

(APPENDIX H.) See Journal page 70.

To this proclamation of General Simcoe, all persons, other than loyalists, coming from the United States, have been in the habit of appealing, and with a degree of assurance, which, after perusing the instrument, is particularly astonishing, as it contains not a word, which, either directly or indirectly, invites any person not attached to the unity of the empire and the supremacy of the British parliament. The proclamation makes no particular reference to applicants, nor was it intended that it should do so; its object was simply to state the conditions of grants of land, and the mode of proceeding in order to obtain them. The description of persons was well known in both provinces, and had been strictly confined to those designated in the instructions to Lord Dorchester already noticed.

No change took place in the instructions to the land boards, which confined them, in their admission, to loyal subjects; and however much Governor Simcoe desired the rapid settlement of the province, he desired good and loyal settlers much more. But we are not left to conjecture as to General Simcoe's policy; for in his speech, on opening the first provincial legislature, he says, "The great and meritorious trusts and duties which have been committed to the representatives of this province, in a degree infinitely beyond whatever, till this period, have distinguished any colony, have originated from the British nation, upon a just consideration of the energy and hazard with which its inhabitants have so conspicuously supported and defended the British constitution."

Is it to be credited, without the strongest evidence, that a Governor using this language, would invite those who had been, but a few years before, in open rebellion, and who, instead of supporting and defending the British constitution, had abjured their sovereign, and trampled that constitution under their feet? On the contrary, General Simcoe always demanded proofs of attachment to the British constitution from all applicants for land, and the petitioners rest upon loyalty as the ground of their claims. Accordingly the orders for land generally run thus:—"That A. B's. petition for land having been read, His Excellency and Council, in consideration of the well known loyalty and sufferings of A. B. and family, are of opinion that they came precisely under the description of those who ought to be encouraged to settle in this province, and grant the prayer of this petition," &c.

It uniformly appears that the merit of declared loyalty and adherence to the unity of the empire, were in general the ground of recommending petitions, and when this ground was not found the prayer was refused.

The assertion so frequently made, that General Simcoe not only admitted Americans promiscuously into the province, but repeatedly invited them, is the most groundless that ever was made, and stands opposed by the strongest facts. The printed order in Council, of 6th November, 1794, directs that no settlers are to be ad-

4th.—That every petitioner for lands make it appear, that he or she is in a condition to cultivate and improve the same, and shall, besides taking the usual oaths, subscribe a declaration (before proper persons to be for that purpose appointed) of the tenor of the words following, viz:—"I A. B. do promise and declare that I will maintain and defend to the utmost of my power the authority of the king in his parliament as the supreme legislature of this province."

5th.—That applications for grants be made by petition to the governor, lieutenant governor, or person administering the government for the time being; and where it is advisable to grant the prayer thereof, a warrant shall issue to the proper officer for a survey thereof, returnable within six months with a plot annexed, and be followed with a patent granting the same, if desired, in free and common soccage, upon the terms and conditions in the royal instructions expressed, and hereinafter suggested.

6th.—That all grants reserve to the crown, all coals, commonly called sea coals, and mines of gold, silver, copper, tin, iron and lead; and each patent contains a clause for the reservation of timber for the royal navy of the tenor following: "And provided also, that no part of the tract or parcel of land hereby granted to the said and his heirs, be within any reservation heretofore made and marked for us, our heirs and successors, by our Surveyor General of woods, or his lawful deputy; in which case, this our grant for such part of the land hereby given and granted to the said and his heirs forever as aforesaid, and which shall upon survey thereof being made, be found within any such reservation, shall be null and void, any thing herein contained to the contrary notwithstanding."

7th.—That the two-sevenths reserved for the crown's future disposition and the support of a protestant clergy, be not severed tracts, each of one-seventh part of the township, but such lots or farms therein, as the Surveyor General's return of the survey of the township, shall be described as set apart for these purposes, between the other farms of which the said township shall consist, to the intent that the lands to be reserved may be nearly of the like value with an equal quantity of the other parts to be granted out as aforesaid.

8th.—That the respective patentees are to take the estates granted to them severally free of quit rent and of any other expenses than such fees as are or may be allowed to be demanded and received by the different officers concerned in passing the patent and recording the same, to be stated in a table authorised and established by the government, and publicly fixed up in the several offices of the clerk of the council, of the surveyor general, and of the secretary of the province.

9th.—That every patent be entered upon record within six months from the date thereof, in the secretary's or register's offices, and a docket thereof in the auditor's office.

10th.—Whenever it shall be thought advisable to grant any given quantity to one person, of one thousand acres or under, and the same cannot be found by reason of the said reservations and prior grants within the township in the petition expressed, the same, or what shall be requisite to make up to such person the quantity advised, shall be located to him, in some other township, upon a new petition for that purpose to be preferred.

And of the said several regulations, all persons concerned are to take notice, and govern themselves accordingly.

Given under my hand and seal, in the City of Quebec, the seventh day of February, in the thirty-second year of his majesty's reign, and in the year of our Lord, one thousand, seven hundred and ninety-two.

John Graves Simcoe.

By His Excellency's command,

Thomas Talbot, acting Secretary.