

or burthen, other than the fair and necessary costs of survey and title." I must dissent from the view here taken by the Assembly, and I am persuaded that a more careful consideration of this subject would have led to a conviction, that to restrain in some degree the extreme facility of acquiring land, by demanding a moderate price from all who are anxious to obtain it, instead of being injurious to the interests of those who desire to become settlers on the Crown lands, would be found calculated to promote their success no less than the welfare and prosperity of the province at large.

LOWER CANADA.
Visct. Goderich to
Lord Aylmer.

It has been urged that to compel the *bonâ fide* settler to pay for his land anything beyond the necessary expense of surveying it and marking out the limits, is to deprive him of a portion of his capital, which, if allowed to retain, he might employ to great advantage. Plausible as this objection is, experience has demonstrated that by yielding to it, and making free grants, much more inconvenience is incurred than can arise from this alleged defect in the system of sale. If no consideration is to be given in return for land, all persons will be desirous to obtain it, and that too in quantities not limited by their ability to turn it to their advantage; either therefore land must be lavished in a manner which will quickly leave none unappropriated and open for the occupation of those who can really make use of it, or a power must be entrusted to the executive Government of deciding what claims are to be admitted and what rejected. To such a power being placed in any hands there are the strongest objections: it gives a species of patronage to its possessor almost without responsibility, since its due exercise is with difficulty to be distinguished from its abuse, and the latter therefore is as easy as it may prove dangerous. The same difficulty of judging of the manner of exercising a discretion of this sort, which in bad hands facilitates its abuse, also exposes to suspicion even the most perfect impartiality and fairness. Whether, therefore, the power of abuse which it confers is considered, or the unmerited obloquy which it may occasion, it is most inconvenient that the Government should be called upon to undertake the task of the gratuitous distribution of the land. It is also found practically that, under the system I am now considering, no degree of caution is sufficient to prevent large tracts of land from getting into the possession of persons whose object is not to improve it, but at a future day to dispose of it, when it shall have acquired an increased value from the settlement and improvement of the vicinity; the effect of this being to enable the idle or fraudulent proprietor not only to put his more industrious neighbours to great inconvenience, but also to derive a profit from their exertions, to which he has in justice not the slightest claim.

As far as I am acquainted with the history of new settlements, there is no instance in which the practice of making free grants has been followed, without leading to the abuse I have described. Various regulations have been adopted, with a view of guarding against it; but these, though complicated and otherwise inconvenient, have ultimately failed to accomplish their intended object. It has been supposed that it would be a simple mode of attaining the end in view, to prevent any individual from acquiring more than a certain fixed extent of land, imposing upon him at the same time the condition of improving it. The difficulty, however, of defining beforehand what this improvement is to be, immediately occurs. No general rule can be laid down, applicable alike to all situations; and without such a rule it is impossible to avoid either on the one hand permitting the condition to become a dead letter, or, on the other, giving rise to endless disputes and litigation. Again, the effect of the limitation upon the quantity of land to be acquired by a single individual is liable to be defeated, as those who have money will prevail upon their poorer neighbours to allow them to make use of their names, in order to obtain more extensive grants than the regulations would permit. If, to guard against this, the transfer is prevented, persons able and willing to improve their land are unable to obtain from those who are not so, what in their hands is useless; besides that improvement is greatly discouraged, and the spirit of enterprize injuriously checked, by preventing the conversion into money of the increased value which the industry of a settler has given to his grant. Another plan is, to allow to every settler a grant proportioned to the amount of his capital, and to require from him, before he is permitted to alienate it, that a certain sum should be expended on its improvement. This is the principle of the regulations lately in force in the Australian colonies; but, notwithstanding the care with which they were drawn up, in practice they have not been found to answer.

It is not necessary that I should do more than thus generally point out the objection to a system of free grants, since experience has not only shown these