

(44.) R.

Executive Council Chamber at Toronto, Thursday 5th January 1837.

Report of Executive Council.

Present—The Hon. Robert Baldwin Sullivan, Presiding Councillor.

The Hon. William Allan.

The Hon. Augustus Baldwin.

The Hon. William Henry Draper.

To His Excellency Sir Francis Bond Head, Knight of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

In obedience to your Excellency's commands respecting the address of the Honourable the House of Assembly, referred to the Executive Council by your Excellency, with instructions to procure the information therein required from the several departments of Government, and to cause such a return to be prepared under the supervision of the Council as would enable your Excellency satisfactorily to answer the inquiries contained in the address, the council have procured returns from the different offices which they respectfully beg to submit, with their own report, for the information of your Excellency.

The accompanying return from the provincial secretary will be found to contain a list of all the patents issued for lands from the time of the prorogation of the late Provincial Parliament until the end of the general elections, showing the numbers of the lots, the names of the grantees, the date of each patent, and the date of the respective orders in Council, by virtue of which the grantees became entitled thereto, with remarks detailing the nature of the right or claim of each grantee, and also showing, in an abstract appended to the report, the following results:

First. The number of letters patent issued between the 20th April and the 2d July last.

Second. The aggregate number of these patents completed, *within the same period*, upon orders in Council made during your Excellency's administration of the Government.

Third. The number completed upon orders issued under former Administrations.

Fourth. The whole number of patents completed upon orders in Council, issued since your Excellency assumed the Government, until the 2d July last.

Fifth. A classified description of the persons in whose names these patents were completed.

In the accompanying letter from the provincial secretary transmitted to the Council with the above return, it will be found that an alteration in the form of letters patent granting lands, by which the statement of abutments and boundaries is omitted, was adopted at the recommendation of the law officers of the Crown before the prorogation of the Parliament, before the coming into office of the present council, and without any reference to elections.

The surveyor-general in answer to the inquiries contained in the address of the Honourable House of Assembly transmitted to the Council the accompanying return, the same being a copy of one framed by him, by order of your Excellency, for the purpose of enabling His Majesty's Government to answer an address of the Honourable House of Commons on the same subject. It embraces a longer period than is required by the address of the Honourable the House of Assembly, as, besides containing a statement of transactions between the 20th April and 2d July, it comprises the time between the 1st April and the 1st August.

This return includes, of course, much of the information already contained in the report of the provincial secretary. It is transmitted by the Council to your Excellency, chiefly to show that no unusual proceedings have taken place in that office by relaxation of the original conditions upon which the nominees of the Crown were located. It is the duty of the surveyor-general to receive and adjudge upon the proof adduced of the performance of settlement duty, or other conditions of location, and he has no authority to dispense with such proof, unless upon special orders in Council.

As regards the special orders, the Council would respectfully remark that, in the case of settlers under the Hon. Colonel Talbot, his certificates of the performance of settlement duty, &c., have always been received and acted upon, by direct application to your Excellency in Council, and these form a great part of the special orders which have issued.

In some cases of discharged soldiers and commuted pensioners, the Council have, upon special applications showing circumstances by reason of which the conditions of location would, if insisted upon, produce great inconvenience to the individual, without any corresponding benefit, followed the course practised by their predecessors, particularly in accepting proof of the performance of the ordinary settlement duty, or improvement on the location by others, in lieu of personal residence by the locatee. The particulars of any case of relaxation of the original terms of location, if it should be deemed advisable to inquire into them, will be seen by copies of orders in Council remaining in the office of the surveyor-general.

The return from the Commissioner of Crown Lands gives in detail all the sales completed in that department within the period referred to, with the dates of the payments of the purchase-money, and of the certificates on which the descriptions issued, the amount of money paid, and the particulars of the lands sold, showing whether the same were Crown, Clergy or Indian lands. In a note appended to the Commissioner's report, the reason is shown why proof of the performance of settlement duties was not required in the case of seven Indian town lots at Port Credit, namely, the desire of the Indians themselves, who were considered the only parties interested.