

Those of the applicants who have planned in their imagination great schemes for accumulating land on principles of monopoly and speculation, and were, to that end endeavouring to elude the spirit and intent of His Majesty's Royal Instructions, by getting the lands granted to such persons only as would previously enter into covenants to convey the great bulk thereof to them, as soon as the grant should pass, will, very probably, be much dissatisfied at finding their schemes frustrated, but the discontents will be for the most part confined to this class of the applicants, and I cannot but entertain the fullest hopes that when I may be honoured with Your Grace's answer to my letter No. 67 of the 16th December, containing my ideas respecting the manner of conducting the sales, I shall soon be able to bring into practical effect His Majesty's gracious intentions of raising, by the disposal of the waste lands in future, an important fund towards defraying the Civil Expenditure of the Province. Should Your Grace be troubled with representations from the last mentioned class of applicants, who may perhaps be desirous of preventing these gracious intentions of His Majesty from being carried into effect, I may perhaps find it my duty to unfold circumstances, which I should otherwise wish might lie buried in oblivion. (Q. 80-1, p. 189).

The letter above referred to as No. 67 deals at great length with the question of the disposal of waste lands to the best advantage to the Province and to the purchasers. The propriety of disposing of the lands by sale except in the case of persons entitled to grants is strenuously urged by Governor Prescott. One of the abuses practised under the existing law is thus described by him in that letter (No. 67), which is dated 19th December, 1797:—

The more I consider the subject, (that of disposing of the waste lands by sale,) the more I feel convinced of the advantages that must, in every point of view, accrue from that mode of disposing of them, as a general rule, in preference to the granting of them to persons petitioning.***** The practice of petitioning in borrowed names (a practice which cannot be prevented under the ancient system) gives every advantage to people who may be disposed to monopolise the land for the purposes of speculation. Industrious farmers who would wish to obtain a grant for the purpose of actual settlement, but who cannot spend their time in tedious solicitation, stand little chance of obtaining it, compared with speculators who can devote their time to the attainment of this object. By disposing of the land at public sale industrious farmers would have an equal chance with any other competitors (Q. 80-1 pp. 28.29).

In order to prevent the introduction and spread of a system of collusion which had grown up in the neighbouring States, Prescott proposes a very stringent regulation. The practice referred to may be stated in his own words:—

In the sales that have been made of public lands in some of the neighbouring States, there have, I am informed, been instances of collusion between the Commissioners of Sales and certain speculative purchasers; so much to the detriment of the public and of well disposed individuals. These collusions were managed by making a temporary adjournment when the people intending to purchase were all met, and opening it again when none were present but those concerned in the collusion. (Q. 80-1 p. 46).

That a state of things similar to that in Lower Canada existed in Upper Canada is plain from the letter of Mr. President Russell to the Duke of Portland. In this letter (No. 69 of the 18th. July, 1799) Mr. Russell says:—

The Council and myself are exceedingly happy that your Grace appears to approve of the steps we have taken to get rid of the pernicious system of settling the waste lands of the Crown by appropriating large tracts to associated companies, and our determination to proceed in future in making grants to individuals only.