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CANADA.

I.

COPIES OF THE REGULATIONS

Lately adopted in the Canadas for granting Waste  
Lands in these Provinces.

II.

RESPECTING THE CLERGY RESERVED  
LANDS IN CANADA.

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*Ordered, by The House of Commons, to be Printed,*  
*9 April 1827.*

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## I.

Return to an Address of The Honourable House of Commons,  
dated 20th February 1827;—*for*

Copies of the REGULATIONS lately adopted in the Canadas, for granting Waste Lands in these Provinces, with the Specification of Rates of Fees, and the Forins requisite on obtaining a Grant of Waste Land; together with an Account of the quantity of Land sold to the Canada Company, with the amount of Money received from them, and to be received.

## II.

Return to an Address of The Honourable House of Commons,  
dated 16th March 1827;—*for*

Copy of the Address of the House of Assembly of Upper Canada to His Majesty, on the subject of the CLERGY RESERVED LANDS in that Country, and a Copy of Earl Bathurst's Answer thereto; also, a Copy of the Resolutions of the House of Assembly, on 21st December 1826, respecting the CLERGY RESERVED LANDS.

Colonial Department,  
Downing-street,  
6th April 1827. }

R. J. WILMOT HORTON.

# I.

## REGULATIONS

### FOR GRANTING LANDS IN THE BRITISH NORTH AMERICAN PROVINCES.

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**F**OR the information of Persons desirous of proceeding as Settlers to His Majesty's Provinces in North America, the following summary of the Rules which have been established for the future regulation of Grants of Land, has been prepared by direction of the Earl Bathurst, His Majesty's Principal Secretary of State for the Colonial Department:

The Commissioner of Crown Lands will, from time to time, and at least once in every year, submit to the Governor a Report of the total quantity of each district of Crown property, so far as he may then have ascertained the same, together with his opinion of each description of property which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which he would recommend the several descriptions of property to be offered, provided that the land proposed to be offered for sale does not contain any considerable quantity of timber fit for His Majesty's navy, or for any other purposes, it being the intention that no Grant of the Land upon which such timber may be growing should be made until the timber is cleared.

If the Governor should be pleased to sanction the sale of the whole or any part of the land recommended to be sold at the upset price proposed, or at any other price which he may name, the Commissioner of Crown Lands will proceed to the sale in the following manner:

He will give public notice in the Gazette, and in such other newspaper as may be circulating in the Province, as well as in any other manner that circumstances will admit of, of the time and place appointed for the sale of the lands in each district, and of the upset price at which the lots are proposed to be offered; that the lots will be sold to the highest bidder, and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

That no lot should contain more than 1,200 estimated acres.

The purchase money will be required to be paid by four instalments, without interest; the first instalment at the time of the sale, and the second, third and fourth instalments, at intervals of a year.

If the instalments are not regularly paid, the deposit money will be forfeited, and the land again referred to sale.

Purchasers of land at any sale, not exceeding two hundred acres, being unable to advance the purchase money by instalments, as proposed, the Commissioner may permit the purchaser to occupy the same upon a quit rent, equal to five per cent upon the amount of the purchase money; one year's quit rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards. Upon the failure of the regular payment, the lands to be again referred to auction and sold. The quit rent upon lands so purchased in this manner to be subject to redemption, upon payment of twenty years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years' amount of quit rent, the same proportion of quit rent to cease.

In case, however, the parties should fail regularly to pay the remainder of the quit rent, the same to be deducted from the instalment paid, and the lands to be re-sold by auction whenever the instalment may be absorbed by the accruing payment of the remainder of the quit rents.

Public notice will be given in each district, in every year, stating the names of the persons in each district who may be in arrears, either for the instalments of their purchases or for quit rents, and that if the arrears are not paid up before the commencement of the sales in that district for the following years, the lands in respect of

## REGULATIONS for granting LANDS in the British

which the instalments or quit rents may be due, will be the first lot to be exposed to auction at the ensuing sales; and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

No land will be granted at any other time than at the current sales in each district, except upon application from poor settlers, who may not have been in the colony more than six months preceding the last annual sale. Settlers so circumstanced may be permitted to purchase land, not exceeding two hundred acres each, at the price at which it may have been offered at the last annual sale and not purchased, and may pay for the same, or by quit rent computed at five per cent on the sale price: and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in distinct districts not surveyed, or in districts in which no unredeemable grant shall have been made, the Commissioner of Crown Lands will, under the authority of the Governor, at any time within a period of seven years from the date hereof, grant permission of occupancy to any such settlers, for lots of land not exceeding two hundred acres, upon consideration that they shall pay a quit rent for the same, equal to five per cent upon the estimated value of the land, at the time such occupancy shall be granted; and the persons to whom claims of occupation shall be made, shall have liberty to redeem such quit rents at any time before the expiration of the seven years, upon the payment of twenty years purchase of the amount; and at any time after the termination of the seven years, upon the payment of any arrear of quit rent which may be then due, and twenty years purchase of the annual amount of the rent.

No patent will be granted until the whole of the purchase money shall have been paid, nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or quit rent shall have been paid.

The purchase money for all lands, as well as the quit rents, shall be paid to the Commissioner of Crown Lands, or to such person as he may appoint at the times and places to be named in the condition of sale.

The average price of land in Upper Canada has been fixed at 4/ currency per acre, which includes the under-mentioned fees to the officers of the Land Granting Department.

ACRES.	SURVEY FEE.	Fee to the Officers
		Employed in making out the Patent.
	£. s. d.	£. s. d.
100 - - -	1 4 9	2 18 8
200 - - -	1 4 9	2 18 8
300 - - -	1 17 1 $\frac{1}{2}$	2 18 8
400 - - -	2 9 6	2 18 8
500 - - -	3 1 10 $\frac{1}{2}$	2 18 8
600 - - -	3 14 3	2 18 8
700 - - -	4 6 7 $\frac{1}{2}$	2 18 8
800 - - -	4 19 -	2 18 8
900 - - -	5 11 4 $\frac{1}{2}$	2 18 8
1,000 - - -	6 3 9	2 18 8
1,100 - - -	6 16 1 $\frac{1}{2}$	2 18 8
1,200 - - -	7 8 6	2 18 8

EXTRACT of an Agreement between the Earl Bathurst, K. G. and the Directors of the Canada Company, dated Downing Street, 23d May 1826.

—“ IT appearing from the award of the Commissioners that the Clergy Reserves valued by them, comprised eight hundred and twenty-nine thousand four hundred and thirty acres, and those lands being valued at three shillings and sixpence current money of Upper Canada per acre, the Canada Company would have had to pay to His Majesty's government, the sum of one hundred and forty-five thousand one hundred and fifty pounds five shillings, current money of Upper Canada, if those clergy reserves had been conveyed to them. In lieu of the before-mentioned eight hundred and twenty-nine thousand four hundred and thirty acres, His Majesty's government will grant and convey to the Canada Company for the same price of one hundred and forty-five thousand one hundred and fifty pounds five shillings currency, a block of land containing one million of acres in the territory, lately purchased from the Indians in the London and Western districts.

“ One third part of the before mentioned sum of one hundred and forty-five thousand one hundred and fifty pounds five shillings currency shall be expended by the Canada Company in public works and improvements within the said block of land, and the remaining two third parts only of the said sum of one hundred and forty-five thousand one hundred and fifty pounds five shillings currency shall be actually paid to His Majesty's government.”

“ The block of one million acres of land to be allotted to the Company shall be selected by them from such part of the lands lately purchased from the Indians as are situate in the London and Western districts. The block shall be marked out by the surveyor general, or his deputies, and shall approximate to the form of some regular mathematical figure, as nearly as may be, consistently with preserving any well defined natural land marks or boundaries.”

“ The Company shall be allowed sixteen years, to commence from the first of July 1826, for the fulfilment of their contract with His Majesty's government.

“ In substitution for the provisions contained in the minutes of the agreement respecting the mode of paying the purchase money to His Majesty's government, it is agreed, that the Company shall pay, in the year commencing the first of July 1826, and ending the first of July 1827, twenty thousand pounds; in the year ending the first of July 1828, fifteen thousand pounds; in the year ending the first of July 1829, fifteen thousand pounds; in the year ending the first of July 1830, fifteen thousand pounds; in the year ending the first of July 1831, sixteen thousand pounds; in the year ending the first of July 1832, seventeen thousand pounds; in the year ending the first of July 1833, eighteen thousand pounds; in the year ending the first of July 1834, nineteen thousand pounds; in the year ending the first of July 1835, twenty thousand pounds; and in each of the seven succeeding years the like sum of twenty thousand pounds.

“ The sums above mentioned are the amount of what the Canada Company is actually to pay to His Majesty's government, and do not include the sums which they are to invest in public works and improvements in the block of land in the London and Western districts.

“ The preceding sums are the greatest amount which in each of the years above mentioned the Canada Company shall be obliged to pay to His Majesty's government; but this arrangement is not to prejudice the rights of the Company to lay out any greater sums of money in any of those years, according to the terms of the original contract.

“ In the year ending the first of July 1843, the Company shall either take up on the terms already stated all the lands then remaining to be taken up, or shall terminate the contract, and abandon all claim to such lands as have not at that time been taken up by them.

## II.

## CLERGY RESERVED LANDS.

Copy of the Address of the House of Assembly of Upper Canada to His Majesty, on the subject of the Clergy Reserved Lands in that Country, and a Copy of Earl Bathurst's Answer thereto ;—also, a Copy of the Resolutions of the House of Assembly, on 21st December 1826, respecting the Clergy reserved Lands.

To the KING's Most Excellent Majesty.

May it please Your Majesty,

**WE**, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in provincial parliament assembled, most humbly beg leave to approach Your Majesty, to express our sentiments on a subject of deep interest to Your faithful subjects of Upper Canada. We perceive by the provisions of an Act passed during the last session of the Imperial Parliament, that Your Majesty is empowered to order the appropriation of a further allotment of land within this province for the support and maintenance of a Protestant Clergy, in lieu of that portion of the lands already set apart for the purpose (called the Clergy Reserves), which has lately been or is about to be sold to the Canada Land Company; we would most reluctantly appear to Your Majesty as unfriendly to the cause of religion; but when we consider that one-seventh of all the surveyed lands within this province is already, by an Act passed in the thirty-first year of the reign of his late Majesty, applied to that object, and are of opinion, that the extent of the present reservation is injurious to the prosperity of the colony, we feel a strong desire that no further appropriation may be made, but that Your Majesty will be graciously pleased to submit to Your Parliament the expediency of repealing so much of the late Act as permits the said further allotment.

We further most humbly represent, Most Gracious Sovereign, that the lands set apart in this Province, for the maintenance and support of a Protestant Clergy, ought not to be enjoyed by any one denomination of Protestants, to the exclusion of their christian brethren of other denominations, equally conscientious in their respective modes of worshipping God, and equally entitled as dutiful and loyal subjects, to the protection of Your Majesty's benign and liberal government; we, therefore, humbly hope it will, in Your Majesty's wisdom, be deemed expedient and just, that not only the present Reserves, but that any funds arising from the sales thereof, should be devoted to the advancement of the christian religion generally, and the happiness of all Your Majesty's subjects, of whatever denomination, or if such application or distribution should be deemed inexpedient, that the profits arising from such appropriation should be applied to the purposes of education, and the general improvement of this Province.

(signed) *John Willson, Speaker.*

Commons House of Assembly,  
27th January 1826.

(Copy.)

Sir,

Downing-street, 11th June 1826.

I HAVE laid before the King the address of the Legislative Assembly of Upper Canada, praying that His Majesty would be graciously pleased to submit to Parliament the propriety of repealing so much of the Act of 6 Geo. IV. c. 75, as permits the appropriation of lands in lieu of the Clergy Reserves, I have received

His



His Majesty's commands to acquaint you, that he is persuaded the House of Assembly would never have concurred in this address if they had been apprized of the true intent of the Act of Parliament referred to, which had not for its object any increase of the amount of the Reserves, specially allotted by the Imperial Parliament for the Established Church.

I have, &c.

(signed) *Bathurst.*

M. Gen<sup>l</sup> Sir P. Maitland, K. C. B.  
&c. &c. &c.

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The Resolutions of the House of Assembly, on the 21st of December 1826, respecting the Clergy Reserved Lands, have not yet been received at the Colonial Office.