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CANADA COMPANY—MINUTES OF

aid of Parliament. Subjoined to the present minute is a Memorandum, containing the heads of the charter which it is proposed thus to grant. It is however to be clearly and distinctly understood, that notwithstanding the present arrangement, the Lords of the Privy Council (as the constitutional advisers of the Crown on subjects of this nature), and the Lord Chancellor (as keeper of the great seal) will exercise their judgment both as to the propriety of issuing such a charter, and as to any particular clauses in it, which may appear to them illegal or objectionable.

5th.—When the company shall have been actually incorporated, Lord Bathurst will further advise His Majesty to convey to them, upon the terms and conditions subsequently mentioned, the lands in the province of Upper Canada, which are subsequently described.

6th.—That part of the province of Upper Canada, which has hitherto been occupied by His Majesty's subjects, is at present divided into districts, which are subdivided into counties, and in each of the counties various townships have been laid out. In pursuance of the statute 31st G. 3. c. 31. one-seventh of the land comprised in these townships has been reserved for the maintenance of a Protestant Clergy. These lands are called "The Clergy Reserves." One other seventh part of the lands included in these townships has been reserved by His Majesty for public purposes, and are known by the name of "The Crown Reserves." In the district of Niagara, no reserves have been made for the Crown. But the deficiency has been supplied by a large reservation in the adjoining district of Gore. Various grants in fee simple have already been made of parts both of the "Clergy Reserves" and of the "Crown Reserves." Some parts of these lands have been demised for terms of years; other parts have been occupied either with the written licence of the colonial government, or on the faith of verbal promises made by that government, that the occupants should receive grants on leases of the lands in their occupation. There are other parts of these lands which, without any legal conveyance, or even any actual promise or licence, have been appropriated to purposes of a public nature, or for the convenience or advantage of the clergy of the province; other portions which have not hitherto been actually so appropriated, are yet, from their peculiar local advantages, or from other circumstances, so situated as that the occupation of them may be peculiarly convenient or necessary for the public service within the province, or for the erection of churches, school-houses or parsonage-houses, with small adjoining pieces of land to be used as burying grounds, yards or gardens. Finally, there are within the Clergy and Crown Reserves, various parcels of land which have been occupied for ten years and upwards, by persons who have resided upon them, not only without any grant, but without any pretence of legal title, and who, in America, are usually designated by the appellation of "Squatters," but who, notwithstanding, have not been disturbed in that occupation. When the company shall actually have been incorporated, Lord Bathurst will advise His Majesty to convey to them, upon the conditions subsequently stated, the whole of the Crown Reserves, and one-half of the Clergy Reserves, in those townships which, on or before the first day of March 1824, were actually laid out in the several districts before mentioned, in the province of Upper Canada; it being understood that the several portions of the Crown and Clergy Reserves which, as above mentioned, have been granted or demised on lease, or occupied on the licence or promise of the government, or appropriated to public or clerical purposes, or occupied without disturbance for ten years, or which may be peculiarly convenient or necessary either for the public service or the ecclesiastical objects already mentioned, are to be wholly excepted; so that there will be conveyed to the company one-half of that part only of the Clergy Reserves which will remain, after deducting these excepted lands from the entire quantity originally reserved, and the whole of the Crown Reserves which will remain after making the corresponding deduction of the excepted lands from them.

7th.—In order that the exceptions mentioned in the preceding paragraph may not operate more extensively than is at present contemplated, Lord Bathurst will immediately instruct the lieutenant governor of Upper Canada to adopt all necessary measures for preventing any new grants or leases being made, or licences of occupation given, of any part either of the Clergy or Crown Reserves. But as until the proposed charter of incorporation shall be granted, the corporation already existing in