

UPPER CANADA.

No. 1.

COPY of a DESPATCH from Major-general Sir *John Colborne*
to Viscount *Goderich*.

Upper Canada,

York, 11th January 1833.

MY LORD,

I HAVE the honour to forward to you the accompanying documents, with reference to your Lordship's Despatch of the 29th of August, in which was transmitted a Copy of Resolutions of the House of Commons, respecting certain Petitions addressed to the House of Assembly of Upper Canada, in the Session of the Provincial Legislature of 1828, and to acquaint your Lordship, that as the circumstances connected with Forsyth's Petition could not be understood without a Report from Chief Justice Robinson, who was Attorney-general at the time Forsyth brought his action for trespass, I have considered it necessary to call on the Chief Justice for such explanations connected with the affair as he might be able to afford, and to forward them for the information of the House of Commons.

I have, &c.

(signed) *J. Colborne.*

LETTER from Chief Justice *Robinson* to Lieutenant-colonel *Rowan*, Secretary,
&c. &c. &c.

SIR,

York, 31st December 1832.

I HAVE the honour to acknowledge the receipt of your Letter, transmitting some Resolutions of the House of Commons, in consequence of which, his Excellency the Lieutenant-governor has been desired to furnish copies of certain proceedings in the Assembly of this province, upon Petitions preferred by William Forsyth.

In reply, I beg leave to state, that the specific call for information which the House of Commons has made, would be answered, as it appears to me, by merely transcribing from the journals of the Assembly the Reports referred to, and the evidence appended to them, and transmitting those papers to England. If the object of his Excellency's reference to me is to obtain any further information on the subject of those complaints which it is in my power to give, I can have no objection to state such facts as are within my knowledge, according to the best of my recollection. The Reports alluded to have not, so far as I am aware, engaged any attention in this country, either in the Legislature or out of it, for some years. I have long ceased to think of them; and it is more than three years since I filled the situation under the Government which gave me official knowledge of the matters they refer to. It is therefore probable, that some minor circumstances may have passed from my mind, but I apprehend the following Statement will be found to be in substance correct.

The township of Stamford and the other townships on the river Niagara, as well as some other parts of this province, were surveyed and laid out into lots before the division of the province of Quebec into Upper and Lower Canada, some time between the years 1785 and 1790, and while General Haldimand administered the Government of Canada. In laying out the lands on the river Niagara, a reservation of a chain in width (66 feet) was made along the top of the bank, partly, I think, with a view to the military defence of the province, and partly for the purpose of preserving a convenient communication.

The river, which in many places is of very moderate width, constitutes a boundary between us and the United States of America; and it no doubt occurred to the Government, that in the event of war, it might be necessary to construct batteries and other works upon the bank to repel invasion, or to command the passage of the river. In the war which occurred in 1812, batteries were in fact constructed at numerous points along the river.

In more recent surveys, made under the authority of the Government of Upper Canada, it has been thought obviously proper for other reasons, and independently of these considerations, to reserve to the Crown, for the public convenience, the space of a chain along rivers and other waters of far less importance than the Niagara. Such a reservation, by preserving the land open, affords to all persons access to the water without trespassing upon the lands of private proprietors.

After General Simcoe assumed the government of Upper Canada as a separate province, (in the year 1792) the particular public reservations which had been made along the Niagara river in the original surveys were designated, and reported to him by the surveyor

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