

arrangement adopted for the supposed convenience of the land-granting department, and could have no effect upon the legal property in the land. It was a device adopted by the land-granting department, in order to comply with an enactment evidently made in ignorance of the degree in which the best method of executing it would be found cumbrous and complicated. At a later period, however, the practice of specifying only six-sevenths of each lot was changed, and, instead of a part, the whole of each lot was specified; but one-seventh of the reserved lots in each township was left in its original character of Crown land.

In the evidence of Mr. Radenhurst, the chief clerk in the Surveyor-general's office, it is stated that this excess has occurred in about two-thirds of the surveyed townships. From a careful consideration of the returns that he has supplied, it however appears that the actual excess at the present time is about 300,000 acres.

I have selected the case of Upper Canada in the first instance, because it is more simple, and because the practice of the Surveyor-general in making the actual appropriation to be specified in the grant, by its conformity with the terms of the Act, exhibits clearly the nature and extent of the original error committed by the Governor and Council, in setting apart the seventh of each township. In Lower Canada the same amount of reservation was made for both the Crown and the clergy; but the different methods of granting land pursued by the Government of that colony led to a practice on the part of the Surveyor-general which greatly aggravated this original error. The first grant made after the passing of the Constitutional Act appears to have been to the Honourable Thomas Dunn and 47 others, of the whole of the township of Dunham, with the exception of the Crown and clergy reserve, or five-sevenths of the township, amounting to about 45,000 acres. In the patent for this grant the Surveyor-general specified the whole 9,000 acres of clergy reserve in the township as the allotment and appropriation in respect of the lands granted, and thus made the appropriation equal to one-fifth, instead of one-seventh, of the grant, being an excess in that particular case of $2,571\frac{1}{2}$ acres. In the ten following years after the making of this grant, nearly 1,500,000 acres were granted by the Crown in a similar manner, and in each patent the whole of the land set apart as a reserve for the clergy in the granted portion of each township was specified as the allotment and appropriation for the clergy in respect of the grant. The practice