

MESSAGE

FROM LEGISLATIVE COUNCIL

WITH CERTAIN RESOLUTIONS ON THE SUBJECT OF

THE CLERGY RESERVES.

MR. SPEAKER,

The Legislative Council have passed the accompanying resolutions on the subject matter of the bill entitled "An Act for the disposal of the Clergy Reserves in this Province for the purposes of General Education," to which they request the concurrence of the Commons House of Assembly.

JOHN B. ROBINSON.

SPEAKER.

LEGISLATIVE COUNCIL CHAMBER, }
Twenty-sixth day of March, 1835. }

Resolved—That His late Majesty King George the Third having been graciously pleased by message to both Houses of Parliament to express His Royal desire to be enabled to make a permanent appropriation of lands in this province for the support and maintenance of a protestant clergy within the same, provision was made for that purpose by Parliament, in the statute passed in the thirty-first year of His Majesty's reign, Chap. 31. by directing a reservation of lands to be made and set apart in the proportion of all the lands that should be granted by His Majesty in the said province, and by declaring that all and every the rents, profits, emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid should be applied solely to the maintenance and support of a protestant clergy within the province, and to no other use or purpose whatever.

Resolved—That such allotments and appropriations as the act directs having been made from time to time, and continuing to be set apart under the designation of Clergy Reserves, a claim was advanced in the year 1821 on behalf of the Church of Scotland, to be allowed to share in those reserves, or in the rents, profits or emoluments to be derived from them; which claim was made and has been urged, upon the footing of a legal claim, grounded on the construction of the statute, and on the rights of the Church of Scotland, as a church established in one part of the United Kingdom.

RESOLUTIONS ON THE SUBJECT OF THE

Resolved—That it has been advanced by other portions of the people of this province that all protestant denominations have a right, in common with the Church of England, to have their clergy supported from the reserves in question, and that no exclusive right can be vindicated under the act, in favor of any one or more protestant churches.

Resolved—That efforts have also been made to procure a total abolition of this provision for the support of religion, by obtaining an act of the Provincial Legislature, directing the sale of the reserves, and the appropriation of the proceeds to purposes of general education.

Resolved—That by these conflicting claims and opposing views, in regard to a subject of so great interest and importance, the minds of His Majesty's subjects in this province have for a long period been rendered anxious and unsettled, and, in the opinion of the Legislative Council, it is for many reasons much to be desired, that a speedy and final settlement should take place of the questions which have arisen upon the effect of the enactments referred to, and that it should be plainly, certainly and firmly established to what specific objects the Clergy Reserves shall be permanently applied.

Resolved—That the Legislative Council, confiding in the wisdom and justice of His Majesty and the Imperial Parliament, think it expedient and proper humbly to address His Majesty and both Houses of Parliament, representing that the Legislature of this Province has been unable to concur in any measures respecting the Clergy Reserves; and earnestly requesting that the Imperial Parliament will, with as little delay as possible, make such an enactment on the subject as cannot appear to leave any room for doubt or question in regard to the objects to which the proceeds of the Clergy Reserves are to be applied; and that having regard to the present condition and future welfare of this colony, and maturely considering whatever has been urged or may be urged in regard to these reserves, they will, by some measure which shall be final and unequivocal, make such an appropriation of them as shall appear to be most consistent with a due regard to religion, to the principles of our constitution, and to the permanent welfare and tranquillity of the province.

Resolution of the House of Assembly growing out of the foregoing.

Resolved,—That this House has repeatedly expressed the opinion that the lands appropriated for the support and main-

tenance of a Protestant Clergy within this Province, commonly called the Clergy Reserves, ought, for various reasons, to be sold; that it would be unjust to apply the monies arising from the sale of the same, to the benefit of one or more favored religious denominations, & that it would be impracticable, and from many considerations inexpedient, to distribute the monies arising therefrom among all denominations, and that this House has been unremitting in its endeavors to procure the sale of these lands, and the application of the funds produced by such sale to objects of great importance and interest to the people of this Province; that with this view, the House has heretofore repeatedly passed bills providing for the sale of the Clergy Reserves, and the appropriation of the monies arising therefrom to the support of education, which bills have been rejected without amendment by the Legislative Council; that with the same view this House has repeatedly made known, by humble and dutiful address to His Majesty, their wishes and opinions, and the wishes and opinions of His Majesty's faithful subjects in this Province on this highly important subject; and this House take this opportunity of declaring that these wishes and opinions, both on the part of this House and of their constituents remain entirely unchanged—that during the second session of the last Parliament, His Excellency the Lieutenant Governor, by message, informed this House, that he had received His Majesty's instructions to declare that the representations which had at different times been made to His Majesty and His Royal predecessors, of the prejudice sustained by His Majesty's faithful subjects of this Province from the appropriation of the Clergy Reserves had engaged His Majesty's most attentive consideration, and His Majesty has most graciously been pleased to invite the House of Assembly to consider how the powers given to the Provincial Legislature by the constitutional Act to vary or repeal the provisions which it contains for the allotment and appropriation of the Clergy Reserves could be most advantageously exercised for the spiritual and temporal interests of his faithful subjects in this Province. That this House, in compliance with His Majesty's wishes thus graciously expressed, and with the strong and well known desires of His Majesty's faithful subjects in this Province, has passed a bill during the present session to provide for the sale of the Clergy Reserves, and to apply the monies arising from such sale to the support of education—that the Legislative Council has not passed the said bill—has not amended it—and has not passed any other bill on that subject. That under these circumstances, this House cannot but express the extreme astonishment with which it has received the representations of

4 EXECUTIVE AND LEGISLATIVE COUNCILS.

the Legislative Council—that the Legislature of the Province has been unable to concur in any measure respecting the Clergy Reserves, and altho' this House has little expectation that the Legislative Council, as now constituted, will comply with the wishes of the people of the Province, yet it feels bound to declare that this House is, and always has been, ready and anxious to concur in any just and reasonable measure whatever by which the Clergy Reserves could be applied to such useful purposes as would be most advantageous to His Majesty's faithful people in this Province, and most conformable to their well known wishes—that this House cannot but express its confident hope, that His Majesty will not be induced by any representation, whether secret or open, to depart from the gracious intentions which he has been pleased to intimate, of complying with the earnest and repeated solicitations of His Majesty's faithful subjects in this Province on that subject—that this resolution be laid before His Excellency the Lieutenant Governor, and that His Excellency be requested to transmit the same to the Secretary for the Colonies, and call the early attention of His Majesty's government to the importance of the same, to the interest, peace, welfare, prosperity and happiness of His Majesty's faithful people of this Province.

REPORT of Select Committee on the Executive and Legislative Councils of this Province.

TO THE HON. THE COMMONS HOUSE OF ASSEMBLY.

The Select Committee appointed to enquire relative to the tenure on which the advisers of the Executive Government hold their offices, and the expediency of introducing the same practice in the administration of the Government of this Province as that acted upon in England, and also relative to the composition of the Legislative Council, have considered the same, and have agreed to the following report:—

Your Committee have examined the Journals of the House of Assembly for eleven years back, and find that, for several successive sessions, a bill passed through the House of Assembly, by overwhelming majorities, repealing an act passed in the 44th year of the reign of His late Majesty King George the Third, entitled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof," by which law, any of His Majesty's British born subjects, whether born in England, Ireland, or Scotland, and not having resided in the province a certain

length of time, might be ordered to leave the Province by any single Justice of the Peace, without trial, by Judge or Jury—and in case such British subject should neglect or refuse to obey his worship's despotic order was subject and liable to be banished for a term of seven years, for no other offence or crime charged or proved against him than disobeying the Magistrate's order.

Under this law Robert Gairlay, Esq. a British born subject, was banished from this Province, on account of which the said law created an excitement and became obnoxious to the people of the Province; yet His Majesty's then Attorney General having a seat in the House of Assembly, was found standing alone, voting against the repeal of the said law, from the year 1824 until the year 1829, both inclusive, and even after Sir John Colborne, in his speech at the opening of the first session of the tenth Parliament, recommended to both Houses of the Legislature the repeal of the said law, the said Attorney General voted against the repeal of the same, as if in defiance of the recommendation of His Majesty's Representative, and still continued to hold his office, and enjoyed his salary, until he was appointed Chief Justice and Speaker of the Hon. the Legislative Council, which took place in less than twelve months afterwards. Then again the measure for disposing of the Clergy Reserves for the purposes of education has, for the last eleven years, been loudly called for by the great body of the people, from one end of the province to the other, and for that purpose the representatives of the people have resorted to various measures, sometimes the passing of bills, and sometimes by a humble address to the King, and even in the last parliament not more than one in ten of its members could be found to oppose such a disposition, yet, notwithstanding the anxious wishes of the people, and notwithstanding the said disposition is fully authorised by the 31st Geo. 3rd., and notwithstanding His Majesty was most graciously pleased by His despatch transmitted to the Lieutenant Governor of this Province, and by him transmitted to this House, on the 25th January, 1832, inviting the House of Assembly to consider how the powers given to the provincial Legislature by the said 31st of the King, can be called into exercise most advantageously for the spiritual and temporal interests of His Majesty's faithful subjects in this Province, His Majesty's present Sol. General has been constantly most violently opposed to the said measure, and, that too, in a very small minority—as also in the like predicament, during the present session, on almost every important question—and which measures he has been pleased to denounce as most unconstitutional and destructive of our form of government.

6 EXECUTIVE AND LEGISLATIVE COUNCILS.

thereby shewing his utter contempt, not only of the wishes of the people, but of His Majesty's express wish and desire.

We cannot but notice also the very extraordinary manner the said Solicitor General spoke of, and treated by his vote, the despatch of Lord Goderich, His Majesty's Principal Secretary of State for the Colonies, of the 8th November, 1832, recommending to the Government of this Province, various measures of reform which had been long sought for by His Majesty's faithful people in the Province:—Your Committee would not be understood as wishing by any means to deny the right of the advisers of the Provincial Government, or any other persons who may have seats in the House of Assembly, to express their opinions fully and independently, or to vote on any question as they may think proper and expedient; but Your Committee submit that in their opinion it is altogether incompatible with the spirit of our constitution that such advisers of government should continue to hold their offices and enjoy their salaries any longer than their views should be found to correspond with a majority of the representatives of the people, in great leading and constitutional questions, or that they should put themselves in a factious opposition to the just wishes of the people, and the advice of His Majesty's Government.

Your Committee have also examined the Journals of this House as well as those of the Honorable the Legislative Council, for the purpose of comparing the proceedings with the proceedings of the Legislative Council relative to various important measures loudly called for by the people, and calculated to advance their welfare and happiness. Your Committee would observe that this House who have labored incessantly during the present session for the accomplishment of various important measures, many of which have long been sought for by a large majority of the people; some of which have received His Majesty's gracious consideration and sanction, have passed and sent to the Hon. the Legislative Council, among others, the following bills:—To protect the agricultural interests of this Province from a ruinous foreign competition—to provide for the just and equal distribution of the property of persons dying intestate—to secure an impartial trial, by Jury, and to take from the Sheriff's, who hold their offices during pleasure, the power which they now possess of packing Juries—to relieve an excellent and meritorious class of His Majesty's subjects from burthens and penalties which are imposed by the Militia Laws of the Province, and which are oppressive on them, and which, in time of peace, are altogether unnecessary—to improve the system of our Common and District Schools, and to increase the public funds for their

EXECUTIVE AND LEGISLATIVE COUNCILS. 7

support—to amend the Charter of King's College, in conformity with His Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed by the people of this Province, so as to put that institution into operation on just and liberal principles—to provide for the sale of the Clergy Reserves, and the application of the monies arising therefrom to objects of common benefit and great utility to His Majesty's subjects in this Province, in accordance with His Majesty's gracious invitations, and with the well known and often expressed wishes of His Majesty's subjects—to promote the peace, freedom, and independence of elections of members of Parliament, by adopting the mode of voting by ballot—granting £100 per annum to the Grantham and Bath Academies; institutions of education established by the voluntary contribution of the people, and on liberal principles,—which bills have not been passed, and have not been amended by the Hon. the Legislative Council, and, thereby the wishes and expectations of the great body of His Majesty's faithful people have been disappointed and their confidence weakened in the justice or wisdom of His Majesty's Government, or of the proper composition of that body whose interests and feelings do not correspond and accord with the interests and feelings of the great majority of His Majesty's subjects, and, therefore, stand in the way of the wishes of the people.

Your Committee beg to remark that it is impossible to suppose that such a state of things can much longer exist; that various important measures, long sought for by a vast majority of His Majesty's faithful people of this Province, and well calculated to advance their peace, welfare and prosperity and some of which have obtained the sanction and recommendation of His Majesty's Government, and that have been passed year after, by the representatives of the people, at a vast expense, shall be obstructed by the Legislative Council, which, although some of its members possess the confidence of the country and are entitled to their best thanks, for the most part is composed of bishops, priests and other ecclesiastics—the Chief Justice, and various other persons who, from the office they hold, are supposed to be altogether under the control and influence of the Executive Government, and a few advisers of the Executive Government, who have long lost the confidence of, and become most obnoxious to the people on account of their political opinions and sentiments, being opposed to the great body of His Majesty's subjects, and who do not follow the practice of England under the circumstances by resigning their situations as such advisers.

Your Committee beg leave to report an address to His Majesty on these important matters which they recommend to the favorable consideration of Your Honorable House.

All which is respectfully submitted.

PETER PERRY,
CHAIRMAN.

Committee Room,
Commons House of Assembly, }
15th April, 1835.

ADDRESS to His Majesty on the subject of the Legislative Council.

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent that we have applied ourselves with the greatest diligence, during the present Session of the Provincial Parliament to various subjects of great interest to our constituents; and altho' our proceedings have been unavoidably interrupted, to a degree altogether unprecedented, by the trial of controverted elections, and although many of the members of this House have labored under the disadvantage of having been without Parliamentary experience; yet the necessary measures on the subjects to which we have alluded have been brought to a satisfactory conclusion and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret, however, that we find our exertions during a most laborious Session rendered unavailing in respect to most of these measures, by the rejection of them by the Legislative Council. Among such as have shared this fate are, bills, to protect the agricultural interests of this Province from a ruinous foreign competition:—to provide for the just and equal distribution of the property of persons dying intestate:—to secure an impartial trial by jury, and to take from the sheriffs who hold their offices during pleasure, the power which they now possess of packing juries:—to relieve an excellent and meritorious class of your subjects from burthens and penalties which are imposed by the militia laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary.—to improve the system of our common and district schools, and to increase the public funds

for their support :—to amend the charter of King's College, in conformity with Your Majesty's gracious recommendations and with the wishes which have at different times been strongly expressed to Your Majesty by Your faithful subjects in this Province, so as to put that institution into operation on just and liberal principles :—to provide for the sale of the Clergy Reserves, and the application of the monies arising therefrom to objects of common benefit and great utility to Your Majesty's subjects in this Province, in accordance with Your Majesty's gracious invitations and with the well known and often expressed wishes of Your Majesty's subjects :—to promote the peace, freedom and independence of elections of members of Parliament, by adopting the mode of voting by ballot : to grant one hundred pounds per annum for five years to the Grantham and Bath Academies ; institutions of education established by the voluntary contribution of the people and on liberal principles.

All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment, and the labours of this House, during a Session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated or materially diminished in future we should not trouble Your Majesty ; but the experience of years convinces us, that on many subjects of great and general interest, there is such a disagreement of opinion between the Legislative Council, as now constituted, and the representatives of the people as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely :—that the Legislature of this Province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this Province. We are aware that Your Majesty has been officially informed, by His Excellency Sir John Colborne, that, “ composed as the Legislative Council is, at present, the Province has a right to complain of the great influence of the “ Executive Government in it—That it consists of seventeen “ members exclusive of the Bishop of Quebec ; that of these, “ from accidental causes, not more than fifteen ever attend “ to their Legislative duties ; that thus out of the members “ generally present, six are of the Executive Council and four “ hold offices under the government ; and that His Excellency “ had therefore intimated his intention of recommending to “ Your Majesty to increase the Legislative Council.” And it was no doubt with a desire to remedy this evil, equally felt by

the people and His Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious causes to complain, while it has on the contrary produced that further division of responsibility among its members which lessens the consciousness of individual accountability without establishing any community of feeling or sentiments of respect between them and the people.

We do not wish to advert to this unpleasant and mortifying condition of our public affairs in language that shall be disrespectful or offensive to the Legislative Council; nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty's dutiful and loyal subjects in this Province, who we are confident desire that Your Majesty's attention should be called to it, and that we should humbly leave it to Your Majesty's wisdom to apply a suitable remedy.

In connection with this subject we feel bound to represent to Your Majesty that it is the earnest desire of Your Majesty's faithful subjects that Your Majesty's Government in this Province should be conducted by the advice of those who should be actually and practically responsible for their proceedings, and who would, as a consequence, be likely to recommend and favor such public measures as may be most desired by Your Majesty's subjects, and in their opinion most conducive to their interests. We behold Your Majesty in the administration of the affairs of the great Empire which Providence has committed to Your Majesty's hands, graciously consulting the wishes of Your faithful people, as expressed by their representatives, in the choice of responsible advisers to manage, under Your Majesty, the affairs of the Government, and we have been accustomed to regard it as an essential and invaluable feature of the glorious constitution of our Mother Country. The same principle we wish to see applied in the practice of our Colonial Government; until that is done we cannot expect that the administration will give satisfaction to Your Majesty's subjects, or that there will be any real and permanent harmony between the Government and the Representatives of the people. It is true that we might withhold the annual grant for the support of the Government as a mark of our dissatisfaction with this state of things, and as a means of procuring redress, but being anxious to evince our forbearance, and desire to avoid, as long as possible, contention and difficulty, as well as to shew our confidence in Your Majesty's paternal regard for Your faithful people in this Province and gracious attention to their constitutional rights; and being reluctant to resort to a measure which we are aware must great-

ON EXECUTIVE AND LEGISLATIVE COUNCILS. 11

ly embarrass the Government, until all other constitutional means of seeking redress have been tried and proved unavailing, we have preferred thus to appeal to Your Majesty for Your Majesty's gracious and effectual interference in our behalf; and have, notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the Province, granted, for the present year, the necessary supplies for the support of the Government, in the confident hope that effectual steps will immediately be taken for the removal of these obstacles to the peace, welfare and good government of the Province. When it is considered that the Ministers, who, sometimes in rapid succession, fill the Colonial Department under Your Majesty are strangers to our Province, and too distantly situated to acquire, through channels, often contradictory and interested, a true and correct knowledge of the wants, wishes and genius of Your Majesty's Canadian people, the practical need of local responsibility becomes more apparent and imperious.

MARSHALL S. BIDWELL,

SPEAKER.

*Commons House of Assembly, }
15th day of April, 1835. }*

On passing the above address the Yeas and Nays were as follows:

YEAS.

Alway,	Morrison,
Bruce,	Park,
Chisholm,	Perry,
Duncombe of Oxford,	Roblin,
Duncombe of Norfolk,	Rymal,
Durand,	Shaver,
Gibson,	Shibley,
Gilchrist,	Smith,
Lount,	Thorburn,
McIntosh,	Waters,
Mackenzie,	Wells,
McMicking,	Wilson,
Moore,	Yager,—26.

NAYS.

Brown,	Merris,
Caldwell,	Richardson,
McCrae,	Robinson,
McDonell of Glengarry,	Rykert,
McDonell of Northumberland,	Solicitor General,
McLean,	Walsh,
Macaab,	Wilkinson,—15.
Merritt,	

12 REPORT ON PROGRESS OF CERTAIN BILLS

REPORT of the Select Committee appointed to search the Journals of the Honorable the Legislative Council on the progress made on sundry bills transmitted by the Assembly for the concurrence of that Honorable House.

TO THE HON. THE COMMONS HOUSE OF ASSEMBLY.

The Select Committee, appointed by your honorable house to search the Journals of the honorable the Legislative Council, and report what proceedings have been had by that body on certain bills sent up from this house, beg leave to report as follows:—

“ An Act to amend the Jury laws of this Province.”

[Passed 28th February, 1835.]

Monday, 2d March, read first time, ordered to be read a second time on Thursday, and to be printed.

Thursday 5th March, second reading—committed on the following Monday.

Monday 9th March went into Committee of the whole, the House resumed without reporting.

“ An Act for the disposal of the Clergy Reserves in this Province, for the purposes of general education.”

[Passed 4th March, 1835.]

Monday 9th March, read a first time, second reading on the following Monday—a call of the House and ordered to be printed.

Monday, 16th March, read a second time, referred to a Select Committee, composed of the Honorable Messrs. Clark, Archdeacon of York, Markland, Elmsley, and Crooks, with power to send for persons and papers.

Friday 20th March, the Select Committee made a first Report, and the bill together with the Report referred to a Committee of the whole on the following Thursday.

Thursday 26th March—The house went into Committee of the whole on the bill and Report—and reported certain resolutions, which were adopted, six of which resolutions were sent to the Commons House of Assembly.

April 4th—The Select Committee to whom the bill was referred, presented a further report, which was received and read, the report was referred to a committee of the whole on Wednesday next, and the report ordered to be printed.

Wednesday 8th April, discharged for to-morrow.

Thursday 9th April—The House went into Committee on the Report, and recommended the adopting it; which was ordered—it was referred back to the Select Committee with instructions to frame an Address to the King upon the subject.

Saturday 11th April—Committee report a draft of an Address, which was read, the house was ordered to be put into a Committee of the whole upon it, it was adopted and ordered to be engrossed and read a third time on Monday following.

Monday 13th April, read a third time and passed, the House waited on the Lieutenant Governor with the same on the 14th to which His Excellency replied.

“An Act for the more equal distribution of the property of persons dying intestate.”

[Passed 5th March, 1835.]

Monday 9th March, read a first time, and ordered to be printed.

Thursday 12th March, read a second time—the House went into Committee on the 18th and rose without reporting.

“An Act to repeal the several laws now in force imposing fines on Quakers, Menonists and Tunkers, for non-performance of Militia duty in time of peace.”

[Passed 18th March, 1835.]

Wednesday 12th March, read a first time, 19th House went into Committee, 20th reported progress, and asked leave to sit again in three months.

“An Act granting to Adam Dixon of Moulinette, in the Township of Cornwall, certain privileges contained therein.”

[Passed 26th March, 1835.]

Tuesday 31st March, read a first time and second time, committed to the whole, then referred to a Select Committee—Select Committee reported—the House went into Committee on the report, and rose without reporting.

“An Act to promote Education.”

[Passed 31st March, 1835.]

Tuesday, 31st March, read first and second time—1st April ordered to be printed; on the 6th the House went into Committee, reported and referred the bill to Select Committee, who reported on the 9th April—the bill and report referred to a Committee of the whole on the 11th April, reported progress and asked leave to sit again on the 13th and rose with reporting.

“An Act to amend the Court of Requests Law.”

[Passed 31st March, 1835.]

April 3rd, read first time, ordered to be printed, and read second time, on the 8th, committed on the 9th and rose without reporting.

14 REPORT ON PROGRESS OF CERTAIN BILLS.

"An Act to promote the freedom, peace and quiet of Elections of Members to represent the several Counties, Ridings, Cities, and Towns in this Province, in the House of Assembly, and further and more effectually to secure the independence of that House by adopting the mode of voting by ballot."

[Passed 2nd April, 1835.]

April 3rd, read first time, second reading on the 4th, ordered to be committed in three months.

"An Act to promote the freedom of Election in the County of Leeds."

[Passed 11th April, 1835.]

April 11th, read first time, ordered to be read a second time this day three months.

"An Act to amend the Police Laws of the Town of Prescott."

[Passed 8th April, 1835.]

April 8th, read first time, second reading on the 9th, on the 10th Committee rose without reporting.

"An Act to impose a duty on various articles imported from the United States of America, into this Province."

[Passed 1st April, 1835.]

April 3rd, read first time, ordered to be printed—to be read a second time on the 6th—committed on the 7th and reported—bill referred to a select committee—on the 9th the House went into committee on the bill and report, and on the 10th committee rose without reporting.

"An Act to amend the Charter of King's College." 3

[Passed 2nd April, 1835.]

April 2d, read first time, second reading on the 6th, committed on the 7th. Committee rose without reporting.

"An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts in this Province."

[Passed 7th April, 1835.]

April 7th, read first time, second reading on the 8th, committed on the 9th, reported progress and asked leave to sit again; committed again on the 10th, reported progress and asked leave to sit again—bill in progress.

ADDRESS TO HIS MAJESTY ON U. E. CLAIMS. 15

"An Act for the remuneration of Dean S. Howard, for extra work performed by him in the execution of the Trent Bridge."

[Passed 8th April, 1835.]

April 8th, first reading, second reading on the 9th, committed on the 10th, and referred to a Select Committee on the 11th—ordered to be committed.

"An Act to make a grant to the Grantham and Bath Academies."

[Passed 10th April, 1835.]

April 13th, read first time, committed on the 14th, and rose without reporting.

"An Act relating to the granting of the waste Lands of the Crown."

[Passed 16th April, 1835.]

April 11th, read first time, moved for a second reading and lost.

"An Act to continue and amend an Act, providing a bounty for the destruction of Wolves in the several Districts of this Province."

[Passed 17th April, 1835.]

Passed with amendments.

"An Act to grant the sum of £400 for the construction of a Bridge at Parrott's Bay."

[Passed 9th March, 1835.]

March 9th, read first time, second reading on the 10th—committed on the 11th—reported and asked leave to sit again on the 18th—rose without reporting.

All which is respectfully submitted.

JOHN P. ROBLIN,

CHAIRMAN.

Committee Room, House of Assembly,
15th April, 1835.

ADDRESS to His Majesty on the subject of United Empire Loyalists' Claims.

TO THE KING'S MOST EXCELLENT MAJESTY,

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament as-

sembled, humbly beg leave to represent, that on the fourth day of March, 1834, an Address passed this House to Your Majesty on behalf of a very meritorious class of Your Majesty's subjects in this Province, designated U. E. LOYALISTS, their sons and daughters, from their having undergone on account of their attachment to the British Crown the most unparalleled sufferings in their person and property, that we know of in the annals of any people, and taken up their residence on the invitation of their Sovereign in this Colony, and denominated by way of distinction U. E. Loyalists—the faith of the Government being pledged to them and their descendants, and those volunteers who comprised the Flank Companies of the Militia in this Province in the year 1812, who voluntarily took up arms in defence of the country when invaded by an enemy, and of that Provincial Regiment who distinguished themselves courageously and shed their blood for their Country and their King at the Battles of Detroit, Chippewa, and Lundy's Lane, and to them the faith of the Governor of Upper Canada was pledged, which was afterwards confirmed by His Majesty's Government. That in reply to an Address of this House to His Excellency the Lieutenant Governor, we are informed that no answer has been received to our said Address.—The same restrictions and conditions so unjust towards so deserving a class of Your Majesty's Subjects, and so injurious to the best interests of the Colony, still exist.

That in a letter addressed to His Excellency Sir John Colborne, by the Hon. George H. Markland, Inspector General of this Province, dated Toronto, May 15th, 1834, published throughout the Province, and during the present Session transmitted to this House by the Lieutenant Governor, it is stated "that the order of May, 1832, existed without being complained of until November last, it then became notorious, that the claims of the U. E. Loyalists were an article of traffic in the public market." It does not occur to us how it can be otherwise than lands should become "an article of traffic in the public market," when they are subject to such restrictions as necessarily compel those to whom they are granted, to dispose of them; conditions imposed on them being so ruinous as to make them utterly valueless to any but dealers in land. The records of the Council and the records of the Surveyor General's office shew that free grants of land not located have been, since the first settlement of the Province, an article of traffic in the public market, and that the Executive Council of this Province have not only recognized the sale from the original nominees, but have actually ordered the deeds to issue in the name of assignees or purchasers, and among the very many instances in which this has been done, some to the extent of ten thousand acres to one individual, and at one time.

And your faithful Commons deeply regret, that the Inspector General of this Province should not have fully informed himself of the fact, before giving publicity to his said letter. By an Act passed in the fourth year of the reign of your late Royal Father of glorious memory, entitled "An Act to afford relief to persons claiming lands in this Province under assignments from heirs, devisees or assignees of the original nominees of the Crown, in cases where no patent had issued, and for other purposes therein mentioned." The Commissioners being the Chief Justice, the Justices of the Court of King's Bench, and the Members of the Executive Council, have not only confirmed the sales, but the deeds from the Crown have in consequence issued to the purchaser or assignee.

The Council have uniformly recognized the assignments of grants of land and the deeds have issued in the name of assignees, it never having been considered improper to buy lands unlocated any more than those located, until the Executive Council of this Colony first made the discovery—notwithstanding some of their predecessors in office have made large purchases in the same way, all of which were confirmed.

That although there may be instances where the original nominees have sold their grants at reduced prices to dealers in land—it has been altogether owing to the restrictions attached to the bounty of your Royal Father, of Glorious Memory, by the Executive Council of Upper Canada—restrictions that it was impossible for them to comply with, consequently they were reduced to the necessity of selling while valuable lands were yet to be had, or, keeping their rights, to so distant a period when the lands then to be had were of little or no value.

That it is the opinion of your faithful Commons the rights of dealers in land (till very lately recognized by the Executive Government, and the law of the land,) are and ought to be held as sacred as those of any other class of your Majesty's subjects.

Your faithful Commons therefore humbly pray that your Majesty will be pleased to direct that an answer will be given to their said address, and that your Majesty will further direct, that copies of all communications from and with the Executive Government of the Colony, together with the opinion of the Crown Officers on the subject of the aforesaid rights be laid before this House at its next session.

MARSHALL S. BIDWELL,

Speaker.

Commons House of Assembly, }
16th day of April, 1835. }

C

18 DIVISION ON ADDRESS ON U. E. L. CLAIMS.

On the question for concurring in this address the yeas and nays were as follows :

YEAS,

Messrs. Alway,
Bruce,
Chisholm,
Cook,
Duncombe of Oxford,
Duncombe of Norfolk,
Durand,
Gibson,
Lount,
McIntosh,
Mackenzie,
McMicking,
Morrison,

Messrs. Perry,
Roblin,
Rykert,
Rymal,
Shaver,
Shibley,
Smith,
Thorburn,
Waters,
Wells,
Wilson,
Wolverton,
Yager—26.

NAYS,

Messrs. Brown,
McCrea,
M'Donell of Glengarry,
M'Donell of Northum-
berland,
McLean,

Messrs. Merritt,
Morris,
Richardson,
Robinson,
Solicitor General,
Walsh—11.

First Session, Twelfth Parliament, (1834.)

Titles of Bills originated in the House of Assembly and rejected by the Legislative Council, or declined to be acted upon by that House.

An Act to authorise the Trustees of the Grantham Academy to dispose of real Estate, and for other purposes therein mentioned.

An Act to authorise His Majesty's Justices of the Court of King's Bench to hold a Court of Oyer and Terminer, Assize, of Nisi Prius and of General Gaol Delivery in and for the District of Ottawa.

An Act to amend the Jury Laws of this Province.

An Act to define the limits of the Town of Brantford in the District of Gore, and to establish a Police and Public Market therein.

An Act for the disposal of the Clergy Reserves in this Province, for the purposes of General Education.

An Act for the more equal distribution of the property of persons dying Intestate.

An Act to grant the sum of Four Hundred Pounds for the construction of a Bridge at Parrott's Bay.

An Act to provide for a Survey in the Township of Loughborough.

An Act to erect the County of Hastings into a Separate District.

An Act to divide the township of Hawkesbury in the Ottawa District into two separate townships of East and West Hawkesbury.

An Act to repeal the several laws now in force imposing fines on Quakers, Menonists, and Tunkers, for non-performance of Militia Duty in time of peace.

An Act to incorporate sundry persons under the style and title of the "President, Directors and Company of the Bank of the Niagara District."

An Act granting to Adam Dixon, of Moulinette, in the township of Cornwall, certain privileges contained therein.

An Act to promote Education.

An Act to amend the Court of Requests Law.

An Act to repeal the Law authorising the appointment of a Commission to take the Evidence relative to the trial of contested Elections.

An Act to impose a duty on various articles imported from the United States of America into this Province.

An Act to amend the charter of King's College.

An Act to promote the freedom, peace and quiet of Elections of Members to represent the several counties, ridings, cities and towns in this Province, in the House of Assembly, and further and more effectually to secure the independence of that House by adopting the mode of voting by Ballot.

An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts in this Province.

An Act to form the County of Norfolk into Ridings, and also to erect the same into a separate District, and for other purposes therein mentioned.

An Act to amend the Police Laws of the Town of Prescott.

An Act to authorise the erection of a Mill Dam upon the River Thames in the London District.

An Act relating to the granting of the Waste Lands of the Crown.

An Act to authorise the issuing of Licenses for the sale of Wine.

An Act to make a grant to the Grantham and Bath Academics.

An Act to promote the freedom of Election in the County of Leeds.

An Act to remunerate Francis Hall, Esq., Civil Engineer for services at the Burlington Bay Canal.

An Act granting further aid to the Burlington Bay Canal.

An Act to provide for holding Elections in the County of Leeds.

An Act granting a sum of money for the improvement of the Harbour at Kettle Creek, and for other purposes.

An Act for the relief of John Pearse and others, and to complete the Lock and Canal between Pigeon and Sturgeon Lake in the Newcastle District and for other purposes.

An Act granting to His Majesty a certain sum of money, to enable His Majesty to pay to Joseph Turton the balance of his account for work and labour performed by him as Contractor for part of the buildings occupied by the Legislature.

An Act to ensure the more regular and economical printing of the Statutes of this Province, and of those Statutes of the Imperial Parliament which may particularly concern this Province, to provide that the said Statutes be printed by contract, and also for their distribution.

TITLES OF BILLS originated in the House of Assembly, but afterwards rejected by that House, by reason of amendments made to them by the Legislative Council.

An Act to naturalize certain persons therein named.

An Act to continue and amend an Act providing a bounty for the destruction of Wolves in the several Districts of this Province.

(Amended by the Legislative Council, and amendments rejected by the Assembly, it being considered a Money Bill.)

TITLES OF BILLS originated and passed in the Legislative Council, and rejected by the House of Assembly.

An Act to allow the people called Separatists to make a solemn affirmation and declaration instead of an oath.

An Act to amend the law respecting Bills of Exchange and Promissory Notes.

An Act to appoint the time and place for holding the Court of General Quarter Sessions of the Peace, in each of the several Districts of this Province, and to repeal the several laws now in force for that purpose.

An Act for the further amendment of the Law, and the better advancement of Justice.

An Act to make the remedy in cases of Seduction more effectual, and to render the fathers of illegitimate children liable for their support.

An Act to allow persons to be admitted Attorney upon a service of five years under articles in the office of the Clerk of the Crown and Pleas.

An Act to abolish the distinction between Grand and Petit Larceny, and to enable Courts of General Quarter Sessions of the Peace, and any Court having the like powers, to try all cases of simple Larceny under certain restrictions, and to amend the laws respecting the punishment of Larceny.

An Act to constitute a new Court of Appeal for revising the judgments of the Court of King's Bench.

TITLES OF BILLS passed by the Legislative Council and House of Assembly, and reserved for the signification of His Majesty's pleasure.

An Act to confirm British subjects in their titles to real estate derived through aliens.

An Act to incorporate sundry persons under the style and title of the President and Directors of the Upper Canada Life Insurance and Trust Company.

An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Gore Bank.

An Act altering and amending the charter of the President, Directors and Company of the Commercial Bank of the Midland District, and for increasing the number of shares to be held in the capital stock of the Company.

An Act for the relief of the heirs of the late Peter Desjardins.

JAMES FITZGIBBON,

Clerk of Assembly.

Clerk of Assembly's Office, }
Toronto, April 17, 1835. }

