

(APPENDIX H.) See Journal page 70.

as well as the other articles, and mentions the quantity of lands to be given to each master of a family, to children of such family and single men which do not bear on the present question. The part of the fortieth article now given, is that which has been ever adhered to as particularizing the description of persons to whom the waste lands of the crown were to be granted; and from 1786 to the present day, this has been the directing and ruling principle of granting lands to applicants. On the 4th of June, 1787, Mr. Collins is directed by Lord Dorchester to accommodate such loyalists as had not received lands, and to give additional grants to such as had cultivated their first locations, supported their former characters for their loyalty to the king and attachment to the British government, and were of decent and peaceable deportment. Mr. Collins is, at the same time, instructed to state to the loyalists how essential it is to their safety and the public tranquillity, to guard against the admission of any persons among them of suspicious characters, and commands him to inquire and report if there be any such, and not to give this addition to persons of doubtful principles and reputation.

So early as June, 1787, Mr. Collins is informed by Lord Dorchester, that a number of persons, who are in no shape entitled to the protection and encouragement of government, have, through the connivance of connections and friends, crept in and settled themselves among the loyalists, without any authority whatever. His Excellency goes on to say, that as this may prove an object of consequence to the future welfare of the settlement, it is proposed that an enquiry be held into the character and pretensions of all new comers since the original settlement. Such an inquiry actually took place; for, on the 4th June, 1787, Messrs. Collins and Powell, the late chief justice, were appointed to make it. Such was the anxiety of government to prevent any from settling in the province who had not given decided proofs of their loyalty.

In 1789 Lord Dorchester established land boards in every district for the purpose of settling with greater facility the soldiers and loyalists; and your committee beg leave to call the attention of your Honourable House to the third and fourth articles of the instructions by which they were to be governed.—“Article 3d.—“It shall be the duty of such Board, &c. to give free and easy access to petitioners, and to examine into their “loyalty, character and pretensions.”—“Article 4th. The safety and propriety of admitting the petitioner to “become an inhabitant being well ascertained to the satisfaction of the Board, they shall administer to every “such person the oath of fidelity and allegiance directed by law.”

Such was the system of granting lands before the division of the province of Quebec into Lower and Upper Canada; and so far was the government from encouraging settlers promiscuously from the United States, that the greatest care was taken that none should be admitted who could not give decided proofs of their loyalty and attachment to the British constitution.

When, therefore, General Simcoe arrived at Quebec, he found that instead of inviting settlers from the United States, the government was anxious to discourage any person from that quarter from coming into the province who was not of the most approved loyalty.

His Excellency landed at Quebec too late in the autumn of 1791, to proceed to Upper Canada; and during the winter he was actively employed in making himself acquainted with the land-granting department, and in getting such documents copied as it was necessary to bring up with him, in order to enable the Surveyor General appointed for this province, to commence and proceed with the duties of his office.

It was during this winter's residence at Quebec, that General Simcoe issued his proclamation, stating the conditions upon which lands would be granted to such as were desirous of settling on the lands of the Crown in Upper Canada. It is most worthy of remark, that the same proclamation, word for word was issued by Sir Alured Clarke, then Lieutenant Governor, on the 4th February, 1792, or three days before that of Governor Simcoe. It is therefore evident, that Sir Alured Clarke and Lieutenant Governor Simcoe acted in concert.*

* PROCLAMATION,

To such as are desirous to settle on the lands of the Crown in the Province of Upper Canada.

By His Excellency John Graves Simcoe, Esq.

Lieutenant Governor and Commander in Chief of the said Province, and Colonel Commanding His Majesty's Forces, &c. &c. &c.

* BE IT KNOWN to all concerned, that his majesty hath, by his royal commission and instructions to the governor, and in his absence the lieutenant governor or person administering the government for the time being, of the said province of Upper Canada, given authority and command to grant the lands of the crown in the same by patent under the great seal thereof; and it being expedient to publish and declare the royal intention respecting such grants and patents, I do accordingly hereby make known the terms of grant and settlement to be,

1ST.—That the crown lands be granted to be parcel of township, if an inland township, of ten miles square; and if a township on navigable waters, of nine miles in front and twelve miles in depth, be run out and marked by his majesty's surveyor or deputy surveyor general, or under his sanction and authority.

2ND.—That only such part of the township be granted as shall remain, after a reservation of one-seventh part thereof, for the support of a protestant clergy, and one other seventh part thereof, for the future disposition of the crown.

3RD.—That no farm lot shall be granted to any one person which shall contain more than two hundred acres; yet the governor, lieutenant governor or person administering the government, is allowed and permitted to grant to any person or persons such further quantity of land as they may desire, not exceeding one thousand acres, over and above what may have been before granted to them.