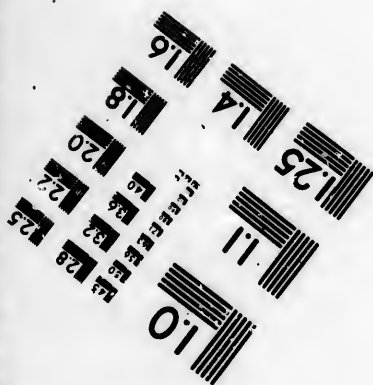
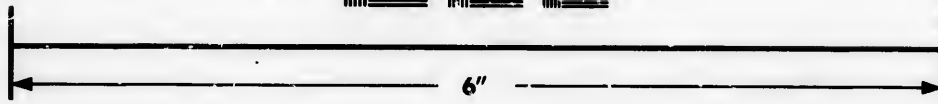
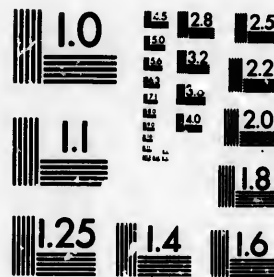


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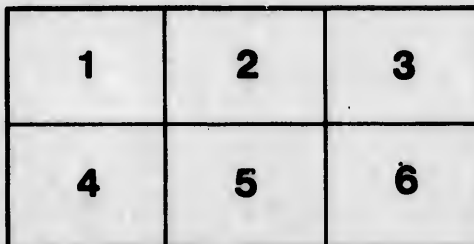
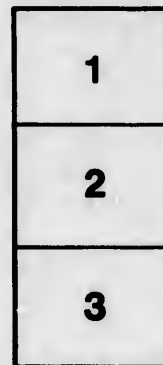
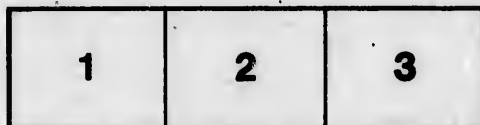
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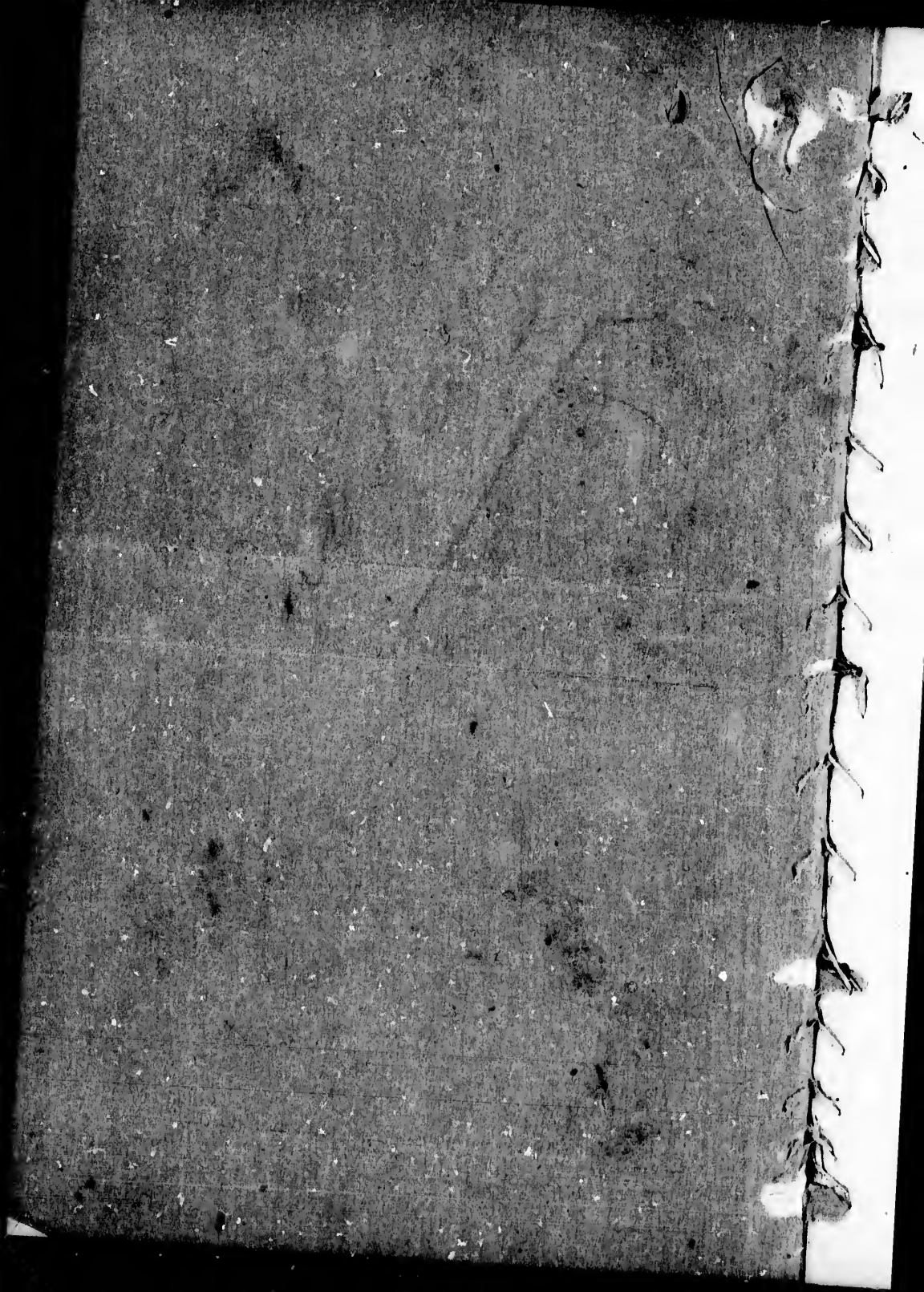
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A Sketch of the Early Settlement of the Town of York:
 The early settlement of the Town of York, now the City of Toronto and the Capital of Upper Canada, previous to the year 1800, was after this manner:—The Province of Quebec, afterwards known as the Province of Canada, by conquest, it was desirous of leaving the settlement then made by French Colonists in the enjoyment of their laws, customs, language, and religion; and the better to carry out that view, divided the Province into two parts, one Lower Canada, comprising all the settlements then made by the French, including the County of Beauport, (the only settlement West of the Ottawa River); the other called Upper Canada, which comprised all the unsettled wilderness west of the boundaries assigned to Lower Canada. To the Province of Upper Canada, the Imperial Government assigned a Constitution by the Imperial Act, 31st Geo. III, passed in 1791, and appointed John Simcoe, Esq; (afterwards known as Colonel Simcoe) Lieutenant Governor.

During the winter of 1791, Colonel Simcoe had a number of gentlemen appointed under him to fill the several Provincial Offices in the New Colony; and on the first of May, 1792, (with the constitutional Act in his possession,) sailed from London with his staff, by way of Québec, to Kingston, then a small village with a fine harbour for stopping—arriving there in July of that year. His first step was to subdivide the Province into Districts for Legislative purposes, order an election of Members of Parliament from the few scattered settlers who had entered the Province after the American Revolution, most of them as squatters upon the wild lands, and call the first Parliament at Niagara, then an old French fort, with a few settlers known as Newark. Here the Legislature of Upper Canada first met on the 17th September, 1792, and closed on the 15th October same year. The next session met at Niagara, on 31st May, 1793, and closed 9th July, 1793; after the closing of this session, Colonel Simcoe came round the Lake in a barge rowed by men of the Queen's Rangers and some Indians, under the command of the late Colonel Givens, (then a subaltern of the Rangers, acquainted with the Indian tongue;) passing the Bay at the head of the fine harbour now called Toronto Bay. Here the party landed; Colonel Simcoe pitched a tent and remained at the site of the present City of Toronto, while Mr. Givens, with an exploring party, guided by Indians, went northwards as far as Penetanguishen, having passed the Lake which was called Lake Simcoe after the Governor. On their return they reported very favorably of the soil to the North; and Colonel Simcoe was led to determine upon it as the site from the advantages of its central position as regarded Upper Canada, its fine harbour, and rich back country, as most desirable for the seat of Government.

In 1793, he ordered a town plot to be surveyed, which was accordingly done by Mr. Jones, a surveyor. The town extended from the street now known as Berkeley street, on the east, to the street now called Nelson street, east of the St. Lawrence Market, on the west; and from the Bay northward to the line of Lot street, on which the Park Lots fronted, now called Queen street.

This town he called York, after York in England. In all probability, the fact of the Governor being a Yorkshireman led to the naming not only of the town and township of York, but to the county, the rivers Don and Humber, and the ridings, as in Yorkshire. The names of Scarborough, Pickering, and Whitby, were no doubt given in the same way. In 1794, the survey of the town and the township were nearly completed; and in 1795 an order having been issued for the erection of Parliament Buildings at York, the Government was ordered to remove thither, after the session of 1796, which was closed on the 3rd June.

Kingston being the only place where settlers could locate themselves at that early period, many families of the first settlers resorted thither; intending, if that place should eventually be fixed upon as the capital of the Province, there to remain; but after it was positively ascertained that York was to be the future seat of Government for Upper Canada, many of the families then at Kingston, determined to leave for York.

The first family that left Kingston and came to York was that of the late Captain Denison, (father of the late George T. Denison, Esq., who died at Toronto, in December, 1853, its oldest inhabitant.) Captain Denison arrived at York with his wife and four sons in the month of October, 1796, and resided at "Castle Frank" until he got himself a home. After them came the late Colonel Allan, then a young man, from Niagara, who died here in 1853, at an advanced age, leaving an only child, George Allan, Esq., the present Mayor of Toronto. Mr. Crookshank came the next year, and a portion of the "Old Queen's Rangers," (a corps raised especially to settle in Canada after a certain period of service.) With the Government officials arriving, commenced the first settlement of the town of York. Many gentlemen came with the Government as officials. The late Hon. Peter Russell, so often President of the Province, came with Colonel Simcoe, holding the appointment of Inspector-General and Auditor-General. It was through the invitation and persuasion of Mr. Russell that Captain Denison was induced in 1792 to leave England and come to the new Colony which was to have been settled as an English Colony somewhat on the principle of the New Zealand settlement of the other day.

The late John Small, Esq., father of C. O. Small, Clerk of the Crown, and of Judge Small, now of London, was at that time Clerk of the Crown, besides holding other official appointments. The late Thomas Ridout, Esq., better known as Surveyor-General Ridout, (father of Samuel Ridout, Esq., Registrar, George Ridout, Esq., Barrister, and Thomas G. Ridout, Esq., Cashier of the Upper Canada Bank), was also an official under Colonel Simcoe, and a good specimen of an "English gentleman of the older time."

William Jarvis, Esq., better known as Secretary Jarvis, father of Samuel P. Jarvis, Esq., was also an official; he was a U. E. Loyalist. He married a daughter of Dr. Peters, a clergyman of the Church of England, in the British Colonies; who was one of those so shamefully persecuted by the rebels. These gentlemen, with a few others, formed the staff attending Colonel Simcoe.

The late Captain Lippincott, a U. E. Loyalist of celebrity, came to York in 1796, and remained a few years, when he afterwards settled in the County of York, where he obtained large tracts of land for his services to the crown of England. The Denisons of Toronto are the grand-children of Lippincott, and of Captain Denison.

The late Colonel Graham came to York about the same time, and afterwards settled in the county where many of his descendants are now to be found.

The late William Warren Baldwin and his brother were early settlers at York, having come from Ireland about the year 1798. The late W. W. Baldwin, known as Dr. Baldwin, was father of the honorable Robert Baldwin and of W. A. Baldwin, Esq. He married the daughter of Mr. Wilcox, familiarly known as Squire Wilcox, who came to Kingston in 1792; returned to Cork, where he was elected Mayor; then came to Canada again about 1797, and finally settled at York. Mr. Sullivan, brother-in-law to Dr. Baldwin and father to the late Mr. Justice Sullivan, came at a later period.

Of the officers of the Queen's Rangers, who eventually settled in York, having descendants residing here, were Colonel Smith and Colonel Shaw, (afterwards Major-General, the First Adjutant-General of Militia, and a member of the First Executive Council,) the grand-father of Captain Shaw of Oakkill, Toronto; Captain Givens, afterwards known as Colonel Givens, who died a few years ago at a very advanced age; the late honorable Alexander McDonnell, the father of Allen, James, Angus, and Alexander McDonnell, of Toronto; Dr. Macauley, the father of Chief Justice Macauley and of Captain John Simcoe Macauley, now in England; Dr. Gamble, (father of J. W. Gamble, Esq., M.P.P.; W. J. Gamble, of Milton; and Clarke Gamble;) and Christopher Robinson, Esq., father of Chief Justice Robinson, and W. B. Robinson, Esq., M.P.P.

The honorable John McGill was a very early settler, being at York on duty previous to the arrival of Captain Denison. He brought a horse with him: it was the only horse for a long time west of the Bay of Quinte settlement. Mr. McNab, a revolutionary officer, the father of Sir Allan McNab, was an old settler.—The late Chief Justice Powell was also an early settler, and the late Colonel Chewitt, father of James G. Chewitt, Esq., was one of the very first.

The late Chief Justice Elmsley came at an early period; his son, the Hon. J. Elmsley, was born about twenty miles north of Toronto. Chief Justice Osgoode, from whom Osgoode Hall derives its name, was the first Chief Justice of Upper Canada.—Judge Boulton, the father of the Hon. H. J. Boulton, and James

Boulton of Toronto, came at a later period, about the year 1804/5 and Mr. Coroner Duggan came about 1806. The late Hon. James Baby was a member of the first Executive Council of the Province; he has no descendants now in Toronto.

A Book of Ordinances.

LONARD WALKER, in consequence of the numerous inducements published by Proclamation (under the Act of the 39th of his late Majesty King George the Third, chapter 27th.) by the British Government from time to time, inviting and holding out strong encouragement to all persons who should be willing to settle in the Canadas, and having determined to take advantage of the very liberal terms of these grants of lands for them and their children, so he sold out all his valuable landed and other property in the United States of America, and with the proceeds purchased a boat which he freighted with such articles for his own private use; and went for settlement, and accordingly sailed in the above vessel with the aforesaid freight, and arrived in York (now Toronto) harbour, in the month of August, 1815, and proceeded with Monis Lawrence, Impkeeper, of the then said Town of York, to the office of Colonel William Allan, the Collector of Customs of said port; that being informed that said Colonel Allan was not at home, delivered to Mr. Thomas Hamilton, his deputy, an invoice or Bill of Lading of the goods he had on board the said boat, just arrived in York Bay aforesaid, with the intention of paying the accustomed duties. (Vide evidence of Mr. Monis Lawrence before a Select Committee, in the Appendix to the Journal of the House of Assembly, 1825, No. 192.) That the said Thomas Hamilton then went on board the said boat, and without having properly examined the cargo, seized it and the boat; and in direct violation of the provisions of the Act of the 41st of his late Majesty, George the Third, chapter the 5th, pages 136 and 137, section the 8th, and again in page 136, chapter 5th, detained the said vessel and cargo, from August, 1815, to the 26th February, 1817, without having made any return of the same to the proper authorities required by the enactments aforesaid.

L. W. then proceeded up Yonge Street, and purchased a piece of land about 13 miles from York, (now Toronto) for the purpose of keeping a house of public entertainment, and with that intention having built a commodious Inn with the usual necessary offices, applied to the Hon. Samuel Smith, then administering the government of the Province of Upper Canada, (the brother-in-law of the said Colonel William Allan) to permit him to take the oath of Allegiance, for the purpose of taking out a Tavern-keeper's license as by law directed; and was refused by the said Samuel Smith, (the aforesaid brother-in-law of Colonel Allan, aforesaid) notwithstanding he produced at the time a Certificate of character and qualifications, stating that he being personally acquainted with

the above named Leonard Wilcox, have ever found him an honest, good, and industrious man, and he having been at great expense in building convenient houses for the accommodation of travellers, do recommend him as a fit person for a Tavern License," and signed James Fulton, Justice of the Peace; James Fenwick, Justice of the Peace; James Mustard, John Button, Thomas Stoyll, George Playter, Robert Caldwell, J. G. Chewett, Jonathan Shaw.

Finding that he would not be allowed to take the Oath of Allegiance, although at the time Town Clerk of the Township of Vaughan, and having acted as Juror at the Sessions in the Home District at different times, and having embarked so large a capital in erecting and furnishing his said house, he procured a friend to take out a License in his own name for said house, (and for which license he paid the sum of £8 15s.) and under him he conducted the business of an Innkeeper six months in 1817, until he was summoned before the Magistrates, fined, and paid £20, with £1 0s. costs, and obliged to shut up his house.

He begs leave to lay before the public, the following statement of the foregoing trial in that case, as follows:—

Adjourned General Quarter Sessions of the Peace,
York, 6th of August, 1817.

PRESENT:
GRANT POWELL, Esq., Chairman.
COL. WM. ALLAN, (aforesaid,) }
ALEXANDER WOOD, Esq. } Justices of the Peace, &c.
WILLIAM CHEWETT, Esq. }

On complaint of William Allen, Esquire, Inspector of Licenses of the Home District, on the 2nd instant, that Leonard Wilcox, of the Township of Vaughan, sold Spirituous Liquors without License; a warrant had been issued accordingly, and he appearing, and on being examined thereto, acknowledged that the License which he now sold under, had been granted to the house he now occupied in the name of Whitfield Paterson, but had not been legally made over to him, as he is now informed. Whereupon it was ordered, that Leonard Wilcox do pay a fine of £20 with costs; that he enter into a recognizance for his appearance at the Court of General Quarter Sessions, to be holden here on the 14th of October, now next ensuing, and give evidence against Whitfield Paterson, &c., which he has accordingly done as follows:—

LEONARD WILCOX, £10.) CONDITION.
JACOB MUNSHAW, £5.) That Leonard Wilcox, do appear
JARIUS ASHLEY, £5.) next Court of General Quarter
Sessions, to be holden here, and give evidence against Whitfield Paterson, for a Misdemeanor, &c., and not to leave the Court without permission.

In obedience to the above order, lest he might be fined in another sum of £20, with costs, he had to travel every day during the whole Sessions, a distance of 26 miles, through the worst of roads, and notwithstanding which attendance, said Paterson never appeared, and as he understood from Paterson himself, never was

called upon by said Court, to answer to the said charge. The above order of Court is testified to be a true extract from the Record.

For S. WASHBURNE, Esq.,

Clerk of the Peace, H. D.

(Signed) CHARLES M. K. BATTY.

Then follows Whitfield Paterson's Certificate.

I hereby certify that I licensed the house of Leonard Wilcox, on Yonge Street, in the year 1817, and authorized him to sell for me, and he was fined for selling under the said license.

(Witness) JOHN FENTON,

(Signed) WHITFIELD PATERSON.

York, 12th Feb., 1829.

Seeing the want of Carding Machines in the part of the Province in which he settled, and being under the impression that the duty on such would be 10 per cent., he imported one in 1816 or 1817, and was obliged to pay 30 per cent. duty, which duty, amounting to 75 dollars, has never been accounted for by the Custom House Officer to whom it was paid.

That the payment of the said duty of 30 per cent. on the said Carding Machine, was proved by Mr. Edward Thompson, before a Select Committee of the House of Assembly, appointed to enquire into his case, touching the seizure of the vessel and cargo, and disposal of said duties, by said Collector, as appears upon record in the Appendix of its Journals for 1836, No. 102.

He begs leave particularly to call the attention of the public to the very remarkable fact of documents Nos. three and four: referred to in the said Appendix, having been torn out of the Report of said Committee, as adopted by the House previous to its being printed in the Appendix to the Journals of the House.

That since his property was seized and sold under the oppressive circumstances aforesaid, he has not neglected to apply to every Governor and Legislature for redress, since the occurrence took place, but could not obtain redress from circumstances over which he had no control, and which remained hidden from him behind the curtain: but had invariably found, that the principal persons against whom he complained, still held the highest influence under the Government.

Hon. WILLIAM ALLAN called.

Were you in Lower Canada at the time of the seizure?—I was absent during the whole of the summer of 1815, returning in the fall, I can positively say I was not in York at the time of seizure, I may have been here at the time of the first coming of the boat in the spring, though I am not certain.

Was Hamilton your deputy?—Yes, he was.

How long was the boat kept before the trial?—I cannot say.

Do you recollect the amount the boat and goods sold for?—

Not the smallest recollection.

Do you know if any report was made to the Inspector General?

—I do not.—it is always usual to make return of seizure to the Inspector: and copy such to the Attorney or Solicitor General at

same time. I presume it was done in this case also, but cannot say.

Was Hamilton your deputy at the time?—He was, and must presume he did so.

Did you receive the proceeds of the sale, or any part?—I do not think I did receive any—there is some possibility of it—but I do not think I got any of it.

Did Mr. Hamilton, as your deputy, make return of money to the Inspector General or Receiver General?—None.

Do you know what became of the tackle of the boat?—I do not.

MR. HAMILTON—*examined.*

Were you Deputy Collector at the time of the seizure of L. Wilcox's boat?—I was, in the absence of Mr. Allan in Lower Canada.

Was Mr. Allan absent at the time you seized the boat?—To be sure—sure he was.

For what cause did you seize the boat?—For having goods on board which could not be entered.

Did not Wilcox give an invoice?—He gave the number of packages, but not their contents.

Did not Wilcox expect the packages to be examined?—I suppose not.

Did he expect a permit?—He did, but I would not grant it till I had examined them; I did examine them, and the first article I discovered was a box of dry goods.

Did you question him as to the contents of the packages?—I did, he answered in some evasive way; I cannot say, it is now so long ago.

When you seized the boat and goods, what proceedings did you institute?—I put the goods in Mr. Allan's store, the Custom House; locked them up, and delivered them so to Mr. Allan, on his return; the boat hauled up a little on the beach, of which Mr. Allan also got the custody on his return, and this is all I did to be called as a witness in Court, upon the trial.

Wilcox requested the following questions to be put to Mr.

HAMILTON:—

What were the contents of the box which you spoke of, and containing the dry goods?—Pieces of shawls, pieces of muslin, and an adjustment of merchandize.

What do you suppose the value of those goods?—I cannot say at this distance of time; it required three men to lift the case.

Can you say, even at a conjecture, what the value might have been?—I cannot; some articles are of doubtful description, and I could not say whether they are forfeitable or not; those were returned to Wilcox, that is, they were sent back to Mr. Allan's store—this was after the trial.

Was there not a valuation had of them upon the seizure?—There was, as I suppose, but I was not present; Mr. Allan knows I suppose.

Do you know anything about the proceeds of the sale of the boat and goods?—I do not, otherwise than understanding from Mr. Allan that the Attorney General's bill was about £20, and that he paid him.

Had you any of the crockery taken in the boat, in your store for sale?—If I had, I bought them at the auction and paid for them.

Were you Deputy Collector at the time of the sale?—I had nothing to do with the office at the time.

An Account of sundry articles that were seized from L. WILCOX, and condemned as being illegally imported, sent to Mr. HAMILTON, for sale at Auction, Feb. 26, 1817.

1 bag Coffee; 2 bags Shot; 2 boxes Cigars; 1 doz Pins; 1 keg of Ginger; a crate of Crockery; 2 Pieces of Dark Calico, 28 yards each; 11 dark silk Cotton Shawls; 5 white Shawls; 7 large Cotton Shawls; 11 colored Cotton Handkerchiefs; 1 piece of Cotton Shirting, 25 yards; 1 piece ditto, finer, 25½ yards; 2 Remnants ditto, 16 yards; 68 cakes of Windsor Soap.

Contents of the Crates of Crockery.

21 blue edged Soup Plates; 31 do. Flat Plates; 72 do. Breakfast Plates; 60 cream colored Soup Plates; 59 do. Dinner Plates; 36 do. Breakfast Plates; 12 do. Oval Dishes; 10 do. Wash-hand Basins; 24 do. Pint Bowls; 5 do. Quart Mugs; 19 do. Pint Mugs; 2½ doz. purple Cups and Saucers; 3½ doz. blue and white ditto; 3 Claret Bottles and 6 small Tumblers.

JONAS DUNCAN called.

What do you know of the Carding Machine, its entry and duty in spring of 1816?—I did come with this Machine at the time mentioned, and I saw it entered in the Custom House, with Major Allan, who was there himself at the time, I brought the Machine in for Leonard Wilcox—I received it from his brother, Charles Wilcox, who is a Machine maker, for Leonard, being six months in his employment.

Mr. EDWARD THOMPSON called.

Did you import into this Province a Carding Machine or Machines from the United States, and when?—In 1816 I imported one.

Did you pay the duty required by law thereon?—Yes, at the time I imported it.

Did you purchase another Carding Machine from Mr. L. Wilcox, in 1817?—Yes, and I was satisfied the duties were paid thereon, as he produced to me a certificate of having done so, from the Collector of the Customs, before I got possession.

Mr. JAMES NATION called.

Are you a clerk in the Inspector General's office?—Yes.

Is there any entry in the book of the Inspector General's office of a seizure, condemnation, sale, or return of a boat and cargo belonging to Leonard Wilcox, in the year 1815, in the harbour of York?—From June downward there does not appear any such entry as far as I can trace.

Is there any entry of a Carding Machine, as entered by Leonard Wilcox or Benjamin Hoshe! in the year 1816 at York?—There are entries of two Carding Machines; one of Edward Thompson,

the other does not state the name of the importer, as far as I can find: It appears that the duty of 30 per cent. was paid on both of those machines, it is my impression both machines were imported by Edward Thompson.

Do you know of any proceedings had or recorded on a seizure said to have been made of the goods and boat of Leonard Wilcox in the month of August, 1815?—As far as I have been able to ascertain from the records of my office, it appears that on the 13th of November, 1815, an information was filed by the Attorney-General for the condemnation of a certain boat, with her tackle and furniture; of the goods of one Hial Wilcox, for that one Leonard Wilcox did, on the 12th day of August, 1815, import and bring into the Province of Upper Canada, to wit, at York, from the United States of America, several parcels of goods and merchandise of the growth, produce, or manufacture of said United States of America, To wit:—20 barrels of salt, 2 boxes of glass, 3 tierces and 3 barrels of whiskey, 6 barrels of oil, 1 crate of crockery, 1 crate of glass-ware, 4 palls and 7 chairs, 2 kegs of tobacco, and 1 keg of ginger, 1 demijohn (spirits) of turpentine, 1 box of hats, 1 box of saddlery, 1 trunk of dry goods, 1 box of oliviers salt, 1 bag of coffee, 1 trunk of sundries, 24 pieces of hollow ware, 1 cross-cut saw, 3 kegs of nails, and 2 bags of shoes.

On the 10th of January, 1816, an appearance and plea was filed by W. W. Baldwin, Esq., as Attorney for the said Leonard Wilcox; on the 25th March, a record was made up and passed, and on the 20th December, following, a bill of costs taxed, and no further proceedings appear to have been had.

CHARLES C. SMALL, C.C.P.
I think the whole of the proceedings enforced against me are illegal from the commencement. In the first instance, they had no right to seize my boat and goods when I reported them; if I could not be allowed to enter them and pay the duties, I had a right to return with them. Secondly, they had my boat and goods from the month of August, 1815, to the month of February, 1817, and rented out the boat for £25 per season: Colonel Allen said he did not know whether he got any of the proceeds or not; there was some possibility of it, but he does not think he got any of it; he says that Hamilton never made any return of money to the Inspector-General or Receiver-General.

As to the fine enforced against me for selling Lignor when the house was licensed, and I was authorized to sell by Paterson, I was fined £20 and 25s costs, because I had not taken the oath; and then was bound over in another £20 to appear against Paterson who licensed the house for me; rather than be robbed of £20 more with costs, I had to travel 28 miles every day during the sessions, when the roads were bad; I would like to know who those gentlemen were that signed their J. B. P. C. & J. C. or whether they were so blind to Justice they could not see to write their names, or if they were the persons who obtained the large grants of land.

LEONARD WILCOX.

To the Honorable the Commons House of Assembly.

Leonard Wilcox came to this Province in 1818, intending to become a settler, and has resided in the Province ever since; he also brought with him a boat and cargo, his own property. On his arrival in the Port of York, he reported a boat and cargo to the then Collector, William Allen, Esquire, through his Deputy, the late Mr. Thomas Hamilton, who seized them.

The boat and part of the goods were condemned by legal proceedings, and afterwards sold, the remainder of the goods restored to the Petitioner very much damaged; the rigging and tackling were not sold with the boat, or even accounted for by the Collector to the public or the petitioner, nor is any of the other proceeds of the seizure accounted for.

It appears the Petitioner imported a Carding Machine, and paid the duties thereon, which have not been credited to the public.

That the appeal already made to the Executive Government should have failed, is an event that might have been anticipated, for according to the system under which our public affairs have been allowed to be carried on for nearly half a century, the appeal was made to a Council wholly irresponsible, and composed chiefly of the same exclusive persons and influenced by the same political prejudices as has ever characterized that Body. It will be seen that the Executive Council excuse themselves from recommending the Petitions for lands under present regulations, although whole tracts of the country have been within these few years granted at almost a nominal value to a company in London, who make a transcendant profit on the sales and withdraw the money from the country, while the annual instalments paid by the Company are spent by this irresponsible Executive Council, independent of the Legislature of the country; and many affluent persons, such as Dr. Strachan and others, have found no obstacles in those regulations from receiving large grants. It may be true, as the Report of the Executive Council alleges, that only the ordinary legal proceedings have been directed against this unfortunate and much injured man; but the Committee would forget the duty imposed upon them did they neglect to notice the fact, that in numerous instances an ignorant violation of merely a prohibiting law has been met by a just relaxation of its provisions, it has, however, appeared in the administration of our public affairs that rigid justice and a merited relaxation have been applied by a rule depending upon party and political views.

The Executive Council, in their report, forbear to notice (what they must have known if they really enquired into the case) that the amount realized in the seizure, under these circumstances of oppression, was never paid into the Public Treasury, or in any way carried to the credit of the public; and it does seem exceedingly disgraceful, that part of the cargo bought at a very reduced price at Auction by the Deputy Collector, was for sale at his private store.

The Committee are satisfied that abuses and oppression will continue while the Collector and the Government allow such practices to prevail, while the full and rigid exercise of legal

power for the protection of the trade and revenue of the country is put forward as a justification of the absolute ruin it brings upon an inoffensive man and his family, whose ignorance of the merely prohibitory law is allowed to afford him no relief. We have every reason as rigidly to expect the public interests to be zealously remembered by the payment of the collected revenue into the public chest. But besides the fraud which appears to have been practised upon the public, it is revolting to all correct feeling that an affected appearance of legal proceedings should be considered a justification of oppressive measures; and the interests of the people made an excuse for the deeds; while their interests are forgotten when the money ought to be paid over. To what amount in past years this speculation has been carried on without correction, it is impossible to tell. When the Petitioner found himself and family in the country little better than plundered of his property, and left destitute in the world, it was equally his right and duty to pursue some means of getting a livelihood. For this laudable purpose he undertook to keep a Tavern, and as a preliminary required by law, sought with great humility and assiduity to take the oath of allegiance; while in the case of seizure he was oppressed under a false pretence, which was never paid over, in this case they refused, though it would have added to the Treasury. And when this persecuted individual undertook to open an Inn, in the meantime, till he could make—as he might in any humane or civilized country expect to do—a successful appeal for the administration of the oath, he is both pertinaciously refused in all his applications to qualify himself, and cruelly persecuted for the fine for acting without the qualification. It ought to be a matter of surprise that the same Honorable Colonel Allan, who was Collector in the above proceedings, was the same Colonel Allan who pursued this victim for the fine and costs in the latter case. If no relief was afforded by a grant of land, your Committee suggest the passing of an act compelling the Honorable Colonel Allan to indemnify him, inasmuch as the public have never received the proceeds of the property to which neither the Collector nor his Deputy can have, to say the least of it, a better claim than the Petitioner.

All which is respectfully submitted,

T. D. MORRISON, *Chairman.*

COMMITTEE ROOM, HOUSE OF ASSEMBLY,
15th April, 1835.

REVENUE LAW.—WILCOX'S CASE.

41 Geo. 3, ch. 5, p. 136—Collector shall return all duties and seizures at or before the expiration of every six months.

Ibid. p. 137, sec. 8—Prescribes manner of making entry—it seems the report of the packages is sufficient—punishment of offending against the provision of this clause—fine not less than £5, nor over £250.

Page 136, Chapter 5. In the 41st year of George III, A. D., 1801. Which said Collector or Collectors, or his or their Deputy, or Deputies, shall make his or their report to the said Governor, Lieutenant Governor, or person administering the Government, of

all entries made at his or their respective port or ports, and accounts to the Receiver General of the said Province for all duties and seizures levied, paid, and made under and by virtue of any Act or Acts of the Parliament of Great Britain, or under and by authority of this Act, or before the expiration of every six months.

The following persons obtained the undermentioned liberal grants of Land about the time L. Wilcox was unjustly denied even the smallest grant whatever: James Baby, Inspector General, 7,301 acres; John McGill, late Receiver General, 5,560 do.; W. D. Powell, late Chief Justice and family, 16,303 do.; George Crookshank, late Commissary General, 2,001 do.; John Strachan, Archdeacon of York, 3,203 do.; Duncan Cameron, Secretary and Registrar, 2,800 do.; G. H. Markland, Executive Councillor, &c., 6,045 do.; William Allan, 2,200 do.; William Campbell, late Chief Justice, 1,200 do.; Peter Robinson, Commissioner of Crown Lands, &c., 1,001 do.; Charles Jones, 2,000 do.; John B. Robinson, Chief Justice of the Province, 1,700 do.; Walter Boswell, Commissioner on half-pay Royal Navy, 1,200 do.; Peter Adamson, Reduced Major, 1,000 do.; James Kerby, Reduced Major, Incorporated Militia, U. C., 2,200 do.; James Crooks, 2,371 do.; Alexander Donell, Bishop of Regiopolis, 2,400 do.; Arthur Libby, 1200 do.; Abraham Nellis, 2,000 do.; William Bercey, Judge W. District Court, 2,400 do.; Mahlon Buiwell, Collector of Customs, 5,200 do.; C. A. Hagerman, Solicitor General, 2,400 do., and many others before, obtained grants from 1,000 acres downwards.

I was arrested by Dr. ALEXANDER BURNSIDE, on the 4th day of July, 1834, for £275, and locked up in the Jail, at the time the Cholera was prevailing, and assisted in the removal of James Fulton, who died of that dreadful disease; although the Dr. justly and truly owed me at the same time, £300, as you will see by the following facts of the plea of set off, verdict for Defendant, £235. A second trial was granted, [the Doctor having a long pocket] when I obtained another verdict in my favor for several pounds more. A third trial was granted, and I obtained a verdict of £135 more than the first; amounting altogether to £370. The Dr. swore that I justly and truly stood indebted to him in the sum of £275, and that he verily believed I was about to leave the Province, in order to defraud him of his just demands. What a Pill it must have been for a Dr. to swallow!

I was arrested on another suit for £13 14s. 6d., at the time I was in prison; I did not defend it, and I was charged for Debt and Costs, by the Attorney, Mr. George Duggan, Junr., the sum of £42 10s. 4d. It is a money-making business!

LEONARD WILCOX!

