

Extracts from the Journals of the House of Assembly.

Wednesday, 21st January, 1835.

1 *Resolved*—That an humble address be presented to His Excellency the Lieutenant Governor, thanking His Excellency for the Gracious Speech with which he has been pleased to open the present Session of the Legislature.

Thursday, 22d January, 1835.

2. *Resolved*—That this House learns with unfeigned satisfaction from His Excellency that the welfare and general interest of the Colony are in a prospering condition, and that their early attention and consideration shall be directed to the best means that can be prudently applied for the promotion of public improvements in the Province, and that His Excellency may rest assured that they will be most ready and happy to afford every encouragement to the laudable spirit of independence and enterprise among the industrious inhabitants of the Province, arising from whatever cause it may and they feel it to be their duty to express to His Excellency their full conviction, that no one step of the Legislature can more tend to afford encouragement to the industrious and enterprising agriculturist of the Province (who must always be considered the most important class in the colony) than the imposition of a suitable and proper protecting duty on various articles coming from the United States of America which now are admitted duty free; and also to state, that this House cannot but regard the subject of General Education as of the most vital importance to the future peace and welfare of this colony.

In amendment Mr. McLean, seconded by Mr. Samson, moves that after the word “Resolved” the whole be expunged, and the following inserted—

“That this House has much satisfaction in being convened to promote by its counsels the welfare of the people at a period when the increased activity, with which every description of improvement proceeds throughout the Province, affords assurance that the general interests of the colony are greatly prospering.

On the amendment the house divided:

Yeas—Messrs. Att’y General, Boulton, Caldwell, Lewis, McCrae, McKay, McLean, Macnab, Malloch, Morris, Richardson, Robinson, Rykert, Samson, Sol. General, Strange, Taylor, Walsh, Wilkinson,—19.

Nays—Messrs. Alway, Bruce, Chisholm, Cook, Cornwall, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Hopkins, Lount, McDonell of Stormont, McIntosh, Mackenzie, McMicking, Moore, Morrison, Norton, Perry, Roblin, Rymal, Shaver, Shibley, Small, Smith, Waters, Wells, Wilson, Woolverton, Yager—30.

The question of amendment was decided in the negative by a majority of Eleven On the original question the House divided,

Yeas—Messrs. Alway, Bruce, Chisholm, Cook, Cornwall, Duncombe of Oxford, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Hopkins, Lount, McDonell of Stormont, McIntosh, Mackenzie, McMicking, Moore, Morrison, Norton, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Smith, Walsh, Waters, Wells, Wilson, Wolverton, Yager—53

Nays—Messrs. Attorney General, Boulton, Caldwell, Gowan, Lewis, McCrae, McDonell of Glengary, McDonell of Northumberland, McKay,

McLean, Macnab, Mallock, Merritt, Morris, Richardson, Robinson, Rykert, Samson, Sol. General, Strange, Tayler, Wilkinson — 12.

The original Resolution was carried by a majority of eleven.

3. *Resolved*—That we are gratified to be informed that the Rideau Navigation is in full operation, and that the commerce by the Well and Canal is on the increase.

4. *Resolved*—That this House will bestow their early attention on the public accounts and estimates when sent down; but feel it to be their duty at once to express to His Excellency their most anxious desires that His Excellency will not fail to lay before the House a full complete and detailed account of the whole Receipts and Expenditure of what is generally termed, the Casual and Territorial Revenue, agreeably to the Despatch of Lord Goderich of the 8th November 1852, on that subject, and the Address of this House to His Excellency in its last two sessions of Parliament—and that the disbursements made to the different Boards of Health to mitigate the distress, and counteract as far as possible, that fatal disease which afflicted the Province again last season, will meet our early attention, and that this House will not fail to make such provisions as shall appear to be just and expedient.

In amendment to the last Resolution, Mr. McLean, seconded by Mr. Samson, moves that after the word “*Resolved*” the whole be expanded, and the following inserted:—

“That this House will take into its attentive consideration the annual Accounts, the Estimates of the amount required for the public service of the current year, and the statements of the Casual and Territorial Revenue, as well as the detailed accounts of the disbursements authorised during the prevalence of the disease which by the dispensation of divine providence again afflicted this province.”

The house divided on the amendment.

Yeas—Messrs. Attorney General, Boulton, Gowan, Lewis, McDonell of Glengarry, McDonell of Northumberland, McKay, McLean, Malloch, Merritt, Morris, Richardson, Robinson, Samson, Sol. General, Strange, Tayler, Walsh. —18.

Nays—Messrs. Alway, Bruce, Chisholm, Cook, Duncombe of Oxford, Durand, Hopkins, Lount, McMicking, Moore, Morrison, Norton, Parke, Perry, Roblin, Shaver, Shibley, Smith, Wilson, Wells, Wolverton, Yager — 12.

The question of amendment was decided in the negative by a majority of 4.

On the original resolution the House divided,

Yeas—Messrs. Alway, Bruce, Chisholm, Cook, Duncombe of Oxford, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Hopkins, Lount, McIntosh, Mackenzie, McMicking, Moore, Morrison, Norton, Parke, Perry, Roblin, Shaver, Shibley, Smith, Wells, Wilson, Wolverton, Yager — 27.

Nays—Messrs. Att’y General, Boulton, Gowan, Lewis, McDonell (Glengarry), McDonell, (Northumberland), McKay, McLean, Malloch, Merritt, Morris, Richardson, Robinson, Rykert, Samson, Small, Sol. General, Strange, Tayler, Walsh—20.

The original resolution was carried in the affirmative by a majority of seven.

5. *Resolved*,—That our attention shall be applied to the laws which are about to expire.

6. *Resolved*—That this house will be happy to receive any message from his Excellency relating to the public affairs of the Province, as also such as may tend to prevent a delay in the administration of Public Justice; and to the arrangement proposed for the reorganization and establishment of the Post Office in the Colonies, a subject which has long engaged the attention of the House of Assembly.

7. *Resolved*—That it is gratifying to learn that his majesty has received through His Excellency from the people of this Province, fresh proofs of their devoted loyalty and of their sincere and earnest desire to maintain and perpetuate the connexion with the great Empire of which they form an important part—These fresh demonstrations welcomed as they are by his majesty, will serve to counteract any interested misrepresentations intended to impress his majesty with the belief, that those who desire to reform many public abuses in the Province, are not well affected to his Majesty's person and government.

In a country possessing free institutions and an educated population, capable of estimating the fidelity with which their local affairs are conducted, it is inevitable that differences of opinion will arise; but we deprecate the spirit with which these differences have been applied by some in office, to impeach the loyalty, integrity and patriotism of those who conscientiously dissent from them on questions of public policy and expenditure; thereby creating divisions and dissensions destructive of the peace, welfare and good government of the country, and calculated to impair the confidence of the people in the disposition of his majesty's advisers to give them their proper balance of constitutional power; and we feel that we should be wanting in candour were we to withhold from His Excellency our firm belief that nothing whatever would serve more effectually to alienate the affections of his Majesty's loyal people and render them dissatisfied with the administration than the exciting such feelings,—while, on the contrary, should the Government be administered agreeably to the intent, meaning and spirit of our Glorious constitution, the just wishes and constitutional rights of the people duly respected, and the favours and patronage of His Majesty indiscriminately bestowed on persons of worth and talent, who enjoy the confidence of the people, without regard to their political or religious opinions, and His Excellency's Councils filled with moderate, wise and discreet individuals, who are understood to respect and to be influenced by the public voice, we have not the slightest apprehension, but the happy connexion between this Province and the Parent State may long continue to exist and be a blessing mutually advantageous to both.

In amendment to the last resolution Mr. McLean, seconded by Mr. Robinson, moves that all after the word "*Resolved*" be expunged and the following inserted—"That this House learns with much satisfaction that the assurances received from the inhabitants of this Province in the course of the past year, expressive of their attachment to their Sovereign, and which were transmitted by His Excellency to the Secretary of State for the Colonies, have afforded to his majesty so much gratification; and that this House is fully persuaded that these assurances of devoted attachment and unshaken loyalty would have been more generally presented, had any apprehension existed that his majesty's Government could entertain a belief, that the people of this favored Colony could be induced by sedition and unfounded representations from any quarter to forego their allegiance, or to regard the indulgent and

Parental rule of the mother country as a "baneful domination;" and that his Excellency be assured that this House feels fully convinced of the anxious desire of the people of this Province to maintain and perpetuate the connection with the great Empire of which they are proud to be subjects, and that no effort will be wanting on the part of this House, to remedy, as far as practicable any existing evils, and to cement more strongly, if possible, those bonds of attachment which have heretofore subsisted between the inhabitants of this Province and the mother country.

The House divided on the amendment.

Yeas—Messrs. Att'y General, Boulton, Caldwell, Cornwall, Gowan, Lewis, Mc'rae, McDonell, (Glengarry,) McDonell, (Stormont,) McDonell, (Northumberland,) McKay, McLean, Malloch, Merritt, Morris, Richardson, Robinson, Rykert, Samson, Sol. General, Strange, Tayler, Walsh, Wilkinson, 24.

Nays—Messrs. Alway, Bruce, Chisholm, Cook, Duncombe, (Oxford,) Duncombe, (Norfolk,) Durand, Gilchrist, Hopkins, Lount, McIntosh, Mackenzie, M'Micking, Moore, Morrison, Norton, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Smith, Waters, Wells, Willson, Wolverton, Yager, —29.

The question of amendment was decided in the negative by a majority of five.

The House then divided on the original question.

Yeas—Messrs. Alway, Bruce, Chisholm, Cook, Duncombe, (Oxford,) Duncombe, (Norfolk,) Durand, Gibson, Gilchrist, Hopkins, Lount, McIntosh, M'Micking, Moore, Morrison, Norton, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Smith, Waters, Wells, Willson, Wolverton, Yager, —29.

Nays—Attorney General, Boulton, Caldwell, Cornwall, Gowan, M'Donell, (Glengarry,) M'Donell, (Stormont,) M'Donell, (Northumberland,) M'Kay, M'Lean, Malloch, Merritt, Morris, Richardson, Robinson, Rykert, Samson, Solicitor General, Strange, Tayler, Walsh, Wilkinson. —22.

The original question carried in the affirmative by a majority of 7.

Ordered, that Messrs. Perry, Norton and Bruce, be a Committee to draft and report an address pursuant to the foregoing resolutions.

Friday, 23rd January, 1835.

Mr. Norton from the Select Committee to draft an Address in answer to His Excellency's Speech from the Throne at the opening of the present session, reported a draft, which was received; read twice, adopted, and ordered to be engrossed and read a third time this day.

Pursuant to the order of the day the Address to his Excellency the Lieut. Governor, in answer to his Excellency's Speech from the Throne at the opening of the present session, was read the third time; and on the question for passing the same being put.

Mr. M'Lean, seconded by Mr. Robinson, moved, that after the word "assembled" the whole be expunged, and the following inserted:—

"beg leave to thank your Excellency for your gracious Speech delivered from the Throne at the opening of the present session."

"We have much satisfaction in being convened, to promote, by our counsels, the welfare of the people, at a period when the increased activity with which every description of improvement proceeds throughout the pro-

vince, gives assurance, that the general interests of the colony are greatly prospering."

"We have no doubt that the advantages resulting from the flow of emigration to the province, and from the useful works which have been accomplished under the direction of the parent state and of the Legislature of this country, in connection with the exertion, perseverance and spirit of enterprise, so conspicuous in each district, have greatly contributed to the independence and comfort which the more industrious portion of the population has attained; and that these considerations will engage the attention of the House in deciding on the means that can be prudently applied to encourage the present ardour for improvement; and to carry into effect the undertakings which have been projected to connect more extensively the navigable waters of some of the most flourishing districts."

"It affords us much gratification to learn that the completion of the Grenville Canal and other public works on the River Ottawa, has brought the Rideau Navigation fully into operation, and that the internal commerce carried on through the Welland Canal, increases, and will be extended by the improved communications in progress on the Grand River."

"We shall take into attentive consideration the annual public accounts, the estimates required for the public service of the current year, the statements of the casual and territorial revenue, and the detailed accounts of the disbursements authorised during the prevalence of the disease, which, by the dispensation of Divine Providence, has again afflicted the province."

We shall also pay due attention to the Laws which are about to expire; and shall receive, with every respect, any suggestions from his Majesty's Government as to the propriety of making such a revision of the legal institutions of the province as will prevent a delay or failure of justice in any case; and the views of his Majesty's Government relative to the arrangements proposed for the re-organization of the Post-office in the colonies, will, when communicated by your Excellency, receive our best consideration.

We learn, with much satisfaction, that the assurances receive from the inhabitants of this province, in the course of the past year, expressive of their attachment to their Sovereign and which were transmitted by your Excellency to the Secretary of State for the Colonies, have afforded to his Majesty so much gratification; and we are fully persuaded that these assurances of devoted attachment and unshaken loyalty would have been more generally presented, had any apprehension existed that his majesty's government could entertain a belief that the people of this favoured Colony could be induced by seditious and unfounded representations from any quarter, to foregoe their allegiance, or to regard the indulgent and parental rule of the mother country as a "baneful domination."

We beg to assure your Excellency of the continued and anxious desire of the people of this Province to maintain and perpetuate the connection with the great empire of which they are proud to be subjects, and that no effort will be wanting on our part to remedy as far as practicable, any existing evils, and to cement, if possible, more strongly, those bonds of attachment which have heretofore subsisted between the inhabitants of this Province and the mother country.

On the amendment the House divided,

Yeas—Att'y General, Boulton, Caldwell, Cornwall, Gowan, McCrea, McDonell of Glengarry, McKay, McLean, Malloch, Merritt, Morris, Robinson, Samson, Walsh, and Wilkinson—16.

Nays—Alway, Bruce, Chisholm, Cook, Durand, Gibson, Gilchrist, Hopkins, Lount, McIntosh, Mackenzie, McMicking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Waters, Wells, Willson, Woolverton, Yager,—25.

The question of amendment was decided in the negative by a majority of nine and the Address was passed and signed by the Speaker, and is as follows :—

To His Excellency Sir John Colborne, K. C. B. &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We his majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, humbly thank your Excellency for the gracious speech with which your Excellency was pleased to open the present session of the Legislature. We assure your Excellency that we learn with unfeigned satisfaction that the welfare and general interest of the Colony are in a prospering condition, and that our early attention and consideration shall be directed to the best means that can be prudently applied for the promotion of public improvements. Your Excellency may rest assured that we will be most ready and happy to afford every encouragement to a laudable spirit of independence and enterprise, among the industrious inhabitants of the province, [arising from whatever cause it may] and we feel it to be our duty to express to your Excellency our full conviction, that no one step of the Legislature can more tend to afford encouragement to the industrious and enterprising agriculturist [who must always be considered the most important class in the Colony.] than the imposition of a suitable and proper protecting duty on various articles, coming from the United States of America which now are admitted duty free; and we also assure your Excellency that we cannot but regard the subject of general Education, as one of the most vital importance to the future peace and welfare of the province.

We are gratified to be informed that the Rideau navigation is in full operation, and that the commerce by the Welland Canal is on the increase.

Our early attention shall be bestowed on the public accounts and estimates, when sent down, but we feel it to be our duty, at once to express to your Excellency our most anxious desire, that your Excellency will not fail to lay before us a full, complete, and detailed account of the whole receipts and expenditure, of what is generally termed, the Casual and Territorial Revenue, agreeably to the Despatch of Lord Goderich of the eight of November 1832 on that subject, and to the addresses of this house to your Excellency in its last two sessions of Parliament. The disbursements made to the different Boards of Health to mitigate the distress and counteract, as far as possible, the fatal disease which afflicted the province again, last season, shall meet with our early attention, and we will not fail to make such provisions as may appear to be just and expedient to make good the same.

Our attention shall be applied to the Laws which are about to expire.

We beg to assure your Excellency, that we will be happy to receive any communications from your Excellency, having a tendency to prevent delay in the administration of justice, or touching the reorganization and better establishment of the Post Office Department in these Colonies, [a subject which has long engaged our most serious attention,] or any other message or messages that your Excellency may be pleased to communicate to this House relating to the public affairs of the Province.

It is gratifying to learn that his majesty has received, through your Excellency, from the people of this Province, fresh proofs of their devoted loyalty, and of their sincere and earnest desire to maintain and perpetuate the connexion with the great Empire of which they form so important a part. These fresh demonstrations, welcomed as they are, by his majesty, will serve to correct any interested misrepresentations intended to impress his majesty with the belief that those who desire to reform many public abuses in the Province, are not well affected to his majesty's Person and Government.

In a country possessing free institutions and an educated population capable of estimating the fidelity with which their local affairs are conducted, it is inevitable that differences of opinion will arise, but we deprecate the spirit with which these differences have been applied by some in office, to impeach the loyalty, integrity, and patriotism of those who conscientiously dissent from them on questions of public policy and expenditure, thereby creating divisions and dissensions, destructive of the peace, welfare and good government of the county, and calculated to impair the confidence of the people, in the disposition of his majesty's advisers to give to them their proper balance of constitutional power; and we feel that we should be wanting in candour were we to withhold from your Excellency our firm belief that nothing would serve more effectually to alienate the affections of his majesty's loyal people, and render them dissatisfied with the administration, than the exciting such feelings; while on the contrary, should the Government be administered agreeably to the intent, meaning, and spirit, of our Glorious Constitution, the just wishes and constitutional rights of the people duly respected, the favors and patronage of his majesty indiscriminately bestowed on persons of worth and talent, who enjoy the confidence of the people, without regard to their political or religious opinions, and your Excellency's Councils filled with moderate, wise, and discreet individuals, who are understood to respect and to be influenced by the public voice, we have not the slightest apprehension but the connexion between this province and the Parent State would long continue to exist, and be a blessing mutually advantageous to both.

MARSHALL S. BIDWELL, SPEAKER.

Commons House of Assembly, Janr 23, 1835.

MONDAY, 26th JANUARY, 1835.

At 2 o'clock P. M. the House waited upon his Excellency the Lieut. Governor with its address, in answer to his Excellency's speech from the Throne, at the opening of the present Session, and, being returned, the Speaker reported that his Excellency had been pleased to make thereto the following reply:

GENTLEMEN,

I thank you for the assurances in this address, that you will direct your early attention to the objects which I have recommended to your consideration.

The difficulties which the Province encountered, as a small population being dispersed over an extensive territory, may, I am persuaded, be gradually removed by your exertions.

The foundation of a vast agricultural community is laid, and will be speedily raised up, if the flow of Emigration from the parent state, be diligently encouraged.

In pursuing measures that are necessary to render your settled Townships easy of access, the immediate profits which may be derived from Canals and roads as regards the capital employed in their construction, must be deemed of little importance compared with the value which they impart to the products of the country which they traverse, and the wealth created by the labour bestowed on them.

No subject has been more constantly brought under the notice of the Legislative Council and the House of Assembly than that of Education.—An efficient system can scarcely be adopted in sections of the country where settlers are widely scattered. Township schools, however, should be immediately organized, and some practical mode decided on, in applying the funds which may accrue from the sale of school lands, not alienated by his majesty's government, and which have been placed under the controul of the Legislature, at the request of the House of Assembly, by the King. And I again suggest the expediency of appointing a commission to carry into effect the measures of the Legislature in regard to the distribution of the proceeds of these lands.

Misrepresentations, from whatever source they may arise, cannot fail to effect the welfare of the public, and the happiness of individuals ; and altho' the devoted loyalty of the Colony is established, and precisely understood, your discountenance of the unworthy efforts to which you advert in this address, will promote that moderation, temper, and allowance for a conscientious difference of opinion so requisite in political controvercies, and tend to discover persons of political integrity, who will labor zealously to correct abuses, without impeding public improvements, whose counsels will be serviceable to the public, while they watch over our excellent constitution of three estates. The Law of the Land, the Prerogative of the Crown, and the inherent rights of the people.

*Extracts from the Journals of the
House of Assembly.*

BY ORDER OF
THE HOUSE OF ASSEMBLY.

J. REYNOLDS, PRINTER.

JAN^y 1835.

