

PROVINCIAL PARLIAMENT.

HOUSE OF ASSEMBLY.

FRIDAY, March 27.

The House in Committee of the whole on the question of roads and bridges. The Committee rose and reported certain resolutions, & the report was received—Yeas 35—Nays 11.

Resolved, That there be granted to His Majesty the sum of £25,000 for the improvement of roads and bridges in this province. Resolved, That the above sum be divided in the several districts as follows:—

Table with 2 columns: District and Amount. Includes Ottawa, Eastern, Bathurst, Johnstown, Midland, Prince Edward, Newcastle, Gore, Niagara, London, and Western.

On the question for passing this resolution there were Yeas 36—Nays 11. Resolved, That there be granted to His Majesty the sum of £25,000 to improve the several post roads in this province, to be repaid by such means as the parliament of this subject may think proper, at its next session, to be divided province by province, and the several Districts as other monies granted by this House have been.

FRIDAY, March 27.

The committee appointed to try the petition against the undue election of David Jones, Esq. reported that the said David Jones, Esq. having a majority of votes on the poll-book, is therefore duly elected to serve as the representative for the Town of Brockville, in this present parliament.

The committee on Grievances reported an address to His Excellency, requesting information concerning the Talbot settlement. The report was received—and the report read twice, and concurred in, and ordered for a third reading this day.

Mr. D. E. McDonell from the committee on the assessments of the Eastern District, presented a report in which it was complained that the Treasurer of the Eastern District had refused to attend the house, to give the required information respecting certain affairs in the said District, and a motion was made that the Treasurer of the Eastern District be ordered to attend this house forthwith.

The address to His Excellency for information concerning the Talbot settlement, was read a third time. Yeas 40—Nays 3. Carried by a majority of 37.

The committee on the petition of the Rev. Angus McDonell, reported a bill for vesting in Trustees a certain piece of ground in Kingston, for the purpose of a Roman Catholic Seminary, which was received, read a first time, and ordered for a second reading.

The house went into committee of the whole on the subject of common schools, when the following resolution was reported:—

Resolved, That there be granted to His Majesty the sum of £5050 in aid of the present support of common schools in this province, for the year 1835, and 1836, to be distributed as for the two preceding years, and Messrs. Duncombe, Perry, and Wells, were appointed a committee to draft a bill in pursuance of the foregoing resolution.

MONDAY, March 30.

The bill to make good certain monies advanced by His Excellency in compliance with the addresses of this house, during the last and present session, was read a first and second time, and ordered for a third reading this day.

Mr. Mackenzie, seconded by Dr. Gilchrist, moved that the Clerk be directed to order from the agent at New York, for the use of the house: The Lon. Morning Chronicle—the London Weekly Dispatch—the London Spectator—the London Examiner—the reports of the British Review at New York, the New-York Emigrant—the Montreal Indicator—and the Morning Courier—the Quebec Gazette—(No. 1000)—and one copy of each newspaper printed in Upper Canada from the Editors, and that the said journals be filed in the committee room on this floor, under the care of the house messenger, and that members have access to, every week day, from ten till four, and be authorized to introduce strangers by entering their names in a book to be kept by the messenger for that purpose, and that during the session these periodicals be under the control of the Librarian in the Library for daily references.

Mr. Mackenzie seconded by Mr. Gibson, moved that the words "Weekly Dispatch" be struck out, and the words "The Standard" inserted. Which was ordered.

On the original question as amended the yeas and nays were taken as follows:— Yeas—19—Nays—14. The original question as amended was carried in the affirmative by a majority of five, and ordered accordingly.

TUESDAY, March 21.

The common school bill was read a third time and passed—Yeas 33—Nays 3.

One motion of Mr. Durand the house went into committee of the whole, upon the report of the select committee on the petition of Thomas Crooks and others, for a further grant for the Desjardins' Canal.

Mr. Durand entered fully into a detail of the affairs of the canal since its commencement, and pointed out the advantages which would accrue to that section of the province, by finishing that work.

The following resolution was then carried:— Resolved, That the sum of £7,000 be granted to His Majesty to enable him to loan the like sum of money to the Desjardins' Canal Company, upon the security of the bond and mortgage of the said company, and of such other real and personal security as the Lieut. Governor for the time being with the advice of His Majesty's Executive Council shall deem sufficient to insure the annual payment of interest upon such loan, and eventually to redeem the principal.

The chairman reported the resolution, which was agreed to—Yeas 23—Nays 3. Messrs. C. Duncombe, Thorburne, and Durand, were appointed a committee to report a bill pursuant to the foregoing resolution.

The bill to amend the Court of Requests Law was read a third time and passed Yeas 35 Nays 7.

On the question for the house to go into committee of the whole, on the subject of the Warlosses, the yeas and nays, were taken.

Yeas—21. Nays—18. The house then went into committee, Mr. McKicking in the Chair.

Dr. Duncombe, proposed that a grant of £20,000 be granted from the revenue of the province for the payment of the Warlosses.

It was supported by the Solicitor General, Duncombe, and Merritt, and was opposed by Messrs. Perry, Robinson, and Mackenzie, and lost—Yeas 20—Nays 23.

Mr. Perry proposed a resolution that the War Losses should be paid out of the Casual and Territorial Revenue, which not being at the disposal of the Legislature, they had not the power to expend it for the public advantage.

This was also lost, and the chairman rose and reported progress, and asked leave to sit again, which was carried.

Mr. Perry brought in a bill to amend the Law authorising the taking of evidence for the trial of contested elections before a commission appointed for that purpose, which was read a first and second time, and ordered for a third reading to-morrow.

WEDNESDAY, April 1.

The bill to repeal the law authorising the taking of evidence on contested Election trials by Commission was read a third time and passed—Yeas—22. Nays—14.

The Select Committee appointed to draft a bill in pursuance of a resolution of the House granting a further sum of £5650 for the purpose of Common Schools reported a bill, which was received, read a first time, and ordered for a second reading.

The bill authorizing a loan to the Desjardins' Canal Company was read a first time.

The House went into Committee of the whole on the subject of His Excellency relating to School Lands—reported progress and leave granted to sit again.

The House in Committee of the whole on the bill to amend the Charter of King's College. The Committee rose and reported the bill as amended—Report received and the bill ordered for a third reading to-morrow. Yeas—34. Nays—2.

The House on motion of Mr. Macnab, was for a long time discussing the propriety of retaining the services of George Boyd, a servant of the House, who had been dismissed for improper conduct. The motion was lost.

The House went into Committee of the whole on the Bill, which, after a short discussion, was carried. The Chairman reported the bill, and on the question for receiving the report the House divided: Yeas—27. Nays—16.

The report was received and the bill ordered for a third reading to-morrow.

The House went into Committee of the whole on the Inter-course Bill. The bill was reported, and on the question for the third reading to-morrow, Mr. Perry moved that it be read again a third time this day—which was ordered, and on the question for passing the bill, Mr. Rykert moved a motion to allow American produce to pass through the Province for exportation, free of duty (fresh beef, pork and live stock excepted)—Yeas 23. Nays 24.

Mr. McLean moved a motion to the same effect, with the addition that such article be bonded. Yeas 22. Nays 23.

Mr. Merritt moved that the bill do not now pass, but be committed to consider the following reasons: That it would drive our commerce to the American side, as they may carry it through their own waters to the Montreal market, thus driving from our shores employment for our vessels. It will close our Canals and other avenues of communication for produce from American States both for the Montreal market, but also for the New York market by way of Oswego, injuring those works and our agriculturists. Prevent communication between the Province and the neighboring States by preventing travellers and others from passing through, as it does not provide for the remission of duties on carriages and horses. And it would be an injury to emigrants by unnecessary delays in landing, &c.

The question was lost. Yeas 23. Nays 25. When the bill was carried. Yeas 31. Nays 18. The question was carried and the bill passed. The Hamilton Bank Bill was read a second time and ordered for a third reading.

FRIDAY, April 3.

ADDRESS OF THE LEGISLATIVE COUNCIL, ON A FOURTH JUDGE, &c.

On the question for the second reading of the address, Dr. Morrison moves in amendment, seconded by Dr. Bruce, that the address to His Excellency the Lieutenant Governor, sent down from the Honourable the Legislative Council, be read a second time this day to-wit: months.

On which the yeas and nays were taken as follows: Yeas—22. Nays—18.

BANK OF UPPER CANADA.

Report of Committee on Trade on the Upper Canada Bank Bill. The Committee on Trade to whom was referred the Bill for increasing the Capital Stock of the Bank of Upper Canada, respectfully report:

That it appears to them to be inexpedient to increase the Capital Stock of that Bank, they therefore recommend that the further consideration of the bill be deferred till the thirty-first day of August next.

JAMES WILSON, Chairman. Wm. L. MACKENZIE, GILBERT MCKENZIE, JAMES DUKAND, PETER SHAVER.

Mr. Mackenzie, seconded by Mr. Morrison, moves that the Report be adopted. On which the Yeas and Nays being taken, were as follows: Yeas—30. Nays—6. The question was carried in the affirmative by a majority of 25, and the House resolved not to increase the Stock of the Bank.

PROVINCIAL.

DREADFUL AFFAIR.—THE TOWN of Hamilton and its vicinity have been greatly excited since Tuesday last, from the circumstance of James Owens, the convicted murderer, having been found dead in his cell. This unfortunate man, together with Rooney had been lying in our gaol for a length of time, under respite, for the murder of a man of the name of Foran, last summer, and on Monday last had received the news of the commutation of the sentence into banishment for life from the Provinces and were to have left gaol on the day after the death of Owens.

Various and exaggerated rumours have been the reports concerning this sad business, and from the agitation of the public mind, we were induced to delay the ordinary publication of our paper, in the hope that we should have been enabled to lay the entire evidence given on the inquest before the public.— In this we have been disappointed, for on our applying to the Coroner (Mr. Beaseley) to see the depositions, we were told that they had been returned to the Magistrates, and we had no means of obtaining the required information from them. We have, notwithstanding, made every inquiry from those who had the best means of knowing the facts, and the result of our inquiries has been the following statement, which we believe will be found to be substantially correct.

On Tuesday evening, about six o'clock, the gaoler, Dennis Malone, went as usual, to lock up the cells, and on passing that in which Rooney and Owens were confined, the latter used very abusive and irritating language to the gaoler, and threatened him with violence. At this time the gaoler was in the hall and the prisoners were in the cell, which was locked. A great deal of abuse and threats were made use of by Owens, who was in a violent passion and which was replied to by the gaoler, who appears to have been greatly excited. At this time Rooney called out that Owens had a razor, and he was afraid that murder would be committed. The gaoler then said that in consequence of the abuse which he had received, and the threats which had been made he would put Owens in irons, although it was the last night he was to remain in prison. He accordingly proceeded to the shop of Mr. James English, who is the smith to the gaol, and also a Magistrate of Police for the town. The smithy is close to the gaol, but Mr. English being engaged at the time, some delay took place, and about twenty minutes elapsed before the gaoler, accompanied by Mr. English with the irons, returned to the prison. On their way they were met by Mr. Deputy Sheriff Oliver, who ascertaining their business, went with them to the cell. They were there joined by Mr. John Kelly and one of the turnkeys named M'Sherry. On the appearance of the gaoler and his party Owens became outrageous. On opening the door of the cell, Rooney cautioned the party to keep back as Owens seemed determined to do mischief and resist having the irons put on him. Owens at this time had a bottle in one hand and a razor in the other. The gaoler and M'Sherry were armed with daggers, which appears to be the usual manner in which they went to lock up the cells. Rooney was alarmed and requested to be removed from the cell. The Deputy Sheriff then ordered every person out but the two convicts, and calling Owens to the wicket, demanded the weapon from him, which he instantly gave up. In about five minutes the party again entered the cell, when Owens took the irons which had been laid on the floor, and struck M'Sherry on the head with them. Mr. Kelly was holding the candle, Mr. English and Deputy Sheriff Oliver were present. A scuffle ensued between Owens, Malone and M'Sherry; stabs and thrusts were given; Owens called on the Deputy Sheriff for protection, who replied that he would not interfere between the gaoler and his duty; that if he (Malone) infringed on the law, Owens had his remedy. Owens was flung on the bed, and finally ironed, and the party left the cell. In about three minutes after, Malone having been told that Owens had a pair of shears in his possession, returned to the cell, and on going to the place where the deceased lay, he observed that he did not move, and he had him brought out and laid in the middle of the floor, when he was found to be

dead. The visiting physicians, Dr. Thomas and Dr. Campbell, were sent for, who gave it as their opinion that the man had been dead some time.

The Coroner being apprized of the unfortunate event, early on Wednesday morning empanelled the following respectable jury:—

- 1 Collin C. Ferrie, (Scottish, Magistrate and store-keeper.) 2 Ebenezer Stinson, (Irish merchant.) 3 William Fearman, (English, bootmaker.) 4 — Oliver, (Canadian, storkeeper.) 5 Thomas Wilson, (Irish, hotel keeper.) 6 William Hardy, (English, carpenter.) 7 Rufus Smith, (American, contractor.) 8 Alexander Capenter, (Canadian, tinmith.) 9 William Scobell, (English, baker.) 10 John Kennedy, (Irish, storkeeper.) 11 John Smith, (English, tavern keeper.) 12 William Cattermole, (English, hotel keeper.) 13 Charles Durand, (Canadian, barrister.) 14 Reuben A. Parker, (American, merchant.) 15 James Boyce, (English)

We have been thus particular in describing the jury, as we have heard many idle reports concerning the verdict which they agreed upon; and we ask any candid person to look at the list—composed of Scotch, Irish, English, Canadians and natives of the United States—and of various political creeds and religious tenets—and say if it is likely that they would have come to any other conclusion but that which must have been forced upon their conviction by an attentive, deliberate, and unprejudiced consideration of all the circumstances adduced on oath before them. The jury were empanelled from 10 o'clock in the morning till near eight o'clock at night, when they brought in the following Verdict:—

"That the said James Owens came to his death by disease of the heart, acted upon by violent excitement, caused by the keepers of the gaol forcibly putting irons upon him, in consequence of abusive language said to have been applied to the gaoler and his family, and threats said to have been made against the life of the gaoler."

The body of the deceased when viewed by the jury presented a hideous spectacle. The nose was cut and completely laid open; there was also a wound on the side of the head; two cuts on the hands, and a wound in the thigh.

The Body was afterwards delivered to the wife of the deceased, and was interred on Friday.

We have heard various reports as to ulterior proceedings, but have not received any information in that authentic form which would justify our publishing it.

It is due to Mr. Malone, the gaoler, to state that he is most anxious to have the whole matter duly investigated before a judicial tribunal.

The deceased's real name was James Owens McCarthy. He was a native of Dublin, and a tailor by trade.—Western Mercury.

ACCIDENT.—Two men were dreadfully mangled this morning at the government work, Fort Henry, by an unexpected explosion, which took place while they were engaged in ramming a charge into the rock, preparing for a blast. The life of one of the men, Patrick Foley, a discharged soldier of the 69th Regt. is despaired of.—Chronicle.

LEEDS ELECTION.—Mr. Buell arrived in Toronto on the evening of Thursday, the 2d inst. and on the following day entered into Bonds to prosecute the Petition of Mathew M. Howard and William Buell against the sitting members. On the following day a Committee was drawn and organized, consisting of the following members, Messrs. Perry (Nominee for the Petitioners,) Robinson, (Nominee for the sitting Members,) Roblin, (Chairman) Rymal, McDonell of Stormont, Cornwall, Taylor, Shibley, Strange, Chisholme, and Small. The Committee met at 11 o'clock, and entered into a resolution as to the method of proceeding in the case. Mr. Buell then, on the part of the Petitioners, very briefly stated the case, observing that the grounds on which he went were set forth in the Petition. These he hoped to establish satisfactorily before the Committee by the witnesses he should bring before them. If he succeeded in this he conceived that the prayer of the Petition ought to be complied with by giving himself and Mr. Howard the seats. But if they did not come to this conclusion, they could not but declare the Election void. Adiel Sherwood, Esq. the Returning Officer was then sworn and his examination continued till the hour arrived at which the Committee desired to adjourn. The Committee accordingly adjourned till Monday the 6th at 8 o'clock. The case on the part of the sitting Members conducted by Mr. Gowan. The Attorney General does not meddle with the matter.—Brockville Recorder.

LEEDS ELECTION.—The committee appointed to try Gowan and Jameson's second election has been struck. The members are Cornwall, Taylor, Strange, McDonell of Stormont, Rymal, Chisholm, Roblin, Shibley, and Small. The first four voted against Mr. Bidwell as Speaker, the other five for him. Perry and Robinson are the nominees. Gowan is sent to Coventry. He has made several insulting "gabblings" which have not been answered even by a hiss. This self convicted libeller and prostitute of the elective franchise is beneath and beside the notice of every honorable man.—Cobourg Reformer.

We must own that we are considerably disappointed in the completeness of the statements submitted by Messrs. Truett Green & Co. to the Trade Committee of the Upper Canada House of Assembly. Upon the first meeting of this business we objected to the unfairness of prejudging a case of such delicacy as the stability of a Bank. But, the published evidence of the partners themselves will now save further conjecture, and at the same time afford rational means of judging of the character of the ground, on which they at present stand.

The document alluded to, is strikingly unbusiness-like. We can hardly suppose that the vagueness of these statements are the effect of a slovenly conducted establishment, or are intended to mislead and deceive. It is certain, however, that the private merchant, whose cash-book entries and balances exhibited nothing but "estimates," would add little either to his gains or his reputation.

The extreme delicacy of the Committee, in their examination of the managers of the firm, has entirely failed in eliciting information on one point which it is of the highest importance for the public fully to understand. It is stated that the mutual estate of the co-partners is at least £40,000. It is not, however, even hinted at, in what kind of property this estate consists, or in what part of the world to be found—enquiries, it is evident, that have a close bearing on the existence, the available nature, and value of the estate itself. In making these observations, we neither mean to discredit the Bank, nor to impugn the veracity of the gentlemen composing the firm.—Morning Courier.

The roads round Montreal were never worse than they are at present. The Upper Canada mail due on Friday evening, did not arrive till Sunday about noon; the one due on Saturday reached the Post-office only yesterday afternoon. The ice on Lake

St. Francis was good up to Saturday evening, several loaded vehicles having crossed that day.

On Friday two habitues lost their horses and trains between Montreal and Laprairie, and barely saved themselves.—ib.

In the neighborhood of Quebec, by the last accounts, little snow had disappeared, & the roads were nearly as good as in the middle of winter. Several flocks of the Canada goose had been seen pursuing their flight to the River and Gulf.—ib.

We understand that the new Bank of Messrs. Vizer De Witt & Co. will go into immediate operation. The subjoined clause of an Act of the Provincial Parliament passed in 1830, must be a great drawback to the circulation of the notes of the new establishment. We can imagine how, that part of the enactment may be evaded which provides that no note payable to bearer shall be issued by any other than a Bank incorporated by law; but it will, we think, require some ingenuity to get rid of the clause "nor any note under the nominal value of five dollars," &c. This appears a complete bar to the issuing of notes of less amount than five dollars. At all events, it is quite clear from the tenor of the Act, that it was the intention of the Legislature to prohibit the circulation of Bank notes by any persons, except those upon whom is imposed the duty of making an annual expose of their affairs.

Extract from the Laws of Lower Canada, No. 13, page 570.

II. And be it further enacted by the authority aforesaid, that after the expiration of three months from and after the passing of this Act, no Bank Note, or other Note whatsoever, made payable to "Bearer," nor any note under the nominal value of five Dollars, issued by any Bank or Joint Stock Company, or persons trading as Bankers, save and except only such Bank Notes as may be issued by any Bank incorporated by law in this Province, shall be offered or given in payment, on pain of forfeiting the nominal amount of such note, which amount shall be recovered on information and conviction in any Court of competent Jurisdiction in this Province. March 26, 1830 [Morning Courier.

On Saturday morning, we attempted to defend the noble St. Lawrence from the implied calumnies of the sages of Maine; and we now proceed to shew, that the St. Lawrence, compared with some other American rivers, labours under less than an average share of disadvantages.

It is undeniably closed by the severity of the climate for four or five months of the year, and is so far inaccessible to foreign commerce; but the same severity of climate covers it with natural bridges and natural rail-roads. The objection, however, applies with almost equal force to its most formidable and most successful rival, the Erie Canal, as also to the projected ship canals round the falls of Niagara, and from Oswego to Albany.—Some time ago, we published a letter of the distinguished engineer Judge Wright, confession that the Welland Canal must be opened, on an average, a fortnight earlier than the Erie Canal, and anticipating nearly the same advantage for the St. Lawrence Canal. On the authority, therefore, of an American engineer, we may safely assert that produce can reach Montreal from Lake Erie at least as soon as it can reach Albany. If there should be any difference against the St. Lawrence in regard to time, it will be more than balanced by the comparative economy of the route.

The St. Lawrence is not only open at an earlier date in the spring; but it is also open to a later date in the fall. While canals are generally closed by the first frosts, the rapid current of the upper St. Lawrence, according to a report of a Committee of the Assembly of Lower Canada, has been known to wait produce to LaChine to the end of December. But, in truth, the objection, founded on the delays of a severe winter, ought not, even in its most unqualified shape, to excite either despair or alarm in the friends of the Canadas.

The State of New York bears the same disadvantages relation to Pennsylvania, that Canada bears to the State of New York; and yet the State of New York secures a much larger portion of the western trade than Pennsylvania. The analogical argument becomes much stronger, when we consider that New York overcomes the disadvantages not only of climate but of a greater distance. By what means does New York achieve such results? By daring enterprise, indomitable perseverance and enlightened skill. By similar means may the Canadas come into successful competition with New York. Nothing is impossible to well directed industry.—We shall prosecute the important subject on an early day.—Montreal Herald.

The Toronto Recorder says "that the Clergy Reserves are again to revert to the crown for its disposal." The Recorder does not give the debates in the Legislative Council; but we cannot understand how any proceeding of the legislative council could produce the result stated. If the Council have sanctioned the bill of the assembly, the result stated cannot be correct; if the council have rejected it, the clergy reserves will not revert to the crown for its disposal, but will continue to be held by the crown as trustee for "A Protestant Clergy."—ib.

Extract from the Report of the Committee of the Grand Orange Lodge of Ireland. Dated, Committee-Rooms, 39, Westmoreland Street, Dublin, 17th November, 1830.

Your Committee have received several communications from British North America, where Orangeism seems greatly on the increase, but are sorry to learn that a Mr. Ogle Robert Gowan, a person well known to this institution, though not belonging to it, nor holding any office in it, has represented himself in Canada, to which country he has emigrated, as our Deputy Grand Secretary, and by such representation procured himself to be appointed a Deputy Grand Master. Your committee submit, that a communication ought to be made, without delay, to British North America, stating, that Mr. Ogle Robert Gowan is not a member of the Orange Institution of Ireland.

"The following Resolution was passed unanimously:—

"That this Grand Lodge has heard with extreme surprise, that a person called Ogle R. Gowan, has declared himself to the Grand Lodge of Canada as one of our Secretaries!—whereas the said Ogle R. Gowan is not even a Member of this Institution!!—This Resolution to be communicated to the Grand Lodge of Canada. N. SNEYD, Chairman, W. R. WARD, D. G. Sec." T. Recorder.

A purse of £250 has been raised on the British side of the Niagara Falls, which will be paid to any individual who shall accomplish a voyage from Lewiston to Niagara Falls, upon the river. That gigantic stream flows, this distance, about seven miles, between perpendicular banks of solid rock, varying in height from one hundred and sixty feet upwards. The rush of the vast river through this darksome gulf is frightful. The "whirlpool," so well known to visitors, and many other points along the distance, have at least the appearance of great danger from the brink above; still, we doubt not the purchaseholder will find his man, in the person of some adventurous Yankee.