1765. 275 to 330
(Preceding a proclamation by Caldwellader Colden; among the papers is his engraved portrait).
- August 21,
Downing
Street. Wilmot Horton to Davidson. Asks for an explanation of the statement that nothing is due from Lower Canada to the military chest on account of Army Bills. 367
- August 21,
London. C. Stewart to ———. Has been requested by the Bishop and other members of the Church at Quebec to distribute a circular to His Majesty's ministers, the bishops and some of the leading members of Parliament respecting the clergy reserves; asks Bathurst's sanction to his doing so. 597
- August 22,
London. John Davidson to Wilmot Horton. The arrangements made by the legislature for the expenses connected with the issue of Army Bills; the report of John Young, chairman of the Board of Audit, on the application of the £15,000 which was regarded as applicable to a specific purpose. 364
Notes on the Army Bills follow suggesting that Dalhousie be authorized to pay to Caldwell £32,000; explanation of the reason and remarks on Davidson's letters, that he has cautiously avoided giving an explicit answer to one of the questions. 370, 371
- August 23,
London. C. Stewart to Wilmot Horton. Introduces Mr. Burton, a missionary to Lower Canada since 1820. 599
- August 30,
Leamington. J. Stuart to the same. In the proposed change of tenure in Lower Canada the commutation of mutation fines should be extended to the censitaires. Its reasonableness seeing that the seigniors have obtained a commutation of the *droit de quint*. Great liberality should be extended to the seigniors, but only on the conditions respecting the censitaires. How the arrangement should be carried out. 600
- August —,
Downing
Street. Unsigned memorandum on the retiring allowance that should be given to judges seeking to retire; it should be three-fourths of the full salary and this should be communicated to the Assembly. Bathurst recommends that a conditional resignation should be sent by Chief Justice Monk and Justice Ogden. 432
- September 1,
Woodwich. Capt. Francis Fead to ———. Applies to have search made respecting the record of a grant of land made to his late father General Fead on the Alabama River. 392
- September 2,
Treasury. Lushington to Wilmot Horton. The Treasury concur with Bathurst as to the authority to be given to Dalhousie for his proposed expenditure of £1,000 for the relief of emigrants arriving at Quebec. 207

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1823.
September 2, Quebec. Robinson to Wilmot Horton. Arrival of the "Stakesby" (Stokesby?) after a voyage of eight weeks; the "Hebe" had arrived two days before. Death of four children on board of each vessel; the rest of the emigrants in good health and would proceed up the country immediately. Page 501

September 4, Admiralty. Barrow to the same. The Lords of the Admiralty see no objection to the mail packets going direct to Halifax in the winter, but the practice of calling at Bermuda arose from their going too far south at that season to reach Halifax, so that there is little or no delay in calling there. 72

September 6. Isaac Ogden to the same. Acknowledges with thanks the steps taken by Bathurst respecting his pension. Will submit to His Lordship's decision and resign conditionally on receiving as a pension three-fourths of his salary. Applies to have a pension of one hundred pounds a year to his wife for her life after his death. There are precedents for this. Asks also that Dalhousie be informed that his leave of absence has been extended, as otherwise no warrant for his salary can be issued. 456

September 16, London. Monk to the same. Will, as advised, resign his office of Chief Justice conditionally to be conclusive on the passing of legislation to give him a retiring allowance of three-fourths of his salary. 433

September 17, Bath. Armstrong to the same. Asks for certificate by Capt. Ramsay, to be used by Wylly before the commissioners in America. 243

September 17, Admiralty. Cockburn to the same. Had been awarded twenty shillings a day for his services in superintending the military settlements, but as that only took effect from the date of application, he asks to have the order extended to take effect from the 5th December, 1817, when he held the office, to the 5th January, 1819. 347

September 17, London. John Davidson to the same. Specific answers to questions about the refusal to pay the amount of £25,917 12s. 4d. charged for the military chest against the province. 372

September 18, London. The same to the same. Has received letter from Caldwell on his situation and that two comptrollers had been added to his office of Receiver General. Dalhousie must be allowed to draw without delay, otherwise Government will have no means of paying salaries, being in debt as it is. 374

Question follows: Whether the control of the sums raised under the Act of 14 George III has been taken from the Treasury and transferred to the province, by the declaration of 18 George III or is it in any wise affected by the Act of 31 George III? 375

Notes by Wilmot Horton on Caldwell's case with considerations as to the source from which he is to obtain funds to meet the claims against him. 377

September 20, White-hall. Freeshard to Penn. The date of the letter enclosing Lafontaine's petition, &c., was 18th December, 1822. 393

September 27, Castle Street. Anthony Hamilton to ———. As he believes that Mr. Wilmot Horton does not wish for all the details of the disbursements for the Society for the Propagation of the Gospel sends a general statement. 233

September 30, War Office. Merry to Wilmot Horton. What is the nature and annual value of the office of the Inspector of Militia Pensioners in Canada held by James Macaulay, late Deputy Inspector of Hospitals, who applies for his half pay in addition to his salary? 224

October 6, War Office. The same to the same. What is the result of the inquiry of Dalhousie as to the footing of the officers of the Provincial Royal Artillery drivers? 225

October 6, General Post Office. Freeling to the same. Finds that neither the Admiralty nor Bathurst objects to the North American packet proceeding to Halifax all the year round, but Bathurst wishes a bag to be left at Bermuda on the packet's outward passage. The practice of going to Bermuda arose from its being made a naval station and not as conjectured by the Admiralty

- 1823.
- October 9,
Board of
Trade. because in the winter months the packet had to go so far to the south to reach Halifax. If Bathurst's suggestions were carried out it would greatly delay the return of the packet. Page 235
Lack to Horton. Returns 41 Acts passed last March in Lower Canada that they may be left to their own operation. 82
- October 9. Harrison to Wilmot Horton. The Treasury decline without further information to express an opinion on the settlement of the account between the British and Colonial Treasury, nor would it be expedient for Dalhousie to pay from the military chest to the Colonial Treasury, the amount alleged to be due. The use of the public money being a recognized emolument of the Receiver General, it would not be expedient to take measures for its immediate liquidation, but the practice being objectionable, should be discontinued. Inquiry is to be made as to the nature and extent of the Receiver General's property and his means of offering security for the liquidation of the debt, as well as for the due application of the public money which may come to his hands, and if his means are found to be ample he might, under all the circumstances of the case, have time to pay by instalments which should be fixed according to the requirements. If it is found that his means are not ample and that he cannot find security, he should at once be suspended and his property secured to the public. Dalhousie should suggest to the legislature to provide a sufficient income to the Receiver General without compelling him to seek remuneration by the use of the public money, and as there is no public bank where the public treasure might be deposited, a survey of the money in the hands of the Receiver General should be made at least once a quarter, and the amount compared with the balance shown in his accounts. 208
- October 10,
Horse Guards. Taylor to the same. Memorial from Colonel Fitzgerald of the 60th Regiment enclosed for Lord Bathurst who may take this renewed application into consideration. 90
- October 10,
Treasury. Harrison to the same. A warrant has been ordered for £376 being the allowance to Lieut. Col. Cockburn from 25th December, 1817, to 5th January, 1819, whilst superintending the military settlements in the Canadas. 212
- October 23,
Treasury. Herries to the same. Transmits for Bathurst's consideration papers respecting the claims of Upper Canada on Lower Canada on account of drawbacks or proportions of duties. 213
- Notes unsigned and undated apparently on the subject of the preceding letter. That it is premature to ask Bathurst's opinion but that all the legal conditions of the Act appear to be satisfied. One of the awards is final and if legally made requires no further consideration. In respect to the apportionment of the duties, the Treasury might adopt the ratio taken by the arbitrators which cannot fail to be satisfactory to the provinces. 213
- October 23,
War Office. Merry to Wilmot Horton. Further inquiry respecting the provincial Royal Artillery drivers. 226
- October 24,
Treasury. Herries to the same. Asks for the opinion of Bathurst if a bill for £400 drawn without advice by P. Robinson, superintendent of emigration from the south of Ireland, should be paid. 215
- October 25,
London. Poynter to Bathurst. In accordance with permission granted, the superintendent of the seminary in Paris has recommended two young ecclesiastics to be sent to Montreal. 462
- October 27,
London. Barry to Bathurst. The widow of the late Mr. Campbell was to have had 150 acres cleared land as agreed on with her late husband. She has received 100 acres but has been offered for the rest 50 acres of wood land, of no use to the widow; for the 50 acres she ought to be paid in money if the desired land cannot be given. 332

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1823.
November 4, Ordinance. Fitzroy Somerset to Wilmot Horton. Encloses copy of letter sent by the Duke of Wellington to Bathurst in March, 1821, respecting stores in Canada to which no answer appears to have been sent. Is Bathurst able to answer? Page 145
- November 4, Paris. Superior of the Seminary to Bathurst. Thanks for permission granted to Messrs. Fay and Bolland to go to Canada. The King will have no more faithful subjects. 464
- November 7, Wolverhampton. W. Flanagan to Wilmot Horton. Desires to have information where the deed can be found respecting property in South Carolina to which his mother and her sisters are heirs. 394
- November 14, London. Thomas Doige to the same. Asks leave to submit manuscript on the subject of the union of Lower and Upper Canada for advice as to its publication. 380
The answer (undated) declines to express an opinion as to its publication. 382
- November 16, Winkton. Thomas Morgan to Bathurst. Proposal to establish a trade with China and Japan by means of a north-west passage, carrying cargo on sledges. How the shipments could be carried on; shelters erected, &c. 435
- November 19, London. Smith (Secretary to Hudson's Bay Company) to Wilmot. Sends supplementary account against the land Arctic expedition for a settlement. 240
Enclosed. Northern Land Arctic expedition, Capt. Franklin, R.N., to Hudson's Bay Company. 241
(An error in the amount is explained in Sir John Franklin's letter of 25th November, Q—167-2, page 396.)
- November 20, London. Poynter to Wilmot Horton. Introduces Rev. Mr. de la Porte, agent for Desjardins and other clergymen in Canada, interested in a document which he is charged to present. 473
- November 22, London. Christian, widow of Hon. John Young. Had been led to believe her memorial for relief would be granted, but this has not yet been done. Her son being appointed Comptroller of Customs at Quebec, she had refrained from pressing her claim, but he having been deprived of the situation, she is again under the necessity of advancing it. 608
Enclosed. Note of services of Mr. Young and his remuneration. 610
Copy of Mrs. Young's first memorial, 28th October, 1819. 611
Young to Sherbrooke, 17th November, 1817. Defends himself against the charges that he was wrongfully asserting himself to be the author of the Army Bill system, &c. 614
- November 25, London. Franklin to Wilmot Horton. Explains the nature of the bills drawn on the Hudson's Bay Company for wages. Points out an error in summing up the bills (see Q—167-1, p. 241). 396
- December 2, Quebec. Caldwell to the same. Complains of the course followed towards him by Dalhousie. The Councils and Assembly sympathize with him and show him every kindness. Asks that an order be sent to replace him in his situation, so that he may have an opportunity of extinguishing the claims against him. 348
- December 2, Quebec. The same to Bathurst. Will not intrude with a relation of all the circumstances attending his painful situation, but believes His Lordship to be inclined to relieve him. Has written fully to Wilmot Horton. 352
- December 8, London. W. Forder to the same. Complains of the exaction of heavy stamp duties and encloses copies of correspondence to explain the circumstances. 398
Enclosed. Forder to Dalhousie. States that he obtained a faculty to practice as a notary public, signed by the Archbishop of Canterbury and registered in chancery, which, he was led to suppose, gave him authority to practice in all British colonies and dependencies. His discovery that he is excluded from practising in Canada. Asks for relief. 400
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- 1823.
- A. W. Cochran to Forder. The Governor has received his letter and regrets the circumstances in which he is placed but must obey the law. There is no situation open to which he can appoint him. Page 401
- Memorial to the Archbishop of Canterbury. Represents his being prevented from practising as a notary public; his destitute condition; prays for relief. 402
- Copy of Faculty (called copy of Montreal Faculty). 405
- December 11, Opinion of Counsel (James Stephen, Jr.) on bill for establishing free
Lincoln's Inn. schools in Lower Canada, being a bill to amend the Act for the establishment of the Royal Institution for the advancement of learning, and to establish another of the same nature to be exclusively Roman Catholic. Points out the danger of conflicts arising from the existence of two similar bodies. 164
- December 11, Hobhouse to Wilmot Horton. After correspondence with the Lord
Whitehall. Advocate of Scotland, Peel finds the complaints of McLaine (*sic*) of Coll exaggerated and that there is no sufficient reason for preventing emigration on the grounds stated by him. How far it may be desirable with a view to colonization must be left to Bathurst. 136
- Enclosed.* Extract from confidential letter of the Lord Advocate that McLean's statements of distress are greatly exaggerated; the duty on vanilla has maintained the manufacture of kelp and consequently employment for the same number of people. Sees no objection to the partial emigration proposed by McLaine, but not on the grounds stated by him. 137
- December 12, Lack to Wilmot Horton. Transmits copy of letter received from Davies
Board of Trade. on the subject of duties on articles imported from Lower Canada into Upper Canada for Bathurst's consideration. 83
- A note follows asking to "have this referred to Lord Dalhousie," but it is neither signed nor dated nor is the subject stated although apparently it relates to the enclosures in the preceding letter. 84
- Enclosed.* Joseph Burlingham to Davies. The prejudicial effects of the duties on the manufacturers, merchants and others interested as well in the United Kingdom as in Canada. Asks that the grievance be represented to the Board of Trade. 85
- A statement of imports and exports at the port of St. John's, Lower Canada, for the quarter ending 10th October, 1823, with statement of the import duties in Lower and Upper Canada, respectively. 87
- December 15, E. Tanner to Bathurst. Arrival of a case; offers his services to have
London. it cleared at the Custom House. 604
- December 15, Bishop (Anglican) of Quebec to the same. Has been informed by his
Quebec. son, but has no official communication, that leave of absence is to be sent out for his return to England in the autumn; the state of his health prevents this, even if the official order has been received. His disappointment at the amount of pension proposed for his retirement and at the mode of making some provision for his wife, should she survive him. Reasons given for an increase, &c. 484
- December 16, Barrow to Wilmot Horton. Transmits copy of letter and enclosures
Admiralty. from Capt. Barrie respecting survey of the St. Lawrence. 73
- Enclosed.* Letters from Barrie, dated 25th October, respecting the survey. 74 to 79
- Maitland to Barrie, 25th August. Instructing him to make a survey on the St. Lawrence. 81
- December 16, Opinion of counsel (James Stephen, Jr.) on the bill for amending the
Lincoln's Inn. Act for the Administration of Justice in Lower Canada. 168
- December 16, Mrs. Hale to Canning. Reminds him of her being a sister of Lord
Quebec. Amherst. Her husband's services; he has been nominated to the office of Receiver General; asks for his (Canning's) influence to secure confirmation of the appointment. 410

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1823.
December 22, Caldwell to Wilmot Horton. Recapitulates the contents of a former letter and reports the proceedings in the Assembly so far as they had gone. Page 353
Quebec.
- December 23, Harrison to the same. Transmits letter from Turquand with return of Indian presents required early in 1824 to supply the wants of the Indians to the end of 1825. Does Bathurst think this requisition should be complied with? A part only of the requisition of Commissary General Wood was sent, the articles now asked for being an additional supply. 216
Treasury.
- December 26, Herries to the same. Has the sum of £1,800 taken credit for in the accounts of Commissary General Robinson been accounted for to Bathurst's satisfaction? 217
Treasury.
- December 26, Herries to Wilmot Horton. Transmits reports of the Board of Audit from 4th April, 1822, to 10th July, 1823, for the consideration of Bathurst. 222
Treasury.
- December 29, Ann Swindell to Bathurst. Sends letter to be forwarded. 603
Clonmell.
- No date. Memorial of the priests and curés to Bishop Plessis, pointing out the prejudicial effect of the erection of Montreal into an episcopal district and the illegal appointment of Lartigue, Bishop of Tennesse, to the position of Bishop over it. The complaints and declarations on the subject are formulated. 465
Hannah Irvin to Wilmot. States her destitute condition and asks for help. 412
Reid, Irvine & Co. to the same. Is rum from the West Indies still admitted free into Canada on the exportation of provisions to an equal value? 489
Bouchette to Bathurst. Anxiety about his sons; would wish to intercede on behalf of the one recommended by Dalhousie to Sir Herbert Taylor. 334
Enclosed. Dalhousie to Sir Herbert Taylor, recommending a son of Bouchette, the Surveyor General. 335

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STATE PAPERS—UPPER CANADA.

LIEUTENANT-GOVERNOR SIR P. MAITLAND, 1819.

1818. Q. 325—1.
- November 24, Petition of John Mills Jackson. Enclosed in Maitland to Bathurst
Yonge Street. 30th January, 1819.
- December 23, His appointment as aide-de-camp in St. Vincent follows.
York. Report of Executive Council. Enclosed in Maitland to Bathurst, 30th
January, 1819.
- December 29, Jackson to Hillier. Enclosed in Maitland to Bathurst, 30th January,
Yonge Street. 1819.
1819.
January 6, Maitland to Bathurst (No. 15). Transmits correspondence, &c., with
York. Lord Selkirk, who complains of the conduct of the law officers in respect
to the trials of the case between Selkirk and the North-west Co. Page 5
Enclosed. (1.) Selkirk to Maitland. Montreal, 21st October, 1818.
Charges Fletcher, one of the commissioners of special inquiry for the
Indian Territories with oppressive and illegal conduct. Complaints of
the conduct of the Chief Justice and law officers as respects certain pro-
secutions against him. (The letter is voluminous.) 7
(2.) Deposition by Gale of the seizure at Fort William by Fletcher,
of cases of furs and merchandise belonging to Lord Selkirk and the
Hudson's Bay Co. 16
(3.) J. B. Robinson to Gale. Sandwich, 9th September, 1818. Reasons
for not prosecuting Fletcher on the charge contained in Gale's deposi-
tion. 21
(4.) J. B. Robinson to Allan. Sandwich, 12th September. His reasons
for not prosecuting Vandersluys and McTavish for perjury. 24
(5.) Allan to Robinson. Sandwich, 16th September. Answer to
Robinson and comments on his reason for not prosecuting Vandersluys
and McTavish. 28
(6.) Deposition of Allan, 18th April, 1816, respecting transactions at
Fort William. 35
Warrant, 13th August, 1816, by Selkirk to Capt. d'Orsonneus, to seize
the papers and warlike stores of the North-west Co. 40
(7.) Maitland to Selkirk. York, 8th November. Acknowledges
receipt of letter. Fletcher was not employed by government so that it
is not necessary to prosecute him to vindicate its honour. 42
(8.) Robinson to Maitland. York, 5th December, 1818. Long and
detailed answer to the charge made against him by Selkirk of dereliction
of his duty as Attorney General, and defending the conduct of the Chief
Justice. 43
(9.) The same to Selkirk. York, 19th April, 1818. No day can be
fixed for the trials, as the evidence has not been furnished to him. Agrees
that the prisoners, now in Lower Canada, should be kept there until
their removal is necessary. 85
Chief Justice Powell to Maitland. York, 6th November, 1818. Ex-
plains the circumstances under which the court was adjourned in answer
to the charge made by Selkirk. 89
Maitland to Bathurst. Desires instructions whether the grant of
January 6, 1,200 acres to each of the children of Colonel Claus was to include or be
York. in addition to the 200 acres to which they were entitled as children of a
U. E. Loyalist. 2

1819.
January 11, York. Hillier to Jackson. Enclosed in Maitland to Bathurst, 30th January, 1819. 101
- January 15, York. Wells to Maitland. Enclosed in Maitland to Bathurst, 5th February, 1819. 102
- January 18, York. Maitland to Bathurst (No. 17). Desires to have a decision in respect to bill for the establishment of rectories and respecting the collection of tythes. Page 93 103
- January 23, York. Powell to Maitland. Enclosed in Maitland to Bathurst, of 5th March. 104
- January 25, York. Maitland to Bathurst (No. 18). Sends report of the Executive Council on the founding of a university; the importance of the subject; hopes to obtain consent to the sale of a sufficient quantity of school reserves for an endowment. 96
Enclosed. Report on a university for Upper Canada and the means to be adopted for its foundation. 97
Minute of Council, 26th February, 1819, on the subject of surveying the school townships of Southwold, Yarmouth and Houghton (extract). 102
Minute of Council, same date, on the sale of portions of the above townships (extract). 103
- January 30, York. The enclosures are of a subsequent date to the covering letter. 104
Maitland to Bathurst (No. 19). Encloses copies of a petition from John Mills Jackson for a grant of land, with report and correspondence on the subject. Applies for a decision. 104
Enclosed. Petition of John Mills Jackson for a grant of land, 24th November, 1818. 106
Appointment of Jackson to be Aide-de-Camp in St. Vincent, in support of his petition for land. 108
Jackson to Hillier, private secretary to Maitland, 29th December, 1818. Defends himself against the charge of being allied with a faction alleged by the Land Board as a reason for not granting him land. The officials dismissed were appointed to more lucrative positions by the British Government. The violence of Gore; his (Jackson's) reasons for applying for land. 110
Hillier to Jackson, 11th January, 1819. Owing to the nature of the contents of Jackson's letter of 29th December, Maitland has sent it without comment to Bathurst. 115
Report of the Executive Council, 23rd December, 1818, with reasons for the delay in deciding on the petition of Jackson for land. 116
- February 1, York. Maitland to Bathurst (No. 20). Claus, trustee for the Six Nations, has drawn for £200 on account of dividends. 117
- February 2, York. Maitland to Bathurst (No. 21). Sends copies of the Acts passed at the last session. 118
- February 3, York. The same to the same (No. 23). Sends abstract from the auditor's docket books of grants of land. 120

January,
February,

1819

ABSTRACT from the Auditor's Docket Books of Grants of Land, which have passed the Great Seal of the Province between the 1st January and 31st December, 1818, inclusive, showing the number of grants in each class, and the Gross number of Acres Granted. 120A

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Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total Number of Acres Granted.	
Home	Town of York	3	3	3	37	5	" (sic.)	
		1	4	4				
		1	30	30				
	Towship of York	1	70	70	2,370	13	2,407	
		4	100	400				
		6	200	1,200				
1		300	300					
Durham	Durham	1	100	100	4,520	19	14,315	
		14	200	2,800				
		1	220	220				
		2	300	600				
	Newcastle	Northumberland	4	800	800	9,795	40	
			1	50	50			
			1	80	80			
			6	100	600			
			1	120	120			
			1	199	199			
18			200	3,600				
1			205	205				
1			215	215				
1			350	350				
1	350	350						
3	400	1,200						
1	475	475						
2	500	1,000						
1	600	600						
1	800	800						
Frontenac	Town of Kingston	1	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀	11 ¹⁵ / ₁₀	43		
		29	1 ¹⁰ / ₁₀	5 ¹⁰ / ₁₀				
		6	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
		3	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
		3	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
1	1	1						
Midland	Town of Belleville	1	100	100	300	2		
		1	200	200				
Hastings	Town of Belleville	1	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀	14 ¹⁵ / ₁₀	16		
		1	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
		1	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
		8	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
		2	1 ¹⁰ / ₁₀	1 ¹⁰ / ₁₀				
		2	5	10				
		1	8,120 square feet,	8,120 square feet,				8,120 sq. feet.
		1	8,160 square links,	8,160 square links,				8,160 sq. links.
		1	7,680 do	7,680 do				7,680 do
		Hastings	Hastings	1				90	90	8,072	41	16,579^{5}/_{10} and 8,120 sq. ft., 15,849 sq. links.
1	100			100				
1	150			150				
34	200			6,800				
1	230			230				
1	300			300				
1	400			400				
1	2	2						

1819.

ABSTRACT from the Auditor's Docket Books of Grants of Land—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total Number of Acres Granted.
Midland.....	Lennox and Addington.	1	81	81	2,755	19	5,572
		1	86	86			
1		88	88				
8		100	800				
2		150	300				
5		200	1,000				
Prince Edward	1	400	400	5,427	28		
	1	50	50				
	7	100	700				
	1	167	167				
	15	200	3,000				
	1	210	210				
	1	300	300				
1	400	400					
Johnstown.....	Town of Johnstown.....	1	1	1	1	1	
	Carleton.....	1	200	200	200	1	
	Grenville.....	1	6	6	1,171	9	
		1	50	50			
		1	150	150			
		1	265	265			
		3	100	300			
	2	200	400				
	Leeds.....	2	100	200	4,200	19	
		15	200	3,000			
1		400	400				
1		600	600				
Eastern.....	Town of Cornwall.....	3	1	3	3	3	
	Stormont.....	3	100	300	2,250	10	
		1	150	150			
		1	400	400			
		1	600	600			
	Glengary.....	4	200	800			
		1	80	80	4,874	28	
		1	82	82			
		1	96	96			
		3	100	300			
		1	157	157			
		1	130	130			
		1	50	50			
		1	114	114			
1		115	115				
14	200	2,800					
1	250	250					
1	300	300					
1	400	400					
Dundas.....	1	100	100	442	3		
	1	112	112				
	1	200	200				

1819.

ABSTRACT from the Auditor's Docket Books of Grants of Land—*Con.*

number of
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anted.

5,572

7,569

Districts.	Town and Counties.	No. of Grants of each Class.	No. of Acres of each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of	Total Number of Acres Granted.	
Ottawa.....	Prescott.....	1	100	100	2,450	5	2,450	
		1	150	150				
		1	441	441				
		1	759	759				
		1	1,000	1,000				
Niagara.....	Town of Niagara....	2	1	1	4,554	27	4,565	
		10	1	10				
			1	25				25
			1	50				50
			1	56				56
			1	69				69
			1	74				74
			1	140				140
			1	176				176
			5	100				500
			10	200				2,000
			1	210				210
		1	280	280				
		1	300	300				
		1	324	324				
		1	350	350				
Gore.....	Wentworth....	1	30	30	1,406	8	2,550	
		5	200	1,000				
		2	188	376				
			1	200				200
		1	344	344				
		1	600	600				
London.....	Middlesex.....	1	20	20	6,018	36	8,818	
		7	100	700				
		24	200	4,800				
		1	240	240				
		1	358	358				
	2	400	800					
		2	100	200				
		7	200	1,400				
		1	300	300				
Western.....	Town of Sandwich.....	2	1	2	2	2	19,537	
		1	150	150	11,650	51		
		47	200	9,400				
		1	400	400				
		1	500	500				
		1	1,200	1,200				
			1	85	85	7,885		35
			2	100	200			
			25	200	5,000			
			1	230	230			
		1	370	370				
		5	400	2,000				

1819.

RECAPITULATION.

Recapitulation.	Grants and Acres.	
	Number of Grants.	Number of Acres. Square feet and square links.
Grants under 100 acres.....	105	1,449 ⁰ / ₁₀ f 8,120 square feet.
Grants of 100 acres.....	57	5,700
Grants over 100 acres, and under 200 acres....	19	2,886
Grants of 200 acres.....	249	49,800
Grants of more than 200 acres, and under 300 acres.....	11	2,555
Grants of 300 acres.....	9	2,700
Grants of over 300 acres, and under 400 acres.	6	2,096
Grants of 400 acres.....	18	7,290
Grants of over 400 acres, and under 500 acres.	2	917
Grants of 500 acres.....	3	1,500
Grants of 600 acres.....	5	3,000
Grants of more than 700 acres, under 800 acres	1	759
Grants of 800 acres.....	2	1,600
Grants of 1,000 acres.....	1	1,000
Grants of 1,200 acres.....	1	1,200
Total.....	480	84,362 ⁰ / ₁₀ f 8,120 square feet. 15,840 square links

Errors excepted.

G. HEWARD,
Auditor Genl. U.C.

February 5,
York,

Maitland to Bathurst (No. 25). Lieut.-Col. Wells, half pay, has been appointed receiver of the proceeds of alien estates confiscated to compensate sufferers by the late war. The form of oath to half-pay officers prohibits them from holding any office, however trifling. The difficulty of securing any other person to fill the office; asks that the oath may be modified in the case of Wells and in that of George Crookshank. Encloses application to that effect. No salary is attached to either office, the emoluments depending on duties performed. Page 121

Enclosed. Wells to Maitland, 15th January. Points out that he cannot draw his half pay and hold the proposed situation without express authority, which he asks may be obtained. 124

Form of the quarterly affidavit required from half pay officers. 126

February 18,
York.

Maitland to Bathurst (No. 26). Transmits report of the Executive Council on the inconveniences sustained by an order from His Lordship that survey fees are not to be paid until the patent is completed. 128

Enclosed. Report of the Executive Council on the inconveniences of the present system of collecting fees on surveys of land. 130

March 1,
York.

Maitland to Bathurst (No. 27). In 1794 Beiczy came to settle German Protestant families, for which purpose a grant of 64,000 acres was made. Only 60 families being brought, the land not used was thrown open for general settlement. A petition from Berezy to remedy what he considered a grievance was sent to the King in Council and referred to the Executive Council of Upper Canada, which reported on the 31st October, 1801. The son has again applied in October last; considering all the circumstances of the case the Land Council thought the son entitled to 2,400 acres; this grant he (Maitland) requests may be submitted for confirmation by the Prince Regent. 134

1819.
March 5,
York. Maitland to Bathurst (No. 28). Transmits application from Chief Justice Powell respecting his salary. Page 137
Enclosed. Powell to Maitland 23rd January. His salary for the month during which he had obtained leave of absence is to be deducted. Asks for his (Maitland's) interference to procure him relief. 138
- March 12,
York. Maitland to Bathurst (No. 29). Transmits petition from Lt. Robert Kerr, half pay of the late Glengarry regiment for the grant of a Crown reserve; recommends that the grant be confirmed. 139
Enclosed. Petition for the confirmation of a grant promised to him by Gore on which he has made large improvements. 140
- March 16,
York. Maitland to Goulburn. Has drawn for £19. 3. 4, being the balance of money lodged at the Colonial Office by emigrants from Ireland, brought out by Richard Talbot as per statement and receipts annexed. Has already drawn for £210 under a misapprehension; the above amount makes up the sum of £229. 3. 4 sterling equal to £250 Irish. 143
Enclosed. Statement and receipts. 144 to 146
- March 21,
York. Maitland to Bathurst (No. 30). Has allowed Dickson to settle on land near the mouth of the Grand River on condition that he perform the settling duties required. Strongly recommends that he be obliged to perform the settlement duties as he already possesses large tracts and his object can therefore be only to sell the lands. 147
Maitland to Bathurst. This letter should be dated 2nd April, 1821, see that date.
- April 3,
York. Same to the same (No. 32). Transmits report of Council on representation on behalf of Mrs. Bostwick. 175
Enclosed. Report of the Council 2nd February, on the application on behalf of Mrs. Bostwick. Admitting the meritorious services of the late Lieut.-Col. Bostwick the effect of the precedent of granting his widow lands prevents making such a recommendation. 176
- April 3,
York. Maitland to Bathurst. (No. 33). Forwards memorial from Ridout for an additional grant of land. 178
Enclosed. Memorials (two). 179 and 182
- May 7,
York. Maitland to Goulburn. Dispatch received sanctioning amongst others the bill to incorporate the Bank of Upper Canada. As the two years have passed cannot give effect to this decision but is authorized by it to give assent to a similar bill which may be passed next session. The country overrun with American paper and from the connection of the persons who were about to open a bank at Kingston there was reason to suppose the evil would be increased; a provincial bank will crush it. 185
- May 14,
York. Maitland to Bathurst (No. 34). Claus, trustee for the Six Nations, has drawn for £176 16s. 0d. for their dividends. 187
- May 15,
York. Same to the same (No. 35). Transmits joint application from John H. Eaton and Joshua Holdfield for confirmation of titles of land on which they have made improvements. Recommends the petition for favourable consideration. 188
Enclosed. Petition. 190
(On the letter the names are given as Heaton and Oldfield; the spelling in the abstract is in accordance with the signatures to the petition.)
Permit to John H. Eaton to locate on half of lot 30 in the 2nd concession of Hope, dated 14th January, 1817. 192
A similar permit to Holdfield, dated 23rd April, 1817. 193
Certificate that Eaton has settled on west half of lot 30, dated 14th January, 1817. 194
Other certificates, &c. 194 to 196

1819.
May 15.
York.

Maitland to Bathurst. His satisfaction at the agreement of His Lordship with respect to taxing absentee proprietors; the hardship to farmers on account of unoccupied lands. The policy of surveying lands to be laid out in townships from the Ottawa to Lake Simcoe. How the expense can be met. Page 202

May 17.
York.

Same to the same (No. 36). Transmits memorial from the Presbyterian inhabitants of Niagara for an annual allowance of £100 for a preacher. The difference of opinion on the question of the produce of the reserves extending beyond the Church of England; desires to have a decision. 197
Enclosed. Petition. 199

May 31.
York.

Maitland to Bathurst (No. 37). In reference to the application of Malcolm McGregor for a grant of Indian lands on the Credit River, sends copies of reports from Claus and from the Executive Council. If the land be ever purchased, recommends that the Government should become the proprietor. 205

Enclosed. Report by Claus on the Indian Reserve on the Credit. It would be very improper to grant the lands to any one; it is held in special regard by the Missisauagus; the melancholy picture of their condition, as described by McGregor, is too true, but he doubts if a change of men would effect a change of measures. 207

Report of the Executive Council that the Missisauagus should not be induced to surrender their land so long as they resort to the fishery on the Credit for their support. 210

June 4,
York.

Maitland to Bathurst. The Bible and prayer books not yet arrived; if the Bishop does not bring some clergymen it will produce great disappointment. The loyalty of the members of the Church of England during the late war. Thirty or even forty clergymen might be usefully employed in the province, argues that the term Protestant clergy applies only to the Church of England as entitled to the reserves. Many have joined the Methodists, whose preachers are mostly from the United States, owing to the want of regular clergy; the character of the clergy who should be sent. The mischief done by Gourlay but trusts the evil is abating. The beneficial effect of religious education on the people, of a general system of education with a university at the head of it and a considerable body of respectable clergymen distributed through the province. The necessity for these clergymen, as denominations of all sorts are multiplying and there are ten establishments for clergymen in his government. The good effect that might arise from assistance being given to the Church of Scotland if that could be done from some other source than the clergy reserves. 212

June 25.
York.

Maitland to Bathurst (No. 40). In consequence of reports of disturbances in Upper Canada he had hastened his departure from Quebec. The reports exaggerated but serious steps had been taken to disturb the public tranquillity. Meeting of convention on 6th July which agreed to meet at the same time with parliament to overawe its proceedings. Gourlay the chief instrument; his turbulent character, he had been compelled to leave Scotland and England to avoid prosecution. The ill-advised step of allowing him to publish an address in the government *Gazette*. Meetings were held in all quarters and Gourlay published a second more inflammatory address. Dissensions at the meeting of parliament in 1818, which compelled President Smith to dismiss the legislature; this promoted Gourlay's views, who abused parliament and proposed to call a meeting to address the Prince Regent. The apathy of the Executive Government in regard to Gourlay's proceedings. He (Maitland) called a meeting of the legislature, effected a reconciliation between the two branches and had an Act passed declaring conventions for political purposes illegal. Trial and acquittal of Gourlay against convincing evidence. He has been arrested by his own relations as a

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1819.
June 26,
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July 3,
York.
July 10,
York.
1821.
April 2,
York.

dangerous character and stands committed for trial, hopes, but is not certain, that he will be convicted. Page 233
Maitland to Bathurst (No. 38). Transmits copy of his speech at the opening of the legislature and of the addresses in reply. 218
Enclosed. Speech. 219
Address of the Council. 223
Address of the Assembly. 226
Maitland to Bathurst (No. 39). Transmits joint address from the Council and Assembly on the death of the Queen. 230
Enclosed. Address. 231
Maitland to Bathurst. In using the money voted for improving Government House at York, he had done so on a scale that would bring it within the reach of an individual should the seat of government be removed. Recommends for the capital a tract on the eastern side of Lake Simcoe, south of Talbot River. Believes that an interior navigation could be established between it and the Ottawa, a matter of the last importance in a civil and military point of view. Indians report that with the exception of one day's march the journey might be made with canoes. It is yet to be ascertained if it can be rendered navigable for larger vessels, and on the report of the engineers he shall be able to send more satisfactory information. Suggests supplying the naval stores with a few sets of steam machinery and materials prepared for building steamers. 238
Same to the same. Encloses letter from the Attorney General on the subject of Selkirk's proceedings. 241
(The enclosure is in Q. 325-2.)
Maitland to Bathurst. Sends correspondence with Dalhousie respecting the charge that he (Maitland) has been throwing obstacles in the way of the military settlements; with respect to the lot on the Richmond landing, Cockburn was to employ a confidential person to treat for the lot; if it be paid for in money that was to be drawn from the military chest, if in waste lands the Provincial Government would make the amount good, but nothing was done, as the matter had probably escaped the memory of Col. Cockburn. The reported misunderstanding between the two governments. How the letters were copied for Dalhousie's signature by a subordinate, which from their contents should have been confined to the eye of the head of the department. His (Maitland's) desire to forward the military settlement. 150
Enclosed. The letter is dated 1819, enclosures are 1820 and 1821, a confusion of dates which is inexplicable, except on the supposition that Maitland's letter was not originally dated and the year subsequently inserted; this is supported by the reference to the "lamentable event", which took place at Richmond and apparently indicating the death of the Duke of Richmond.
Dalhousie to Maitland, 8th January, 1821. Transmits copy of communication from Major Burke respecting a lot of land in Nepean. Sends copy of answer. Desires to know under what circumstances the lot was purchased by LeBreton and whether it cannot still be acquired by government; the lot was sold at sheriff's sale. Asks for sketch of the ground. Sends copy of the only plan he has access to. 153
Burke to Fowler, 21st December, 1820. Sends letter from LeBreton. What answer is he to send? 155
LeBreton to Burke, 18th December, 1820. Has purchased lot 40 of the first concession of Nepean. If government does not intend to continue the use of the store on the lot, asks for the keys. 156
Fowler to the same, 5th January, 1821. Has received the letter from LeBreton. Encloses memorandum sent by Dalhousie to Cockburn. Dalhousie has no doubt that LeBreton will transfer the land to govern-

1821.

ment when he knows it is for the public service; the whole of the lot should be obtained, or at least such part as would keep open communication with the military settlements, as also that part of the lot opposite the chief rapid. Page 157

Memorandum. Dalhousie has just learned that he (LeBreton) has purchased the lot at the Richmond landing place. It is required for the public service. If LeBreton declines to sell he (Dalhousie) will be under the disagreeable necessity of demanding it for public purposes, having the price fixed by a jury. 159

Maitland to Dalhousie, 24th January, 1821. Had explained to the Deputy Quartermaster General that lot 40 had been granted to Robert Randall and that the method of procuring land is to treat with the proprietor. The lands having been sold by sheriff's sale, which requires twelve months' notice, the purchaser cannot have used covert means to forestall Government. He referred the question to the Attorney General, whose report he encloses. Has been informed of the decision that no further settlements are to be made except in the townships called the Rideau settlements; asks for a diagram for the use of the Attorney General. 160

Report by the Attorney General, 23rd January, 1821. That there is no power to dispossess LeBreton; the land in question must be purchased. 162

Dalhousie to Maitland, 7th February, 1821. Learns that an actual survey of the township of March has been refused by the Surveyor General. Apprehends that it is part of a disposition to throw obstacles in the way of the settlement. 166

Ridout to Reuben Sherwood, 18th December, 1820. Returns the plan, as sundry reserves near the Ottawa River have been transferred to other lots not authorized so that he cannot accept the plan. 167

Maitland to Dalhousie, 21st February, 1821. Is concerned at the impression that any disposition exists to impede the progress of the military settlements. The Surveyor General could not have accepted the plan he refused except by express authority of the Secretary of State. 168

Dalhousie to Maitland, 8th March, 1821. Understands that lot 40 is still the property of LeBreton, who came to Quebec and said he had been offered £2,000 for it, but that it was worth £3,000. If not acquired it will strike a severe blow at the intentions of government, which must be accomplished in some other point. 170

Maitland to Dalhousie, 21st February, 1821. His Lordship's misapprehension of the contents of his private letter respecting lot 40 in Nepean. Has asked the Attorney General for a report on the difference in the law between Upper Canada and the other provinces. 172

LIEUTENANT GOVERNOR SIR P. MAITLAND, 1819.

Q. 325-2.

1817
September 5,
York.

Memorial of Simon McGillivray.

December 11,
York.

Robinson to Cameron, private secretary to President Smith.

1818.
June 2,
York.

Warrant for the trial of George Campbell.

September 14,
Sandwich.

Simon McGillivray to the Attorney General.

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1818.
October 6,
Niagara.

October 14,
York.

October 22,
Montreal.

October 22,
York.

December —.

December 14,
York.

December 28,
York.

Selkirk to Robinson.

Robinson to Clark.

Selkirk to Robinson.

W. McGillivray to Robinson.

Robinson to McGillivray.

Minute of Council.

Robinson to Maitland.

The preceding correspondence was enclosed in Maitland to Bathurst, 30th November, 1819.

1819.
July 2,
York.

Address from the Assembly of Upper Canada to Maitland.

Answer (undated).

Both enclosed in Maitland to Bathurst, 7th December, 1819.

Enclosed. J. B. Robinson, Attorney General, to Maitland. The persistent attempts to repeal the Act authorizing the trial in Upper Canada of offences committed in unorganized districts; failing in this, a petition was sent to the Prince Regent to disallow the bill under which a prosecution has been instituted against Selkirk and others for conspiracy. The advantages of the Act in obtaining a proper trial and to do away with questions of jurisdiction. How the Act was passed. Account of the proceedings on the trial of Selkirk, *et al*, in which the bill was thrown out by the grand jury but on a change of venue a true bill was found. The scandalous course followed by the grand jury at Sandwich, &c.

Page 242

(The covering letter is in Q 325-1, p. 241.)

July 13,
York.

Maitland to Bathurst (No. 41). Prorogued the legislature yesterday (12th); sends copy of his speech and schedule of Acts. 259

Enclosed. Speech. 260

Schedule of Acts. 263

July 19,
York.

Maitland to Bathurst. (No. 42). Has established the regulation that when reduced officers or discharged soldiers apply for locations out of the military settlements, they shall be treated as common settlers, in respect to settling duties and fees, as otherwise the military settlements would lose a great proportion of those for whom they are intended, and Government has no means to pay the fees. The Duke of Richmond concurs in this proposal. Exceptions may be made in the cases of Majors Leonard and Loring, whose settling had been delayed unavoidably. 270

July 19,
York.

Maitland to Bathurst. Supplement to dispatch No. 13, of 8th December last. Doubts if the Acts regulating intercourse with the United States and imposing duties on articles imported thence are not excluded, also doubts whether the navigation laws apply to ships on the lakes. 276

July 19,
York.

Maitland to Bathurst (No. 43). Has altered the disposal of the revenue formerly thrown into one mass leaving nothing at the disposal of the Crown. The division now is: (1) The King's rights arising from the rent of Crown reserves, ferries, fees, &c. (2) The revenue that accrues from British Acts to defray the expenses of the civil list and administration of justice. (3) The revenue arising from provincial Acts of which the legislature has the undoubted disposal. Has intimated to Parliament the Crown revenues would only be accounted for to the Treasury; that the revenue produced by British Acts must be confined to its destination so far as that would go, the Assembly only to be called on to meet the excess. The arrangement has been concurred in by Parliament. No

1819.

Lient. Governor should be permitted to relinquish the King's rights to the Assembly.

Page 273

July 22,
York.

Maitland to Goulburn (?). It is of importance to get answers to the bill for establishing a bank and to the petition for land to the bank companies and the incorporated militia actually employed. The latter is held as a grievance, and is the great basis of Gourlay's success. The existence of a national convention on his (Maitland's) arrival; it had the impudence to meet at York and censured the measures of Parliament, and what is more extraordinary, members of the legislature were active assistants of Gourlay. It will be seen by the resolution of the Assembly, and their Act for suppressing seditious meetings, that their eyes were opened. The trouble caused by Gourlay and the mischievous effects of his writings. He was sinking into insignificance when he was unadvisedly taken up and ordered out of the country; as he refused to go he was put in jail, which will give him a new interest for a time; hopes all will end peaceably, and has resolved now to let the law take its course. Is the seat of government to be removed or is it to remain at York? The shores of Lake Simcoe are better suited for it. 280

August 19,
York.

Same to the same. A pledge was given by the Duke of Portland for a university in the province. The establishment of free schools and higher seminaries or a university, was requested by the legislature and assented to by His Majesty; lands were appropriated and the preliminary steps taken years ago; the lands now begin to be valuable and from the advantage of the establishment to the country thinks it his duty to submit the matter. The little use of a seminary being established in the Lower Province owing to the amount of travelling expenses. What the one province gets the other expects and as the only assistance required is the sign manual and leave to dispose of the land, he recommends that this be done. An incidental advantage is, that a member might be obtained to represent the university who could virtually be named by the Crown; the inconvenience of not having a confidential person in the House who could explain measures and remove mis-apprehensions. His inclination to adopt an opinion of the benefit that would arise were the legislature of the two provinces brought together. Were a university to be established only in the sister province, is apprehensive that it would have a prejudicial effect in Upper Canada. 283

Enclosed. Extract from a letter from the Duke of Portland 4th November, 1797, respecting education. 287

For the whole letter see Q. 283, p. 260.

October 16,
York.

Maitland to Bathurst. The idea of building a government house on the park, having been abandoned, he has divided it into town lots, part to be employed in endowing a hospital. A private subscription is being raised for the hospital. Other lots shall be given for a public walk and for a building for the court of King's Bench. The erection of such public works would be of advantage otherwise than from their utility. Has given lots at Kingston and Niagara to establish hospitals. The difficulty of preventing evasion of the terms on which lands are granted owing to their increasing value; thinks it better that Government should be enabled to assist works of public utility than that individuals should be tempted by the donation of town lots when they become valuable. Owing to the delay in communicating has taken these steps without previous application, seeing the benefit likely to result from the establishment of hospitals. 288

October 20,
Glengarry.

Macdonald to Maitland. Enclosed in Maitland to Bathurst 6th December, 1819.

October 25,
York.

Maitland to Bathurst. To give further light on the transactions between the Earl of Selkirk and the North-west Company sends letters from Chief Justice Powell and the Judge's notes of two trials for false imprisonment against His Lordship. 292

1819.

Encl sed. Powell to Maitland, 2nd October. Transmits minute of the trials and note of the legal proceedings in which the Earl of Selkirk and the North-west Company were concerned. Page 294

Another letter of the 16th October on the subject of the same trials. Details of the proceedings in correction of statements made by Halkett in a published letter to Bathurst. 297

Notes of the trials of Lord Selkirk for felony. 309

Notes on the trial of Selkirk for false imprisonment brought by Mackenzie the result being a verdict for the plaintiff for £1,500. 319

Notes of the trial of Selkirk for false imprisonment brought by William Smith verdict for £500. 332

(The evidence in both cases is given.)

Powell to President Smith, 15th September, 1817. The reasons for fixing the sittings of the court of oyer and terminer in answer to charges made by Simon McGillivray. 345

October 26, York. Maitland to Bathurst. The system of crimination pursued by Selkirk and the statements of his agents made it a duty to investigate the judicial proceedings. Hopes to be able to send full information by December. 349

October 27, York. Same to the same. Transmits petition from settlers who had left Red River and would not return, asking for land in Upper Canada, which he had granted; asks instructions as to future applicants under similar circumstances. 351

Enclosed. Petition from Murray and Sutherland on behalf of the other settlers accusing Selkirk of ill-using the settlers on Red River and praying for a grant of land. 354

Power to Murray and Sutherland to net for the other settlers. 364

November 10, Near Queenston. Maitland to Maitland. Enclosed in Maitland to Bathurst, 14th December. 365

November 19, York. Maitland to Bathurst. Sends information relative to Lieut. Irvine Capt. Hall whose situation is similar to that of Lieut. Irvine was recommended to be paid five shillings a day which he now receives. 365

Enclosed. Barrie, commissioner of the navy yard, to Bowles, 2nd November. Certificate of the services of Irvine. 366

John McGill, Receiver General to Bowles, 17th November. A similar certificate in greater detail. 367

Extract from the proceedings and report of the Board of claims, on the case of Capt. Hall. 369

November 21, York. Maitland to Bathurst. Transmits estimate of the works and services requisite in the province for this year. Only those are included the beginning of which has been approved of. 370

November 30, York. Same to the same. Recommends, for reasons stated, that the issue of Indian presents should be confined to once in each year. 371

Enclosed. Recommendation by Chans that the issue should be only once a year. 373

November 30, York. Maitland to Bathurst. In answer to His Lordship's letter, sends report of the reasons for passing the "Act to authorize the inquiry and trial of crimes and offences committed within this province, without the limits of any described township or county to be had in any district thereof." 374

(The answer gives long details and contains remarks on the charges made by Selkirk and Halkett.)

Enclosed. Report dated 11th December, 1817, from the Attorney and Solicitor General of Upper Canada on the reference to them of Sir John Sherbrooke's letter to Mr. President Smith on the subject of the transmission from Lower to Upper Canada for trial of certain persons charged with crimes and offences committed in the Indian territories. 393

1819.
November 30.
York.

Memorial of Simon McGillivray, 5th September, 1817, for himself and the North-west Company for a special commission to try persons charged with crimes committed at Fort William, near Lake Superior. Page 400

Warrant for the trial of George Campbell for crimes committed in the Indian territory. 407

Representation by Simon McGillivray, 14th September, 1818, of the charge against Selkirk and others for conspiracy. 411

Another representation by W. McGillivray, 22nd October, 1818, on the same subject. 418

Selkirk to Robinson, 22nd October. Owing to business, he cannot be present at the trial at York; hopes Gale is sufficiently recovered to be of service. Regrets the sudden ending of the court at Sandwich which deprived him of the opportunity of showing the perjuries that had been committed in the charges against him. 422

Robinson to Maitland, 28th December. Encloses the affidavits &c., of charges against Selkirk, Miles McDonell and others for conspiracy. 425

Minute of Executive Council, 14th December. The council cannot recommend ordering an ex-officio information to be filed by the Attorney General against Selkirk and others for conspiracy, but no restraint should be placed on his undoubted right to file information should the administration of justice require it. 428

Robinson to William McGillivray, December, 1818. Delay in referring his (McGillivray's) letter to the Lieut. Governor until the result of the proposed legislation was known; sends report of the council; the difficulty of the course suggested; how it might have been remedied and the steps that can now be taken. 430

Selkirk to Robinson, 6th October. Asks him to act as senior counsel in the civil action brought against him for false imprisonment, &c., by Daniel McKenzie and William Smith. 433A

Robinson to Thomas Clark, 14th October. Is already engaged on behalf of McKenzie and Smith. 434

Maitland to Bathurst. Sends copy of letter from the Rev. Alex. Macdonell respecting the salaries to Roman Catholic clergymen and schoolmasters in Upper Canada. The Assembly having declined to provide for these salaries, an offer was made to appropriate land for that object, but McDonell observes, he (Maitland) believes truly, that the proposal would not answer the purpose. Adds that Macdonell is a good subject and usefully active in promoting the views of government. 436

Enclosed. Macdonell to Maitland, 20th October. Calls attention to the distressed state of the Roman Catholic clergymen and schoolmasters in Upper Canada, who had contracted debts on the faith of being paid the promised salaries and who had no means of subsistence. The unfortunate death of the Duke of Richmond has prevented an arrangement. 438

December 7,
York.

Maitland to Bathurst. Transmits address from the Assembly, praying for an account of the revenues of the Clergy Reserves and his answer. 441
Enclosed. Address, 2nd., July 1819. 442

Answer, that the Clergy Reserves and revenues are under the control of the King; shall pray for instructions as to the return asked for. 443

December 8,
York.

Maitland to Bathurst. Sends return by Ridout of the grants of land made to him. 444

Enclosed. Ridout to Secretary of Lieut. Governor, 13th November. In reference to his application for an additional grant, he has received 1,200 acres, also a park lot and town lot at Niagara and York. When the capital was removed to York, he was obliged to dispose of his lots at Niagara to erect buildings for his family. In consequence of reduction of his income and the increased cost of living during the

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war, the rest of his land had to be sold so that he had no other land than town lots, where he resides, two of these obtained by purchase. Page 445

December 14, York.

Maitland to Bathurst. Transmits copy of letter from Captain Matthews applying for lands. The lands applied for have been reserved by the Mississauga Indians so that he cannot recommend compliance with the request. 447

Enclosed. Matthews to Maitland, 10th November. Asks for the third concession and broken front on the south east side of Dundas Street on the twelve mile creek amounting to 1,400 acres. It is nominally the property of the Indians but they have not used it for ten years. Reasons given at length for his receiving a grant of this land. 448

December 15, York.

Maitland to Bathurst. Transmits accounts from the Inspector-General showing the sources of the revenue raised in the province under the Acts of the Imperial Parliament, its amount and the purposes to which it is applied. 455

Enclosed. Report. 456

December 16, York.

Maitland to Bathurst. Cannot recommend granting a free passage to the family of Colour-Sergeant Collins. Told him on a previous application that the provincial government had no means of conveying his family from England to Canada, and declined recommending his request, being aware that a compliance would entail innumerable solicitations on His Lordship. 458

Enclosed. Certificate in favour of Collins. 460 to 461

December 20, York.

Maitland to Bathurst. The abuse in granting lands has induced him to propose reducing the one hundred acre grants to fifty acres, to be given free, the larger grants to be charged graduated fees. Proposes also that the clause restricting sales for three years after the issue of the patent should be rescinded, as it has a prejudicial effect. Sends report of the Council on the subject; as it agrees with his opinion he has adopted the plan. 464

Enclosed. Report of the Council on the system of granting lands, with a scale of fees to be charged on grants of and above 100 acres. 467

SCALE: For 100 acres, £12; for 200 acres, £30; for 300 acres, £60; for 400 acres, £75; for 500 acres up to 1,200 acres, at the rate of £25 for each 100 acres, the fees to be paid in three equal instalments; the first on receipt of the location ticket, the second on certificate filed of settlement, the third on receipt of the fiat for the patent; no petition to be entertained unless accompanied by a written character, or a satisfactory reason shown for such not being produced. 469

December 21, York.

Maitland to Bathurst. Transmits memorial from W. McGillivray respecting lands reserved for the St. Regis Indians. The Council has already reported on the substance of the memorial; copy of report is enclosed. 471

Enclosed. Memorial from W. McGillivray respecting lands purchased from the St. Regis Indians between Cornwall and Charlottenburg. 472

Report of Council, 18th June, 1816, that the lands never belonged to the St. Regis Indians, but were reserved for them as a hunting ground. When this had become useless they leased the land, but having no legal title, disturbances arose, and McGillivray offered himself in substitute for an annuity of £600, to the alarm of the settlers. Two courses may be followed, either for government to resume the reserves, paying the Indians the consideration they have offered to accept from McGillivray, receiving from the tenants an amount that will cover this, or by granting the tenants the fee simple, with a reserved rent equivalent to the same amount. In the latter case a reserve of one-seventh must be designated for the Protestant clergy, McGillivray might then receive the remainder on equitable terms. 477

1819.
Various dates. Memoranda by Maitland on subjects mentioned in his letters of 25th January, 4th June, 1819, 8th December, 1818, 18th February and July, 1819. No Crown reserves should be granted as they are a source of increasing revenue. On what terms pensions have been granted to Nichol, Dickson and Norton, and whether as in the case of Nichol, his pension be compatible with his avowed opposition to government. Power proposed to be given to the Lt. Governor to expend £200 or £300 a year from the King's rights on secret service, the press, &c. That the Mohawk tract on the Bay of Quinté be purchased and a naval settlement founded there. How the expense of granting deeds gratuitously might be met. Decision wanted as to the successions to the offices of Receiver General and Solicitor General. Page 482

MISCELLANEOUS, 1819.

Q. 326.

1818.
July 16,
Québec. Leave of absence to Charles William Grant. Enclosed in memorial of the heirs of D. A. Grant, 13th March, 1819.

October 29,
York. Gule to Maitland. Enclosed in Committee of Council for trade to Goulburn, 27th July, 1819.

1819.
January 2,
York. Powell to Maitland. Reports the circumstances of the grant of lots in Louth to Major Loring for which the faith of the Crown was pledged to the occupants. Encloses the documents relative to the transaction. Page 159

Enclosed. (1.) Loring to Powell, 14th February, 1815. Had only been able during their conversation to express his inability to relinquish his claim to lot 8 in Louth. Would be glad to meet his views so far as possible. 167

(2.) Powell to Loring, 14th February, 1815. The lot applied for by Moore was represented to be vacant and grantable and the Council recommended that the grant should be made to Moore, the recommendation being embodied in a report. It would be unprecedented after such a reference to proceed without a report of Council; this would have obviated all difficulty. Has no authority to make any proposition, but has no doubt Moore would pay a reasonable amount which would be raised by subscription to assure him the fruit of so many years labour. 168

(3.) Loring to Moore, 8th December, 1815. As the land was granted to him (Loring) in March, 1814, he (Moore) cannot pretend ignorance on the subject. He cannot let him have the fifty acres of lot 8, but will purchase all the property he has to dispose of and will not turn him out at this season, but he must agree to leave on notice being given, if not, he must be proceeded against by law. 171

(4.) Copy of a narrative transmitted by Solomon Moore of Louth to the Chief Justice, 9th July, 1817. 174

(5.) Powell to Moore, 15th July, 1817. His case is now before the Prince Regent. If Loring says he has a letter from him (Powell) offering to purchase the land, it is not so, but he thinks he (Moore) must be mistaken in making this statement. 180

(6.) Moore to Powell, 6th February, 1818. Asks advice as to what he should do as he has no place to take his family, having on the letter from Goulburn given up possession to Loring. His losses during the war. 182

(7.) Powell to Moore, 10th February, 1818. If he (Moore) has made an agreement with Loring he must carry it out honestly. 184

1811.

- (8.) Moore to Powell, 22nd February, 1818. Encloses copy of his letter of resignation to Loring. Page 186
Copy of letter of resignation, 23rd January, 1818. 187
- (9.) Powell to Loring, 31st December, 1818. Having been informed that he (Loring) had received proposals from him (Powell) for the purchase of lot 8 in Louth, which he was not conscious of having made, asks for such information as shall enable him to trace the report. 189
- (10.) Loring to Powell, 1st January, 1819. Is not aware that he (Powell) had either spoken or written to him on the subject of lot 8 in Louth, since the period he mentioned, so that he is unable to give him any information as to the report. 190
- (11.) Powell to Baldwin, 11th January, 1819. Has learned that Major Loring told him (Baldwin) that he (Powell) made an offer to purchase lot 8 in Louth. Asks for the terms in which this was communicated. 191
- (12.) Baldwin to Powell, 11th January, 1819. Can only remember that he understood Loring to speak of some offer to purchase lands in the Niagara district, but Moore's name was not mentioned. 192
- Moore to Powell, 25th December, 1818. Asks advice as to obtaining land; his distress. 193
- January 15, Treasury. Treasury (Harrison) to Goulburn. The claim by Lt.-Col. Bird for land in Upper Canada belonging to his late father is inadmissible, as that portion of land, when allowed to be occupied, was reserved for military purposes. 48
- January 25, Quebec. Richmond to Bathurst (No. 24). Has drawn, according to instructions, for £500 in favour of Rev. D. Baldwin, rector at St. Johns, for building a parsonage house and for the purchase of a bell for the church. 9
Enclosed. Bill referred to. 11
(A copy of the same letter is in Q—152-1, p. 29, but not a copy of the enclosed bill.)
- January 25, Clatterford. MacGregor to Goulburn. Is anxious to know Bathurst's decision respecting the Indian lands for which he had applied, so that he might make arrangements. 127
- January 28, London. Halton to Goulburn. Refers to the report of the commissioners on claims for losses during the war of 1812, for information respecting claim for £5,906 16s. 4d. for supplies, &c. 13
- February 1, Clatterford. MacGregor to Goulburn. Had sent details asked for and now encloses a duplicate. Should the number of settlers proposed not be considered sufficient, he shall increase it to the extent of his means and influence. His confidence that he will receive a favourable reply. 129
- February 2, Clatterford. Same to the same. Asks that when reference is made to the Lieut.-Governor, his communications may accompany it. 131
- February 3. Keck to Bathurst. Recommends Green to be allowed to purchase Indian lands in Upper Canada for settlement. 125
(The signature is so obscure that it has been read Leek, and the document placed under the letter L in the papers deposited in the Public Record Office, London.)
- February 6, Islington. Memorial of John Cleveland Green for permission to purchase from the Mohawk Indians, a township known as the "Mohawk tract." Encloses certificates of his character, means, &c. 100
Enclosed. Certificate by Samuel Smith, M.P. 103
- February 8, Bennett Street. Kirkland to Bathurst. Asks for an answer to letter dated 17th October, 1815, relative to Captain Archibald MacLean. 123
- February 11, Clatterford. MacGregor to Goulburn. The lands asked for of the "Mohawk tract" have now become of no use to the Indians, but the reverse, the neighbouring whites supplying them with deleterious spirits and encroaching on the fishing rights which are now scarcely recognized, and the game destroyed by the cultivation of the adjoining lands, so that the Missisau-

1819. gas have nearly all removed to the Thames. The total number of the Missisangas does not exceed 50; he is actuated by no sinister motives to the Missisaugas, but on the contrary will promote their comfort and happiness. Page 132
- February 19, Admiralty. G. Cockburn to Bathurst. In accordance with orders received from the Council office he had applied for the return of the warrant of 24th May, 1816, but the agent says he cannot do so in consequence of positive instructions from Napier his co-trustee. Shall again write for it in obedience to his Lordship's letter of 15th February instant. 85
(Neither the agent's name nor the nature of the warrant is given.)
- February 23, Lt. Col. Napier to Bathurst. Cannot surrender the warrant he holds as trustee for the booty taken at Accra*. 145.
- March 8, Islington. Green to Bathurst. In the event of his acquiring the "Mohawk tract," offers to supply the commissariat at Kingston with 500 barrels of flour annually. 104
- March 11, Bishop (Anglican) of Quebec to Bathurst. Remonstrates against assent being given to a bill for the relief of Wesleyan Methodists owing to the evils that would result. 197
- March 13, Memorial of the heirs of the deceased D. A. Grant, represented by the Baroness de Longueuil for permission to resign to Government the title to the Grande Isle, near Kingston, held by feudal tenure to be regranted in free and common socage. 111
Enclosed. Leave of absence to Charles William Grant, Legislative Councillor, 16th July, 1818.
- March 26, London. Adams to Goulburn. Asks for instructions in respect to a bill drawn by the Duke of Richmond for £500 in favour of the Rev. W. D. Baldwin, rector of Dorchester, Lower Canada. 7
- April 2, Horse Guards. Torrens to Goulburn. Transmits memorial from Givins for Bathurst's consideration. 20
Enclosed. Memorial of Givins, stating his services and applying for a medal for the capture of Detroit. 21
Certificate by Major Glegg of the services of Givins. 23
A similar certificate by Coffin. 24
Appointment of Givins to the staff, and general order containing the thanks of the Major General for the services of Col. MacDonell and Majors Glegg and Givins at Detroit. 25
- April 2, Horse Guards. Lieut. Col. Nichol explains the omission of the name of Givins in the list first sent of those entitled to medals. 27
- April 5, London. Halton to Goulburn. The journals of Legislative Council of Upper Canada are ready for delivery on payment being made for the cost of copying the same. 14
- April 10, St. James's Place. ——— to Goulburn. Encloses letter from Dr. Hall, of Edinburgh, and petition of the inhabitants of Upper Canada. 135
- May 3, Westminster. McGregor to Goulburn. Desires to know when it will be convenient to consult him (Goulburn) respecting the proposal for land on the River Credit. 141
- June 14, Treasury. Treasury (Lushington) to Goulburn. Their Lordships have transmitted to the Duke of Richmond the papers respecting Capt. Archibald McLean's claim, and recommended that he should receive a year's pay on account of his wound. 50
- June 18, Minute of the Committee of Council on Trade asking if Bathurst sees any objection to the "Act relative to the right of tythes within the province" (Upper Canada). 29
- July 8, London. Gore to Goulburn. Perfectly remembers Lieut. Robt. Kerr being allowed to take up land distinct from the military settlement on the Rideau; his services entitled him to this indulgence. 106

* A settlement on the gold coast of Africa.

1819.
July 19, George Street. John Allan to Bathurst. Transmits memorial and prays that an Act passed in the last session of the legislature of Upper Canada for altering and extending the established jurisdiction of that province may be disallowed for reasons given. Page 61
- Enclosed.* Memorial stating the annoyances caused to him by the actions of the North-west Company, praying that the Act under which he is prosecuted be disallowed, and that instructions be sent to the authorities in Upper Canada that his bail is not to be estreated until the pleasure of the Prince Regent respecting the Act is known. 65
- Copy of the Act. 75
- July 27, Whitehall. Committee of Council for trade to Goulburn. Transmits letter from Halket enclosing one from Gale junior addressed to Maitland containing remarks on a bill passed in October, 1818, affecting the rights of absent individuals. 30
- The bill referred to, but not named in the correspondence, was, no doubt, "An Act to authorize the Inquiry and Trial of Crimes and Offences committed within this Province without the limits of any described Township or County to be had in any District thereof." The Act passed in October and was assented to in November, 1818.
- Enclosed.* Samuel Gale, jr., to Maitland, 29th October, 1818. Remarks on a bill affecting the rights of individuals now absent. 31
- J. Halkett to Robinson, 21st July, 1819. Encloses representation from Gale and gives an account of the manner in which the Act referred to was passed. 34
- July 28, Whitehall. Committee of Council for Trade to Goulburn. Recommend that assent be given to bill relative to tythes in Upper Canada. 37
- August 3, Hudson's Bay House. Pelly, Deputy Governor, to Bathurst. Has transmitted copy of the memorial from the Hudson's Bay Company sent to the Lords of Trade to be heard on the subject of an Act passed in Upper Canada. When the Act is referred for consideration, prays that they may be notified. 148
- Enclosed.* Memorial against the Act passed in Upper Canada for the trial of offences committed in unorganized parts of the province as an innovation and of the nature of an *ex post facto* law, and praying to be heard by Council against it. 149
- Copy of the Act complained of. 154
- August 13, George Street. John Allan to Bathurst. As advised, has presented a petition to the King in Council in respect to the bill altering, &c., the jurisdiction of Upper Canada. Has written to Upper Canada for a postponement of proceedings and for an extension of the time of his appearance, and as no private prosecutor has been bound to appear, flatters himself that the law officers in Upper Canada will be instructed to acquiesce in his application. 78
- September 3, London. Seton, Plomer & Seton to Bathurst. Send copy of memorial presented by Beeher to the Prince Regent. 201
- Enclosed.* Memorial from Beeher to the Prince Regent; how his son has been charged with conspiracy by the North-west Company; how his son was employed at the time the offence was alleged to have been committed. 202
- September 3, London. Seton, Plomer & Seton send copy of memorial addressed by Pritchard to the Prince Regent. 207
- Enclosed.* Memorial, complaining that before the grand jury for the western district of Upper Canada could throw out the indictment for conspiracy brought against him, the Chief Justice precipitately closed the court. 268
- September 7, Devizes. Rev. W. MacDonald to Bathurst. Asks if the statement be correct that the father, mother and family of a soldier of the 76th settled in Upper Canada will be sent out to join him, or receive 100 acres of land on presenting a petition. 142

1819.
September 13, London. Greenwood, Cox & Co., to Goulburn. Maitland has drawn on them on account of his salary as Lieut.-Governor of Upper Canada. Ask that the agent be authorized to issue the salary. Page 107
- September 20, Bond Street. Hillier to Goulburn (?) Should Crookshank be appointed Receiver General it would be highly agreeable to Maitland were he immediately nominated to the Legislative Council. 116
- September 22, London. William Charles to Bathurst. Encloses correspondence with Palmerston in respect to his grandfather's and father's services, soliciting assistance for his mother to enable her to preserve her property. 86
Enclosed. Charles to the Secretary at War, 13th September, states the services of his father and grandfather who had obtained grants of land from which his mother derived no benefit. Asks for pecuniary assistance for his mother to enable her to obtain a return from lands granted in Upper Canada or a situation for himself in that province. 87
Merry to Charles, 15th September. His letter received; the application should be made to Bathurst. 90
- September 24, Bond Street. Hillier to Goulburn (?) Has been shown draught of the replies to Maitland's dispatches. The division of the duties between Lower and Upper Canada has not been touched on; understands, however, that so internal a matter will not be interfered with by Parliament. Respecting the settlement of blacks on a line parallel to the road from Lake Simcoe to Gloucester Bay. Application made by Quincy Adams to the Chargé d'Affaires at Washington to know if fugitive slaves could be followed into Canada. The Attorney General answered in the negative. This question, however, applied to slaves traced from the Michigan territory to the most western settlements. He understands money for secret service must be drawn for; would a little aid to the press come under this head. 117
[The letter is dated Thursday, 24th, a mistake in the day of the week or the day of the month. Hillier was in Canada in 1818 and returned to London at the end of 1819 or beginning of 1820.]
- September 24, London. Gore to Goulburn. The salary of Givins was increased to twenty shillings a day, but on the transfer of the Indian department to the commander of the forces Sherbrooke reduced it by five shillings a day. Asks that Givins have authority to take up lands for his children without the payment of fees. 108
- September 29, London. Charles to Goulburn. Regrets Bathurst's unfavourable answer and again urges his request to enable him to proceed to Upper Canada to improve the land granted to his father. 91
- September 30, Treasury. George Hawden to Goulburn. Papers on the memorial of Harrison for compensation transmitted for Bathurst's consideration. 51
- October 1, Whitehall. Committee of Council for trade. In reference to proposed bill for the regulation of trade between Upper and Lower Canada their Lordships hope to have a bill ready next session to submit to Parliament 38
- October 1, Downing Street. Chris. Robinson to Goulburn. In respect to the Act of 1791 providing for a Protestant clergy, desires to know the terms of the communications made to Parliament and the instructions to be given to governors under the Act, since that only empowers the King to give instructions for setting aside the land. The terms are general, and it may have been intended to provide also for Protestant dissenters. Asks also if in the instructions to the Governor of Newfoundland there is any clause applying to the appointment of notaries. 41
- October 1, Downing Street. John Gregson to Goulburn (?) For an inspection of the Act of 1774 and to the Acts of the separate legislature of Upper Canada. 110
- October 2, London. Seton, Plomer & Seton to the Lord President of the Council. Send petition for the disallowance of an Act passed in Upper Canada; ask

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London, that notice may be given when the petition is to be considered. At the session following that at which the Act was passed the obnoxious clauses were repealed. Page 216
- October 2,
London, Seton, Plomer & Seton. Send copy of petition which has been trans- mitted to them to be presented at the Council Office. 211
- October 12,
Near Berwick Enclosed. Petition to the Prince Regent to disallow the "Act to authorise the inquiry and trial of crimes and offences committed within this province without the limits of any described township or county to be had in any district thereof," by which His Majesty's subjects on the bare suspicion of crime are liable to be harassed and taken from one district to another, &c. 212
- October 13,
London, Lord Arbuthnot to Goulburn. Applies for his influence to obtain the situation of Receiver General for Alexander Wood. 80
- October 20,
Killarney, Charles to Goulburn. Presses for pecuniary assistance to proceed to Upper Canada, even if the advance should only be temporary. 94
- October 21,
Treasury, Peter Fleming to Bathurst. Asks for information respecting the property of his relative, Denis O'Reily, a return of which has been sent to the Colonial Office. O'Reily died in Kingston without issue. 97
- November 15,
Doctor's Commons, Treasury (Lushington) to Goulburn. Petition of Meredith Melvin transmitted for Bathurst's opinion. 52
- November 25,
Liverpool, Opinion of Counsel: Chris. Robinson, R. Gifford and J. S. Copley, that the proceeds of the clergy reserves by the Act of 1791 are not confined solely to the Church of England, but may be extended to the clergy of the Church of Scotland, but do not extend to dissenting ministers. In applying the proceeds the Governor will be justified in doing so for the support of the clergy of the Church of Scotland. In respect to the constitution and erection of parsonages and rectories should the whole of the reserves of a township or parish be used to endow any particular parish or rectory, no proportion of such land could be retained for other purposes. 43
- November 30,
York, Lord Arden to Bathurst. John Carey now in Kingston, applies for an additional grant of land. 82
- December 4,
London, W. D. Adams to Goulburn. The objections taken to his accounts by the Audit Office. The full salaries paid to persons acting in the office before the order was promulgated that they were only to be paid half; asks that the Audit Office be instructed to pass these charges in his account. Asks for the appointments of Robinson to be Attorney General and Cameron to be Secretary. 3
- December 9,
Admiralty, Enclosed. Objections by the Audit Office. 5
- December 20,
Treasury, Barrow to Goulburn. Applies for instructions as to payment of claim of Lieut. Bushby for his expenses in conveying Lieut.-Governor Gore between Fort Erie and Amherstburg. Encloses the orders on which the expenses were incurred. 16
- December 31,
Treasury, Enclosed. Bourchier to Barrow, 12th May. His reason for giving the order to convey Gore and suite from Fort Erie to Amherstburg and back. 17
- December 31,
Treasury, Order to Bushby dated 22nd January, 1816, to receive on board his vessel Lieut.-Governor Gore and suite to convey them from Fort Erie to Amherstburg. 18
- December 31,
Treasury, E. A. McNaughten to Goulburn. Recommends Johnston to his good services in relation to his claim. 143
- December 31,
Treasury, Treasury (Harrison) to the same. Owing to the circumstances connect- ed with the claims of John Johnston of St. Mary's Falls, their Lordships
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1819. recommend his case for favourable consideration, so that it may not be prejudiced by his claims not having been preferred earlier. Page 53
Enclosed. Memorial by John Johnston of his services and losses, praying for relief. 55
 Certificate by Lieut. Col. McDonall of the services of Johnston at Michilimackinac, during 1814. 58
- No date. Memorial of Rev. Alexander Maedonell stating his services on many occasions from the year 1794; the great expenses he incurred have brought him into such difficulties as only the generous aid of the government can relieve him from. Not one of the Catholic school-masters or clergymen has received a farthing of salary and his supporting some of them for two years has added to his difficulties. Has been earnest in his solicitations for others but has had no anxiety about himself; it is only absolute necessity that compels him to trouble his Lordship now. 136
1820. Johnston to Goulburn (?) Understood that the Treasury was to send papers relating to his losses to Bathurst for his consideration; who was to make known to him his decision. Encloses certificates from Lt. Col. McDouall. 121
 (For date (1820) see letters from the Treasury of 31st December, 1819, in which is enclosed McDouall's certificate.)

TRIALS BETWEEN HUDSON'S BAY AND NORTH-WEST COMPANY, 1819.

Q. 327.

1819. Powell to Maitland. As speaker of the Legislative Council, he has no information to give respecting the bill referred to beyond what is in Minute; as member of the Council (Executive?), has no hesitation in communicating all he knows. Page 2
Enclosed. Statement by Powell of the manner in which the bill to authorize trials of offences committed in unorganised territory was passed, the personal motives for opposition, &c. 4
- November 29, Report by J. B. Robinson, Attorney General, of the judicial proceedings in Upper Canada, affecting the Earl of Selkirk or the North-west Company. 13
 (The report enters into Minute detail and occupies 109 pages.)
Enclosed. (1.) Report by Attorney General (Boulton) and Solicitor General (Robinson) on the answer to be given to the governor of Lower Canada as to the steps to be taken in Upper Canada to receive prisoners charged with crimes committed in the Indian territory 123
 (2.) Schedule of cases (the offence is stated in each case). (1.) Paul Brown. (2.) Louis Perrault *alias* Mosain. (3.) François Firmin Boucher. (4.) John Severight. (5.) George Campbell, Cuthbert Grant and William Shaw. Duncan Cameron, accessory before the fact. (6.) George Campbell, Heeter Muedonald, Robert Gunn. (7.) George Campbell, Duncan Cameron, Seraphin La Marre, Cuthbert Grant, William Shaw. (8.) George Campbell, John Cooper, Donald McCrimmon, Hugh Bennerman (Bannerman?), Duncan Cameron, John Augustus Cameron, Cuthbert Grant, William Shaw, Peter Pangman *alias* Peter Bostonnois. (9.) Joseph Brisbois. (10.) John McLauchlin. (11.) William McGillivray. (12.) Hugh McGillis. (13.) John McDonald. (14.) Allen McDoneli. (15.) Simon Fraser. (16.) Alexander McKenzie. 129
 (3.) Memorial of Simon McGillivray for a special commission to try the offences charged, so as avoid delay, 5th September, 1817. 134
 (4.) Attorney General's report on the application, 13th March, 1818, that the law officers are not in a position to fix a date. 141

(5.) Selkirk to Robinson, Montreal, 8th April, 1818. He cannot attend to the cases to be tried in Upper Canada till after the trials in Lower Canada. The counsel employed by him should co-operate with the Crown lawyers in the prosecution. Page 148

(6.) Robinson to Selkirk, 19th April. His mind relieved as to the intentions of the prosecutors; the accused have applied to have the trials fixed for 20th April, but he had reported that owing to the want of information he could not be ready. Agrees that the prisoners should be left in Montreal till their removal is necessary. Regrets that all the trials did not take place in Lower Canada, as that would have been an advantage to all concerned. 154

(7.) Robinson to Selkirk, 21st April. The court met on the 20th for the trial of offences in the Indian territory, but he (Robinson) not being ready, the court adjourned *sine die*. 158

(8.) W. Smith to Robinson, 15th April. Remarks on trials at the quarter sessions held at Sandwich, and on Selkirk's bail not being estreated. 160

(9.) Selkirk to Robinson, 7th May, 1818. Who were the individuals whose trials were brought on on the 20th April? No recognisance seems to have been taken for their future appearance. He had intimated that all the witnesses would be ready by June. 161

(10.) Robinson to Selkirk, 17th May. The course taken at the court held at Sandwich, at which the defendants did not appear. A court can be called at any time. 162

(11.) Uniacke to Robinson, 7th May. Cannot give him information on the cases, as Selkirk has kept everything in his own possession. The commission for the trial in the lower province, of offences committed in the Indian territory, closes on 31st May. If Selkirk is not ready to proceed the prisoners will be discharged. Selkirk's bail has been transferred to Upper Canada. 165

(12.) Robinson to the Attorney General of Lower Canada. The obstacles to the trials of the cases from the Indian territory in June next. 167

(13.) Selkirk to Robinson, 20th May. He has been informed that a court of oyer and terminer is to be held in Upper Canada in June. The inconvenience to which the parties may be exposed; asks what charges are to be brought forward at Sandwich. 172

(14.) Robinson to Selkirk, 30th May. The difficulty of making arrangements for trials, owing to want of information. 176

(15.) Selkirk to Robinson, 27th May. Shall try to arrange to have his witnesses at York for the trials in June. 181

(16.) Robinson to the Attorney General, Lower Canada, 2nd June. How the prisoners in Lower Canada may be transferred for trial in Upper Canada. 182

(17.) Robinson to Selkirk, 2nd June. The arrangements he has made for the removal of the prisoners to Upper Canada. 187

(18.) Selkirk to Robinson, 4th June. Believes the court for the trial of the prisoners might open in Upper Canada on the 18th or 20th June. The opinion of Chief Justice Sewell as to the boundaries of Upper Canada. 189

(19.) Robinson to Selkirk, 15th June. Refers to his letter of the 4th as reporting the measures he had taken for the trials. They cannot, probably, take place till October, so that he cannot issue subpoenas, till the result of His Lordship's application for a special sitting is known. 191

(20.) Selkirk to Robinson, 17th June. Sends affidavits with remarks; his reasons for asking for the nature of the charges against him. 193

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- (21.) Uniacke to Robinson, 20th June. Has forwarded Campbell, Brown and Boucher v Cornwall to be received by the sheriff for trial in Upper Canada. Page 198
- (22.) Warrant to receive George Campbell, a prisoner, for trial. 200
- (23.) Uniacke to Robinson, 29th June. Encloses recognisances of Louis Perrault, Joseph Brisbois, John Cooper, Peter Pangnan, Hugh Bannerman, Hector McDonald and Seraphin LaMarre, for their appearance in Upper Canada. 203
- (24.) Robinson to Jarvis, 14th July. Transmits application from Selkirk for the early holding of a court of oyer and terminer, to be laid before the administrator. 204
- (25.) Robinson to the Administrator, 17th July. Sends the communications that have passed between him and the Crown officers in Lower Canada respecting offences committed in the Indian territory. 205
- (26.) Report of Council, 17th July, recommending a special commission to try all the offences charged to have been committed in the Indian territory. 206
- (27.) Robinson to Attorney General of Lower Canada. Suggests what he thinks is a suitable arrangement for the trial of the offences committed in the Indian territory. 207
- (28.) Robinson to Selkirk, 21st July. The trials cannot proceed till after the close of the approaching circuits. 210
- (29.) Robinson to Coltman, 25th July. Sends receipt for papers. The proposed arrangement for the trials. Would be glad to have his presence and assistance. 212
- (30.) List of prisoners to be tried at Sandwich, with the offences charged. 215
- (31.) Robinson to Selkirk, 5th August. Sends subpoenas and tickets for witnesses although he is doubtful of his power to issue subpoenas out of the jurisdiction of the court. 218
- (32.) Robinson to Selkirk, 15th August. It is desirable to obtain authority in the case of Simon McGillivray to the courts in Upper Canada to include him in the charge of conspiracy and the same power in respect to McKay and Hoole. 219
- No number. Selkirk to Uniacke, 14th August. Asks that the instruments for the transfer of criminals for trial to Upper Canada may be so modified as to remove doubts. 221
- (33.) Selkirk to Robinson. Annexes copy of letter to Uniacke which he wrote before leaving Montreal. (The letter referred to was prefixed, and is at p. 221). 221
- (34.) Selkirk to Robinson, 5th October. Refers to letter to the Attorney General of Lower Canada, of which he sent copy on 24th August. 223
- (35.) Robinson to Gale, 9th September. Has read the deposition against Fletcher, but, under the circumstances, cannot prefer a criminal charge against him without express orders from government. 225
- (36.) Robinson to Allan, 12th September. Sends in detail reasons why he cannot submit to the grand jury a charge of perjury against Vanderstuyts and McTavish. 227
- (37.) Robinson to Simon McGillivray, 11th September. That his (Robinson's) brother had been notified that he (Robinson) was appointed the counsel for the North-west Company, but so long as criminal charges existed between Selkirk and that company, he could not act as private counsel for either. 231
- (38.) Simon McGillivray to the Attorney General for Upper Canada, 14th September. Calls attention to the improper conduct of the grand jury in throwing out the bills against Selkirk and the influences used to

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bring this about, and asking that a criminal charge may be preferred that may be tried in open court. Page 232

(39.) W. McGillivray to Robinson, 22nd October. Repeats the statement of the grand jury having improperly thrown out the bills against Selkirk; forwards affidavits and asks that criminal charges may be preferred to be tried at bar. 240

(40.) Selkirk to Robinson, 22nd October. Regrets that the pressure of business will prevent him from being present at the trials. Gale, Allan and Pritchard can supply any further information that may be necessary. His disappointment at the abrupt termination of the court at Sandwich, which prevented him from exposing the perjured calumnies against him. 243

(41.) Robinson to Maitland, 28th December. Sends application and affidavits by the North-west Company that an information be laid *ex officio* against Selkirk and others. By the late Act, the trials can be held in any district; asks for instructions. 246

(42.) Minute of Council, 14th December. The Council cannot recommend that the Attorney General should file an *ex officio* information. The course that might be adopted by the private prosecutors. 248

(43.) Robinson to W. McGillivray, 14th December. The steps that can now be taken to prosecute, consequent on the Act having passed to enable trials of offences committed in the Indian territory to be tried in any district. 250

(44.) Selkirk to Robinson, 6th October. Applies to Robinson to act as his counsel in the suit against him (Selkirk) for false imprisonment. 254

(45.) Robinson to Clark, 14th October. He cannot act as counsel for Selkirk as requested. 255

(X.) Presentment of the Grand Jury of the Western District against Selkirk and others for conspiracy against the North-west Company. 257
(The acts complained of are given in detail.)

(B.) Affidavits of Simon McGillivray (289), of Misané (309), Charles Breamby (310), James Taitt (311), Rodolph Haller (312), Colin Campbell (313), William Elliott (314), Henry Mackenzie (316), William Elliott (318). 289 to 319

(The affidavit of Simon McGillivray gives a full report of the proceedings of the Grand Jury; the other affidavits, except Elliott's (p. 314), complain of the course taken by the Grand Jury. Elliott's at 314 is in reference to the circulation of books and pamphlets by Selkirk to influence the minds of the Grand Jury.)

CIVIL PROCEEDINGS.

(1.) Selkirk to McTavish and Vandersluys, August (no year, it is 1816). Whether the 34 packs of furs marked R. R. are to be given over to the agents for the Hudson's Bay Company. 320

(2.) J. D. Cameron to McTavish and Vandersluys, 29th August, 1816. Daniel McKenzie being a retired partner has no power to give orders. Drowning of McKenzie and eight men at Point aux Pins. 322

(A.) Rough memorandum of a letter apparently to be written to the agents of the North-west Company. 323

B (325), C (327), D (329), E (331), F (332), K (334), 4 (336), 5 (339), 6 (344), 7 (348), 8 (357).

From A to 8 are affidavits and copies of papers as evidence of Daniel McKenzie having been forced to sign documents against the interests of the North-west Company, of which he was a retired partner. 323 to 360

(C.) Extracts from the journals of the legislative council in respect to bill for the trial of offences in Indian territory. 362

LT.-GOV. SIR P. MAITLAND, ACTING GOV. S. SMITH AND MISCELLANEOUS.

Q. 328—1.

1820.
January 4,
York. Maitland to Bathurst. Points out in reply to letters from His Lordship and from Buchanan, the injurious effect of granting lands to persons not present; the perplexity of government at the promise of grants in favourable situations of lands not yet surveyed. On His Lordship's recommendation lands will be granted to Buchanan on his personal application; had not been aware of his services in attracting emigrants to Canada. Page 1
- January 7,
York. Same to the same. In reference to the dispatch relating to Halliday, appointed schoolmaster at £50 a year, which he did not receive on account of misconduct; transmits letters from the Deputy Quarter Master General and from Marshall, that the Rev. W. Bell had been appointed and enjoyed the salary till a few months before, the Rev. Mr. Harris had been appointed by the Bishop of Quebec and received the salary. The charge of misconduct against Halliday having been disproved, he has been restored. The school under the superintendence of Harris was also to be continued and both should be maintained until the means of the settlers at Perth enable them to support the schools. 3
- Enclosed. Cockburn to Hillier, 7th December, 1819. Has received correspondence respecting application of Halliday for salary as schoolmaster at Perth. The Rev. W. Bell was placed in charge of the school. 6
- Undated. Marshall to Hillier, 2nd June, 1819. After investigation cannot discover that Halliday was the author of groundless complaints or made any charge for the tuition of children. His good behaviour. 7
- Fowler to Daverne, Perth. That Halliday is to be examined by Bethune and the result reported to the Governor. 9
- Certificate by Scotch settlers at Perth, 10th August, 1818, in favour of Halliday. 11
(The signatures are attached).
- January 10,
York. Maitland to Bathurst. The bad effect of the practice of granting land to reduced officers of the Army and Navy simply on their presenting certificates of service. Suggests that it be made known that no grants would be made to these two classes except on presentation of an authority from the Secretary of State's office. 12
- January 11,
York. Same to the same. Owing to the circumstances of the case recommends that the petition of Ensign Allan Napier McNabb for land be granted. 14
- Enclosed. Petition for his patent of land. 16
- January 15,
York. Maitland to Bathurst. Claus reports that he has drawn for £772, 3s 2 interest due to the Grand River Indians. 18
- January 18,
York. Same to the same. Transmits abstract from the doquet books of the Auditor General. 19

1820.

ABSTRACT from the Auditor's Docket Books of Grants of Land which have passed the Seal of this Province between the 1st day of January and the 31st day of December, 1819, inclusive. Showing the number of Grants in each Class made in each District, and the Gross Number of Acres granted. Page 20

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each Town and County.	Total No. of Grants.	Total Number of Acres Granted.			
Home	Town of York.	2 1 1	4 4 436	1 4 436	441	4	14,451			
	County of York.	1 3 53 1 1 1 1 1	40 100 290 250 400 520 900 1,000	40 300 10,600 250 400 520 960 1,000				14,010	62	
Eastern	Town of Cornwall.	6 1 1 1	1 2 1 1	6 2 1 1	9½	9	4,965½			
	Stormont	1 2 1	95 100 120	95 200 120				415	4	
	Glengary		1 5 1 1 4 1 1	85 100 109 156 200 281 400 460	85 500 109 156 800 281 400 460	2,791		15		
		Dundas	4 1 5	100 150 200	400 150 1,000				1,550	10
		Prescott.	1	200	200				200	1
		Carleton	1	200	200				200	1
		Johnstown	Grenville	1 5 1 1 1	6 100 170 200 600				6 500 170 200 600	1,476	9
Leeds	3 1 4 1 1		100 131 200 300 400	300 131 800 300 400	1,931	10				

3,607

1820

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total Number of Acres. Granted.			
Midland	Town of Kingston.	12 1 1	1 1 1	1 1 1	2,9 ⁵ / ₁₆	4	links do do do do do do do do do Acres, 2,750 ⁵ / ₁₆ and Square links 69,312			
	Town of Belleville.	1	3,840 square links,	3,840	sq.	4 and 69,312 square links.		16		
		1	7,680	do	7,680					
		2	7,968	do	15,936					
		1	8,160	do	8,160					
		1	8,640	do	8,640					
		1	9,120	do	9,120					
		1	15,936	do	15,936					
		8	$\frac{1}{2}$ acres	4						
	Township of Frontenac.	1	100	100	300	2				
1		200	200							
Hastings		1	54	54			744		7	
		1	90	90						
1	100	400								
1	200	200								
Lenox and Addington.	4	100	400	800	6					
	2	200	400							
Prince Edward	2	100	200	900	5					
	2	200	400							
	1	300	300							
Newcastle ...	Durham	2	100	200	13,930	5	16,555			
		1	330	330						
		1	1,400	1,400						
		1	12,000	12,000						
	Northumberland	1	90	90	2,625	13				
		1	95	95						
		3	100	300						
5	200	1,000								
1	240	240								
1	400	400								
Niagara	Lincoln	1	200	200	200	1	200			
Gore	Wentworth	2	100	200	700	4	1,900			
		1	200	200						
		1	300	300						
Halton	1	1	200	200	1,200	2				
		1	1,000	1,000						
London	Middlesex	5	100	500	9,900	51	10,100			
		44	200	8,800						
		2	300	600						
Norfolk	1	200	200	200	1					
Western	Essex	1	184	184	1,085	5	1,685			
		2	200	400						
		1	211	211						
	Kent	1	200	200	200	3				
Total grants					250		Acres, 56,213 ⁵ / ₁₆ Sq. links, 69,312			

Errors excepted,

S. HEWARD,
Auditor General, U.C.

RECAPITULATION.

Recapitulation of the within Grants.	Number of Grants.	Number of Acres and Square Links.
Grants under 100.....	40	575 $\frac{3}{10}$ and 69,312 sq. links.
do of 100.....	45	4,500
do over 100 and under 200 acres.....	7	1,020
do of 200.....	133	26,600
do more than 200 and under 300 acres.....	5	1,272
do of 300.....	5	1,500
do over 300 and under 400 acres.....	1	330
do of 400.....	4	1,600
do over 400 and under 500 acres.....	2	896
do of 500.....	1	500
do over 500 and under 600 acres.....	1	520
do of 600.....	1	600
do of 900.....	1	900
do of 1,000.....	2	2,000
do of 1,400.....	1	1,400
do of 12,000.....	1	12,000
Total.....	250	56,213 $\frac{8}{10}$ acres. (69,312 square links.

AUDITOR GENERAL'S OFFICE,
31st December, 1819.

S. HEWARD.
Auditor General, U.C.

1820.
February 20,
York.

Maitland to Bathurst. Recommends an addition to the members of the Legislative Council. Page 24

Enclosed. Names Rev. John Strachan, Angus McIntosh, Joseph Wells, Duncan Cameron, George Herchmer Markland. 26

March 4,
York.

Maitland to Bathurst. Has dismissed Sheriffs Kerr and Merritt for reasons given. The disturbances caused by Gourlay; his editor and himself sent to goal; the assistance rendered by Merritt to enable Gourlay to have his seditious writings published. "Mr. Merritt had been an old servant of the Crown and nothing but the most perfect conviction of the justice and necessity of the measure should have prevailed on me to displace him." 27

March 6,
York.

Same to the same. Is convinced that the provincial legislature will never make provision for the three Roman Catholic clergymen and three teachers. Fears the evil would be great were orders given to pay these salaries out of funds raised for the use of the province. The number of Roman Catholics is trifling as compared with that of the Presbyterians and Methodists; should they be provided for the others will petition for the same indulgence. Suggests that the Jesuits' fund in Lower Canada might be drawn on. 32

March 7,
York.

Same to the same. Sends a schedule of claims, payments of which he specially recommends as they are just and His Majesty's interests are seriously prejudiced by the delay in settlement. 35

Enclosed. Schedule of claims. The name of each claimant, the amount claimed and that awarded are given. 36 to 45

Report of the Board of Claims, 6th March. Stating the classes of claimants for losses during the war which it was thought should be specially recommended for payment. 46

1820.

- Thomas Clark to Maitland, 6th March. Represents, as president of a Board of Militia Officers, in answer to the assertion of Commissary General Robinson, that all claims for losses incurred during the war had been paid; does not doubt that he had paid all that were approved of. Explains that in the case of others the proceedings in respect of which had been in the house of Capt. James Crooks when Niagara was taken, all the papers but the scrawl memoranda were burned, so that the claims could not be approved of at the time by General Sheaffe. These, therefore, still remain unsettled. Encloses a letter from the Quartermaster General of Militia on the same subject. From the want of commissariat, &c., at the beginning of the war many informalities took place and many fair claims are still due. Page 49
- Nichol to Clarke, 6th March. The claims reported on by the Board of Militia were different from those settled by Commissary General Robinson. 52
- General order dated 17th March, 1813, that a Board of Accounts to examine all claims for Militia service is to be constituted. 54
- March 7, York. Maitland to Bathurst. The disturbed state of the province when he arrived rendered the law against seditious meetings necessary. By the expulsion of Gourlay and the legal punishment of the publisher of seditious libels the province is tranquil. Had suggested that the Act for the prevention of seditious meetings should be repealed which had been done. 99
- March 8, York. *Enclosed.* The Act repealing the previous Act. 101
- Maitland to Bathurst. Leave of absence has been granted to Crook shank, acting Receiver General, McGill the late Receiver General having undertaken the duties. 55
- March 8, York. Same to the same. Transmits bill respecting forfeited estates, which he has reserved for reasons given. 56
- March 8, York. Same to the same. The Legislature convened on the 21st February and was prorogued on the 7th instant. Sends copies of his speeches, addresses in reply and schedules of Acts passed. 61
- Enclosed.* Speech at opening. 62
- Address of the Legislative Council. 67
- Same of the Assembly. 71
- Speech on prorogation. 76
- Schedule of Acts passed. 80
- March 8, York. Maitland to Bathurst. Suggests the establishment of a hospital on the mode of that of Chelsea for the relief of sufferers by the war. Plan of endowment: recommends Wells to be the head of the establishment; his qualifications. The Receiver General might be treasurer, the money in his hands to be paid by warrant and be accounted for to the Treasury. Should Wells be appointed asks that his half-pay and pension be continued to him. 83
- Enclosed.* Memorandum of lands proposed to be sold for the endowment of a Royal Invalid Asylum on the plan of Chelsea Hospital. The lands are set out on plans marked A. B. E. F. which follow page 89. 86
- The plans of lands for the hospital. 89a
- Memorandum of lands proposed to be sold to defray the annual charge of presents to the Indians for the tracts purchased of them. The lands are set out in plans marked A. B. C. D. 88
- Plans of Indian lands part of 89a
- March 8, York. Maitland to Bathurst. Transmits address from the Assembly, with documents. 90
- Enclosed.* Address from the Assembly that the postage charged on letters in Upper Canada is in excess of the rate allowed by law; proofs are transmitted. 91

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1820.

		Table of distances in British North America, with the rates of postage for a single letter. Page 92a	
		Question put to the postmaster of York, with his answer. 93	
March 8, York.		Smith to Bathurst. Reports that in the absence of the Lieut.-Governor at Quebec he had assumed the duties of the administration. 126	
March 20, Quebec.		Maitland to the same. Sends return of discharged soldiers and emigrants on the Rideau military settlements who have petitioned for a passage for their families. Recommends that the petition be granted. 103	
		<i>Enclosed.</i> Return. 104, 105	
April 18, York.		Smith to Bathurst. Transmits copies of the Acts passed last session. 127	
April 24, Quebec.		Maitland to the same. Transmits letter from Clans. The husbands of the widows to whom he refers were faithful servants of the Crown. 106	
		<i>Enclosed.</i> Clans to Bowles, 4th April. Transmits memorials from the widows of John Askin and John Henry Kabman, of the Indian Department, for pensions. 107	
		Memorial of Madeleine Askin. 108	
		Memorial of Ann Kabman. 109	
May 11, Quebec.		Maitland to Bathurst. Transmits return of discharged soldiers and emigrants at the Rideau military settlement who have petitioned for a passage for their families. 111	
		<i>Enclosed.</i> Return. 111a	
		(This is a different return from the one sent on 20th March).	
May 16, Quebec.		Maitland to Bathurst. The land on which the barracks stood at Kingston has been laid out in building lots and has nearly paid for the cost of building the stone barracks at Point Henry. 112	
May 19, York.		Smith to Bathurst. Has given Baby, Inspector-General, two months' leave of absence. 129	
May 22, Quebec.		Maitland to the same. The present position of the naval establishment on Lake Erie, being the most suitable, recommends accepting the surrender of certain Indian lands on the Grand River to be regranted, as, if the naval establishment is to remain on the Grand River, the land in rear should not remain exclusively in possession of the Indians. 114	
May 22, Quebec.		Same to the same. Has received dispatch respecting the case of John Johnson (Johnston?). The difference of his case and that of other sufferers by the war. 116	
June 11, Quebec.		Same to the same. The difficulties in the way of carrying out the plan for the acquisition of new territory by selling a portion; its interference with the proposal for a Royal Invalid Asylum and for improving the condition of the Indians in the neighbourhood of settlements. The obstacles to the sales by those of confiscated estates and of lands held by absentees which are now to be taxed. Added to this is the small number of emigrants arrived. Asks that the Treasury relinquish the payment of the new territory by the sale of land. The diminution in the expenditure in the Indian Department will meet this charge. 117	
		<i>Enclosed.</i> Gore to Sherbrooke, 4th June, 1817. An Act passed to secure the military reserve adjacent to the old French fort for purely military purposes. 120	
		Minutes of Council on the subject of the reserve adjacent to the old French fort. 121	
		Sherbrooke to President Smith, 30th June, 1817. Has received copy of Minute of Council from Gore and is grateful for the care taken of the reservation, but by the terms of the minute the commander-in-chief will be deprived of any control of the ground in question, which is placed solely at the disposal of the Board of Ordnance, who at such a distance	

- 1820.
- would hardly have the same opportunity of judging of an emergency as the commander of the forces on the spot; suggests that the Council might revise their minute and grant the reserve for military purposes under the control of the commander of the forces, who might thus have it in his power to erect barracks, &c., and still assign the parts required for works of defence. Page 123
- June 15,
York. Smith to Goulburn. Has drawn for £80 to repay Spilsbury and seven settlers the amount deposited with him (Goulburn). Sends copy of receipts given to Spilsbury and the others. 130
Enclosed. Receipt that £10 for each of the settlers was deposited in London in March, 1819, and that provisions were furnished by Spilsbury. 131
- June 30,
York. Receipt for repayment of the £10 each. 132
Maitland to Bathurst. He has returned to York and reassumed the administration. 134
- August 9,
York. Same to the same (No. 1). Transmits and recommends petition of Francis McNeill for grant of crown reserve. 135
Enclosed. Petition dated 1st August. 137
Report by Ridout, Surveyor General, on McNeill's case. 139
Return showing the promise made to McNeill by Gore. 140a
- September 8,
York. Maitland to Bathurst (No. 2). Forwards for decision report of the claim of certain emigrants not military claimants, but located on the Perth settlement, to receive their deeds exempt from all expense. 141
Enclosed. Government advertisement of the terms on which settlers will be taken dated 23rd February, 1815. 143
Explanations of the conditions already published. 148
Minute of Council, 20th July, 1820. The Council having received no instructions respecting fees to be charged to civil emigrants recommend that the question be referred to His Majesty's Government. 157
- September 16
York. Maitland to Bathurst (No. 3). The arrival and distribution of colours for the incorporated battalion of Lower Canada induce him to bring forward the 4th paragraph of the militia general order of Sir Gordon Drummond and hopes that the services of the incorporated battalion of Upper Canada may be considered. 159
Militia general order, 10th March, 1815, dismissing the militia. The 4th paragraph praises their services, &c. 161
- October 12. Maitland to Bathurst (No. 4). Desires to have the doubts set at rest in respect to the enforcement of the navigation laws in Upper Canada. 164
- November 14,
York. Same to the same (No. 5). Transmits letter from Hopper, commissioner of the peace for the Johnstown district, enclosing the confession of John Kelly of a murder he committed in Ireland, with the Attorney General's report thereon. 167
Enclosed. Hopper to Hillier. Sends confession by John Kelly of a murder committed in Wicklow in 1815. As he (Hopper) may have to go to Ireland it is necessary to have certificates under the great seal of his authority to take such confessions. 168
Confession by John Kelly of the murder of Michael Fox on the 9th February, 1815. 170
Robinson to Hillier 31st October. The course to be adopted in regard to the trial of John Kelly. 173
- November 18,
York. Maitland to Bathurst. Arrival of Dunn to succeed McGill, as Receiver General; his personal bond accepted in the meantime as security. The financial state of the province and the steps he took to meet the expenditure, but owing to the sale of confiscated land and so much thrown into the market by the tax on unoccupied lands will leave him unable to pay for the Indian presents which he hopes His Lordship will assu

1820.

as they are not more than they were before the lands to be paid for were acquired; transmits comparative statement. Page 175

Enclosed. Statement. 179 a, 180

Extract. Maitland to Bathurst, June, 1820. Proposes a scheme for disseminating the knowledge of the gospel first among the Six Nations and Mississaugas and to instruct them in the arts of husbandry, a surgeon also would be welcome. Part of the Indian reserves might be used to provide a fund for the expense. The Mississaugas agreed for this purpose to resign to His Majesty all the lands on the Credit and on two other small streams running into Lake Ontario, about 20,000 acres in all. The situation of these lands makes them valuable and those on the Grand River are equally so. Has no doubt the Six Nations would willingly resign twice as much land for the same object. Suggests that the management might be left in the hands of the Society for the Propagation of the Gospel. 181

(For the other enclosure See 328-2.)

LT.-GOV. SIR P. MAITLAND, ACTING GOV. S. SMITH AND MISCELLANEOUS, 1820.

Q-328-2.

1819.
February 20, Hillier to Sheriff. Enclosed in Sheriff to Castlereagh, 13th September, 1819.
York.
April 3, Same to the same. Enclosed in Sheriff to Castlereagh, 13th September, 1819.
York.
September 15, Sheriff to Castlereagh. Encloses letter from the Lieut. Governor's secretary. Cannot get any lawyer to take up his grievances and asks that they be submitted to Parliament. Page 407
Kingston. *Enclosed.* Hillier to Sheriff, 3rd April. His petition to the Governor in chief has been forwarded. 408
Hillier to Sheriff, 20th February. He has the same protection as others, namely, the laws of his country. Government cannot interfere. 409
- November 24, Maitland to Torrens. Enclosed in Torrens to Goulburn, 7th February, 1820.
York.
No date. Memorandum of purchases from the Indians concluded since the arrival of Sir Peregrine Maitland, K.C.B., Lieutenant Governor, 16th October, 1818, to 1st April, 1819. 254a
Memorial of Jane Graham for a passage to enable her, with her children, to join her husband in the Perth settlement. 353
Memorial of Sergeant Maitland, for a passage to Canada for his two sisters and their families. 383
Allan, Surgeon, R.N., to Bathurst. Refers to his application to be heard against assent being given to an Act passed in Upper Canada in 1818, under which he was to be tried and praying that till the pleasure of the Prince Regent shall be known his appearance for trial and his recognizances stand good. As he has no means of knowing the decision before the expiry of the date fixed by his recognizances for his appearance prays that the time be still further extended. 319
Merry to Goulburn. Asks that a packet may be sent to York with the colonial dispatches. 297
January 6, Foveaux to the same. Sends extract of letter respecting Quarter War Office. Master Ellis and asks for any information respecting him which the colonial department may afford. 298
January 10, War Office.
1820.
January 1, Jernyn Street.

1820.
January 10, Bervie. Arbuthnot to Bathurst. Recommends that Alexander Wood be appointed to the office of Receiver General on the resignation of McGill. Page 321
- January 13, Jermyn Street. Same to Gouiburn. Encloses letter from Bathurst applying that the office of Receiver General for Upper Canada be given to Alexander Wood, and asking him to bring the application before Bathurst. 323
- January 20, Manchester Buildings. MacGregor to the same. Had never contemplated asking for a grant of land in Upper Canada without offering an equivalent. If the Missis-augas have not surrendered and if government does not wish to divest them of the land, he would not urge the expediency of such a measure. Relinquishing the idea of the land on the Credit, he would draw attention to the cultivation of hemp, for which much of the soil of Upper Canada is favourable; he would propose to cultivate it for the exclusive use of government on receiving corresponding encouragement; a grant of 20,000 acres would be required for the prosecution of the work on a scale that would render it of public utility. 373
- February 2, Fetter Lane. Memorial of Latrobe, secretary of the Unitas Fratrum. Asks for protection for the lands granted to the Moravian Society in 1793, for the use of the Indian converts, on which a town called Fairfield was built. In 1819 a proposal was made to the Indians themselves for a part of the land, which was agreed to but declined after explanation. In this the directors of the mission agree with the missionaries that the surrender of the land would prove the ruin of the mission. Reasons for not parting with the land; any proposals for the sale should be made to the trustees and not to the Indians direct. The execution of the deed was requested but if there are difficulties the society will be satisfied with the papers it holds trusting to the justice of the British Government. 368
- February 7, Horse Guards. Torrens to Goulburn. Forwards letter from Maitland with memorial from Colonel Neil McLean for the consideration of Bathurst. 278
- Enclosed. Maitland to Torrens 24th November, 1819. Transmits, for the commander in chief, memorial and papers from Colonel Neil McLean. 279
- February 9, War Office. Merry to Goulburn. Sends affidavit of Cap. Thomas Fitzgerald on half pay of the Glengarry Fencibles to be returned with the information whether his appointment and emoluments as clerk in the office of the Lieut. Governor of Upper Canada are correctly given. 299
- February 17, War Office. Same to the same. Desires to know the amount of salary and emoluments of J. B. Macaulay as clerk of assize of the Western circuit of Upper Canada, he having applied for a military allowance equal to his half pay besides his emoluments of office. 300
- March 17, War Office. Same to the same. Desires to know the salary and emoluments of Lt. Col. Wells, as special receiver for the sale of confiscated estates he having applied for a military allowance equal to his half pay in addition to his other emoluments. 301
- March 20, Kensington Gore. Wilberforce to Bathurst. Has been trying to get two schoolmasters for Maitland to teach the national system but has only got one; the salary offered is too low. Sends Spragg, the schoolmaster engaged, to arrange about a passage. 412
- March 21, Southwark. Joseph Spragg to Goulburn. Requests that his wife's mother may be included in the order for a passage for himself and family to Upper Canada. 404
- March 29, Treasury. Lushington to the same. The Lords of Treasury approve of the proposal to restrict the issue of presents to the Indians to one in each year. 288
- April 7, Admiralty. Croker to the same. It being doubtful when the prosecution against Captain Street will be put in force he has permission to reside in Upper Canada. 310

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1820.
April 19,
Navy Office. Navy Board to Goulburn. Asks for the address of the wife and daughter of J. Drysdale, a settler in 1815, and of Margaret Drysdale, that the agent at Leith may be able to communicate with them respecting their passage. Page 311
- April 26,
Aberdeen. James Strachan to Bathurst. Sends copy of his "Visit to Upper Canada." 406
- April 28,
Navy Office. Navy Board to Goulburn. Joseph Spragg, his wife, three sons, two daughters and mother-in-law may embark at Deptford in the "Huddart" for Quebec about the 7th May. 312
- May 4. Memorial of Mary Irwin for a passage to enable her to join her husband at the Perth settlement. 358
- May 12,
War Office. Merry to Goulburn. Desires to know the yearly value of the appointment of Usher to the Black Rod to the Legislative Council of Upper Canada, and the date of Lee's appointment to that situation. 302
- May 13,
Jernyn Street. Allan to Bathurst. Asks for a further postponement of his trial in Upper Canada. An additional reason is the death of Selkirk, who was involved in the same charge. 324
- May 18,
Caledon. Elizabeth Erwin to the same. Had sent a memorial that her husband had embarked for Fredericton in May, 1818, and she had been one of the women of the regiment who had to stay at home. She had since worked hard and now everything had failed. Not having had an answer, renews her request for a passage to join her husband. 346
- May 23,
London. Douglas to Goulburn. Respecting Capt. Roxburgh. Encloses another letter from him. Would there be any difficulty in complying with the request made in the concluding paragraph. 340
- Enclosed. Roxburgh to Douglas, 19th May. Regrets the want of success met with in the application, but is as grateful as if it had been perfectly successful. He did not know there was a specific time for taking possession of lands granted on pain of forfeiture, and is obliged to Goulburn for having removed that difficulty. Had no desire to job in lands or he could have had the 1,200 acres years ago, but could not then have fulfilled the conditions. His peculiar case, no officer in Canada having similar claims, as the others did not recruit fairly whilst he recruited fifty instead of thirty-five men which was the quota, the expense being between £300 and £400 of his own money; besides, through his influence upwards of 200 excellent men joined the service. Asks for a short interview with Goulburn. 341
- May 25,
War Office. Merry to Goulburn. Brevet Major James Hamilton Powell has applied for a military allowance equal to his half pay in addition to his salary as secretary of the Perth settlement; desires to know the annual amount of his salary and emoluments as secretary. 303
- A similar letter was written on 16th June. 305
- May 30. Committee for the loyalists to Goulburn. Send summary and abstract of their case. 313
- May 31,
War Office. Merry to Goulburn. Repeats his request for information as to Lee's salary, &c., no answer having been returned to his letter of the 12th. 304
- June —. Postscript respecting the proposal for the improvement of the Indians. (For the first part see Q. 328-1 p. 181). 184
- June 10,
Glengarry. Rev. A. Macdonell to Goulburn. Nothing has been done towards paying the clergymen and teachers for the Catholic inhabitants of Upper Canada; it is impossible to describe their distress. The promise of an increase to himself when his appointment should be sanctioned by the See of Rome has not yet been carried out; the Papal Bulls have been issued for eighteen months 376
- June 15,
Howden. Memorial of Elizabeth Jameson for a passage to enable her to join her husband at the Perth settlement. 361
- Certificate by the minister and church wardens of Howden is prefixed. 360

1820.
June 20, War Office. Palmerston to Lushington. Enclosed in Harrison to Goulburn of 14th July.
- July 3, Aghold. Elizabeth Codd to Bathurst. Applies for a free passage to join her husband, settled in the County of Perth, Upper Canada. List of family, herself, two boys and two girls. Page 336
- July 3, Toomebridge. Memorial of the Mackey family for a passage to enable them to join their father, John Mackey, at the Perth Settlement. 378
- July 5, St. John. Robert Irvine to Goulburn. Asks to be informed of the nature of the report made by Maitland respecting his half pay. His hardships in the mercantile service have brought on diseases which, if not fatal, will prevent him from following a seafaring life. 363
- July 14, Treasury. Harrison to the same. In reference to memorial transmitted by the War Office from Col. Neil McLean for the allowance given to officers wounded in service, the Lords of the Treasury cannot recommend that the request be complied with. 289
- Enclosed.* Palmerston to Lushington, 20th June. Col. McLean does not appear to have been wounded in action or in military service, so that if the case were one of an officer in the British army he could not be considered entitled to a pension. 290
- July 17, Downton. John Mills Jackson to Bathurst. Applies again for a grant of land, there being no chance of obtaining one from the Land Board of Upper Canada, although he has at least as good a right to it as any of the members of the Board. The amount he had laid out on property he bought in 1805; the services of his sons and his own in helping to save the "Portland Packet." For his losses in St. Vincent he received no remuneration. 364
- July 19, Treasury. Harrison to Goulburn. Transmits, for Bathurst's opinion, petition from David Price of the Indian Department for a pension. 291
- July 21, Ibbotson's Hotel. Halton to the same. Has no authority from Upper Canada to pay the fees upon the commissions of recently appointed Legislative Councillors. What do the fees amount to? 271
- July 23, Albion Place. Maitland to Goulburn (?). Apologises for the trouble given by his grandson by not calling. He has been appointed to an ensigny in the 68th and is to sail for Canada without delay. 380
- July 24, General Post Office. Freeling to Goulburn. In reference to the complaint of the House of Assembly of Upper Canada that the rates charged for letters exceed the charges authorised by law, the correspondence shows that when the posts were first established in 1800, the revenue was not equal to the expenditure and the then governor undertook to make up any deficiency, an undertaking renewed by Lieut.-General Hunter (no date given). The authorised rates have never been exceeded by the authority of the post-master general; extra charges might have originated from an understanding with governor or provincial legislature. Inquiries shall be made and the result communicated. 315
- July 31, Downing Street. Halton to the same. Has advanced the money to Chapman for the payment of the fees and stamps for the mandamuses for the five gentlemen appointed to the legislative council; asks that they be sent by the ensuing mail. 272
- July 31, Manchester. — to Bathurst (?). Encloses letter from David Oram and other documents with petition from his wife for a passage. To the letter is attached certificate of the good character of the wife and family. 388
- Enclosed.* David Oram to Jane Oram, 11th May, 1820. Gives details of his life in Canada, desires that his wife and family should join him, but will return to England if that is thought better by his friends. 3-9
- August 3, Whitehall Place. Adams to Chapman. Asks for the estimate for Upper Canada for the present year. 267

1820.
August 8,
Ebbotson's
Hotel.

Hulton to Goulburn. As advised has paid Chapman the cost of copying the journals, but the amount has been returned. The volumes are now sent back as they are totally unfit to become part of the records of the legislature of Upper Canada. Page 273

August 9,
Wexford.

Memorial of Elizabeth Redmond for a passage for herself and children to join her husband. 397

August 16,
Galway.

Enclosed. Stephen Redmond to his wife, dated at Beckwith, 14th April, that he had petitioned for a passage for her and the children to join him, which had been granted; she is to send this letter to Bathurst for directions. A postscript contains family news. 399

April 16,
Ordnance.

Memorial of Eliner Gibbons for a passage to join her husband, a settler. 349

Crew to Goulburn. In reference to Maitland's application for land reserved for military purposes round the Fort at Niagara to be appropriated for the use of the proposed Royal Invalid Asylum, the giving up of such military reserves has always been productive of inconvenience and embarrassment. 285

August 29,
Craig's Court.

Greenwood, Cox & Co. to Chapman. For certificate of the latest date that Maitland was in the exercise of his functions as Lieut. Governor of Upper Canada, so as to draw his salary to that period. 351

September 10-
Toombidge.

Maekey family for an answer to their memorial. The vessel on which they were ordered a passage had sailed three days before they reached Cork which is 200 miles distant. 381

September 14,
Whitehall.

Enclosed. The original order for a passage dated 2nd April, 1818. Whalley to Goulburn. In reference to claims for losses during the war, the Treasury requests that a copy of the Address of the Legislative Assembly of March, 1815, be sent. 314

September 25,
York.

Hillier to the same. Lady Sarah Maitland asks protection for letters. Reports of violence between the rival companies in the Indian territory have been received. 356

October 22,
Plymouth
Dock.

Quartermaster Maitland to the same. Thanks for the passage given to his sister to go to their brother, Sergeant Maitland in Canada. Asks that a passage be also given to his brother, John Maitland. 385

October 24,
Hans Place.

Rev. Dr. Stewart to the same. Having just returned from Canada asks for an interview. 410

October 27,
Whitehall
Place.

Adams to the same. The salary of Solicitor General has been paid to H. J. Boulton for part of the time during which he was only acting. Asks that Bathurst's authority be obtained to sanction this payment. 268

October 27,
Whitehall
Place.

Same to Gordon. Applies for a similar authority, as provincial agent, to pay Boulton the salary of Solicitor General, for the time he acted in that capacity. 270

November 7,
Glasgow.

Margaret Orr and Jean Ballantine. Transmit memorial with list of their families. 394

November 11,
Treasury.

Enclosed. Memorial of Margaret Orr and Jean Ballantyne, sisters of Sergeant Maitland, acknowledging the grant of a passage and praying for rations during the passage. Send return of their families. 329

November 15,
War Office.

Return of Jean Ballantyne's family; husband, wife and 8 children, 10 in all. 331

Return of Margaret Orr's family, the same number. 332

Harrison to Goulburn. The Lords of the Treasury agree to the postponement of the sale of land for the payment to the Indians for the newly acquired territory, but the sale should be kept in view when it can be done with advantage. 292

Merry to the same. Greenwood, Cox & Co. have applied for payment of the pension granted to the widow of General Aeneas Shaw and of the colonial pension of £100; was it intended that the latter should be received with the regular pension? 306

1820.
November 15, J. Cawthorn to Goulburn. Has been informed by Capt. Cosgrave that he forwarded the MS. of his book to Bathurst with dedication, and request to be allowed to publish it with the dedication if approved of, the MS. to be sent to him (Cawthorn) to be published with or without the dedication. Asks if the MS. has been received. Page 338
- November 20, Clive to the same. Transmits letter for Bathurst's consideration from the Duke of Montrose, with petition from individuals belonging to the parish of Balfron, who desire to emigrate to Canada. 282
Enclosed. Montrose to Sidmouth, 18th November. Sends memorial from persons in Balfron who desire to emigrate to Canada. Has examined into their character and recommends that encouragement be given to them. 283
- November 26, Margaret Boyle to Bathurst. Applies for a passage to join her husband, Miles Boyle, at Perth, Upper Canada. 333
- November 27, Merry to Goulburn. Major Richard Leonard late of the 104 foot, has applied for a military allowance equal to his half pay, in addition to his income as high sheriff of Niagara, stated to be £200 per annum. Is that sum the income, and when was the major appointed? 307
- November 30, Same to the same. When did the colonial pension of £100 to Mrs. Shaw begin? 308
- December 5, Lack (Secretary to the Committee of Council for trade), to the same. Returns Acts passed by the legislature of Upper Canada, which require no remark, and are to be allowed to take their course. 276
- December 7, Greenwood, Cox & Co. to Chapman. For certificate of the period to which Maitland has discharged the duties of Lieutenant Governor of Upper Canada. 352
- December 13, Allan to Bathurst. Asks for additional postponement of his trial. The evil effects of the statute complained of, if allowed to pass into a permanent law. 326
- December 14, Maitland to the same (No. 6). Transmits documents to show why he had been obliged to draw £5,000 from the military chest for the purpose of the civil government, the revenue of the province being locked up in Lower Canada. Urges that an order be sent that the proportion of the revenue due by Lower Canada be paid over without waiting the sanction of that legislature. 219
- December 14, Same to the same (No. 7). Transmits application from Messrs. Clark, Grant and Nichol, with copy of correspondence. 221
Enclosed. Clark, Grant and Nichol to Hillier, 1st December. Enclosed in letter addressed to Lord Bathurst respecting claims for losses. 222
Clark, Grant and Nichol to Bathurst, 1st December. Their hesitation to apply for the losses by the war on account of the embarrassed state of the finances of the empire. The necessity that compels them owing to the financial condition of the losers by their property being taken for the public service of the war, which was national, not due to any misconduct of the colonists, nor had they any voice in the management. It would be unjust, therefore, to make the loss fall on individuals, many of whom were actively engaged when their properties were destroyed, who have an indubitable claim not on the provincial legislature but on the Imperial government. The claims are thus classified. "1st. Direct demands against the government for supplies. 2nd. Destruction of property by His Majesty's General's orders, to prevent it being useful to the enemy. 3rd. Destruction of property by the enemy from its having been occupied or used for military purposes. 4th. Destruction of property by accident while in possession of the King's troops. 5th. Destruction of property by the enemy to prevent its being made use of in defence of the province. 6th. Destruction of property from the irregularities of the soldiers and of the Indians acting with them." The

1820.

Imperial Government is bound for the payment of these and they solicit His Lordship to bring the claims before Parliament. Page 225

Extract from the minutes of the House of Commons, 20th June, 1783, to show, as a precedent, what was done in the case of the loyalists. 232

Hillier to Clark, Grant and Nichol, 14th December. The Lieutenant Governor having already strongly recommended the claims from Upper Canada has transmitted without comment their letter to Lord Bathurst. 236

December 15, York.

Maitland to Bathurst. Appeals for explicit instructions as to the civil relations between the government of the province and the Governor in Chief, when residing in Lower Canada. The immediate cause arises out of the military settlement formed by reduced troops and European emigrants, furnished with provisions and tools by the Quarter Master General and, therefore, under the supervision of the commander of the forces; when appointed to the civil government of Upper Canada it was distinct from that of Lower Canada and he (Maitland) was responsible to His Majesty's Government only. First intimation of any interference with provincial affairs was by Dalhousie. Encloses papers relative to the proposal of Dalhousie to appoint magistrates. Sends correspondence respecting the relative positions of Governor General and Lieut. Governor and what is due to the latter as governing the province, and asks for instructions thereon. The Lieut. Governor's commission implies the Governor's absence, but he cannot think that a visit from the Governor should interrupt the general course of administration. If the Governor can at will supersede the Lieut. Governor all confidence would be destroyed in the administration of the latter; cannot acquiesce without question in an innovation which would place his successors on a new ground. Regrets that the discussion should have fallen on him, but it is his duty not to leave the question to embarrass his successors. Feels that he may soon be called on to decide should a difference arise between him and the Governor in chief respecting the civil administration. Has made up his mind till he shall receive instructions, that should the Governor in chief take the oaths of office, he shall consider his (Maitland's) power suspended during the Governor's presence and that all acts of government must be performed in the Governor's name. Shall answer all inquiries so long as these do not appear to proceed from a supposed right to question the policy or system of his (Maitland's) government or to call him to an account which is owing to His Majesty only. Any suggestions shall be respectfully received, but only as suggestions. P.S.—Has since writing found a letter from Precott (then Governor in chief) to President Russel, temporary administrator, disavowing any intention, or even power, to give directions in the civil government of the province. 185

Enclosed. Cockburn to Maitland, 9th September. The commander of the forces requests that certain persons (named) be appointed magistrates in the new military townships of Upper Canada. 198

Maitland to Cockburn, 14th October. The persons named would be appointed magistrates when the commission of the peace for the district shall be revised. 199

Cockburn to Maitland, 24th October. The commander of the forces wishes the persons named to be appointed as soon as possible and therefore unless the commission is to be revised at once, wishes that a special commission should issue. 200

Maitland to Dalhousie, 9th November. Asks confidentially for an explanation of the light in which the desire for the appointment of magistrates is to be regarded, as he cannot consent to establish a prece-

1820.

dent that would bind himself or his successors in the civil administration of the province. Page 202

Myers to Gore, 23rd November, 1816. Sherbrooke's regret that from the state of his eyes he cannot write Gore himself. A note says: "This is the only instance to be found in my office of the Quartermaster General's having addressed any of my predecessors in this government." 205

Maitland to Dalhousie, 11th December. Thanks for his Lordship's prompt and frank reply. That he had taken no offence at His Lordship's nomination is clear from the Attorney General having been instructed to insert the names of the nominees in a new commission before Cockburn's second letter had arrived. His apprehension from Dalhousie's proposal to organise an armed force. 206

Prescott to Russell, 31st July, 1797 (extract). "The actual administration of the government of Upper Canada being vested in you, I can interfere in this matter no further than by offering my advice, which you will adopt or not as your local knowledge and the circumstances of the case render expedient." 209

Maitland to Dalhousie, 2nd October. Thanks for his kind sentiments. Corrects a misapprehension respecting the Richmond settlement. Cockburn's statement that the system of Crown and clergy reserves in the settlement had its origin with him (Maitland) is an error. The clergy reserves were never dispensed with, the Crown reserves were in order to concentrate the population on the banks of the Rideau; this was by the King's permission, but that was extended contrary to the spirit of the instructions, and it was under these circumstances he (Maitland) communicated with the Duke of Richmond on the subject, and represented the great political importance of acting rigidly on the instructions, as in throwing away the territorial revenues of the Crown, the most important objects (enumerated) are rendered impossible and the democratic party, seeing this, have always desired to get rid of the Crown reserves. It may be granted that they are a momentary inconvenience, but the industrious farmer can extend his operations to a property he can use for a small rent, almost as secure to him as the land he enjoys by deed. Explains the origin of the Crown and clergy reserves. Entreats his Lordship to consider the measure of sending muskets and field pieces and instituting volunteer companies. 211

Same to the same. The unimproved grants on the shores of the Ottawa are injurious to the province but his proposed remedy can hardly be resorted to. The terms of settlement originally required, which were that the grantee should only have a house somewhere in the colony; after 1803, it was made a condition that the grantee should reside three years on his lot, providing he had no other dwelling in the province; the other duties required were never recorded in the patent. The remedy of imposing a tax on lands of absentees has been approved of by His Majesty's Government; its effect will be to force proprietors to sell or cultivate. Aliens cannot hold lands in the province till they have been settled seven years. It is doubtful if natural born subjects now in the United States who were discharged from their natural allegiance by the treaty of 1783 are aliens, except under the provisions of a provincial statute. Were this to be acted on and the law clear establishing that the American proprietors were aliens, more than half of the possessions of the colony would be unsettled. If His Lordship is to act upon it, he (Maitland) has desired such documents to be transcribed as shall put His Lordship in possession of the scale of fees, &c., as soon as they can be prepared. 215

Maitland to Bathurst. (No. 9). Has received news of the death of the Duchess of York. 247

1820.
December 19,
York.

Maitland to Bathurst. (No. 10). In answer to the inquiry respecting certain Presbyterians of the township of Osnaburgh, he had investigated and reports that the persons applying were not regular Presbyterians of the Church of Scotland but seceders, that their minister, Taylor, had returned to the United States and that the congregation had since broken up. Page 248

December 20,
York.

Same to the same. Transmits information on the subject of Grande Isle in the St. Lawrence. Cause of the delay in the preparation of the report by the Attorney General. 238

Enclosed. Report by the Attorney General that Grande Isle, now Wolfe Island, originally granted to La Salle in 1675, had become the property of Messrs. Carotte, who had sold to David Alexander Grant and Patrick Langan, who both died intestate, leaving heirs, who unite in asking for power to surrender the land; this surrender may be accepted and the land regranted in such manner as they may unite in requesting. 240

Abstract of the title: 1675, Grant to Cavollier de La Salle. 1684, La Salle to Daupin de la Forrest, power of attorney to sell. &c. 1685, Sells under the power to Jacques Conchois. 1784, Jacques Francois Carotte, heir to his mother, Marie Magdaline Conchois, transfers his whole interest to Michael and Amable Carotte, his half brothers. 1795, The Carottes transfer to D. A. Grant and Patrick Langan. 244

December 20,
York.

Maitland to Bathurst (No. 11). Sends report of the trial of a person for whom he asks leave to extend mercy. When the Indians return from their hunting grounds he shall assemble the chiefs and tell them he has asked mercy on condition that they become responsible for the convict banishing himself for life. 250

Enclosed. Report of Mr. Justice Campbell, 20th December, of the trial and conviction of an Indian boy for murder. The intelligence and training of the convict and the malignity of the act justified the verdict, but he had thought it right to respite the execution until his (Maitland's) decision was known, on the grounds "1st. The tender age of the convict. 2nd. The probability that he was not aware of any other consequence of so desperate an act than such as might result in a similar case by the *lex talionis* in use, but not always enforced, amongst the savages; and 3rd. That it did not appear there had been any previous quarrel or ill will subsisting between the convict and deceased." 252

December 23,
Leighlin
Bridge.

Rev. S. T. Roberts to Bathurst. Applies for passages for the families of Edward Basset and W. Willoughby. 401

December 27,
Treasury.

Harrison to Goulburn. Schedule of claims for losses received. The officers commanding the forces to be informed that the schedule is not authenticated by the signatures of the officers composing the board, nor the total amount shown, but as their Lordships approve of the principles on which the claims were investigated, they have ordered payment to be made to the claimants whose claims have been examined, and selected the amounts to which they are respectively entitled, not to exceed £9,154 17 9. 293

December 27,
Treasury.

Same to the same. Colours are ordered for the battalion of Incorporated Militia of Upper Canada, with the word "Niagara" inscribed on them. 295

LT.-GOV. SIR P. MAITLAND, 1821.

Q.—329.

1816.
September 7,
Downing
Street.
- Bathurst to Sherbrooke (No. 48). How he should be paid as lieutenant governor of Nova Scotia and in the interval between that and his assuming the governorship in Canada. Page 272
1820.
August 5,
London.
- A memorandum follows on the payments made to Lady Prevost, as executrix for Sir George Prevost and to Sir Gordon Drummond. 273
- Halton to Maitland. Enclosed in Maitland to—19th February, 1821.
- August 18,
York.
- Report of the Executive Council on the establishment of national schools. Enclosed in Maitland to Bathurst 4th January, 1821.
- November 6,
Kingston.
- Rev. John Wilson to Hillier. Enclosed in Maitland to Bathurst 20th February, 1821.
1821.
January 4,
York.
- Maitland to Bathurst (No. 12). Calls attention to the proceedings between the British and American Methodists, the conference at Washington having prevailed on the Wesleyan Methodists of London to withdraw their missionaries, leaving it to the American Methodists to supply Upper Canada with missionaries of their own appointment. The danger of this course. Can point out no remedy but by increasing the church establishment (the Church of England) and there are not means to accomplish this. It was to meet a similar intrusion in the seminaries of education that he had established a central school in York on the British national plan, and hopes that this excellent system will soon spread under the patronage of the Crown, and that those trained in the central school would become the only instructors to the exclusion, not only of American masters, but of their republican apparatus, designedly intended to produce principles unfriendly to the British system of government. Asks that he may apply part of the school reserves to the support of the central school. 2
- Enclosed. Report by Executive Council on British National Schools. 7
- January 3,
York.
- Maitland to Bathurst (No. 18). Sends abstract of land patents passed during 1821. 10

1821.

ABSTRACT from the Auditor's Docket Books of Grants of Land, which have passed the Great Seal of the Province, between the 1st of January and the 31st of December, 1820, inclusive, showing the number of grants of each class, made in each District and the gross number of acres granted.

Districts.	Towns and Counties.	No. of Grants of each class.	No. of Acres in each grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Home	Town of York	1	1	1	5	2	46,622
		1	4	4			
	County of York	1	52	52	26,612	56	
		1	95	95			
		16	100	1,600			
		1	105	105			
		1	157	157			
		15	200	3,000			
		1	235	235			
		1	360	360			
		1	400	400			
		1	430	430			
		1	520	520			
		2	600	1,200			
		2	800	1,600			
		1	900	900			
		1	973	973			
	1	1,000	1,000				
	2	1,200	2,400				
	2	1,400	2,800				
	1	1,500	1,500				
	2	1,600	3,200				
	1	1,685	1,685				
	1	2,400	2,400				
Simcoe	1	144	144	20,005	16		
	1	150	150				
	1	160	160				
	1	200	200				
	1	205	205				
	1	235	235				
	1	293	293				
	3	1,400	4,200				
	1	1,600	1,600				
	1	2,200	2,200				
	1	2,310	2,310				
	1	2,400	2,400				
1	2,803	2,803					
1	3,105	3,105					
Eastern	Town of Cornwall	1	1	1	14	2	
		1	4	4			
	Hemgary	2	100	200	1,600	6	
		3	200	600			
		1	800	800			
	1	200	200	200	1		
	Stormont	3	100	300	300	3	

1821. ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total Number of Acres Granted.	
	Carleton	1	50	50	26,761 2/3			
		1	80	80				
		12	82	164				
		1	90	90				
		3	93	279				
		175	100	17,500				
		29	200	5,800				
		1	288	288				
		12	300	600				
		1	360	360				
Johnstown	Grenville	25	100	2,500	4,400	33	44,131	
		7	200	1,400				
		1	500	500				
	Leeds	1	80	80	12,970	98		
		68	100	6,800				
		1	150	150				
		21	200	4,200				
		1	230	230				
		1	250	250				
		1	300	300				
1	360	360						
	Town of Kingston	1	1/2	1/2	1/2	1	12,972 1/2 acres square links 15,648.	
	Town of Belleville	1	links.	links.	links.	15		
		1	7,680	7,680				
		1	7,968	7,968				
	12	1/2	6 3/4	15,648				
	1	1/2	6 3/4	6 3/4				
	Frontenac	1	28	28 acres.	28	1		
	Midland	Hastings	1	5	5	7,192		24
			1	88	88			
			12	100	1,200			
1			143	143				
4			200	800				
1			356	356				
1			400	400				
1		1,100	1,100					
1		1,500	1,500					
1		1,600	1,600					
Lenox and Addington	2	100	200	900	5			
	2	200	400					
	1	300	300					
Prince Edward	6	100	600	1,396	9			
	1	136	136					
	1	160	160					
Township of Madoc	1	330	330	3,450	4			
	1	800	800					
	1	1,120	1,120					
1	1,200	1,200						
Adolphustown	1	1/2	1/2	1/2	1			

Number of
Acres
anted.

1

Acres square
15,648.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—Con.

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total Number of Acres Granted.
New Castle ...	Durham ...	1	66	66	1,166	11	14,863
		9	100	900			
		1	200	200			
	Northumberland	1	50	50	13,697	31	
		1	95	95			
		16	100	1,600			
		1	150	150			
		6	200	1,200			
		1	300	300			
		1	331	334			
1		600	600				
1		700	700				
1		800	800				
1	1,353	1,353					
2	1,500	3,000					
1	3,515	3,515					
Niagara ...	Town of Niagara ...	1	$\frac{1}{2}$	$\frac{1}{2}$	5 $\frac{1}{2}$	6	4,615 $\frac{1}{2}$
	Lincoln ...	1	60	60	610	6	
	1	100	400				
1	150	150					
Haldimand ...	1	4,000	4,000	4,000	1		
Gore ...	Wentworth ...	1	116	116	316	2	
	1	200	200				
	Halton ...	1	100	100	3,350	7	
		3	200	600			
		1	600	600			
1	850	850					
1	1,200	1,200					
Middlesex ...	3	100	300	16,365	64		
	1	102	102				
	1	173	173				
	53	200	10,600				
	1	220	220				
	1	251	251				
	1	319	319				
	1	400	400				
	1	500	500				
	1	3,500	3,500				
London ...	Norfolk ...	3	200	600	2,305	7	
	1	273	273				
	1	100	400				
	1	432	432				
	1	600	600				
Oxford ...	1	200	800	1,200	5		
1	400	400					
Township of Zora ...	1	125	125	5,069	5		
	1	150	150				
	1	194	194				
2	2,300	4,600					
Nissouri ...	1	2,100	2,100	4,290	2		
	1	2,190	2,190				
Lobo ...	1	2,195	2,195	2,195	1		

1821.

ABSTRACT from the Auditor's Docket Book of Grants of Land, etc. —*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total Number of Acres Granted.
Western	Town of Amherstburg....	1	7,935	Square	Feet.	3	24,255 sq. ft.
		1	8,970	do	do		
		1	8,250	do	do		
	Essex	1	108	108	241	2	1,841
		1	133	133			
Kent.....	6	200	1,200	1,600	7		
	1	400	400				
	Total					659	162,236½ acre, 24,255 sq. ft.; 15,648 s.links

RECAPITULATION of the within Grants of Lands.

RECAPITULATION of Lie within Grants of Lands.

	Number of Grants.	Number of Acres.	Number of Square Feet and square links.	S. Feet. S. Links	Full Fee Grants.	Half Fees.	Suspended fees for grants of lands to the Military Settlement.	Grants to Surveyors.	Price of all fees. (Grants to the Militia for their services.	Grants under Special Order in Council.
Grants under 100 acres.....	48	1,300 3/4	24,255	15,648	38	6	2	1	1	1
do of 100 acres.....	342	34,200	.....	.....	49	5	285	9	1	1
do over 100 acres, and under 200 acres.....	19	2,706	.....	.....	4	5	1	1	1	1
do of 200 acres.....	163	32,600	.....	.....	69	42	49	1	2	2
do over 200 acres and under 300 acres.....	10	2,480	.....	.....	3	3	1	6	1	1
do of 300 acres.....	5	1,500	.....	.....	3	.....	1	1	1	1
do over 300 acres and under 400 acres.....	7	2,419	.....	.....	2	2,800	1	1	1	1
do of 400 acres.....	1	1,352	.....	.....	3	.....	1	1	1	1
do over 400 acs. and under 500 acres.....	3	1,500	.....	.....	1	.....	1	1	1	1
do of 500 acres.....	3	1,500	.....	.....	1	.....	1	1	1	1
do over 500 acres and under 600 acres.....	1	3,000	.....	.....	1	.....	1	1	1	1
do of 600 acres.....	5	3,000	.....	.....	1	.....	1	1	1	1
do over 600 acres and under 700 acres.....	1	680	.....	.....	1	.....	1	1	1	1
do of 700 acres.....	1	700	.....	.....	1	.....	1	1	1	1
do over 700 acres.....	1	4,000	.....	.....	1	.....	1	1	1	1
do of 800 acres.....	5	4,000	.....	.....	1	.....	1	1	1	1
do over 800 acres and under 900 acres.....	1	850	.....	.....	1	.....	1	1	1	1
do of 900 acres.....	1	900	.....	.....	1	.....	1	1	1	1
do over 900 acres and under 1,000 acres.....	1	973	.....	.....	1	.....	1	1	1	1
do of 1,000 acres.....	1	1,000	.....	.....	1	.....	1	1	1	1
do over 1,000 acres.....	1	1,100	.....	.....	1	.....	1	1	1	1
do of over 1,100 acres and under 1,200 acres.....	1	1,120	.....	.....	1	.....	1	1	1	1
do of 1,200 acres.....	4	4,800	.....	.....	1	.....	1	1	1	1
do over 1,200 acres and under 1,400 acres.....	1	1,353	.....	.....	1	.....	1	1	1	1
do of 1,400 acres.....	5	7,000	.....	.....	1	.....	1	1	1	1
do over 1,400 acres and under 1,500 acres.....	4	6,400	.....	.....	1	.....	1	1	1	1
do of 1,500 acres.....	4	6,400	.....	.....	1	.....	1	1	1	1
do over 1,500 acres.....	1	1,685	.....	.....	1	.....	1	1	1	1
do over 1,600 acres and under 1,700 acres.....	10	23,138	.....	.....	1	.....	1	1	1	1
do over 1,700 acres and under 2,000 acres.....	3	10,120	.....	.....	1	.....	1	1	1	1
do over 2,000 acres and under 3,000 acres.....	1	4,000	.....	.....	1	.....	1	1	1	1
do over 3,000 acres and under 4,000 acres.....	1	4,000	.....	.....	1	.....	1	1	1	1
do of 4,000 acres.....	1	4,000	.....	.....	1	.....	1	1	1	1
Total.....	659	162,236 3/4	24,255	15,648	172	54	354	70	4	5

Auditor General's Office, York, 8th January, 1821.
 S. HEWARD,
 Auditor General, U. C.

1821.
February 20,
York. Maitland to ———. Sends copy of letter from Halton, provincial agent in London; which does not give a favourable impression of the interest taken by His Majesty's government in the proceedings of the colonial legislature. In a former instance his letters were even more injurious. An opportunity might be taken to withhold Lieut. Governor's correspondence from the provincial parliament. Sends statement of the claims of the Six Nation Indians. It is the substance of what he furnished to the Duke of Richmond. Does not wish to appear as meddling in the affairs of the Indians, which, as he is aware, are in the hands of the commander of the forces. Page 18
- Enclosed.* Halton to Maitland, 5th August, 1820. Has received from Bathurst's office 40 folio volumes of the Journals of the Legislature and Executive Councils, but had returned them, as in the present state they are totally unfit to become part of the records of the Legislature. Account of their defects; doubts if they can be put in a proper condition to be sent this year. 20
- February 20,
York. Maitland to Bathurst (No. 14). Sends copy of letter from Rev. John Wilson respecting the establishment of a grammar school at Kingston for which no instructions have been received, so that Mr. Wilson has taken charge of the public school of the Midland district; his usefulness. Recommends him for favourable consideration. 22
- Enclosed.* Wilson to Millier, 6th November, 1820. Reports his proceedings as teacher of the public school owing to the new establishment of a grammar school at Kingston. 24
- February 21,
York. Maitland to Bathurst (No. 15). Transmits copies of his speech at opening of legislature on the 2nd, with addresses in reply. 27
- Enclosed.* The speech. 28
Address of the Legislative Council. 34
The same of the Assembly. 39
- February 22,
York. Maitland to Bathurst (No. 16). Traces the history of the grant to the Six Nations on the Grand River, and gives the information necessary to meet the demands of their delegates who are about to proceed to Europe. Sends, also, documents. 47
- Enclosed.* Schedule of the documents. 56
- (1) Instrument under the hand and seal of Sir Frederick Haldimand dedicating a tract of land on the Grand River to the use of the Five Nation Indians. 60
- (2) Instrument showing the sale of the lands deserted by the Five Nations in the United States and the sum received by them for the same from the government of the State of New York. 62
- (3) Extent and boundaries of the Grand River lands as settled by the Chiefs of the Five Nations and the land board of the district of Nassau in the record and plan. Letter from John Collins, Secretary to the Board, transmitting report. 66
Journal. 67
Plan. 90a
- (4) Patent under the seal of Upper Canada, signed by Lieut. Governor Simcoe of the Grand River lands to the Five Nations. 91
- (5) Late purchase from the Chippewas north-east of the Grand River lands. 97
- (6) Return of settlers upon the aforesaid purchase. 100
- (7) Project of a patent limiting the grant to the Five Nations. 101
- (8) Attorney General Sewell's opinion on the legality of any grant to the Indians, with power of alienation, addressed to Dorchester. 105
- February 24,
York. Maitland to Bathurst. Recommends Allan McLean of Kingston to be a legislative councillor. 108
- February 25,
York. Maitland to Bathurst. In accordance with recommendation had granted Loring as a reduced major 200 acres near the seat of government

1821.

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and the rest in the neighbouring township, but Loring not being satisfied has induced him (Maitland) to request further exemptions. The assent to the request Loring construes to mean not only further exemption from the increased fees but also the delivery of the patent without settling. His (Maitland's) letter may bear this construction, but it is contrary to his instructions and uniform practice and might create an embarrassing precedent. The offer to Loring was declined and afterwards accepted, but the remission of settling duties was not taken as a privilege but as a right. Refers the case to His Lordship, of which he has informed Loring, who has received 1,200 acres in each of the provinces of Upper and Lower Canada with exemptions. Page 110

Enclosed. Loring to Hillier, 20th January. Sends observations respecting his grant. He asks for nothing beyond the terms enjoyed by numberless other officers. Long argument on the subject. 116

Loring to Hillier, 24th November, 1820. Again soliciting that Maitland would complete his claims. 122

Hillier to Loring, 29th November, 1820. Maitland informs Loring that upon due location of lands granted him there will be no fees, the settlement duties will be performed and the patent issue. The exemption from settlement dues would embarrass government in other cases, so that it would be preferable to defray the charge in this instance. 124

Loring to Hillier, 26th December, 1820. Accepts the offer as a matter of right, not of privilege. 126

Note by Maitland to Loring. That his protesting against receiving the remission of the settlement duty except as a right, referring to Bathurst's letter, of which he was the bearer, has compelled him (Maitland) to refer to Bathurst for the extent of the indulgence authorized by that letter. 129

Maitland to Bathurst. (No. 17). Had transmitted a memorial from Ridout for a further grant of land, but from his (Maitland's) recent arrival was not in a position to recommend it. Transmits a second memorial which he recommends for favourable consideration. 130

Enclosed. Memorial from Ridout. 132

Maitland to Bathurst. (No. 18). Transmits petition from Duncan McDonell for land, which the Council cannot grant from the fear of establishing an embarrassing precedent. The members request that the land might be granted as a special favour. Recommends the petition accordingly from the character of McDonell and his family. 135

Enclosed. Petition. 137

Minute of Council. 140

Maitland to Bathurst. (No. 19). Has, according to instructions, investigated the charge by Mr. Sheriff, against Stone, a magistrate of the district of Johnstown. The report enclosed will show the charges of oppressive conduct to be without foundation. 141

Enclosed. Report by Attorney General Robinson. 143

Certificate that Sheriff was imprisoned. 146

Maitland to Bathurst. Claus, trustee for the Five Nation Indians, has drawn for the Christmas dividend on their stock in the public funds. 148

Same to Goulburn (?). Has drawn up a dispatch on the subject of increased representation. Hopes the bill may be assented to as there has been a simultaneous increase in the Legislative Council. 150

Same to Bathurst. (No. 22). Reasons for increasing the representation of Upper Canada from 16, at which it was fixed in 1791, to 40 as settled by the Act of 1820. "Perhaps in no session of the Legislature of this province has more unanimity and attention to public business been shewn, than in that which has been held since the late increase of

- 1821.
- members, a circumstance which affords reasonable hope that the measure will prove beneficial." Page 151
- Enclosed.* Act for increasing the representation in the Assembly of Upper Canada. 157
- May 7, Maitland to Bathurst (No. 21). The house purchased in 1815 for the legislature to replace the one destroyed by the enemy, was not well adapted for the purpose. The sum of £2,000 was voted in 1818 for repairs, &c., but from various causes this has been exceeded by £500. Asks that, owing to decrease in the value of products and the scarcity of money, this amount may be paid out of His Majesty's casual and territorial revenue. 163
- May 10, Same to the same (No. 23). Transmits joint memorial from both branches of the legislature praying for half-pay to the officers and staff of the incorporated militia; sends, also, return of the officers who were serving with the corps when it was disembodied. 166
- Enclosed.* Joint memorial. 168
- Return of the officers. 174
- May 10, Maitland to Bathurst (No. 24). Sends statement of the salary and allowances he received when administering the government of Lower Canada and whilst Smith was administrator of Upper Canada; his additional expenses, so that the allowance has not covered his expenditure, added to which has been the expense he incurred as commander of the forces. 177
- Statement of the salary, &c., received, is attached. 181
- May 11, Maitland to Bathurst. Recommends that John Henry Dunn, appointed Receiver General, may be appointed to the Legislative Council. 182
- May 12, Same to the same (No. 25). Remarks on the grounds for passing an Act to establish a bank in Upper Canada. Assent received for the bill passed in 1819 for this purpose. Necessity of the bill to authorize government to borrow on the security of debentures to pay arrears due to militia pensioners, caused by the delay of the payment by Lower Canada of the share of the duties. Amendment to the Marriage Act to lessen the punishment for illegal marriages, as juries under the existing Act would not convict. The prevalence of illegal marriages. 183
- May 14, Same to the same (No. 26). Had received sketch of a bill as the basis of an enactment to regulate the intercourse between Upper and Lower Canada and of both with the United States. Sends remarks. (These enter into detail as to the effects of the Act and its injustice in some respects to Upper Canada). 189
- Enclosed.* Proposed Act. 204
- May 20, Maitland to Bathurst (No. 27). Transmits joint address of the Legislative Council and Assembly which complains of the difficulties arising from its relation to Lower Canada. 214
- Enclosed.* Address signed by W. Dummer Powell, Speaker of the Council and Levius P. Sherwood, Speaker of the Assembly, dated 14th April, 1821. 218
- Resolution passed in the House of Assembly, 12th March. 222
- May 25, Maitland to Bathurst (No. 28). Transmits bill relative to tithes; owing to the delay in receiving the Royal Assent the previous bill could not come into effect. This is an exact transcript of the previous bill and is intended to remove doubts as to the right of the Church of England clergy to receive tithes, besides the provision made in the Act of 1791 and to make tithes not receivable. 225
- May 26, Maitland to Bathurst (No. 29). Transmits address from the Assembly on the effect on Canada of the operation of the British Corn Laws and of the duties on timber. 228
- (The address is in the journal for 1821 at p. 256.)

	1821.	Maitland to Bathurst (No. 30). Transmits joint address from the Council and Assembly respecting losses sustained in the province during the late war.	Page 230
	May 31, York.	<i>Enclosed.</i> Address, 13th April.	234
		Maitland's reply.	232
		Notice signed by George Hillier, secretary, dated 19th April. That claims will be selected to be submitted for special consideration of His Majesty's Government.	237
	June 1, York.	Maitland to Bathurst (No. 31). Reports the improvements on lot 27 in Kitley made before the war and purchased by Duncan Livingston. The lot was granted to Sullivan, a military settler and it has been recommended that Sullivan be allowed to remain on the lot, paying Livingston for the improvement.	239
		<i>Enclosed.</i> Report of Council on the lot in Kitley.	244
		Lord Dalhousie to Maitland, 21st April, on the subject of land in Kitley.	247
	June 2, York.	Maitland to Bathurst (No. 32). Measures being taken to carry out the directions respecting lands applied for by McGillivray. The delay caused by letter from the Commander in Chief of which a copy and answer are transmitted.	249
		<i>Enclosed.</i> Darling, military secretary, to Maitland, 10th April. In consequence of the representation by the lessees of the Indian reserves at St. Regis of the hardships to which they would be exposed by the proposed transfer to McGillivray, Dalhousie desires to have information of the contemplated arrangement. His Lordship believes the presence of an agent among the Indians would be the best arrangement and that the lands should not be granted to one individual nor be subject to Crown and clergy reserves but be leased fairly for an annual rent for the interest of the tribes concerned.	251
		Memorial from the lessees.	255
		Maitland to Dalhousie, 30th April. Has received letter from military secretary with copy of petition of inhabitants against acceding to the prayer of the Indians of St. Regis, to grant part of their land to W. McGillivray on certain conditions; can only refer the matter to His Majesty's Government. He has taken no part in this measure except to request a decision on a petition transmitted by a predecessor and to carry into effect his instructions. The consequences apprehended by the petitioners have been given against.	260
		Report of the Council on McGillivray's petition for a grant of land on the St. Regis reserve.	263
	June 6, York.	Maitland to Bathurst. Transmits petition from William Johnson Kerr for a grant of land. These grants were withheld from members of Gourlay's convention, of whom Kerr was one of the most active. As he calls in question the competency of the provincial government to withhold the grant, refers the petition to His Lordship.	268
		<i>Enclosed.</i> Petition from Kerr praying for lands as a reduced Indian officer.	270
	June 8, York.	Hillier to Gourlay. Corrects some mistakes that had been committed in forwarding dispatches.	266
	July 2, York.	Maitland to Bathurst (No. 34). Transmits printed copies of Acts passed at last session.	274
	July 2, York.	Same to the same (No. 35). Transmits memorial from Addison for payment of arrears of salary.	275
		<i>Enclosed.</i> Memorial.	277
		Certificate attached.	279
	July 21, York.	Maitland to Bathurst (No. 36). Transmits petition which is of general interest. Those who had emigrated, received lands and paid taxes on them complain that their patents not having issued they are denied the	

1821.

franchise and are not represented; the old inhabitants are jealous of the extension of the franchise until the petitioners have a perfect title to their lands. It is desirable to have the question settled to remove jealousies and unkindness between the two classes of inhabitants. States the terms of the Quebec Act, 1791, respecting the franchise. The method of granting lands has been continued after the division of the province according to that Act, with occasional variations in the form, but the petitioners clearly hold their lands after location and before the completion of the patent. The others hold that the petitioners have no right to the franchise till their patents issue, and that before the issue they are at the mercy and under the influence of the Crown. The argument in opposition to this by the petitioners, who urge that they pay all taxes on the land which may be sold for their debts. The Assembly has decided against the right of suffrage, but he sends the memorial for decision.

Page 281

Enclosed. Memorial of the inhabitants of Cavan and Emily, with copies of signatures. 289

August 29,
York.

Maitland to Bathurst (No. 37). There is no prospect of an agreement being arrived at for a decision of duties between the two provinces; the distressing situation in which it places Upper Canada; asks for early attention to the subject, as the province is without that portion of the revenue since June, 1819, on which he had been authorized to issue debentures for £25,000, to pay arrears and dues to militia pensioners, whose hopes had been deferred for two years, and who had expected that these would now have been paid; their consequent disappointment, by the failure of an agreement. Other inconveniences. The propriety of calling together the legislature, but this delayed by the harvest and circuits. Encloses a memoir on the subject of the amount and mode of drawbacks on imports at Quebec consumed in Upper Canada, which should be settled by the Imperial Parliament. 296

Enclosed. Report of the commissioners of Upper Canada on their negotiations with those from Quebec, with accompanying documents. 299-350

Memoir relative to the commercial relations between Upper and Lower Canada as respects duties and drawbacks. 351-363

August 24,
York.

Maitland to Bathurst (No. 38). Has received applications from officers of the navy for lands, which he has in the meantime declined to grant. The objections owing to their frequent removals on professional duties, which may also apply to officers on the staff of the army. 364

November 29,
York.

Same to the same. Submits plan for the amelioration of the Indian tribes in the neighbourhood of settlements, by which a saving may be effected and an ample quantity of land assured to the Indians. Should the plan be agreed to, suggests that the land mentioned should be advertised for sale and disposed of in Britain and that the Society for the Propagation of the Gospel should be made the trustees; his opinion is that no persons connected with the Indians should be employed in such a trust. Is assured that no reliance is to be placed on the authenticity of the signatures to a petition forwarded from the Six Nations. 366

Enclosed. Plan; number of Mohawks in settlements on the Bay of Quinté and on the Grand River. Plan for civilizing the younger Indians; proposes to sell lands no longer useful for hunting and to invest the proceeds for their benefit, with statement of the acreage, its distribution, value, &c., and the proposed application of the funds for the benefit of the Indians. 368 to 375

December 19,
York.

Maitland to Bathurst (No. 40.) Transmits copy of his speech at the opening of the legislature with addresses in reply. 376

Enclosed. Speech. 378

Address from the Legislative Council. 382

1821. The same from Assembly. Page 385
 December 27, Maitland to Bathurst. (No. 41). Claus has drawn for the dividends
 York. due the Indians. 390

PUBLIC OFFICES AND MISCELLANEOUS, 1821.

Q.—330.

1821.
 January 3, Treasury. Harrison to Goulburn. The Treasury will not withhold sanction to Maitland's proposal for an establishment to disseminate the Christian religion among the Indians in Canada, provided it can be carried into execution without expense to Great Britain. Page 72
- January 7, Westminster. Galt to Bathurst. Has been instructed to send letter relative to claims from inhabitants of Upper Canada for levies on their property and effects during the late war with the United States. When would it be convenient to afford to the agents a conference on the subject? 178
- Enclosed. Letter from the agents for the claimants dated 1st December, 1820, Niagara Falls. 179
- January 7, Vannes. MacGregor to Goulburn. Renews the subject of immigration on behalf of a number of people of the labouring class, belonging to Perth, who desire to emigrate to Canada in spring. 244
- January 9, London. John Allan to Bathurst. As the court at York, Upper Canada, is to meet shortly, asks that the trial should be ordered to be postponed in the interest of himself and sureties. 123
- January 10, London. G. Bowles to Goulburn. Sends schedule of Acts passed in Upper Canada and which reached him with some papers for himself, but a letter which miscarried showed that the schedule was for his (Goulburn's) office to be laid before the King in Council. 129
- January 17, Quebec. Loring to Hillier. Enclosed in Loring to Goulburn of 8th March.
- January 23, Quebec. Loring to Goulburn. Has not received the land recommended to be granted to him in letter to Maitland, who has expressed his intention to write on the subject or has perhaps already written. 230
- January 31, London. Halton to the same. Has not yet received information about the incorporated militia of Upper Canada. Gives information as to the clothing of the militia. 9
- February 10, Edinburgh. Sheaffe to Bathurst. In reference to the mission of Nichol and two others on behalf of sufferers in Upper Canada by the war with the United States, believes that cases for special consideration exist and he hopes that some measure may be devised for granting compensation to those who have a fair claim to it. 285
- March 1, Admiralty. Lord Melville to Goulburn. Had spoken to Lord Bathurst about the application alluded to in the enclosed. Asks him to tell Dr. Waugh that he was not unmindful of his representation. 3
- Enclosed. Waugh to Melville. Asks for His Lordship's help in the application on behalf of the Rev. George Buchanan. 4
- March 3, Westminster. Memorial of Rev. George Buchanan stating his services during the time of Napoleon's threatened invasion and his sufferings since. Prays to be enabled to accompany the Glasgow Park Head emigrants to Upper Canada as their minister, with such stipend and portion of land as Bathurst might think fit. 131
- March 3, London. Rev. A. Waugh to Bathurst. Asks for assistance to the Rev. George Buchanan who was left by his congregation for accepting a military commission in 1803. Lord Melville has promised to mention his case. 301

1821.
March 7,
London. Sherburne to Bathurst. Asks for explanations as to the system on which lands are granted, so as to remove uncertainty from the minds of himself and his friends who wish to settle in Upper Canada. Page 287
- March 8,
Quebec. Loring to Goulburn. Further respecting the grant of lands to him, which he understood was to be made on as favourable terms as grants to other officers. Hopes the reply to the Lieut.-Governor will be such as to permit him to avail himself of the benefit intended. 232
- March 9,
Treasury. *Enclosed.* Loring to Hillier on the subject of his lands. 235
- March 9,
Westminster. Lushington to Goulburn. The Lords of the Treasury have directed that the law expenses incurred by Gore in the cases of Wyatt and Thorpe are to be reimbursed with such deductions as may appear proper to the solicitor. 74
- March 20,
Westminster. Galt to the same. Is surprised to hear that Maitland had intimated that the settlement of the claims of Upper Canada should be deferred till he sent the amount of the forfeited estates as he had led the public creditors to believe otherwise. 187
- March 22. *Enclosed.* Hillier to Clarke. That he has already represented the claims to government and has forwarded their letter to Bathurst. 188
- March 22. Galt to Goulburn. In consequence of proceedings of the Treasury, that the claims of Upper Canada are to be suspended till the letters are sent that have been received at the Colonial Office, asks that they be sent immediately. 189
- March 26,
Canon Row. Same to the same. Desires to know if all the papers relating to the claims from Upper Canada had been sent to the Treasury. 190
- March 31. Laws to the same. Acknowledges receipt of dispatches for Dalhousie and Maitland. 241
- March 31,
London. Rev. A. Waugh to Goulburn. Had a letter from Lord Melville respecting Rev. George Buchanan to be sent to Canada as minister to the Scottish emigrants. 303
- April 2,
Footing. Hamnet Pinhey to the same. States his settlement on unsurveyed lands on the Upper Canadian side of the Ottawa and the improvements made; the grant of 800 acres is not sufficient for his purpose, number of people employed, &c., character of the shantymen, necessity for emigrants. 267
- April 6,
Treasury. Memorandum, that the agent has been directed to pay a bill for £200 for the expense of building a church at Perth settlement. 75
- April 7,
War Office. Merry to Goulburn. On the application of Thomas Taylor for military allowance equal to his half pay, together with his income as judge of the district and Surrogate Court of Gore, Upper Canada, Palmerston desires to know the salary and emoluments of that situation. 88
- April 10,
Lanark, U. C. Petition of Peter Barr, Paul and John Cumming and John Turroff, members of emigration societies. Pray for allowance being extended to members of their respective families omitted from the roll when it was made up before sailing. 134
- April 11,
Lanark, U. C. Memorial of William Walker, John Somerville and Peter Reid, that in the hurry of making up the roll at leaving each of them had omitted a child; they pray that these may obtain the usual allowance. 304
- April 13,
London. Francis Gore to Bathurst. Reminds His Lordship of a promise made to him in 1817 of a grant of land in Upper Canada. Having been engaged since then in a prosecution against him for libel, he has forborne to express his wishes for the completion of the grant. As his situation in the exchequer would prevent him from superintending the cultivation of land, asks that such conditions shall be attached to the grant as shall render it useful to him. 191
- April 14,
Versailles. James Yeo to Bathurst. Applies for land for the benefit of the surviving relatives of the late Sir James Lucas Yeo. 308

- 1821.
April 15, Newnagh. Evans to Goulburn. Has received acknowledgment of receipt of half notes for £30 for Mrs. Elizabeth Geary, New London, Upper Canada, sends the other halves. Page 175
- April 17, London. Dickenson to the same. Asks for another permission for Thomas Templeman to go to Upper Canada. 173
- April 17. Francis Gore to the same. Apologises for troubling him. His efforts to render harmless the attacks of the Thorpes, Friths, &c. Has just escaped from their persecutions at great expense of time, money and patience. Asks him to use his influence with Bathurst in reference to the land promised him. Sends a memorandum of lands granted to civil officers of government in Canada. 195
- April 21, War Office. The memorandum precedes the letter. 193
Merry to Goulburn. Has received memorial from Lieut. Daniel McDougal transmitted by him (Goulburn) for remuneration for wounds received at Lundy's Lane. An officer in the regular service would under similar circumstances be entitled to a year's pay of his rank. Palmerston recommends therefore a year's pay to McDougal, if he was an officer at the time, but the grant should be made out of the Colonial revenue. 89
- April 22, Fort William. J. G. McTavish to the agents and proprietors of the North-west Company. Arrival of winter express from the north. Sends the summary of the most important news, including the arrest of Simon McGillivray at Fort Wedderburn; the positions of the different wintering parties and the likelihood of bloodshed. Duels fought, two without blood, the third more like an attempted assassination than a duel. Complaint of scarcity from Lower Fort des prairies. Other business notes of the positions of the Hudson's Bay and North-west Companies wintering parties. 108
- May 3, Newmarket. Halton to Goulburn. Is here on account of his health, the state of which prevents him from coming to London. Shall come as soon as his health permits. 10
- May 5, Craig's Court. Greenwood, Cox & Co. to Chapman. Ask for a certificate that Maitland discharged the duties of Lieut.-Governor in Upper Canada in 1820, or till the latest period to which the returns have been received. 199
- May 7, War Office. Merry to Goulburn. On the application of James Macaulay for a military allowance equal to his half-pay with his income as commissioner of forfeited estates in Upper Canada, desires to know the salary, &c., of the office. 90
- May 12, London. John Allan to Bathurst. Refers to previous letters and asks that the Act passed in Upper Canada by which he was compelled to give recognizances be disallowed. It is an *ex post facto* law. 125
- May 14, War Office. Merry to Goulburn. Robert Charles Horne has applied for a military allowance equal to his half-pay with his income as editor of the government gazette of Upper Canada; desires to know the income, &c., of that situation. 91
- May 15, Castlebar. Memorial of Mrs. Parker for a passage to join, with her family, her husband in the Perth settlement. 276
- May 17, Whitehall. Hobhouse to Goulburn. Sends petition from Playfair to the King for a grant of land to be submitted to Bathurst. 65
- Enclosed. Petition from Playfair stating his literary and political services and praying for a grant of land in and a free passage to Upper Canada for himself and nine persons and rations for a year. 66
- May 17, London. Playfair to Bathurst. His petition having been referred to His Lordship, asks for a speedy decision. 278
- May 17, London. Laughton to Bathurst. Offers to give information relative to the interior part of Upper Canada. 242
- May 23, London. Playfair to Bathurst. Presses for an answer to his petition. 279

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1821.
May 30,
Glasgow. Jean Maitland to Goulburn. Sends copy of letter from Goulburn to Quarter Master Maitland. Had sent lists of the persons as asked for in letter. Is anxious to have arrangements for their passage &c. Page 246
- May 31,
London. Hamnet Pinhey to the same. Urges his claim to obtain a grant of land sufficient for the operations he has in view or else to be allowed to purchase. 280
- June 9,
Carlton
House. Order-in-Council that the Act authorising the trial of crimes in the province, outside the limits of any described township or county ought to be confirmed. 41
- June 11,
Glasgow. Jean Maitland to Kirkman Finlay. Sends copy of letter from Goulburn respecting passages to the families of herself and sister. 249
- June 13,
Whitehall. Lords of Trade to Goulburn. Bills passed in February and March, 1820, do not require His Majesty's confirmation and they may be left to their own operation. 44
- June 18,
Whitehall. Hobhouse to the same. Sends pardon for an Indian boy convicted of murder in Upper Canada, on the condition that he banishes himself from the province for life. 70
- June 21,
Adelphi. Colonel Gore to the same. Reminds him of a promised letter from Bathurst to Dalhousie relative to a grant of land in Upper Canada. Requests an audience of Bathurst on the subject. 200
- June 22,
War Office. Merry to the same. Ralfe Cleuch has applied for a military allowance equal to his half pay as a lieutenant in Butler's Rangers, besides his salary as Clerk of the Peace, &c., in the district of Niagara. Desires to know his income, &c., in the situation. 92
- June 26,
Whitehall. Buller to the same. Transmits order-in-Council disallowing a bill passed in Upper Canada "for vesting in commissioners the estates of certain traitors, &c.," also the reason for the disallowance. 45
- June 29,
Whitehall. *Enclosed.* Extract from the report of the Lords of Trade. 46
- June 30,
War Office. Buller to Goulburn. Sends petition for stores, &c. 47
- June 30,
War Office. Merry to the same. Michael Harris has applied for a military allowance equal to his half-pay as ensign in the 99th foot, with his income as superintendent of the public school of the Perth military settlement. What is the income of that situation? 93
- July 3,
London. Wesleyan Missionary Society to Goulburn. Reasons for withdrawing their missionaries from Upper Canada, the province being ministered to by missionaries from the United States. Their loyalty to government and non-interference in political affairs. The unjust suspicion felt of them by a portion of the population. 99
- July 4,
Whitehall. Adams to Chapinan. Asks for his (Adams') estimate for Upper Canada for the present year. 11
- July 6,
London. Francis Gore to Bathurst. The hopelessness of advancing any plea in his own favour respecting a grant of land, but still hopes from the friendly terms in which the refusal was written that the grant as originally designed may be allowed. 201
- July 10,
Edinburgh. Sheaffe to Bathurst. Thanks His Lordship for past favours and calls attention to the inadequacy of his income to maintain the hereditary rank conferred on him. 295
- July 12,
Mallow. Memorial of John Keys for a passage for himself and family to British North America. His services in the Army. 224
- July 12,
Newmarket. Halton to Goulburn. Asks that a packet of accounts, &c., be sent in the Downing street bag. Will answer respecting the Canadian journals when he is able to return to London, to consult his papers and books; his present bad state of health. Regrets having incurred Bathurst's displeasure, though he does not feel he deserved it. It was his duty to make a report on the journals, which rests not only on his own opinion but on that of one of the most respectable librarians in London. 12

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1821 July 19, Sligo.	Memorial from Eleanor Gibbons for directions how to join her husband in Perth, Upper Canada. Page 205 (A certificate from the curate of Sligo, of the woman's distress, is attached.)	205
July 26, Horse-Guard	Taylor to Goulburn. Sends memorial from William Johnson Kerr, with accompanying documents.	20
	Enclosed. Claus to Hillier. Sends letter from Kerr with memorial addressed to the commander-in-chief and documents.	21
	Memorial from William Johnson Kerr states his services and prays for a pension.	22
	Accompanying documents.	27 to 38
July 28, Treasury.	Harrison to Goulburn. Transmits Treasury minutes relative to the claims of inhabitants of Upper Canada for compensation for damage sustained during the late war with the United States.	76
	Enclosed. Minute.	77
July (?),	Memorial of John Martin, late Major 99th Regiment, stating his services and praying for a grant of land.	252
August 6, Foreign office.	Planta to Goulburn. Sends application by Buchanan, consul at New York, for an appointment for his son.	53
August 7, Admiralty.	Barrow to Goulburn. Transmits copy of letter from Commissioner Barrie, Kingston, inquiring if he is to furnish a vessel for the use on Lake Superior, of the Commissioners under the Treaty of Ghent; if he is to build such a vessel and what department is to defray the expense.	6
	Enclosed. Barrie to Croker. Respecting the application noted above.	7
August 8, London.	Major Martin to Goulburn. Refers to his memorial for land and to the recommendations made in his favour.	255
August 9, War Office.	Lukin to Goulburn. No answer having been received respecting Ralfé Clench, a second request is sent.	94
August 11, Whitehall.	Lack to the same. The Lords of Trade in reference to the petition from Canada to admit corn and flour into Great Britain subject only to duty when the price is less than the average fixed by law, can only say that it is very uncertain how far parliament will be disposed to make any alteration. With respect to the timber duties, the Lords of Trade do not think the change will be attended with any real injury to the British American possessions.	48
August 15, London.	Halton to the same. Has arrived but is still in a bad state of health so that he cannot leave the house. From the state the journals were in is to have a personal inspection. The money paid to Chapman he returned on discovering them to be imperfect. It shall be paid him again, when he (Halton) has assured himself that they are perfect enough to send to Canada.	14
August 18, London.	Same to the same. Order to deliver the Canadian journals to the bearer. Asks Goulburn the reasons for the following omissions. Legislative Council, no minutes for 1794-95-96-97, 1806-7 and 1809. Executive Council, State matters, no entries for 1795, 1800-1-5 6. Executive Council on land matters, 1795-97-98-99 1800-1-5. Journals of Assembly, no entries in 1794-95-96-97-99, 1806-7-9.	16, 17
August 21, Treasury.	Harrison to Goulburn. The Treasury sanction the expenditure of £500 for repairs to the house purchased in 1815 for the residence of the Lieutenant Governor, the amount to be taken from territorial and casual revenue.	82
August 24, Treasury.	The same to the same. Maitland reports that he is under the necessity of requiring an advance of £5,000 from the military chest for the civil government of Upper Canada. In answer to Bathurst's inquiry if there is any objection to directing the Governor General to pay to the Upper Province, as they become due, one-fifth of the duties to which	



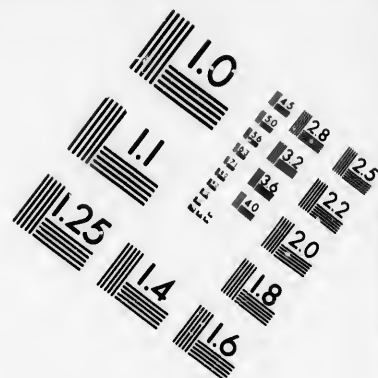
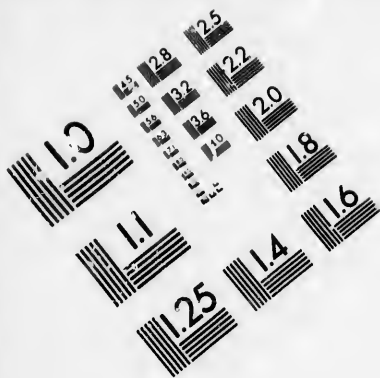
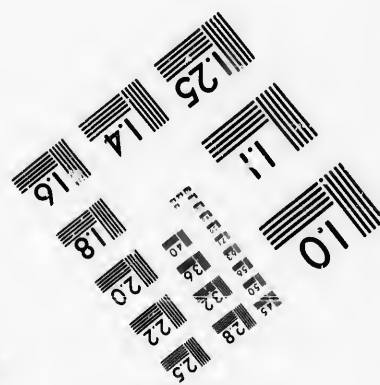
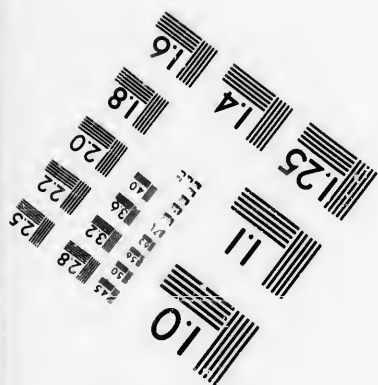
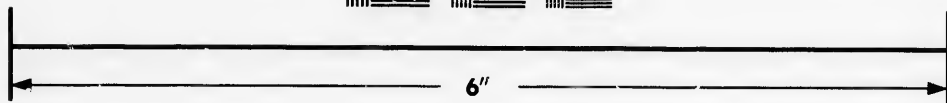
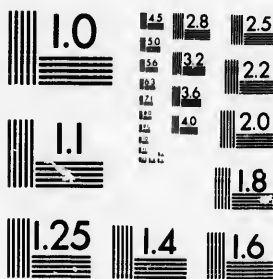


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1821. they are entitled, there is none, provided it does not interfere with the power of the legislature. Page 84
- August 30, Macfarlane to Lord Archibald Hamilton, M. P. Respecting the proposed emigration, it is intended to send out four persons ten weeks before the main body to prepare for the reception of the others. Names of those sent to prepare. 257
- September 5, John Mackie to Goulburn. A bill drawn by Dalhousie has not been London. accepted by Halton for want of authority. Asks that he be given authority to accept, or if not, that he (Mackie), should be instructed to whom to apply. 262
- September 6, Kerr and Brant (two Indian chiefs) to Bathurst. Have to complain London. of certain measures of the provincial government of Upper Canada in reference to their lands on the Grand River. Send copy of the authority to act for the Five Nations, and ask for an interview. 140
- Enclosed.* Memorial respecting the services of the Five Nations, the grant of land given them in return, &c. 142
- Appendix A. Confirmation 17th April, 1779, by Haldimand, of the promise made by Carleton that the Mohawks should be returned to the state that they were in before the war. 149
- Appendix B. Grant 25th October, 1784, by Haldimand to the Mohawks, of lands on the Grand River. 150
- Appendix C. Proceedings after a Council in the summer of 1819. 153
- Power to Kerr and Brant to act for the Five Nations. 155
- September 7, Kerr and Brant to Bathurst. Transmit official note on the subject London. of their mission. 161
- Enclosed.* Extract of a letter written by order of Dorchester to Joseph Chew in relation to the lands on the Grand River. 162 to 166
- September 8, McTavish, Fraser & Co. to Goulburn. Power having been sent by London. Dunn, Receiver General of Upper Canada, to draw his salary, Adams, agent for the province, says a certificate is necessary, which is asked to be sent. 263
- September 10, Kirklands to Bathurst. Transmit documents in support of Lieut. London. John McDonell's claim for a year's pay on account of a wound received at Ogdensburg. Ask that an order be issued for payment. 227
- September 16, Campbell to Bathurst. Sends queries on behalf of families from Glasgow wishing to emigrate to Upper Canada at their own expense. 168
- September 17, Taylor to Goulburn. Refers letter from Sheaffe with a memorial from Horse Guards. Brant, late a lieutenant in the Indian Department. 39
- September 17, Order-in-Council appointing John Henry Dunn a member of the Carlton Executive Council. House. 50
- September 26, Merry to Goulburn. Has received notification of the application of War Office. John McDonell, of the late incorporated militia, for a year's pay on account of a wound. How he should apply and what evidence he should produce. 95
- September 28, Robert Triphook to Goulburn. Had received no instructions from London. Halton respecting M.S. Journals of Canada, and, finding he is dead, asks if he is to return them to the Colonial Office. 299
- September 28, Gore to the same. Death of Halton, agent for the province; nature London. of the appointment. The Assembly of Upper Canada desired to annul the appointment, but the Senate would not concur. Now, during a vacancy, the office will probably be abolished. 203
- October 2, Gourlay to Bathurst. Had delayed answering and doubted if he Margate. should write further about emigration; had decided to do so. Was not personally interested about grants of land, but he desired to conduct a large party to Canada and continue the business of promoting emigration. It was with this view he had written a letter to His Lordship

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1821.

October 9,
Foreign office.

October 25,
London.

November 1,
Clonmell.

November 30,
London.

December 15,
Kingston,
U. C.

No date.

1822.
January 4,
London.

and the more he reflected the more he was inclined to proceed. Pro-
poses to buy a million acres to begin with at a dollar an acre, receiving
more land as the process went on. Only His Lordship's countenance is
necessary for the success of the scheme, which he could go to Canada to
prepare for, returning before April to conduct settlers; 50,000 people
can be spared annually from Great Britain, he could secure 10,000 before
April. The distress among the farming population is leading to emi-
gration. Discusses the subject at length. Page 207

Attached is draught of answer that Bathurst cannot encourage any
hope of his sanction being given to the schemes. 220

Hamilton to Gordon. Sends note from Rush, United States Minister,
applying for records showing the titles to real estate in New York,
which are now in the hands of Sir John Johnson. The application is to
be laid before Bathurst for consideration. 54

Enclosed. Rush to Londonderry, 5th October. For certain records of
titles to real estate in New York; some are believed to be Indian
treaties. These papers Sir John Johnson declines to give up without
the authority of his government. The government of the United States
intend to ask Londonderry to direct orders to be given to the colonial
government to that effect. 56

Yates, Secretary of State for New York, to Adams, Secretary of State
for the United States. Calls attention to the records spoken of in Rush's
letter. 59

D. B. Viger to Yates. On the subject of the records. 62
Baring Brothers to Goulburn. Send power of attorney for an official
certificate of the signature of Lieut.-Governor Maitland. 138

Catherine Colbert to Bathurst. Asking him to forward a letter to her
father's executors in North America. 170

Kirklands to Bathurst. Apply on behalf of Capt. H. Walker for a
year's pay on account of a wound received in action. 228

Mends to Goulburn. Having been appointed naval storekeeper for
the Canadas, in which he and his family will probably settle, asks for a
grant of land. 264

M. J. Smyth to Wilmot. Asks when he can present a letter. 297

Pelly to Bathurst. Asks for an audience on Hudson's Bay affairs. 121

GOV. SIR P. MAITLAND, 1822.

Q.—331.

1822.
January 19,
York.

January 22,
York.

Memorandum by Powell on the delay in augmenting his salary as
judge. Page 28

Maitland to Bathurst. (No. 42). Transmits address from the Parli-
ament of Upper Canada and papers respecting the financial relations
between Upper and Lower Canada, on which he can throw no new light.
Sends also a memorandum of subjects which he wishes brought under
his Lordship's consideration. Trusts that the return of the Attorney
General will not be delayed longer than is necessary. 2

Enclosed. Joint address from the Legislative Council and Assembly,
praying that the Imperial Parliament would take entire control of all
imports and exports to and from the port of Quebec or to make such
other enactments as would secure to each province its rights. 5

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	1822.		
January 22,	Maitland to—— .	Gore has reported that the copies of the journals for the Council and Assembly are not complete. Some disappointment will be caused by the discovery, unless there are means to cause them to be made perfect. Recommends to favourable consideration the Attorney General, who carries an address from the legislature on the subject of the financial relations with Lower Canada.	Page 11
York.	<i>Enclosed.</i>	Gore to Maitland, (extract). Respecting the journals of Council and Assembly left in the hands of Halton's family. His heir has offered to pay over the money Mr. Halton had applicable to the journals.	13
January 23,	Maitland to Bathurst (No. 43).	The importance of establishing a communication from the eastern shores of Lake Simcoe to the Ottawa. A chain of 16 towns is under survey and to encourage settlement the fees or grants are reduced as shown in minute of Council.	14
York.	<i>Enclosed.</i>	Minute of Council to reduce the fees on certain townships named.	16
		Scale of fees.	17
January 24,	Maitland to Bathurst (No. 44).	His reason for reserving the bill to discontinu poundage on the revenue receipts to the Receiver General, substituting a salary.	18
York.	The same to the same.	Transmits copy of his speech on closing the session of the legislature.	23
January 25,	<i>Enclosed.</i>	Speech.	24
York.	Maitland to Bathurst (No. 46).	Leave of absence granted to Chief Justice Powell.	30
February 2,	The same to the same (No. 47).	Leave of absence granted to Small, Clerk of the Crown and of the Executive Council.	32
York.	The same to the same (No. 48).	Reason for assenting to the repeal of the Act appointing a provincial agent, so as to get rid of an unconstitutional clause.	33
February 2,	The same to the same (No. 49).	Is desirous that an increase should be made to the salary of the Adjutant General of Militia, but had reserved the bill for this purpose, as it was limited to four years. Asks for permission to make up the salary from funds arising under the 14th George III.	35
York.	The same to the same (No. 50).	Transmits claim for arrears of pay due to certain officers of the militia.	37
February 11,	The same to the same (No. 51).	Transmits abstract from the docket books of the Auditor of Land Patents.	39
York.			

1822.

ABSTRACT from the Auditor's Docket Books of Grants of Land, which have passed the Great Seal of the Province, between the 1st of January and the 31st of December, 1821, inclusive, showing the number of grants of each class made in each District and the gross number of acres granted. 40A

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Home.....	County of York...	1	50	50	24,884	133	31,904
		68	100	6,800			
		1	106	106			
		1	164	164			
		1	172	172			
		47	200	9,400			
		1	238	238			
		2	300	600			
		6	400	2,400			
		2	500	1,000			
	1	626	626				
	1	1,628	1,628				
	1	1,700	1,700				
	County of Simcoe...	1	50	50	7,020	22	
		9	100	900			
6		200	1,200				
1		300	300				
1		400	400				
1		500	500				
1		700	700				
1		1,000	1,000				
1	1,970	1,970					
Eastern.....	Town of Cornwall..	1	$\frac{1}{15}$	$\frac{1}{15}$	2 $\frac{1}{15}$	3	
		2	1	2			
	County of Glengarry..	1	60	60	1,160	8	
		4	100	400			
		2	200	400			
	1	300	300				
	County of Stormont..	1	40	40	708	6	
2		100	200				
1		105	105				
1		163	163				
1		200	200				
County of Prescott.....	3	200	600	3,470	6		
	1	550	550				
	1	1,000	1,000				
	1	1,320	1,320				
	1	1,320	1,320				
Ottawa.....	County of Russell.....	1	142	142	14115	14	
		3	200	600			
		1	212	212			
		1	218	218			
		1	400	400			
		1	421	421			
		1	456	456			
		1	600	600			
		1	666	666			
		2	2,700	5,400			
1	5,000	5,000					

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1822.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Johnstown....	Town of Perth	1 8	$\frac{1}{2}$ 1	$\frac{1}{2}$ 1	8 $\frac{1}{2}$	9	18,241 $\frac{1}{2}$
	County of Carleton.	1	50	50			
		1	70	70			
		76	100	7,600			
		1	140	140			
		1	160	160			
		10	200	2,000			
		1	233	233			
	1	300	300	10553	92		
	Town of Johnstown.....	1	1	1	1	1	
	County of Grenville. ...	2	6	12			
		1	57	57			
		5	100	500			
		5	200	1,000			
		1	400	400	1,969	14	
County of Leeds.....	1	50	50				
	1	80	80				
	25	100	2,500				
	1	111 $\frac{1}{2}$	111 $\frac{1}{2}$				
	1	127	127				
	1	175	175				
	8	200	1,600				
	1	250	250				
	1	350	350				
	1	467	467	5,710 $\frac{1}{2}$	41		
Midland.....	Town of Kingston.	5 1 1	$\frac{1}{2}$ $\frac{1}{2}$ $7\frac{3}{5}$	$\frac{1}{2}$ $\frac{1}{2}$ $7\frac{3}{5}$	8 $\frac{1}{5}$	7	
	Town of Belleville.	1 4	$\frac{1}{5}$ $\frac{1}{2}$	$\frac{1}{5}$ $\frac{1}{2}$	2 $\frac{1}{5}$	5	
	County of Frontenac.	1 2	50 200	50 400	450	3	
	County of Hastings....	1	50	50			
		1	69 $\frac{2}{3}$	66 $\frac{2}{3}$			
		3	100	300			
		1	133 $\frac{1}{3}$	133 $\frac{1}{3}$			
		3	200	600			
		1	247	247	4,597	11	
	1	3,200	3,200	397	4		
County of Lenox and Addington.	1 3	97 100	97 300				
County of Prince Edward.	2	100	200	200	2	5,654 $\frac{1}{5}$	

1822.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

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Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Newcastle	County of Durham.	1	66	66	6,721	27	14,771
		17	100	1,700			
		7	200	1,400			
		1	1,700	1,700			
	1	1,855	1,855				
	County of Northumberland.	10	50	500	8,050	44	
		17	100	1,700			
		12	200	2,400			
		1	230	230			
		1	600	600			
1		800	800				
1		530	530				
1		1,290	1,290				
Niagara	Town of Niagara.	1	$\frac{1}{2}$	$\frac{1}{2}$	4 $\frac{1}{2}$	4	455 $\frac{1}{2}$
		1	1	2			
	1	60	60	451	4		
	1	91	91				
1	100	100					
1	200	200					
Gore	County of Wentworth.	2	100	200	400	3	12,300
	1	200	200				
	County of Halton	37	100	3,700	11,900	75	
		35	200	7,000			
		1	300	300			
1		400	400				
1	500	500					
London	County of Middlesex	1	60	60	58,431	48	69,158
		4	100	400			
		1	103	103			
		1	130	130			
		1	135	135			
		1	135	135			
		2	166	332			
		31	200	6,200			
		1	236	236			
		1	500	500			
		1	615	615			
		1	3,350	3,350			
		1	5,950	5,950			
	1	25,906	25,906				
	County of Norfolk	1	200	200	200	1	
	County of Oxford	1	37	37	10,527	42	
		1	50	50			
		15	100	1,500			
		1	105	105			
		1	128	128			
1		135	135				
1		170	170				
1		189	189				
1		197	197				
13		200	2,600				
1		237	237				
1		479	479				
1		500	500				
1	800	800					
1	1,600	1,600					
1	1,800	1,800					

1822.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants in each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.	
			sq. ft.	sq. ft.	sq. ft.			
Western	Town of Amherstburg	1	7,800	7,800	102019	9	10,051 acres 102,019 sq. ft.	
		2	8,220	16,440				
		1	8,288	16,576				
		1	8,430	8,430				
		1	10,207	10,207				
		1	18,467	18,467				
			1	24,099	24,099			
		County of Essex	1	147	147	Acres. 833		4
	1		148	148				
	1		200	200				
			1	338	338			
		County of Kent	2	200	400	9,218		8
			1	445	445			
			1	600	600			
			1	773	773			
	2		2,000	4,000				
		1	3,000	3,000				
			Total grants		650		Acres Square feet. 181,991 $\frac{4}{5}$ 102,019	

Auditor General's Office,
Upper Canada, York, 15th January, 1822.

S. HEWARD,
Auditor General, U. C.

RECAPITULATION of the within named Grants of Land.

c.—Con.

of Acres
ited.

square feet.
102,019

RECAPITULATION of the within named Grants of Land.

What Description of Grants.	Number of Grants.	Number of Acres.		Grants to sons and daughters of Wm. Lloyd-Listers, M.C. Chalmers.	Suspended free grants.	Grants to Surveyors.	Grants to the Militia.	Grants under special Orders in Council.	Grants (Grants on which officers' fees are paid only.)	Full free grants.	Observations.
		Acres.	sq. ft.								
Grants under 100 acres.....	69	1,674 1/2	102,019		4	1	2	3	13	48	
do of 100 acres.....	290	29,000		6	121	1	1	1	1	133	
do over 100 acres and under 200 acres..	25	3,617		2	3	1	1	1	1	10	
do over 200 acres.....	164	38,800		8	23	4	1	6	6	74	
do over 200 acres and under 300 acres..	9	2,101		1	1	1	1	1	1	1	
do over 300 acres.....	6	1,800		1	1	1	1	1	1	1	
do over 300 acres and under 400 acres..	12	688		1	1	1	1	1	1	1	
do over 400 acres.....	10	4,000		1	1	1	1	1	1	1	
do over 400 acres and under 500 acres..	5	2,268		1	1	1	1	1	1	1	
do over 500 acres.....	6	3,000		1	1	1	1	1	1	1	
do over 500 acres and under 600 acres..	2	1,080		1	1	1	1	1	1	1	
do over 600 acres.....	3	1,800		1	1	1	1	1	1	1	
do over 600 acres and under 700 acres..	3	1,907		1	1	1	1	1	1	1	
do over 700 acres.....	1	700		1	1	1	1	1	1	1	
do over 700 acres and under 800 acres..	1	773		1	1	1	1	1	1	1	
do over 800 acres.....	2	1,900		1	1	1	1	1	1	1	
do over 1,000 acres.....	2	2,000		1	1	1	1	1	1	1	
do over 1,000 acres and under 2,000 acres.	9	14,863		1	1	1	1	1	1	1	
do over 2,000 acres.....	9	4,000		1	1	1	1	1	1	1	
do over 2,000 acres and under 3,000 acres.	2	3,400		1	1	1	1	1	1	1	
do over 3,000 acres.....	1	3,000		1	1	1	1	1	1	1	
do over 3,000 acres and under 4,000 acres.	2	6,550		1	1	1	1	1	1	1	
do over 4,000 acres.....	1	3,000		1	1	1	1	1	1	1	
do over 4,000 acres and under 5,000 acres.	1	5,950		1	1	1	1	1	1	1	
do over 5,000 acres.....	1	14,514		1	1	1	1	1	1	1	
do over 5,000 acres and under 6,000 acres.	1	25,900		1	1	1	1	1	1	1	
do over 14,000 acres.....	1	14,514		1	1	1	1	1	1	1	
do over 25,906 acres.....	1	25,906		1	1	1	1	1	1	1	
Total.....		181,991 1/2	102,019	96	150	42	40	7	13	23	

Major Laake, late of King's Royal R. Gt. of New York, and Major Allan, Militia.

Col. Tallbot.
do
do

S. HEWARD,
Auditor Gen. U. C.

1822.
February 13,
York. Maitland to Bathurst (No. 52). Sends copy of petition to himself and petition to the Treasury, from Rucy, a merchant, relative to the regulations on the timber trade. Page 41
- February 16,
York. The same to the same (No. 53). Has received dispatch enclosing representation of Joseph Dibbs, which he has forwarded to the commander of the forces. 44
- February 16,
York. The same to Stratford Canning. In respect to the seizure referred to by him, sends report from the collector of customs at Kingston. At present Deer, or Carleton Island, is part of the province of Upper Canada, whatever decision may afterwards be arrived at by the commissioners under the treaty of Ghent. 62
- February 18,
York. The same to Bathurst (No. 54). Transmits memorial from merchants on the subject of obtaining a preference in the government contracts for flour for the troops in the West Indies. 46
- March 11.
York. The same to the same (No. 55). Had solicited patents for lands on Crown reserves granted by his predecessor; now applies for others, and had instructed the Surveyor General to make a return, of which he sends copy. In soliciting the fulfilment of the promise made by the legislature, he has not lost sight of the importance of retaining in the Crown the seventh of all the granted land. Lands equivalent to those granted are placed opposite to each Crown reserve of which a grant was made. 48

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SCHEDULE of Crown Reserves (exclusive of those in the military settlement) located between 25th September, 1815, and 13th August, 1818, for which descriptions have not issued; and of the lots proposed to be reserved for the Crown in lieu of them.

No.	Name of Locatee.	Description.	Crown Reserves Located.			To be Reserved in lieu.		
			Lot.	Con- cession.	Township.	Lot.	Con- cession.	Township.
1	Francis Chickley.....	Discharged soldier.....	N ² 7	1	Caistor.....	5	1	Caistor.....
2	George Ryerson.....	Wounded militia officer.....	11	3	Woodhouse.....	17	3	Woodhouse.....
3	Reuben Alward.....	do man.....	11	11	Charlotteville.....	N ² 3 Broken 13 1 do 14	5	Charlotteville.....
4	Joshua Pitts.....	Discharged soldier.....	27	10	Markham.....	W ¹ 1	1	Georgina.....
5	Benjamin Reynolds.....	Militia man.....	E ² 2	3	Vaughan.....	W ¹ 1 and E 13	11	King.....
6	Sarah Chisholm.....	Daughter of a U. E. Loyalist.....	9	2	Nelson.....	6	4	Nelson (new survey).....
7	William Teeple.....	Volunteer militia man.....	21	2	Oxford Fr.....	15	4	Oxford (West Division).....
8	Robert Lucas.....	Militia officer.....	7	2	Nelson.....	S ¹ 21	5	Nelson (new survey).....
9	Abner Owen.....	Wounded militia officer.....	68	2	Caistor.....	Broken 33	8	Caistor.....
10	Henry Ruttan.....	do do.....	4	1	Sophiasburg.....	14	1	Nelson (new survey).....
11	Titus G. Simons.....	Discharged soldier.....	17	3	West Flamboro.....	26	11	King.....
12	James Gray.....	do do.....	9	2	Etobicoke.....	25	12	do do.....
13	Thomas Peary.....	do do.....	S ² 9	2	Murray.....	W ¹ 14	3	Murray.....
14	Thomas Gainfort.....	Emigrant.....	S ² 5	3	East Flamboro.....	W ² 3	2	Nelson.....
15	John Davies.....	Discharged soldier.....	9	3	do do.....	16	2	Nessborough.....
16	Joseph Griffin.....	do do.....	14	4	Richmond.....	W ¹ 20	7	Richmond.....
17	Aid Benedit.....	do do.....	S ¹ 5	2	Trafalgar.....	W ¹ 21	4	Richmond.....
18	Bernard McQuire.....	do do.....	1	2	do do.....	7	4	do do.....
19	Albatego Meatham.....	do do.....	29	1	Etobicoke.....	7	4	do do.....
20	Jacob Fym.....	do do.....	20	2	do do.....	8	9	do do.....
21	Michael Daly.....	do do.....	17	2	Toronto.....	W ¹ 14	19	do do.....
22	William Cloughly.....	do do.....	S ² 11	3	Whitby.....	E ² 2	19	do do.....
23	James and Wm. Moore.....	do do.....	28	5	Richmond.....	18	1	Beach.....
24	Francis McNeil.....	Lieutenant marines.....	S ² 22	4	Markham.....	24	4	Richmond.....
25	J. Ashmore.....	do do.....	33	10	Charlotteville.....	6	16	Georgina.....
26	John Emnis.....	Discharged soldier.....	N ² 5	4	Richmond.....	14	9	Waldpole.....
27	James Denonest.....	do do.....	7	1	Caistor.....	15	1	Richmond.....
28	Richard Cuddy.....	do do.....	S ¹ 7	2	do do.....	3	9	Caistor.....
29	Thomas Eastham.....	do do.....	9	2	Trafalgar.....	E ² 15	9	Fern.....

1822.
March 18,
York. Maitland to Bathurst (No. 56). Transmits petition from Bishop McDonell for a grant of land. The grants to the Militia did not contemplate the services of a chaplain. The loyalty and active exertions of the Bishop, but granting his petition would lead to a host of applications. Is informed that Mr. Bethune, a clergyman of the established Church of Scotland had more parishioners than Dr. McDonell in the same corps on account of which the latter is applying. Is carrying out Brock's promise to the Militia. Not less than 500,000 acres have already been alienated from the Crown without adding to the population. Page 51
Enclosed. Memorial of Bishop McDonell. 54
Certificates of his services follow. 56-57
- March 19,
York. Maitland to Goulburn. Encloses receipt of Mrs. Elizabeth Geary for £27, 13, 10, sterling. 58
Enclosed. Receipt. 59
- March 19,
York. Maitland to Bathurst (No. 57). The importance of a line of communication between Lake Simcoe and the Eastern parts of Upper Canada. Had employed Captain MacCaulay on the half-pay of the Royal Engineers. Sends his report and survey on part of the water communications between Lake Simcoe and Bay of Quinté. 60
The report dated 29th October, 1821. 65
Plan of the survey. 70a
- March 20,
York. Maitland to Bathurst (No. 58). Transmits memorial of Thomas Smith for a patent for 800 acres of land acquired by exchange, with report of Council. Submits the case for His Lordship's decision. 71
Enclosed. Memorial of Thomas Smith. 73
Report of Council on the claim. 74
- March 21,
York. Dr. Strachan to Hillier. The animadversions on the Executive government of Upper Canada by the Chief Justice. Defends himself against the charges and asks that His Excellency may protect him from aspersions thrown out against him in London by the Chief Justice. 78
Enclosed. Papers relating to the subject of the letter. 84 to 89
- April 2,
York. Maitland to Bathurst (No. 59). Transmits memorial from Samuel P. Jarvis and recommends it for favourable consideration. 76
- April 15,
York. The same to the same No. 60). Has called attention to a bill passed at last session to disqualify certain persons from sitting in the House of Assembly. Reports the facts connected with the election of Bidwell and his rejection. At the new election Bidwell's son presented himself but was refused by the returning officer as being an alien. There were two disqualifications alleged against the father; the one that he had sworn allegiance to the United States, the other that he had been guilty of malversation of office and had fled to the province to escape punishment. It was on the latter he was expelled, it having been declared by vote that he had a legal qualification to hold his seat. The son will take advantage of that to petition for a new election as it was on the ground of his legal disqualification the Sheriff refused him. If the House decides in his favour, as it must do in consistency, such a decision is dangerous. Recommends that people who had not taken the oath of allegiance, but who had shown by their conduct they were attached to the British government should be secured in their properties, and an Act passed to exclude aliens from a seat in the House. 90
Enclosed. Reports of the Attorney General on the proclamation respecting the incapacity of aliens to hold land, &c., with whom questions would arise. Argues that an Englishman, Scotchman or Irishman who was living in the States when they acquired their independence, need not lose his privilege as a British subject. 96
- April 20,
York. Maitland to Bathurst (No. 61). The order to pay claims of inhabitants of Upper Canada has been carried into effect, and the measure has given satisfaction. This has led to other claims presented through Mr.

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1822.

Nichol. Owing to the nature of the evidence he had consented to transmit the documents for the consideration of the Treasury as explanatory of cases already before their Lordships. This consent had encouraged Nichol to press his own claims, which are distinct from others, and he has been informed that the papers would be transmitted without recommendation. The necessity of appointing commissioners to investigate claims for damages from the incursions of the enemy. Page 105

Enclosed. List of persons claiming compensation. 110

Nichol to Hillier, 8th January. Transmits list of claimants. 112

Hillier to Nichol, 14th January. Has received letter and claims; the Lieut.-Governor, although not instructed to take additional evidence since the closing of the commission, will forward the papers. 115

Hillier to Nichol, 8th February. Explains that when the Lieutenant-Governor consented to send the affidavits, he did not expect to be asked to send additional documents relative to individual claims quite distinct from the others. 117

Other documents on the subject. 119 to 134

Maitland to Bathurst (No. 62). Transmits copies of the Acts passed last session. 135

The same to the same (No. 63). Had recommended the cultivation of hemp as more likely to find a market than corn and flour, now the staple articles of exportation. Bill passed granting three hundred pounds for the purchase and erection of machinery for dressing hemp, and fifty pounds annually for keeping it in repair. The Attorney General has been instructed to purchase the machinery. Asks that the customs may be recommended to allow of its free exportation. 137

The same to the same (No. 64). Has been informed by the commander of the forces that he intends gradually discontinuing the establishment on the Rideau for the location of disbanded soldiers, &c. Recommends that the advantages held out to the settlers there be offered to those who would settle on the projected road in rear of the present settlements. 139

Enclosed. Dalhousie, commander of the forces, to Maitland. His arrangements for the reduction of the establishment at the military settlements, and recommends, as a good foundation is laid, the civil government of Upper Canada should induce agricultural settlers to go there. The establishments at Perth and Richmond are to be discontinued; that at Lanark it will be necessary to continue for another year. 142

Maitland to Bathurst (No. 65). Has received dispatch of 9th April, but did not carry out the instructions till he sent a statement of Colonel Talbot's position, which might have been spared had Colonel Talbot delivered the letter intrusted to him. Enters at great length into Talbot's dealings with his settlers and his land. The complaints respecting the fees are groundless, the error has been too great liberality. In respect to remuneration for land granted to the Highlanders by Talbot, the government was given to understand that he meant to relinquish all farther claims, but he is still inclined to recommend that he should be granted 2,500 acres in a suitable locality for the lands he actually gave the Highlanders. With respect to lands for a university he recommends that an addition be made to the school at York on the national system. The general establishment of such schools would have a beneficial effect as preventing the introduction of American teachers and books, which were apt to instill principles and feelings hostile to the mode of government. The great scarcity of a circulating medium prevents any hope of selling those lands advantageously if the purchase money would be immediately required. The price might be secured on the property and the interest

April 21,
York.

May 1,
York.

June 3,
York.

June 29,
York.

1822.

- only required so that the revenue might soon be obtained. The practice of interspersing the Crown and Clergy reserves is approved of. Colonel Talbot's good qualities. Recommends to favourable consideration his application for restoration of fees as a temporary measure. Page 145
- Enclosed.* Lands granted and described to Colonel Talbot. 153a
- Minute of Council for a deed to Talbot to enable him to convey lands to some of his settlers. 159
- Memorial of Talbot. 161
- Report of a Committee of Council on the claims of certain persons who received gratuitous grants of 50 acres from Talbot and a promise of 100 acres additional from Government. 164
- Extract of letter from Hillier to Talbot respecting his settling persons on lands. 169
- July 22. Maitland to Bathurst (No. 66). By law presentations to parsonages or rectories of the Church of England are to be made by the Governor, York. Lieut.-Governor or administrator of the province. Points out the innovation recently made on which he expresses no opinion, nor does he find fault with the appointments, but thinks it best to apprise His Lordship of the innovation which may have important effects. 170
- July 23. Maitland to Bathurst (No. 67). Encloses copy of a letter from the York. Deputy Quarter Master General respecting an island in the Township of Burgess, which had been granted to and improved by Lieut. Gray. The error originated in the Surveyor General's Department, and as Lieut. Gray made improvements of some value, recommends that he should receive a patent for the island. 173
- Enclosed.* Copy of letter from the Deputy Quarter Master General respecting the island mentioned in the covering letter. 175
- J. H. Powell, superintendent, to Capt. Fowier. Further information respecting the island granted to Lieut. Gray. 177
- Extract from a return of persons entitled to patent grants, giving the name of Lieut. Gray. 177a
- July 24. Maitland to Bathurst (No. 68). Transmits memorial of the Rev. John York. Barclay, Minister of the Scots Church, Kingston, for an annual allowance from Government. 178
- Enclosed.* Memorial. 180
- Second memorial from Rev. John Barclay, praying that as the Lieut.-Governor has no funds on which the allowance could be charged he would transmit the memorial to His Majesty's Government with his recommendation. 182
- July 30. Maitland to Bathurst (No. 69). Has purchased for £450 a site for a York. town on the eastern shore of Lake Simcoe. The amount has been paid out of the casual and territorial revenues, but will be made up by the sale of town lots. 184
- July 31. The same to the same (No. 70). In accordance with circular has York. directed the officers within his government to be called on for the returns referred to. As soon as received an abstract shall be sent. 186
- September 4. The same to the same (No. 71). Has received dispatch relative to York. the preservation of official correspondence to which he shall pay strict attention. 188
- September 18. Simon McGillivray to Hillier. Enclosed, in Maitland to Bathurst of York. 9th November. 190
- October 8. Maitland to Bathurst (No. 72). Forwards copy of a communication Stamford. from Charles Hayes, engaged in iron works on a large scale. The success of his undertaking he conceives will be beneficial; Mr. Hayes has embarked considerable capital and has shown much zeal and perseverance, he, therefore, recommends his application to favourable consideration. 190

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1822
October 17,
Stamford.

Maitland to Bathurst (No. 73). Transmits copy of petition from John McDonald for the grant of an island in the St. Lawrence and copy of a letter to McDonald which explains the reasons why he could not grant his request. Page 192

Enclosed. Petition by McDonald for Hog Island opposite Cornwall which has been in possession of the St. Regis Indians who are willing to transfer it to him. Asks that a favourable recommendation be made on his behalf. 194

Hillier to McDonald. Has handed the recommendation of the Duchess of Richmond to the Lieut.-Governor, who says that no introduction was necessary to induce him to take an interest in his (McDonald's) success, but the instructions received prevented the granting of any of the islands in the St. Lawrence and this has been the answer made to all applicants. 197

November 8,
Stamford.

Maitland to Bathurst (No. 74). Col. Claus, trustee for the Six Nation Indians has drawn for £341 being interest on their money in the three per cent. consols. 200

November 9,
Stamford.

Maitland to Bathurst (No. 75). In reference to the Indian lands at St Regis, amounting, it was calculated after deducting Indian leases to 80,00 acres, which were to be granted to William McGillivray, it has been found by actual survey at McGillivray's expense that there are only 2,000 acres left, additional leases having been given by the Indians since the order for McGillivray's grant was made. Waits further instructions. 202

Enclosed. Simon McGillivray to Hillier, 18th September, 1822. Remonstrates against the delay in completing the grant to his brother William McGillivray. 206

November 25,
Stamford.

Maitland to Bathurst (No. 76). Has received circulars regulating official salutes. 211

November 27,
York.

Hillier to Simon McGillivray. The Lieut.-Governor has applied for further instructions respecting the grant to William McGillivray. 209

November 30,
Stamford.

Maitland to Bathurst (No. 77). Claus has drawn for £341, being the dividend due to the Grand River Indians. 213

December 2,
York.

The same to the same (No. 78). Sends memorial and papers from the rector of York (Dr. Strachan). His services deserve that he should have favourable consideration, but as the grant complained of is now remote and been followed by transfer, the propriety of annulling it might be questioned. Recommends the transfer of an equivalent to that alienated to be given to the benefice of York and as the state of the provincial finances does not admit an increase of salary recommends that Dr. Strachan should receive a grant of not less than 2,000 acres. 215

Enclosed. Memorial of Dr. Strachan for an increase of his living equivalent to the dilapidation the diocese has sustained. 218

Report of the committee of council on the land granted to the Church of England at York. 223

December 7,
York.

Maitland to Bathurst (No. 79). Transmits memorial from Nathan Hieok, who, from having joined a convention of delegates in 1818, was excluded from participation in lands granted to the militia. As the statements in his petition may be relied on and as he is strongly recommended requests a favourable consideration of his case. 230

Enclosed. Memorial of Hieok, expressing regret at having joined Gourlay's convention of whose objects he was not aware and praying for the lands to which he was entitled, but for that error. 232

December 9,
York.

Maitland to Bathurst (No. 80). Explains the case of Alexander Glen, whose application for land was rejected by the council. The fees defrayed on grants to privileged persons such as U. E. Loyalists, &c.,

1822.

are very heavy, so that the provincial government is under the necessity of restricting free grants.

Enclosed. Memorial and certificates.

Page 235
238 to 244

PUBLIC OFFICES AND MISCELLANEOUS, 1822.

Q.—332—1—2.

Part I begins at page 3, ends at page 275; part II from page 276 to 539.

1815.
July 18.

Harrison to Goulburn (extract). Parliament has in several instances admitted the principle of compensation to individuals in similar cases to those of Upper Canada, but there must be the clearest evidence of the losses sustained the nature of the cases will admit of. The Lords of the Treasury suggest the appointment by the Lieut.-Governor's commission of three or four civil and military officers, who have no interest in the result.

Page 339

July 26,
Downing
Street.

Bathurst to Gore. The Treasury has authorized the payment of £1,600 for the losses he (Gore) has experienced, but recommends the appointment of a committee to consider the general subject of losses.

335

1821.
May 10,
York.

Maitland to Bathurst (private). Is informed that the report of the Board of Claims was not designed to be final but only to give a general idea of the nature of the claims. A commission should be sent to take information under oath as the proper method of settling the matter.

333

May 31,
York.

The same to the same (No. 30.) Transmits joint address from the two houses of the legislature on the subject of the claims for losses.

332

July 17.

Decisions of the Treasury respecting claims from Canada for damage sustained during the war of 1812.

305

July 25,
London.

Galt to the Treasury. The decision respecting the selected claims must be satisfactory and has no doubt that interest will be allowed, but these form only a small portion of the claims and on the decision of their Lordships—not to recommend any further—he desires to make two observations. First, that the claimants will not take this as a refusal but only as asking time, and second that the whole ease of the Canadian claimants has not been considered. The peculiar limits of the Canadian claims. The war did not arise out of local or provincial interests; but out of abstract rights that affected the parent state, which left the province to remain in a defenceless condition, no steps being taken to repair the strongholds or strengthen the garrisons. The troops in the province were 200 Royal Veterans, 36 Royal Artillery, 900 of the 41st Regiment, 400 of the Newfoundland Regiment and 50 provincial seamen barely sufficient for parade duty and to preserve from theft the small stock of public stores. A mercantile express brought the news of the war and it was a fortnight before official intelligence was received so that the province would have been lost but for the spirited loyalty of the inhabitants by whom four well appointed American armies, each of them superior in numbers to the whole regular force in the province were defeated and this was accomplished whilst Prevost thought defence was hopeless and was negotiating an armistice which if conceded would have involved the loss of Upper Canada. Fortunately by the promptitude of the claimants, Brock was enabled to capture Hull and the territory of Michigan. It was in these circumstances the claims originated and for three years they continued to stand against the whole brunt of the American force under every temptation to revolt. They

1821.

- suffered every misery, their hope being in the justice of the paternal state. They cannot now be told surely, that the only claims to be recognised are such as can be shown to be debts regularly contracted for with regular officers. Points out that it is impossible to have the work done in an official manner. He argues strongly on the justice of acknowledging the claims, condemns the principles on which the commissioners proceeded and classified the claims. Page 312
- July 26, London. Galt to Vansittart. The communication in respect to Canadian claims is not satisfactory, so that he is bound to bring the case before the board more freely than he had supposed would be necessary. Fears that government is not aware of the growing discontent occasioned by the neglect of these claims. 311
- July 27, Lincoln's Inn. Bannister to Butterworth. Enclosed in Butterworth to Wilmot, 15th April, 1822.
- August 22, York. Maitland to Dalhousie. Enclosed in Harrison to Wilmot, 1st March, 1822.
- August —. Goulburn to Harrison. Bathurst desires the Treasury before communicating minute to the Governor of Upper Canada respecting the claims for losses, to consider address from the House of Assembly on the subject. The proceeds of forfeited estates were set aside to provide for losses but the fund being very limited, Bathurst suggests that some arrangement might be made for affording relief to which the parties have a strong claim. 329
- September 10, York. Maitland to Lushington. Enclosed in Harrison to Wilmot, 1st March, 1822.
- October 11, Quebec. Dalhousie to Harrison. Enclosed in Harrison to Wilmot, 1st March, 1822.
1822.
January 7, Coppequin. J. O. Rock to Bathurst. Having been ordered to send to Canada documents respecting his losses to be laid before the commission, encloses them to be forwarded. 427
- January 8, Fife House. T. C. R. to Mitford. Sends papers to be put with others for Lord L's (Liverpool) decision. 303
- A note followed that Mr. Vansittart sent the papers for the consideration of Lord Liverpool. The question is first whether any or what indemnification should be granted to Canadians for loss of property, in consequence of the operations of the British army or of the enemy, and second, whether a commission should be sent out to distribute the sum granted. All supplies regularly furnished have been paid for. 304
- January 14, London. Robinson to Wilmot (?) Minute on the clergy reserves, how the one seventh ordered has been secured. Plan for making them more productive. In the letter accompanying the Minute p. 488, Robinson says, he does not know how far Sir P. Maitland and the Council would agree with his plan which is somewhat revolutionary and hesitated about sending it, but its consideration by him (Wilmot?) can do no harm. 469
- January 21, Delaware. Geary to Bathurst. The sum of thirty pounds sent from his father-in-law through Bathurst has not been received. Asks for such information as may enable him to procure it. 117
- January 30, Whitehall. Greville to Wilmot. Transmits order to disallow an Act of Upper Canada to establish a provincial Bank and the report of the Lords of Trade giving the reasons. 60
- Enclosed.* Reasons for rejection. That a similar law was enacted in 1819, and is still in force. 61
- January 31, Montreal. Hart, Logan & Co. to Ellice. Hear that Robinson, Attorney General of Upper Canada is appointed commissioner to urge that the port of Quebec be regulated by the British Government putting both provinces on an equal footing. Deprecate the idea of this as a mere temporary

- 1822.
- January 31,
London. expedient. The only permanent remedy is the reunion of the two provinces. Page 114
J. Brant to Wilmot. Sends reply to Bathurst's letter; indisposition prevents him from calling. 354
- February 2,
London. *Enclosed.* Answer by the deputed chiefs of the Indians of the Grand River to Bathurst's letter of 28th September, contending for their right to the lands in terms of Haldimand's proclamation. 355
Greenwood, Cox & Co. to Chapman. Ask for certificates for the service of certain Governors, including Maitland in Upper Canada. 119
- February 15,
Kingston. Lieut. Hewey to Bathurst. Has asked for a grant of land according to his rank, which cannot be granted without instructions. Applies for an order for the grant. 349
- February 23,
Treasury. Harrison to Wilmot. Transmits letter from War Office respecting the claim of Capt. Walker for a year's pay in respect to wounds received at Ogdensburg, on 4th October, 1812. 74
Enclosed. Palmerston to Lushington. Has received application from Captain Walker for a year's pay for wounds stated to have been received at Ogdensburg, on the 4th October, 1812. No action is reported at Ogdensburg on that date; there was one in February, 1813 and although three militia officers were named as wounded, the name of Captain Walker does not appear. 75
- February 27,
London. R. J. Kerr and J. Brant to Wilmot. Ask him to send back the papers left and authenticated copies shall be sent. Haldimand's proclamation distinctly grants the land on the Grand River. They do not understand subtle distinctions. The help they had given when asked. "Is the return for the blood we have shed to be the injustice which has brought us from our distant woods to supplicate in London?" 369
- March 1,
Treasury. Harrison to Wilmot. In consequence of letters from Maitland and Dalhousie representing the distress of the militia pensioners of Upper Canada in consequence of two years disappointment in the payment of their pensions, asks him to refer the copies of these letters to Bathurst and to move him to take such measures as may settle the disputes between Upper and Lower Canada so that each may be put in possession of such proportion of revenue as shall be sufficient to defray the whole of the Colonial expenditure. Directions will be given to the Lieut.-Governor of Upper Canada that the advances out of the military chest are to be repaid and that no greater and should be afforded out of the funds provided by the Government of Great Britain than the amount expressly granted by Parliament. 76
Enclosed. Maitland to Lushington. Sends copy of the estimate of the charges for Upper Canada and account of the revenue applicable to their payment. A large part of the revenue is derived from the proportion of duties levied at Quebec and the failure of a renewal of agreement has left Upper Canada without the means of defraying current charges except by recourse to the military chest. Has sent a full statement to the secretary of the Colonies. 78
Dalhousie to Harrison. Sends copy of letter from Maitland to be laid before the Treasury. In consequence of the distress of the militia pensioners for the non-payment for two years of their pensions has complied with Maitland's request for an advance of £15,000 sterling from the military chest in three warrants. 80
Maitland to Dalhousie (?). The legislature of Upper Canada has authorised raising a loan of £25,000 on the assurance of the existing arrears and growing dues from Lower Canada. The distress of the militia pensioners compels him to ask for the issue of warrants for a larger sum than he would otherwise have thought warranted. Has given his secretary three warrants for £5,000. He will explain the position. 82

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1822.
March 14,
London. Robert J. Kerr and John Brant to Wilmot. Send certified copies of the proclamation and of other documents which they consider proofs of the validity of their claim. Page 372
Enclosed. Documents sent as proofs of the validity of the claim. 373 to 387
- March 7,
Lambeth. Memorial of John Small, states his military and civil services and his advanced age with accompanying infirmities. Prays that he may be allowed to resign the clerkship of the Crown and pleas and that it may be conferred on his son Charles Coxell Small, who at present performs the duties. 491
In another copy, a note is made on behalf of Bathurst, that such an appointment is contrary to his usual practice which is, only to appoint on death or resignation. 498
- March 12,
London. Talbot to ———. Sends extract from letter to Major Hillier, that explains his objection to furnish the Government of Upper Canada with return of the individuals to whom he may locate land. 514
Enclosed. Extract from a letter from Talbot to Hillier; explaining the difficulties that prevent a proper return being made. 515
Minutes of a conversation with Col. Talbot respecting military settlers in Upper Canada, the terms of their settlements as compared with those in the Talbot settlement, with a diagram. 519
Minute of the Board of the Society for the Propagation of the Gospel that it has considered a memorial of the Governors of King's College in Windsor, Nova Scotia, respecting the dilapidated state of the College and expresses the desire that the prayer of the memorial may be complied with. 94
- March 15,
London. Galt to Vansittart. Proposal to meet the claims of sufferers by the war of 1812 by a loan, half to be charged to the Imperial Government and half to the province. This is the most reasonable method by which the claims could be settled. 127
- March 15,
Grand River. Norton to Goulburn. Is glad to hear his brother is well. If he (Norton) could penetrate to the Pacific it would be a pleasing surprise for them to meet there. Is interested for the five nations, whose cause he thinks is just. Suggests that the decision might be left to Dalhousie. 413
- March 18,
London. Galt to Wilmot. In addition to Canadian claims in possession of Lord Liverpool, is informed that there is a report from the commissioners on others and that Prevost sent accounts, which the board would not take into consideration. Are these papers still in the Colonial Office? Has Government come to any determination respecting them? 130
- March 19,
London. Angus Macdonald to Wilmot. Submits for consideration letter from McGillivray. Is satisfied he will be so kind as to recommend a grant to his brother of the Island of 200 or 300 acres mentioned in McGillivray's letter. 405
Enclosed. McGillivray to Madonald. Describes the island asked for by his brother, John Macdonald, and suggests that a memorial might be prepared and sent to him (Angus Macdonald) for presentation. 406
- March 22,
London. Talbot to Wilmot. Owing to the number of Highland emigrants whom he could not separate, he was obliged to place 50 upon his own land above the number required. Asks for an allowance of land in the same proportion for these 50 as for his other settlers. 526
- March 22,
London. The same to the same. Reminds him of the conversation respecting the reserved townships, situated in the heart of the Talbot settlement forming an obstruction to its condensation. How the reserved townships could be set out and disposed of. 527
- March 26,
London. Robinson to Bathurst. Has been commissioned to present a joint address of the Legislative Council and Assembly on the subject of

- 1822.
- March 29,
Downing
Street.
- March —,
London.
- April 3,
London.
- April 3,
London.
- April 4,
London.
- April 6,
Admiralty.
- April 13,
London.
- April 15,
Bosford
Square.
- April 15,
London.
- April 15,
London.
- April 16,
London.
- April 18,
London.
- financial relations with Lower Canada. Had also several letters, &c., which he has left at His Lordship's office. Page 429
- Chief Justice Powell to Wilmot. Respecting his leave of absence which he wishes extended. 418
- R. J. Kerr and John Brant to Wilmot. If any communication made by them was improper they regret it. To call on them to prove a purchase before the grant was made would be hard on them as the proclamation was their deed. That question being of law they ask that a case be prepared and, when agreed to, submitted to the law officers of the Crown. The moderation of their demands, the desire of the Indians being for a clear definition of their boundaries, leaving the amount of compensation for the land taken from them to be settled by any three noblemen or gentlemen to whom Government might refer it. 389
- Robinson to Wilmot. Desires to know if he has taken the proper steps to present the address from the legislature of Upper Canada. 430
- Talbot to the same. He had been promised that the fees on his land grants would be £5, 11, for each thousand acres, whereas he has been charged £31 odd. Asks that instructions be sent to repay the overcharge beyond the £5, 11, 0. 531
- Memorial (undated) from Talbot stating his services and losses and prays that such assistance may be granted as may enable him to support his rank and influence as he had hitherto done. 533
- Robinson to Wilmot. Shall give every assistance in his power towards framing the provisions for regulating generally the commerce of the Canadas. But the bill as proposed would go a very little way in relieving the difficulty in which Upper Canada is involved by the state of dependence on the legislature of another colony. 433
- Croker to Wilmot. Asks him to enclose a packet to Barrie at Kingston. 4
- R. J. Kerr and John Brant to Wilmot. Send copy of their last communication in reply to a letter of 12th March. 388
- Butterworth to Wilmot. Sends a letter from Bannister of Lincoln's Inn relative to the case of the Mohawk Indians, which had been mislaid. 101
- Enclosed.* Bannister to Butterworth, 27th July, 1822 (1821?). Calls attention to the case of the Mohawk Indians and the wrong from which they suffer. 102
- Powell to Wilmot. His communications with King, the Under Secretary of State, respecting his salary were verbal, but reduced to writing by himself (Powell). The promise of the Duke of Portland was undoubted, but the postponement of its execution was occasioned by the general application from the Judges of Lower Canada. 419
- R. J. Kerr and John Brant to the same. Recapitulate what they said at the interview on Saturday respecting their claim to the lands on the Grand River. 393
- Powell to the same. Sends letters received from Inglis corroborating the statement made by him (Powell) to Maitland, that King, Under Secretary, admitted that it was an omission not to estimate for the augmentation in 1797. 421
- Enclosed.* Inglis to Powell. Respecting the date of the increase of his salary, &c. 422
- Extracts from letters of 1798 and 1799. 423
- Isaac J. Solly to Wilmot. Is obliged for the information that Kerr and Brant are the two chiefs deputed from the Indians. Flatters himself that at the next meeting of the New England Society sure measures will be adopted for the improvement of the Indian Nations. 494

1822.
April 20,
Treasury. Harrison to Wilmot. Transmits letter from Dunn, Receiver General, Upper Canada, complaining that the legislature has deprived him of certain allowances. Has Bathurst received any information on the subject? Asks for His Lordship's opinion whether it may be expedient to take any and what steps. Page 84
- April 20,
York. Maitland to Bathurst. General satisfaction at the measure for the payment of losses. Nichol has brought additional evidence, which he (Maitland) has admitted although without instructions to that effect. This has encouraged Nichol to present his own claims which are transmitted without recommendation. The necessity for a new commission of inquiry. 341
- April 22,
London. R. J. Kerr and John Brant to Wilmot. In accordance with his letter of the 19th, apply for a deed in fee simple of the undisputed land on the Grand River. 396
- April 23,
London. John Shaw to the same. Sends authority from Robert Irvine of the provincial navy to act for him and asks for the issue of such half pay as may be due to Irvine. 495
- Enclosed. Letters from Goulburn and from Hillier respecting the half pay. 496, 497
- April 25,
London. R. J. Kerr and John Brant to Wilmot. Have received letter of the 22nd. In theirs of same date they did not imply that their nation had no sort of claim for compensation. Their wish was to obtain the deed and to leave the claim open to further investigation. But as it is made a condition that the claim is relinquished in order to obtain the deed, they by virtue of the authority vested in them relinquish their claim to the disputed district on condition that they obtain the fee simple of the undisputed lands on the Grand River. 397
- April 29,
Navy Office. Navy Board to the same. Lieut. Glinn, agent at Leith, has been instructed to take out passage to Quebec for Mrs. Cruig and three children. 72
- May 2,
Downing
Street. Vansittart to the same. Draws attention to papers forwarded to him by Galt. 85
- Enclosed. Galt to Vansittart. Several Canadian gentlemen are on the eve of returning. It would be desirable that they should be the bearers of a favourable answer. No effectual relief can be hoped for to the trade and agriculture without they are allowed to import their wheat and which Mr. Robinson gives no encouragement to expect. 86
- May 4,
London. Powell to Wilmot. Asks that Adams, the agent, be directed to pay his (Powell's) salary as it comes due, without the usual certificate of residence. 425
- May 6,
London. R. J. Kerr and John Brant to the same. The dilapidated state of the school at the Mohawk village; how it is supported; the neglect in which it has been left, to the great injury of the people. 399
- May 7,
London. The same to the same. Acknowledges letter assuring them that instructions would be sent to Maitland to give the Nations the fee simple right to all the undisputed lands on the Grand River. 400
- May 15,
London. Greenwood, Cox & Co. to Wilmot. Asks for certificate that Maitland was alive and in the execution of his office from 30th March to 30th June, 1821. 120
- May 15,
Ayt. Auld to Secretary of State. Asks for information about Robert Laughlin, deputy barrack master at Amherstburg, respecting whom he had written to the Barrack department. 99
- May 18,
London. Galt to Harrison. Desires to have an official communication of the decision with respect to Canadian claims. 131
- May 28,
London. The same to Wilmot. Recommends that as claims are decided upon five shillings per pound should be paid. The saving this would effect. The commissioners should only take cognizance of cases already considered to prevent the commission from being interminably kept open.

- 1822.
- How it should be constituted. Asks that all the papers be returned from the Treasury, and that they (Galt and Wilmot) might have half an hour's conversation with the papers before them. Page 132
- June 8, Wilmot to Harrison. Sends memorandum respecting a proposed loan in Canada. 302
Downing Street. Memorandum. 301
- June 12, Bathurst to Maitland The request of Galt in respect to losses by the war of 1812 has been acceded to, that a loan should be raised of £100,000, half the interest to be guaranteed by the Imperial Government. A commission to be appointed by the Governor of Upper Canada. If the sum to be raised is not found to be sufficient, an additional amount may be raised on the same principle. 337
Downing Street.
- June 22, Wilmot to ———. Sends letter from Galt, of the 28th ulto, which had better be discussed with him. 136
Downing Street.
- June 29, J. Meantly and J. Elliot, on behalf of the Society of Friends, commonly called Quakers, for an interview to have a clause inserted in the Canada Government and Trade bill, to allow members of their society to affirm in voting for representatives to the legislature. 415
- July 1, Robinson to Wilmot. There is nothing in the bill to deprive Quakers of their privileges at elections. 436
Kensington.
- July 3, Butterworth to Gordon. Did the bill passed in Upper Canada in 1818 to enable Wesleyan ministers to perform the rite of marriage, receive the royal assent? 104
Bedford Square.
- July 3, Small to Bathurst. Asks for a renewal of his leave of absence. 510
Downing Street.
- July 6, The same to the same. Sends certificate of the judges of Upper Canada of their satisfaction with Small's acting in his father's place. Asks for extension of leave. 499
London.
- July 6, The same to the same. In consequence of the difficulty of accepting the resignation of his office in favour of his son, asks that a joint appointment be made of his son and himself. 500
London.
- Enclosed. Certificate by the judges, that Charles C. Small gives satisfaction in the discharge of his duties acting for his father. 502
- July 12, Butterworth to Wilmot. The inconvenience to people in the remote parts of Canada from the paucity of clergymen. By an act 38 George 3, the ministers of other denominations besides those of the Church of England and Ireland were authorised to perform the rite of marriage, but the Wesleyans were not included, as they were not then established in the country, but have now become numerous. A bill was passed to remedy this and was sent for the royal assent, but has been mislaid, submits a clause to be inserted in the bill now before Parliament, which he believes to be necessary for the good order of the provinces. 105
Bedford Square.
- Enclosed. Clause to authorise any regularly accredited Protestant minister of any denomination to perform the rites of marriage, baptism and burial within the provinces. 107
- July 15, Robinson to Wilmot. Is desirous of having an interview in reference to several matters which he delayed bringing forward whilst they were engaged in the consideration of the union of the provinces. 437
London.
- July 17, Galt to Harrison. How the loan for claims is to be raised, half to be paid by the United Kingdom and the interest to be charged to the consolidated fund. The establishment of a Canadian stock by this means. 137
London.
- July 18, Robinson to Bathurst. Sends list of the representations he was directed to make respecting the affairs of Upper Canada. 438
London.
- Enclosed. Schedule of matters to be considered. 439
- July 22, Small to Wilmot. Asks for an order for payment of his salary. 503
London.

1822.
July 24, Taylor to Wilmot. Sends petitions from George Ward, settler in Upper
Horse Guards. Canada, formerly a sergeant in the 24th regiment. Page 8
Enclosed. Petitions (three in number) stating at great length his
services and distress and praying for relief. 9, 23, 42
- August 10, W. B. Mends to Wilmot. Has received order for 1200 acres as naval
Kingston. storekeeper, but is prevented from taking advantage of it as a demand is
made on him for £300 for fees. Applies to have this difficulty re-
moved. 410
- August 13, Isabella Hill to —. Has thought from a paragraph in a newspaper
London. that £60,000 was granted for sufferers in Upper Canada; her disappoint-
ment; asks for information. 351
- August 26, Claughton to Bathurst. Grande Isle formerly belonging to the United
London. States, is now declared to be British property. Many in his neighbour-
hood left destitute. If he could have a grant of the island, he would
send settlers there. 109
- August 29, The same to the same. Proposes to purchase Grande Isle for the
London. purpose of carrying on agriculture. 111
- August 29, Peel to Bathurst. Sends by order of the King, memorial of Robert
Edinburgh. Gourlay and William Hulton for His Lordship's consideration. 157
- Enclosed.* Memorial of Robert Gourlay, stating his services in the
volunteers in Fife-shire and in the Yeomanry cavalry; his removal to
Upper Canada and imprisonment there; sends copies of the Act under
which he was tried and of other documents; he being a British subject
was not subject to the provisions of the Act under which he was tried.
His ineffectual attempt by memorials to the House of Commons to gain
a hearing for his case has induced him to address His Majesty direct.
158
- Enclosed.* Act for the better securing this province (Upper Canada)
against all seditious attempts or designs to disturb the tranquillity
thereof. 162
- Order of commitment of Robert Gourlay and other legal documents.
172 to 181
- Richard Beasley to Lord Erskine. Sends memorial signed by him as
chairman of the Upper Canadian convention of friends to inquiry. 182
- Memorial. 184
- Address of the inhabitants of Niagara district to the Prince
Regent. 188
- Parliamentary proceedings on petitions of Robert Gourlay. 200, 248
- Petition of Gourlay. 249
- Affidavit of John Brant and Wester Smith, that at the time of Gour-
lay's trial he was not mentally capable of defending himself. 259
- Memorandum unsigned respecting the Act for securing Upper Canada
against seditious attempts, which when passed in 1804 was not intended
to operate exclusively upon aliens, but was to apply to all who had not
resided in the province for six months. Whether it is unconstitutional or
not is for the legislature which passed it to decide, but Gourlay's banish-
ment produced no public sensation. The writer does not like its terms
himself, but there was neither wantonness, corruption, oppression nor
cruelty in the exercise of its power as regards Gourlay. 261
- Other documents, reports, notes, &c., on Gourlay. 276 to 299
- Report of Privy Council that thirty-one Acts passed in Upper Canada
should be left to their own operation. 62
- September 7, Order-in-Council. Confirming Act passed in Upper Canada relating
Whitehall. to the right of tithes within the province. 63
- September 16, Order-in-Council. Confirming Act passed in Upper Canada relating
Carlton to the right of tithes within the province. 63
House.
- September 23, Greenwood, Cox & Co. to Wilmot. Ask for certificates that the several
London. officers mentioned are administering the duties of their several offices. 121

1822.
September 23, Wilberforce to Wilmot. Returns the papers, but does not send the
Cromer Hall. remarks he had intended. Page 539
- September —, Merry to the same. Asks for a statement of the salary and emolu-
War Office. ments of Marshall, who has applied for his half pay in addition to his
income as superintendent of the Lanark military settlement. 90
A duplicate signed by Lukin, dated 16th November. 91
Another letter to the same effect, signed by Merry, dated 24th De-
cember. 92
- October 17, Report of the Lords of Trade recommending that thirteen Acts passed
Whitehall. in Upper Canada should be left to their own operation. 64
- October 17, Report of the Lords of Trade recommending that with three excep-
Whitehall. tions, nineteen Acts passed by Upper Canada should be left to their
own operation. They are not prepared to offer an opinion on the three
Acts, and a fourth has not been returned from the committee of the
Privy Council. 65
- October 18, Report of the Lords of Trade recommending that five Acts passed in
Whitehall. Upper Canada should be left to their own operation. 67
- October 29, Robinson to Bathurst. Transmits documents relative to affairs in
London. Upper Canada which are of great consequence to the colonial govern-
ment, as they concern the collection of Crown rents on nearly one-third
of the lands in Upper Canada. 451
- October 30, The same to the same. Submits a minute respecting the appointment
London. of a deputy post master general for Upper Canada. 452
Enclosed. Minute dated 19th October, 1822. 453
- November 11, Galt to Wilmot. Has received letters from Canada relative to
Edinburgh. claims and a *Gazette*, giving extracts from letter of 15th June respecting
the arrangement made with him for a new commission. A fierce spirit
rising between the two provinces and the French party determined to
prevent the union of the provinces. Measures for the relief of the
Upper Province have excited much dissatisfaction which it is desirable
to allay. 139
- November 15, Lowther to ——. Sends name and address of person to whom
London. Lord Bathurst might recommend the governor of Upper Canada to give
a grant according to his means of cultivating. 402
The name attached is John Ware, Port Hope, District of New Castle,
County of Durham, Upper Canada. 403
- November 16, Lukin to Wilmot. See Merry to Wilmot, September —.
Wat. Sec.
- November 19, J. B. Robinson to ——. Agrees with Galt that the French
party in Lower Canada will oppose the union and every mea-
sure for the relief of the other province. The people of Upper
Canada nearest to Montreal are in favour of the Union, those
to the west are against it, fearing the effect that the decision
of a majority of French Canadian legislators would have. Govern-
ment may prevent any positive harm, but no good can be done
without the concurrence of the Legislature; the King may prevent bad
laws being made, but he cannot force the Lower Canadians to make
good ones. Is afraid of the effect of bringing together 90 legislators when
it was difficult to control 50. Is afraid of strengthening the democratic
branch of the constitution in a remote colony. His experience in a
colonial legislature; he managed to carry the measures of government
in the Assembly of Upper Canada, but he knows he will fail in the
heterogeneous Assembly that was to take its place. Enlarges on his feel-
ings of doubt, but hopes he may be wrong in his fears. Discusses the
claims spoken of by Galt, and did not expect the ferment that Galt expected
from a re-examination. It was the prevailing opinion that many of the
claims were exaggerated, and the report of the commissioners was not
intended to be final. Defends his course and that of the Chief Justice,

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1822.

- if they are the persons referred to in Galt's letter. If all the claims were paid without further examination he might not object, but could not advise such a course. Page 142
- November 22, Order-in-Council appointing Peter Robinson and George Herchmer Marklund honorary members of the Council of Upper Canada. 68
 Carlton House.
- November 22, Freeling to Wilmot. The great expense of collecting the post office revenue in Canada leaves but small if any profit in Upper Canada. If government thinks it advisable to establish a separate deputy post master general for Upper Canada he must be a man of experience in the department, and the Post Master General would naturally appoint either the postmaster of York or Toronto. An unattached deputy post master general would be a novelty and liable to great objection. The routes must be revised in Upper Canada; about twelve months since an extension of posts in Upper Canada was authorized, but the revenue did not cover the additional expense. Does not see how the newspaper containing the government *Gazette* could be allowed to go free, giving it a preference over the other newspapers. By an account just made up of the revenue of Upper Canada alone is sorry to find it does not cover the expenditure. 95
 General Post Office.
- November 25, Small to Bathurst. Complains of the reduction of his fees amounting to about £600 a year, which would bring him to indigence, and prays that the present rate may be continued during his life. 504
 London.
- November 26, Robinson to Wilmot. Is pleased at receiving the information relating to the post office, which corrects the ideas in the province as to the amount of funds derived from the service. If the funds are not sufficient to defray the additional salary the appointment could not be made, and the recommendation of McDonnell by Maitland could not take effect, which is to be regretted as he would be useful. 456
 London.
- December 3, Adams to Gordon. Only £100 in the estimates for Mr. Smith, instead of the £200 as usual. Cannot pay the latter amount without special authority. Mr. Smith is now Sir David William Smith Baronet. 6
 Whitehall.
- December 5, Harrison to Wilmot. Sends copy of letter to the secretary of the commissioners of audit for documents relative to the accounts of Captain W. Marshall, secretary and storekeeper superintending the Lanark military establishment. 87
 Treasury.
- Enclosed.* Mallet to Harrison. Asks for authority for the credit taken by Marshall for sums advanced to emigrants from Lanark, North Britain, alleged have been given by Bathurst in letters dated 6th May and 5th June, 1820. 88
- December 10, Robinson to Bathurst. Transmits letter from Maitland desiring him to return to Upper Canada to attend the legislature. 459
 London.
- December 12, Galt to Wilmot. Sends copy of the general principles established for the commissions on claims. The seventh, ninth and tenth are repugnant to justice and if government had been aware of the monstrous power assumed, it would not have entertained the idea of appointing a second set of commissioners. It may still be expedient to revise the instructions. The large number of cases rejected. Writes this as a personal not an official letter. 150
 London.
- December 13, *Enclosed.* General principles established by the commissioners. 152
 London. Galt to Wilmot. There never has been an agent for Lower Canada. Halton appointed for Upper Canada has been dead for some time. Adams is merely agent for the payment of salaries; such a situation would not suit him (Galt). What he desires is to be the medium of communication with the representatives, merchants, &c., and for the commercial and general interests of the colonies and to attend to public questions. Salary would be subject to the same conditions as that of

- 1822.
- Halton. Under present circumstances there should only be one agent for the two provinces. Page 155
- December 17, A. Sillery to Bathurst. Has been asked to go as chaplain to Upper
Dublin. Canada. Desires to know the conditions on which chaplains would be placed in Canada and their duties. 511
- December 24, Robinson to Wilmot. Criticises Galt's statements respecting the
London. conduct of the commissioners on claims which he is prepared to defend as Galt has made the representation on the information furnished by the claimants he being their agent. 460
- Unsigned and undated memorandum, probably by Robinson, that James Rich (see January 7, page 427) could not have lost anything as he was a drunken man constantly reeling about talking of his battles. If there had been any other of the same name, he would have heard of him had such a person been in a respectable position. 466
- December 24, Merry to Wilmot. See Merry to Wilmot, September —
War Office. 466
- December 24, Maria Grace to Bathurst. Has sent memorial to be submitted to the
Kilkenny. King. 122
- Enclosed.* Memorial that in consequence of her brother having joined the rebels in 1812, the whole of her father's property was at his death forfeited as being the property of Oliver Grace, guilty of High Treason. She and her mother are thereby left destitute, and she prays for a favourable consideration of their case. 123
- No date. Mundy to Wilmot. Recommends Lieut Bell of the navy who, with his wife and three children, is going to Canada. 409
1823. Small to the same (?) Asks for an order for his last half year's
January 11, salary, and that the extension to his leave of absence may be given in
Lambeth. writing. 509
- January 13, Bathurst to Maitland. For the relief of those who have suffered in
Downing Upper Canada from the War, the sum of five shillings in the pound is to
Street. be paid as an installment. If he believes that any claims should have been rejected, this payment is to be suspended until a revision has been made. 346
- February 10, Barrow to Wilmot. The Lords of the Admiralty have no objection
Admiralty. to grant Charles Hayes an extension of time to supply iron ballast for the establishment in Canada. 3

LIEUT. GOVERNOR SIR P. MAITLAND, 1823.

Q 333-1.

1823. Maitland to Bathurst. Sends petition from Kingston, praying for a
January 31, union of the legislatures of Upper and Lower Canada. Page 2
York. *Enclosed.* Petition dated 12th November 1822 with signatures attached. 4
- February 1, Maitland to Bathurst. Encloses memorial of merchants interested in
York. the corn and flour trade for a preference in contracts for flour for the force in the West Indies. 12
- February 3, The same to the same (N. P.). Transmits abstract from the docket
York. books of the Auditor of Land Patents of grants which have passed the Great Seal in 1822. 13

1823.

ABSTRACT from the Auditor's Docket Books of Grants of Land which have passed the Great Seal of the Province between the 1st of January and 31st of December, 1822, inclusive, showing the Number of Grants of each Class made in each District and the Gross Number of Acres granted.

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Home	County of York	6	50	300	25080	137	19,232½
		71	100	7,100			
		19	200	9,800			
		2	500	600			
		1	180	180			
		3	500	1,500			
	County of Simcoe	1	2,000	2,000	24151	108	
		1	3,000	3,000			
		8	50	400			
		61	100	6,100			
Town of York	1	135	135	1,900	2		
	21	200	4,200				
	1	216	216				
	4	300	1,200				
	1	140	140				
	2	500	1,000				
	1	700	700				
	3	800	2,400				
	1	900	900				
	1	960	960				
Eastern	Town of Glen-garry	2	50	100	300	3	
		1	200	200			
	County of Stormont	1	100	100	500	3	
		2	200	400			
	Dundas	1	300	300	300	1	
	Town of Cornwall	1	1	1	3½	4	
		3	1	3			
	Johnstown	County of Carleton	14	100	1,400	2,957	21
			1	150	150		
			1	160	160		
1			175	175			
2			200	400			
1			272	272			
County of Grenville		1	400	400	1,800	8	
		1	100	100			
		1	150	150			
		4	200	800			
	1	300	300				
	1	450	450				

1823.

ABSTRACT from the Auditor's Docket Books of Grants of Land.—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.			
Johnstown.....	County of Leeds...	1	80	80	6,378	34	11,138½			
		1	98	98						
16	100	1,600								
2	150	300								
14	200	2,800								
1	300	300								
1	800	800								
1	1,000	1,000								
Niagara	County of Lincoln.	1	50	50				670	5	670
		3	100	300						
		1	320	320						
Gore.....	County of Wentworth.	1	100	100	400	2	2,054			
		1	300	300						
Gore.....	County of Halton...	60	100	6,000	28,654	118	29,054			
		1	154	154						
		43	200	8,600						
		1	300	300						
		4	500	2,000						
		2	600	1,200						
		1	800	800						
		1	1,000	1,000						
		1	1,046	1,046						
		1	1,200	1,200						
		1	1,723	1,723						
Newcastle.....	County of Durham...	9	50	450	4,816	30	18,416			
		1	66	66						
		16	100	1,600						
		1	200	200						
		1	600	600						
		1	800	800						
		1	1,100	1,100						
Newcastle.....	County of Northumberland	17	50	850	13,600	61	18,416			
		12	100	1,200						
		17	200	3,400						
		1	250	250						
		1	300	300						
		5	400	2,000						
		2	500	1,000						
		3	600	1,800						
		2	800	1,600						
		1	1,200	1,200						
Midland.....	County of Frontenac...	1	100	100	500	3	3,068½			
		2	200	400						
Midland.....	County of Hastings...	1	2½	2½	3,068½	15	3,068½			
		4	100	400						
		4	200	800						
		1	251	251						
		1	345	345						
		1	400	400						
		2	500	1,000						
1	1,870	1,870								

1823.

ABSTRACT from the Auditor's Docket Books of Grants of Land.—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.	
Midland.....	Counties of Lennox and Addington..	1	50	50	1,241	9	7,763½	
		3	100	300				
		2	150	300				
		1	191	191				
		2	200	400				
	County of Prince Edward	1	50	50	954	8		
		4	100	400				
		1	104	104				
		2	200	400				
Western.....	County of Essex...	1	98	98	1,188	6	2588 45,175	
		1	120	120				
		1	140	140				
		1	200	200				
		1	280	280				
		1	350	350				
	County of Kent...	5	100	500	2,400	14		
		8	200	1,600				
			1	300	300			
	Town of Amherstburg...			Sq. ft.		Sq. ft.		
1		8,160	8,160					
1		12,375	12,375					
1		12,535	12,535					
		1	12,105	12,105				
Ottawa.....	County of Prescott.	1	67	67	867	5		
		4	200	800				
	County of Russell...	1	56	56	756	3		
		1	200	200				
		1	500	500				
London.....	County of Middlesex.	11	100	1,100	10,102	12	74,697	
		21	200	4,200				
		1	202	202				
		1	283	283				
		2	400	800				
		4	500	2,000				
		1	517	517				
	1	1,000	1,000					
County of Oxford..	1	95	95	61,595	308			
	111	100	11,100					
	153	200	30,600					
	4	300	1,200					
	7	400	2,800					
	22	500	11,000					
	3	600	1,800					
	5	800	4,000					
	2	1,000	2,000					
	Total							959	197,286½	45,175

S. HEWARD,
Auditor General, U.C.

AUDITOR GENERAL'S OFFICE,
UPPER CANADA, 1st January, 1823.

1823.

ABSTRACT from the Auditor's Docket Books of Grants of Land.—*Con.*

Recapitulation of the within Grants of Land.	Number of Grants.	Number of Acres	Number of Acres						
			Sq. feet.	Grants to Sons and Daughters of U. E. Loyalists.	Grants to Surveyors.	Grants to the Militia.	Full Fee Grants.	Grants to Military Claimants.	Grants to Provincial Soldiers for services during the late war.
Grants under 1 acre (in square feet).....	4	45,175				1	3		
do do 100 acres.....	64	2,821 1/2	1			2	17	5 30	
do of 100 acres.....	398	39,800				204	149	33	
do over 100 acres and under 200 acres.....	14	2,079		1	1	1	6	5	
do of 200 acres.....	349	69,800		250		26	61	12	
do over 200 acres and under 300 acres.....	7	1,754		1	2		2	2	
do of 300 acres.....	17	5,100			1	3	7	4	
do over 300 acres and under 400 acres.....	3	1,015			1		2		
do of 400 acres.....	16	6,400		1		4	11		
do over 400 acres and under 500 acres.....	3	1,370			1		1	1	
do of 500 acres.....	40	20,000				31		5	
do over 500 acres and under 600 acres.....	1	517					1		
do of 600 acres (one of which is in lieu of 600 surrendered to the Crown).....	9	5,400				1	6	1	
do of 700 acres.....	1	700					1		
do of 800 acres.....	13	10,400			1	10		2	
do over 800 acres and under 1,000 acres.....	2	1,860			1	1			
do of 1,000 acres.....	6	6,000				5		1	
do over 1,000 and under 2,000 acres.....	7	9,939			3	3		1	
do of 2,000 acres.....	1	2,000						1	
do over 2,000 acres and under 3,000 acres.....	3	7,331			3				
do of 3,000 acres.....	1	3,000						1	
Total.....	959	197,286 1/2	45,175	254	14	293	266	74 30	19

S. HEWARD,
Auditor General, U. C.

February 13. Maitland to Bathurst (No. 84). Sends copies of speech and addresses at the opening of the legislature. Page 15
 York. Enclosed. Speech and addresses. 17, 22, 26, 30

February 14. Maitland to Bathurst (No. 85). Trial and conviction of an Indian for murdering another Indian at Amherstburg. Sends papers to show the reason for the stay of execution of the sentence. Has respited him until His Majesty's decision be known. 32
 York. Enclosed. Report of Judge Campbell on the case of the Indian convicted of murder and sentenced to death. Other judges are of opinion that Indians are exempt by treaty from trial before the courts. Has therefore put off the execution till the 30th to enable the Governor to ascertain on what authority the opinion was founded. 34
 Charge to the Grand Jury at Sandwich in 1822, discusses the question whether an Indian can be tried for murder, and arrives at the conclu-

1823.

sion that whatever doubts may exist as to the right in land reserved for the Indians, the trial and execution may take place if the crime were committed in a community of Europeans. Page 36

R. Richardson to Justice Campbell. In the case of the Indian convicted of murder, an example should be made, and it would not be easy to find a more proper object. 43

Affidavit of George Ironsides, that the Indian prisoner convicted of murder has threatened if he again obtain his liberty to kill Ironsides, George F. Rapp and J. B. Cadotte. 44

Ironsides to ——. Account of the crimes of the Indian tried and convicted of murder. Is not afraid of his threats against himself, but is uneasy about his family. 45

D'Arcy Boulton to Hillier. In reference to the conviction of the Indian for murder, that such an act should be made permissible by any treaty is preposterous. 47

Chief Justice Powell to Hillier. No instance of an indictment against an Indian for homicide has come before him. When an Indian was on trial on a charge of murder and acquitted for want of evidence that is sufficient proof that the reported opinion was not his. 49

Extract from the charge of Chief Justice Powell in the autumn of 1821. 51

Petition of Shawanakishie for pardon on the ground that the law of revenge still existed among the Indians. 55

February 22, York. Maitland to Bathurst (No. 86). Sends joint letter from two members of the House of Assembly, accompanying two petitions against a union of the provinces. 60

Enclosed. John Wilson and George Hamilton, joint letter accompanying petitions against the union of the provinces. 62

Petition of the inhabitants of the County of Wentworth, in the district of Gore, against the union of the provinces, with signatures attached. 64

Petition from the township of Thorold against the union, with signatures. 85

March 5, York. Maitland to Bathurst (No. 87). Transmits address from the Legislative Council respecting the contemplated union of the Legislatures of Upper and Lower Canada to be laid at the foot of the Throne. 98

Enclosed. Address of the Council to Maitland expressing their sense of the advancement of the province and their perfect reliance on the wisdom and justice of the Imperial Government; the Council do not feel called upon to pronounce any opinion on the contemplated change. 100

Governor's answer to the address. 102

Address of the Council to the King. 104

March 6, York. Maitland to Bathurst (No. 88). Transmits petition from Samuel Thompson to relieve him from the sentence of outlawry against him for not having appeared to plead to an indictment of high treason preferred against him in 1814. Has no reason to call in question his plea of loyalty and probity, but points out the discrepancy between the present petition and the one previously presented to him (Maitland). 106

March 8, York. The same to the same (No. 89). Transmits petition from Burn for a grant in fee simple of a Crown reserve of which he holds a lease, on the ground of a promise made to him by Gore. There is no record of such a promise and unless Gore can remember it, it is not a case he should feel disposed to recommend. 108

Enclosed. Petition of John Burn of the township of Hope. 110

March 10, York. Maitland to Bathurst (No. 90). Has received dispatch with petition from Mends for remission of fees on a grant of land lately made him. It having been decided that naval or military officers in actual employ

333-1

—Con.

Gratuities Grants. Grants to Provincial Seaman for services during the late war.

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1823.
are not to be exempt, is not aware of any circumstance to make the case of Mends an exception. Page 113
- March 12,
York. Maitland to Bathurst (No. 91). Transmits for consideration petition of the widow of Capt. McGregor of the militia for a pension. 115
Enclosed. Petition from Mrs. McGregor stating that her husband was severely wounded and disabled at Longwood, and praying for a pension to support herself and six children, left destitute by the death of her husband. 116
- March 13,
York. Maitland to Bathurst (No. 92). Transmits petition from McNab of McNab for a grant of land to settle part of his clan. His proposal is attended with risk to himself and embarrassment to the provincial government. 118
Enclosed. Memorial by McNab of McNab, stating the distressing circumstances of his clan. Asks for land on which to settle a number, and that a deed should be given him for land set apart, or if that is unusual, that no patents should be issued to his settlers till they produced his certificate that they had performed the conditions under which they had come to settle. 120
- March 15,
York. Maitland to Bathurst (No. 93). Forwards copy of petition from Samuel Casey. The performance of the service stated seems amply proved, and its nature prevented Casey from making the necessary exertions for remuneration at the time. He is therefore induced to solicit that the prayer of the petition be granted. 125
Enclosed. Petition from Samuel Casey for remuneration for secret service during the war of 1812. 127
- March 17,
York. Order by Richard Cartwright and certificate. 129 to 131
Maitland to Bathurst (No. 94). Refers again to the alien question and to the rejection of young Bidwell, which he believes would lead to an address from the Assembly; the same disqualification equally applies to other persons holding seats there. Had been obliged to stop addresses from the Assembly on subjects with which they had no proper concern. Is afraid that, after the union of the legislature the question may be considered as no longer important, and that the French influence would counterbalance that of the Americans. Thinks this a serious mistake. 132
Enclosed. Resolutions of Assembly that the returning officer at the election for Lennox and Addington acted illegally in rejecting the nomination of Marshal S. Bidwell, but not maliciously, the act arising from a misconception, and that so far as allegiance is concerned Bidwell was eligible for a seat in the House. 136
- March 20,
York. Maitland to Bathurst (No. 95). Sends copy of his speech on closing the last session. An unintentional turn given to the address of the Council in respect to the motives for the union led him to dwell on that subject more than he would otherwise have done. The session has closed happily although he had to give the assembly a sharp reproof for improper addresses. 139
Enclosed. Copy of speech. 142
- March 21,
York. Maitland to Bathurst (No. 96). Transmits bill reserved for His Majesty's pleasure. 147
Enclosed. Title of bill with certificate that it had been reserved and copy of the act with schedules, &c. 149
Extract from letter from Chief Justice Powell, that he had opposed the bill, as it gave jurisdiction to the district courts in cases not arising in the district, thus conflicting with the power of the court of Kings Bench. 159
- March 22,
York. Maitland to Bathurst (No. 97). Has reserved bill granting David Harris of Toronto, the exclusive privilege of manufacturing pot and pearl ashes. 160

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1823.

Enclosed. Certificate that the bill is reserved with copy of the same. Page 162

Description of the newly invented pot ash boiling and pearl ash baking machine by Daniel Harris. 169

Opinion of the Solicitor General, that the right of granting a patent is within the royal prerogative, and that the sanction of the other branches of the legislature might be hereafter construed as being necessary to the validity of the patent. 172

March 21,
 York.

Maitland to Bathurst (No. 98). In order to raise a sum of money to compensate the inhabitants for losses during the war, a bill was passed but it does not provide means for paying the interest. Has reserved the bill. A separate enactment provides for the appointment of a commission to revise the claims, £1000 being set aside for the expense. 174

April 11,
 York.

Enclosed. Copy of the act for defraying the interest on a loan. 177
 Dr. Strachan to Hillier. Argues against granting the demand of the ministers of the Kirk of Scotland, which would throw obstacles in the way of the Church of England now advancing so rapidly. 183

April 25,
 York.

Maitland to Bathurst. At the request of the corporation for the management of the clergy reserves sends home three petitions on the subject. 188

Enclosed. Dr. Strachan to Maitland. Sends copy of petition respecting the clergy reserves, and asks him to forward the engrossed petitions to Bathurst for presentation to the King and the other two branches of the legislature. 189

The petition. 191

April 26,
 York.

Ecclesiastical chart of the province of Upper Canada. 208a
 Maitland to Bathurst (No. 99). Transmits petition of Dr. Alexander McDonell, Roman Catholic Bishop of Upper Canada, and as he is proceeding to England he at his own solicitation carries the dispatch. 210

Enclosed. Petition from Bishop McDonell praying for an augmentation to his stipend. 212

June —,
 Downing
 Street.

Bathurst to Attorney and Solicitor General. Calls attention to letter of the 12th November and to the importance of an early reply. 138

LIEUT.-GOVERNOR SIR P. MAITLAND, 1823.

Q 333-2.

1821.
 November 29,
 York.

Maitland to Bathurst. Enclosed in Maitland to Bathurst, 1st November, 1823.

1823.
 February —.

Memorandum of number of Indians on the Grand River. Enclosed in Maitland to Bathurst, 1st November.

May 31,
 York.

Maitland to Bathurst (No. 100). Transmits letter from Rev. Robert Addison, and on the ground of his infirmities, strongly recommends that the prayer of his petition should be granted, he has, however, explained to Mr. Addison the difficulties in the way. Page 216

Enclosed. Addison to Maitland. Calls attention to his memorial for the payment of arrears due to him, and asks to be informed if there is any hope. 218

June 2,
 York.

Maitland to Bathurst (No. 101). Transmits memorial from David Thompson, astronomer to the boundary commissioners, praying for the grant of an island in the St. Lawrence. A petition had been previously addressed to him (Maitland) by Thompson, who was informed that the Colonial Government was restricted by special instructions from granting islands. 221

1823.

- Enclosed.* Thompson to Maitland. He had bought an island from the St. Regis Indians in 1817, but retains only nominal possession, as the Indians have no legal right to the islands. His services in preparing maps from Lakes Huron and Superior and Hudson's Bay to the Pacific Ocean during the preparations of which almost incredible hardships and dangers were sustained. Although a settler with a large family, he has neither solicited nor received any grant, and prays for a grant of the island. Page 223
- July 15, Maitland to Bathurst (No. 102). Transmits copies of Acts passed last session. 226
Stamford.
- September 9, John Brunt to Claus. Enclosed in Maitland to Bathurst, 1st November.
Grand River.
- September 15, Maitland to Bathurst (No. 103). Sends returns of revenue and expenditure of the Colony and of the officers and persons belonging to the several departments with the nature and amount of their emoluments and disbursements for 1821. The military expenditure will, it is presumed, be sent by the commander of the forces. 228
York.
- September 16, Claus to Hillier. Enclosed in Maitland to Bathurst, 1st November, 1823.
Fort George.
- September 20, The same to —. Enclosed in Maitland to Bathurst, 1st November.
Niagara.
- September 25, Maitland to Bathurst (No. 104). Transmits petition from Sir John Johnson for an island in the Niagara River on the faith of an alleged compact with the Indians with his father, Sir William Johnson. All the islands being reserved sends the petition, but sees no reason to recommend that its prayer be complied with. 230
Queenston.
- Enclosed.* Petition from Sir John Johnson, signed by William Claus, his attorney, for confirmation of the title to an island in the Niagara, it having been stipulated in the treaty with the Senecas in 1764, that all the islands from the great falls of Niagara to the rapids at the entrance of Lake Erie were to be the property of Sir William Johnson. 232
- September 27, Fifth article of the treaty referred to. 234
York. Maitland to Bathurst (No. 105). Sends memorial from Halliday. It has been explained to him, that it has been found expedient to discontinue the establishment to which he was attached. 236
- Enclosed.* Memorial of John Halliday, teacher, for the continuance of his salary. 238
- September 29, Hillier to Claus. Enclosed in Maitland to Bathurst, 1st November.
Stamford.
- September 30, Maitland to Wilmot Horton. Is favourable to the plan for disposing by sale of the Crown reserves. The hesitation to adopt a measure respecting land that is thought would prevent settlement; the belief of its hindrance learned by experience to be wrong. Has not changed his views on the Crown reserves, but he was opposed to having them considered as disposable to reward services which would have stripped the Crown without securing any lasting influence. It did not appear to him as to the writer of paper No. 1, that the King would obtain any influence through them except from a wise and beneficial application of the rents. Approved of the sale, as the reserve would thus be more effectually secured to the Crown than in its present shape. The growing hostility to the reserves. The effect of an invasion of the country on the Crown reserves. The benefits of the proposed plan of which he approves and which would open to the colony a living source of supply in the bosom of the parent state. References to papers respecting collection of Crown rents, &c. Criticisms on the statements in the papers enclosed. Advocates opening a land office in London giving statement of the maps, &c., requisite for supplying information. The difficulty of regulating the sales in London

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1823.

and in Canada respectively. Transmits documents bearing on the consideration of the question of Crown reserves. Page 241

Enclosed. Papers Nos. 1, 2, 3. 255, 262, 275
Nos. 4 and 5 follow. 281

October 15,
Queensdown.

Maitland to Bathurst (No. 106). Transmits petition from Lieut. James McGregor of militia. At the close of the late war, seven wounded officers of militia were awarded pensions, to be paid out of provincial funds. These were paid for two or three years. In 1821 a change was made in the Act and no provision was made that year for special pensions, but the officers were informed their pensions would be continued out of the Crown reserves to such as presented certificates from the board. This had been denied to Mr. McGregor on the ground of the slight nature of the wound which could easily be cured. He has been denied a special examination and went to Quebec when Dalhousie appointed a medical board. The importance of this as setting aside the authority of a provincial board by which the pension list had been materially reduced. McGregor had also granted letters of attorney to three persons for the same payment and also applied for it personally. There was no need to report this as the board had withheld a certificate, but if it had been reported McGregor would no doubt have been dealt with severely. 282

Enclosed. Memorial of James McGregor for payment of his pension. 288

Proceedings of a medical board on the case of Lieut. James McGregor. 290

October 23,
Stamford.

Hillier to Claus. Enclosed in Maitland to Bathurst, 1st November.

November 1,
York.

Maitland to Bathurst (No. 107). Recapitulates the correspondence previously held respecting the claim of the Indians to the lands on the Grand River, of which they claimed as their right an additional amount to that actually held. Doubts of Kerr being entitled to represent the opinions of the Indians. Is afraid of the consequence of giving the Indians their land in fee simple; as they may certainly lose their lands by their ignorance and unbounded profusion of which speculators would have been at hand to take advantage. Reasons given by most of the Indians for declining to accept a title to their lands the same as that of the white man. Their exemption from municipal taxes under present titles which they cannot escape when their titles are changed, nor can they prevent their lands being sold in execution to satisfy debts. These questions are discussed by the Indians, but those in favour of the fee simple charged the department with conjuring them up. The divided state of the Indians on the subject. 316

Enclosed. Hillier to Claus. Kerr and Brant, chiefs of the Mohawk nation, have as their deputies, relinquished on the part of the Five Nations all pretensions to lands recently purchased from the Chippewas, to which the Five Nations had no claim. His Majesty is favourable to the request from the Five Nations for a grant in fee simple for the lands purchased in their favour in 1784. A meeting of the Five Nations is called to decide formally on the subject. He (Claus) is to point out that after the completion of the grant, the annual presents should cease. The indulgence of lands being granted in fee simple should be restricted within as narrow limits as possible. 328

Brant to Claus. The Six Nations at a full council have agreed to accept a deed for the lands they now hold. The majority are anxious to possess the fee simple right to the lands agreeable to the orders of His Majesty's government. 331

Claus to Hillier. Transmits deed and letter from John Brant. The unwillingness of the Indians to accept the grant in fee simple, a large

1823.

majority having been against it in February, but they have since been worked upon. Seven trustees have been nominated in the deed. The military should attend at all meetings held at a distance from the post and in a matter of such importance to the Indians and to the women and children, the military officers should be present, and the papers might be laid before them at the general delivery of presents when the military attend. The deed is to trustees, not one of whom has signed his name, and to their successors in office. Page 332

Claus to ——. Account of the Council meeting given by the eldest son of the late Onondaga chief, Clear Sky, with the numbers voting for and against the acceptance of the grant in fee simple. 336

Indians who are named as trustees to receive a deed in fee simple for the lands on the Grand River. The names are given with a sketch of each of the trustees. A note says: "It will be observed that not one of the trustees write their names, and but one man can be called sober, all the others are drunkards." 339

Hillier to Claus. The Lieut.-Governor will not refuse to transmit the paper purporting to express the wishes of the chiefs of the Five Nations, but he cannot expect it will be received as official not being authenticated either by an officer of the Indian department or of the troops, which is a precaution always observed. Nor is he aware that His Majesty's government intends to permit the Five Nations to name the trustees. Circumstances lead to a doubt if the chiefs have collected or understand the opinions of the Five Nations which they believed themselves authorized to bring before the government. The chiefs and warriors are to be informed that the document has been forwarded, and they are to be afforded an early opportunity of delivering in the regular manner the sentiments they may wish to express. The apprehensions of those whose fears have been excited as to the security of their farms are to be set at rest. 342

Maitland to Bathurst, 29th November, 1821. Sends details of a plan for the amelioration of the Indian tribes, which will diminish expense and reserve a sufficient supply of land for the Indians. If the plan should be adopted, suggests that the lands for sale should be advertised at home, as more than one society and individual in England are desirous of attaining tracts in that particular part of the country. Has suggested in the plan that the trusteeship should be vested in the society for the Propagation of the Gospel, and that no person connected with the Indians should be employed in such a trust. Learns that no reliance is to be placed on the authenticity of the signatures to a petition lately forwarded by the Indians. 345

Plan proposed for the amelioration of the Indians, showing the result of the sales under trustees for the benefit of the Indians after deducting lands for the chiefs and for the heads of families. 347

Number of Six Nations living on the Grand River, winter, 1823. 355
Petition for deed in fee simple with signatures and certificate. 357, 363

November 20,
York.

Maitland to Wilmot Horton. Has learned that information is wanted respecting the expense for Indians, and what saving, if any, could be effected. The difficulty, as Indian affairs are in the hands of the military. The value of the goods is about £23,500 annually issued to the Indians, about £4,500 being for cessions of land, which cannot be reduced without a breach of faith. If the purchase had not been made, most of the province would have remained a wilderness and the emigrants from Great Britain must have been expelled. The increase of population and strength and the consumption of British manufactures are national benefits cheaply purchased by the charges they have entailed upon the Treasury. At all events, under the circumstances, the measures were

1823

those of necessity, and sanction cannot be withheld without a breach of faith. The claim to presents by the Indians is not founded on a special contract, but on usage and necessity, and cannot be withheld without creating irritation and distress. The importance attached by the United States to securing the friendship of the Indians who inhabit their territory contiguous to the boundary; the expenditure on this account has been singularly large as compared with their other expenditure. Cannot officially communicate with government on matters relating to the Indian department, but directs attention to small reductions which have a pernicious effect, that of discontinuance of the blacksmith, for instance, to the injury of the Mississaugas who, besides had made his continuance in government pay a condition in the sale of their land. Sends correspondence on the subject of reductions. Page 292

Enclosed. Queries by Major Hillier and replies by Colonel Clans respecting payment and presents to the Indians 301

Memorandum of purchases made from the Indians. 303a

Darling to Maitland. Transmits scale of reductions it is proposed to make in the Indian Department. 304

Proposed reductions. 305

Maitland to Darling. Transmits memorandum on reductions. 309

Memorandum. 310

Lands proposed to be sold to defray the annual charge of presents to Indians in payment of tracts of land purchased from them. 314

November 21. Maitland to Bathurst (No. 108). Transmits bond given by the naval officer of Upper Canada for the execution of the duties of his office. 365
York.

Enclosed. Bond by the naval officer, John Powell. 367

November 22. Maitland to Bathurst (No. 109). The provincial legislature met on the 11th. Sends his speech and addresses in reply. 370
York.

Enclosed. Speech. 372

Address of Legislative Council. 375

Reply. 378

Address of the Legislative Assembly. 379

Reply. 382

December 27. Maitland to Bathurst (No. 110). Long and elaborate argument in opposition to the claims of the Church of Scotland to a portion of the clergy reserves. 384
York.

December 28. The same to the same. Clans, trustee for the Six Nations on the Grand River, has drawn for their dividends. 408

PUBLIC OFFICES AND MISCELLANEOUS, 1823.

Q.—334.

1822. Lient. Jackson to Goulburn. Sends memorial and certificate for such quantity of waste lands as he may be entitled to from his rank. Page 252
December 21, Lake Erie. *Enclosed.* Memorial. 253

1823. Certificate signed by Captain Montresor. 254
January 1, Greenwood, Cox & Co. to Wilmot. Ask for certificates as to the period of services of Maitland, Lient. Governor of Upper Canada and Warden, Governor of Barbados. 162
London.

January 9, John Galt to the same. Gives a summary of the claims for losses made, rejected and allowed; believes that the payment of a dividend of five shillings cannot be objected to and recommends that a mercantile house be employed to execute the agency so as to save cost of exchange. 184
London.

	1823		
January 10,	London.	Gillespie, Moffat, Finlay & Co., to Wilmot. Tender to distribute the money to be paid in Upper Canada for damages caused by the late war. The charge for bills of exchange and how they were to be drawn.	Page 163
		Calculation of the saving to be effected by their offer.	166
January 11,	London.	Galt to Wilmot. In event of government agreeing to pay five shillings on the amount of the Upper Canadian claims, recommends the acceptance of Gillespie & Co.'s offer.	186
January 20,	London.	Robinson to the same. The incorporation of a provincial bank; it might act as agent for the raising of money for the sufferers by the war as proposed by Galt. How it could be made useful.	285
January 22,	London.	Galt to Harrison. The arrangements that will be necessary to pay over the dividend of five shillings to the sufferers by the war.	187
January 27,	London.	The same to Wilmot. Proposals of arrangements to repay the payments to the sufferers by the war by a sinking fund or a lottery.	190
January 27,	London.	The same to the same. Respecting the best method of drawing for the payment in Upper Canada of the sufferers by the war.	193
January 27,	London.	The same to the same. Recapitulates the measures proposed and taken to pay the sufferers by the war.	196
January 28,	Winchelsea.	Henry Powell to the same. Respecting the grant to his son of 1,000 acres which includes two islands regarding which there is some obstacle. His son is willing to have a clause that he will give up possession of the islands if wanted for government purposes on being remunerated for his outlay.	271
January 28,	London.	Robinson to Wilmot. The claimants for losses in Upper Canada having employed a private agent, he would not trouble government with suggestions unless referred to. Objects to the employment of mercantile agents as the claimants are nearly all indebted to mercantile houses and it would not be fair if the money intended for those debtors should pass through the hands of one creditor. Remedies that might be applied which would only partially remove the evil. His diffidence in proposing that the newly chartered bank should act as agent, not being sure if the directors would undertake to negotiate the payment, but he had no idea of the objections raised by Galt; sends statement respecting the bank which may remove injurious impressions. Sees no objections to Galt's proposal that the matter might be left in the hands of the Lieut. Governor, nor does he see why the Receiver General might not manage the transaction.	288
		Notes on banks and on the circulating medium of the Canadas.	294
		Statement of the terms on which government has agreed to convey a limited number of settlers from Ireland to Upper Canada.	301
January 30,	Winchelsea.	Henry Powell to Wilmot. Further respecting the two islands for which he has written on behalf of his son.	274
January 31,	Treasury.	Lushington to the same. Respecting the sums deposited by settlers repaid to them in Canada, and amount restored to the Treasury to represent the amount paid in Canada to the settlers.	37
		<i>Enclosed.</i> Statements.	39 to 41
February 10,	London.	Galt to Wilmot. Presumes that the changes in the terms of the proposed loan have arisen from its being supposed that the loan was to be raised in Canada. Is still ready to go on with the arrangement as at first agreed to. Objects to the intricacy of the scheme as now proposed, by which two loans would be necessary.	200
		Remarks on the government loan.	203
		Reid to Galt. That no reasonable arrangement can be made to borrow by Canada unless the British Government should guarantee the whole of the interest; to guarantee only half the interest would necessitate two loans; the one not guaranteed would be negotiated with difficulty.	204

tribute the late war. awn. Page 163 166 y five shill- mends the 186 al bank; it y the war as 285 sary to pay 187 ay the pay- ery. 190 rawing for 193 posed and 196 on of 1,000 ne obstacle. sion of the ated for his 271 Canada hav- nment with mercantile houses and should pass be applied e in propos- being sure but he had pecting the objections to the Lieut. not manage 288 adas. 294 to convey a 301 islands for 274 by settlers Treasury to 37 39 to 41 of the pro- n was to be oment as at s now pro- 200 203 de to borrow o the whole necessitate h difficulty. 204	1823. Hullett Brothers & Co. to Galt. The plan for borrowing differs so much from what they understood that it is not practicable in the present state of the money market. Page 205 February 11, W. Ash to ——. The little likelihood of lands in Canada selling to Treasury. advantage for some time to come. How they might be disposed of, but is satisfied the finances of the colony cannot be put on a satisfactory basis by sales of land; new taxes should be imposed by the legislature. 42 February 12, Henry Powell to Wilmot. Is sending a memorial for land in Canada, Winchelsea. it being his desire to be near his only child, Major Powell. 275 <i>Enclosed.</i> Memorial. 277 February 13, S. Bannister to Wilmot. Sends on his brother's behalf, suggestions on Lincoln's Inn. colonising Upper Canada. He is desirous of taking an active share in the management of a settlement there, being a naval officer he has obtained permission of the Admiralty to make the offer. 77 <i>Enclosed.</i> Sketches of plans for settling in Upper Canada, a portion of the unemployed labourers of Great Britain and Ireland. 78 February 15, Memorial of John Small for leave to resign the office of Clerk of the London. Executive Council, and to have his allowances increased as Clerk of the Crown and Common Pleas. 321 February 25, Harrison to Wilmot. Applies again for copies of letters to Marshall, Treasury. Secretary, &c., at the Lanark settlement, asked for in December. 45 March 5, Conyngham to Wilmot. Sends copy of a note from the American Foreign office. minister for the revocation of proceedings in outlawry against John McDonnell, a citizen of the United States. 13 <i>Enclosed.</i> Papers relating to the case. 14 March 5, Address of the Roman Catholics of Upper Canada to the King on his Glengarry. accession, expressing their loyalty; their exertions to defend the interests of Great Britain; the blessing that had sprung from their misfortune in being obliged to leave their native country, and their gratitude for the liberality shown towards them. 263 There are upwards of 80 signatures, including those of the Bishop, magistrates, officers of militia, and others. March 6, Memorial by John Murdoch for salary during the time he was school- Lanark. master at Perth. 257 <i>Enclosed.</i> Certificates by the magistrates of Perth of the good character and efficiency of Murdoch. 260 March 10, Robinson to Wilmot. Long statement respecting the case of Me- London. Donnell for whom Lewis Cass, Governor of Michigan asks the rescinding of the sentence of outlawry and elaborate discussion on the law of allegiance due to the place of birth. 305 Small to the same. Sends memorial for an additional grant of land. 324 <i>Enclosed.</i> Memorial. 325 March 25, Bird to Wilmot. Requests an interview respecting land. London. 136 April 4, Harrison to the same. In reference to application from a son of the Treasury. late W. Jarvis, refers to letter of 6th July, 1815, and to directions to pay Jarvis £1,000 as satisfaction for his claims. If on reconsideration Bathurst does not consider that sum enough, the Treasury will pay such sum as Bathurst shall decide to be proper not to exceed £1,000. 46 April 29, Kirklands to the same. Sends further documents in support of London. Walker's claim for wounds received at Ogdensburg. 256 May 6, Taylor to the same Sends for the consideration of Bathurst, mem- Horse Guards. orial of W. Tully of the Carleton militia. 7 <i>Enclosed.</i> Memorial of W. Tully. He has only received 100 acres and a town lot the amount given to those with the smallest means of cultivation. Asks for 500 acres. 8 Certificate of character. 10
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1821.
May 15,
Doctor's
Commons. Law officers to Bathurst. If the king is pleased to reverse the out-
lawry of McDonnell, the reversal can be effected either by a *vol. pros* or
by a general pardon to McDonnell. Page 30
- May 17,
Liverpool. P. Robinson to Wilmot Horton. Note of tools required by an emi-
grant. 317
Enclosed. List of the tools required. 319
- May 19,
Misselburgh. Galt to Bathurst. No advice had been received in Canada of the
instructions to pay a dividend of five shillings on the claims of sufferers
and Maitland had not assented to the bill providing for the interest of
the loan. The sensation caused by those things. If the assent has been
withheld because the consolidated fund of Canada is exhausted, provis-
ion for the interest should be made by new taxation. It may be proper
to counteract the impression made among the creditors of the claimants.
206
- May 26,
Stanford. — to —. Sends extraordinary *Gazette* with the reason
assigned for cancelling the instruction to pay five shillings in the pound
which is a mere evasion on the part of the government as in the com-
munication made to the Assembly by Maitland, not a word was said
about the money being raised in Canada. Argument in support of this
view. 209
- May 28,
Treasury. Harrison to Wilmot Horton. The Treasury will allow to go duty free,
tools for the preparation of hemp in Upper Canada. 48
- June 2,
Whitehall. Adams to the same. Sends bill for £600 drawn by Bishop MacDonell
of Upper Canada for which there is no advice. Presumes it is for the
salaries of Roman Catholic teachers for two years. 3
- June 2,
Treasury. Harrison to the same. An order has been sent to investigate the
claims of officers of Militia of Upper Canada for arrears and to issue
warrants for the amounts ascertained to be due. 49
- June 2.
William Maitland to —. Sends letter from Adams respecting £500
paid by Garden of Montreal at the request of Bishop Macdonell to pay
the Catholic Schoolmasters. Is confident that Adams will be instructed
to pay the amount. 269
- June 5,
Fort William. Donald Cameron to Bathurst. Prays for a tract of land for a settle-
ment he proposes to make of poor emigrants who are about to sail from
the neighbourhood. 140
Enclosed. Certificate of character of Cameron. 141
- June 6,
War Office. Merry to Wilmot Horton. Lieut. Jarvis, of the incorporated militia of
Upper Canada was granted a pension under the provincial Statute of
57 George 3. The Secretary at War desires to know the provisions of
the Statute. 62
- June 19,
Whitehall. Hobhouse to the same. Asks for a perusal of the charter of Justice of
Upper Canada. 25
- June 30,
War Office. Merry to the same. Has laid letter before the Secretary at War that
pensions are given in Upper Canada to persons who lost an eye or were
disabled in the late war with the United States. Lord Palmerston asks
if it is to be understood that no information can be given as to the pro-
visions of the pension Act of 57 George 3. 63
- July 1,
Abusky. Hugh Heasey to Secretary of the Colonies. Urges the case of William
Fraser who had lost every house on his farm in 1815 which he has every
reason to suppose was done by the enemy. 160
- July 9,
Whitehall. Hobhouse to Wilmot Horton. Peel desires before taking the King's
pleasure of the case of the Indian, to be informed if there is any such
treaty as is alluded to in Campbell's letter of 9th September, 1822. 26
- July 11,
Treasury. Lushington to Wilmot Horton. Sends extract from report of the
Audit Office so far as relates to the sum issued to Allan for discharge of
claims of the militia of Upper Canada, and the Lords of the Treasury
desire to know if Allan has sent account of the application of the sum.
50

1823

Enclosed. Extract from report relative to sum paid to William Allan. Page 51

July 14, Musselburgh. Galt to Bathurst. Has received copy of the extraordinary *Gazette* from Canada. In the copy sent by His Lordship there were omissions which might be explained, but he protested against the use made of his name especially as it is to account for a new procrastination in a business marked by delay and reluctance in almost every stage of the proceedings. Elaborate statement respecting the loan for the sufferers. 215

Enclosed. Extract from a dispatch received by the Lieut.-Governor from the Secretary for the Colonies. Notes by Maitland on the loan. 225 229

July 18, Treasury. Harrison to Wilmot Horton. No preference can be given to flour from Canada as the contracts are given by competition on condition that it keeps sweet and good for six months after delivery. It will depend on the Canadian merchants themselves whether they can obtain the contracts or not. 52

July 19. Peel to Bathurst. Sends application from a discharged clerk, a man of good character. What are the most favourable terms on which he can be permitted to settle in Upper Canada? 27

July 25, War Office. Lukin to Wilmot Horton. The Secretary at War desires an answer to letter of 30th ulto., respecting the provincial Statute 57 George 3, regarding pensions to the militia of Upper Canada. 64

July 26, Treasury. Lushington to the same. Orders have been sent to the War Office to examine the nature and effects of the wound received by Capt. H. Walker, in an attack on Ogdensburg on the 4th October, 1812. 54

Enclosed. Pulmerston to Harrison. Orders sent for the examination of Capt. H. Walker. 55

July 26, Edinburgh. Campbell to Bathurst. Reports that Maitland had a doubt in regard to his (Campbell's) authority to exempt settlers from the payment of certain fees. The express conditions made with the emigrants. A few lines from him (Bathurst) would set the matter right. 142

Enclosed. Correspondence relating to the exemptions mentioned in the preceding letter. 145 to 158

July 28, London. Bicknell to Gordon. Having given up the office of treasurer to the society for the Propagation of the Gospel, and been succeeded by Markland, it may be necessary to intimate the same to Adams, authorizing him to pay to Markland, the sum voted by Parliament for the work of the society in the Canadas. 137

July 30, Whitehall. Adams to the same. Will require an official notice of the appointment of Markland to succeed Bicknell as the treasurer of the society for the Propagation of the Gospel. 4

Musgrave to Bannister. Reports the exertions of Hogan, an American, to get emigrants in Ireland for the United States, and the offer he has made them. How he is beset with applicants, contradicting Peel's statement of the unwillingness of the poorer classes to emigrate. Hogan has sent off about 600 in two vessels. 126

August 27, Cappoquin. The same to the same. Since writing, Hogan, it has been discovered, is an impostor, or at least made false representations and has suddenly disappeared. He has not swindled any one. 131

Memorandum respecting the loan for the relief of the sufferers. 231

August 27, Leamington. John Astle to ——— Offers to contract for carrying emigrants to Canada. The encouragement should be given after their arrival and arrangements made for their reception and settlement. 68

August 29, Dublin. Hobhouse to Wilmot Horton. Peel is desirous to relieve Sam. Thompson from the disqualification of outlawry, but the necessary instrument cannot be prepared till he is made acquainted with the constitution of the courts of justice of Upper Canada. 28

September 3, Whitehall.

- 1823
September 11, Taylor to Wilmot Horton. Transmits memorial from Lieut. Browne
Horse-Guards of the 21st. Page 11
- September 11, John Astle to ——— How emigrants are carried and the rates on
Dublin. board ship for passages, &c. The want of arrangement to receive them
on landing, the local authorities appearing to view them with jealousy
and thus the United States become the final receiver of the superfluous
population. About 4,000 persons annually emigrate from Dublin and
about 20,000 from all Ireland. How the emigration is distributed, the
persons being mostly small farmers with from £10 to £50, but they all
plead poverty. Mechanics find employment easily, but agriculturists
having to go to York for information, cross to Ohio or New York. The
difficulties interposed in the way of immigration to Canada by rules
that are adapted for Van Dieman's Land. Other criticisms on this
system. "A well regulated immigration will do more to quiet Ireland
than Martial law." 70
- September 19, Galt to Wilmot Horton. The Treasury has decided that until the
London. Legislature of Upper Canada make a special appropriation or reduce the
annual demand on account of the war losses no more would be done there.
As he understands it, when the colony has done this the Treasury will then
be in a condition to go to Parliament for a grant. Is persuaded that no
time will be lost in instructing the Governor to obtain the necessary
concurrence of the legislature, and also that he be directed to have pay-
ment made of the five shillings in the pound. Felt surprise at the
cause of the failure being attributed to his fault; had suppressed his
pain, but hoped the statement would not be repeated. It is sufficient for
him to have suffered from Maitland's indiscreet publication, but it would
be ridiculous to ask for a public explanation of a public inadvertency. 236
- September 20, Wilmot Horton to Davison. Sends documents for him to read in
Ipswich. reference to Galt's business. 239
Enclosed. Letters, minutes, &c. 241 to 248
- September 23, Harrison to Wilmot Horton. The Lords of the Treasury see no reason
Treasury. to depart from the conditions expressed in letter of the 15th February
last to Sir P. Maitland, respecting the payment of the claims of the
sufferers by the late war. Maitland has been already authorised to dis-
tribute the sum of £57,412 10s. without even the delay of waiting till
the colonial legislature had voted an equal sum, which was the basis of
the original proposition. 56
- October 11, Musgrave to Bannister. Congratulates him on doing justice to Upper
Cappoquin. Canada. *Australia* has firm hold of the press. Canada is represented
as covered with large trees in summer and snow in winter, whilst New
South Wales is represented as a garden of Eden. The cost of his book
prevents the sale it would otherwise have. 133
- October 15, Harrison to Wilmot Horton. Repeats the application made by the
Treasury. Secretary at War for account of the annual amount of Lord Macaulay's
salary, &c., as secretary to a board for the investigation of claims in
Canada. 58
- October 23, Herries to Wilmot Horton. The Lords of the Treasury regret they
Treasury. have no funds to enable them to grant Mrs. McGregor a pension. 59
- October 30, Adams to the same. Applies to have a specific order to pay the Chief
Whitehall Justice his salary as Executive Councillor during his absence. 5
- November 24, James Stephen, jr., to the same. Legal opinion on the proceedings of
Lincoln's Inn. the arbitrators on the claims between Upper and Lower Canada. In
case of the duties levied under British Acts of Parliament, the arbitra-
tors are not to decide on the claims, but are to report to the Treasury
which will decide. The duties levied under agreements by the two pro-
vinces are to be decided and reported to the Treasury, which has no
power to rescind or alter the decision. 33

t. Browne
 Page 11
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1823.
 December 3,
 London.

Gourlay to Wilmot Horton. In consequence of a report that Hume had in the House of Commons complained of the ill usage to him (Gourlay) he wrote to him (Horton) that he would lay before the House of Commons not only a statement of grievances, but an exposé of the weakness and wickedness of the provincial government and for public reference the letter was printed. Had written also to Hume that he would attend in London as soon as required, but did not move expecting the arrival of deputies from Canada, sure that the Government bill would not be approved of. The deputies had arrived, but had only seen the Ministers in private. Objects in strong terms to the principles of the government in respect to emigration as being wasteful to the nation and as not securing any lasting benefit. The extent of the British Empire described, war is only suspended and despots may stir up strife; how by peaceful means Great Britain could secure the Empire of the world by the gradual establishment of free trade, with a grand system of emigration and the reform of the poor laws. The ignorance of the principles of emigration; instances the failures of Penn, Selkirk and another. His own views led to neglect and worse. His belief in the benefit of misfortunes as the price that must be paid for all that is excellent. Is sanguine of good even by telling him (Horton) that he is as blind as a bat with regard to the true principles of emigration. Page 167

Enclosed. Copies of correspondence with the Earl of Pembroke and others on the subject of emigration. 175

December 4,
 Treasury.

Herries to Wilmot Horton. Transmits bill drawn by Robinson, superintendent of emigration from the South of Ireland, dated "Perth, Upper Canada," 18th October last, for Bathurst's consideration. 60

December 9,
 War Office.

Merry to the same. Transmits letter from Greenwood, Cox & Co. To report if it is likely that the civil appointment of Lieut. Colonel Foster will exceed £383 per annum, as that amount would not preclude him from receiving his half-pay. 65

Enclosed. Greenwood, Cox & Co., to the Secretary at War. To authorize the issue of Colonel Foster's half-pay together with the pay of his civil appointment; which it is stated will not exceed £100 per annum. 66

December 16,
 Musselburgh.

Galt to Wilmot Horton. Bishop Macdonell has lent him (Galt) the reports on Canadian Crown Lands. Sees ample means there to satisfy the claims if properly taken up; has called the attention of the Chancellor of the Exchequer to the subject, the obstacles having chiefly arisen from the Treasury. The prejudiced statements made against the claims; shall regret if it become imperative to accuse any one. 249

December 30,
 London.

Baring Brothers & Co. to Bathurst. Send power of Attorney to have the signature of Maitland attested. 138

No date.

Remarks on Hill's note on the prospect of raising money by the sale of land. 281

