

original proclamation, as well as those of all the Addresses of the House of Assembly on the subject, and of the last proclamation, are sufficiently comprehensive to include them. The question for the decision of the board to whom these claims have been referred, appears to be a question of facts. It would appear that those who were embodied and actually served on the frontier in the same manner as the six battalions, ought to be considered as entitled to the benefit of the proclamation, while all but these are altogether excluded. It may be mentioned that the exclusion of those belonging to the third class, who, notwithstanding ample notice, and two separate enlargements of time, neglected to make any claim in due time, is strictly in accordance with the view expressed by the Home Government in their Despatch to Lord Gosford, and with Lord Gosford's answer to the House of Assembly.

The proclamation of Lord Gosford, directing that letters patent for the land to be granted should contain none of the conditions formerly imposed, was founded upon an Address from the House of Assembly, representing those conditions as onerous to the militia men, and destructive of the value of the grant. There appears to have been much justice in this representation, since the greater part of the locations allotted to militiamen were distant from settlement, and the expense of clearing and cultivating the requisite quantity of land away from a market, and with no practicable roads leading to the spot, was very considerable, amounting in many cases to more than 5*s.* per acre upon the whole grant, while in this part of the Province land was selling as low as 1*s.* 3*d.* per acre. The performance of these settlement duties would not have been burthensome, if the individual acquiring the land had been about to establish himself upon it ; but in a great number of cases the grantee had land elsewhere, from which he did not choose to remove, or the lot assigned to him might be 15 or 20 miles from a settlement ; and in all such and similar cases the conditions were performed solely with a view to enable the individual performing them to obtain his patent. The grant was so situated generally as to be useless for the purpose of settlement ; and the conditions to which it was subject rendered it of no value in any other point of view.

The House of Assembly, in urging the abandonment of these conditions, seems, however, to have overlooked, or to have been ignorant of, circumstances which have appeared in evidence before this commission, and which would entirely