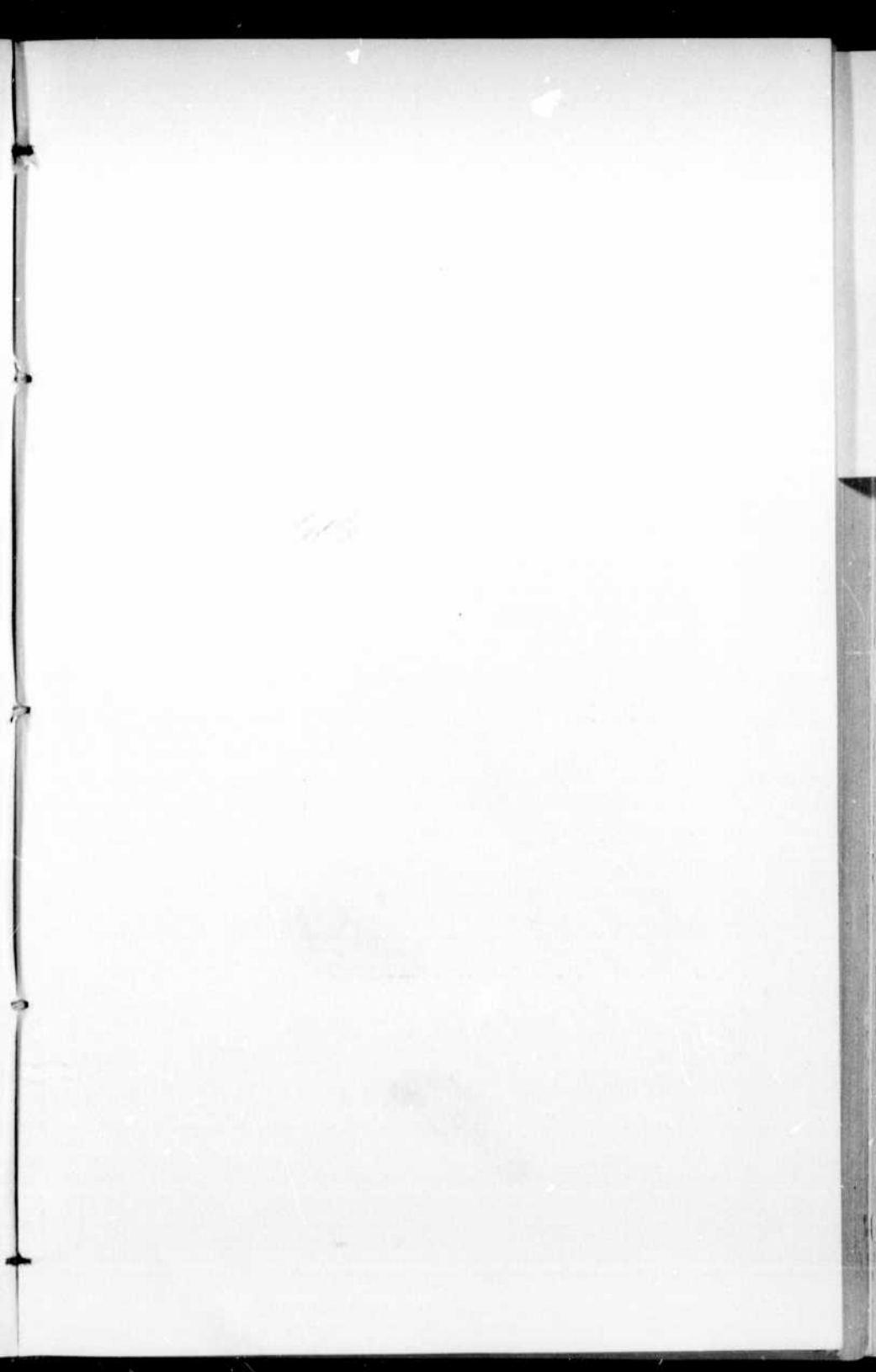
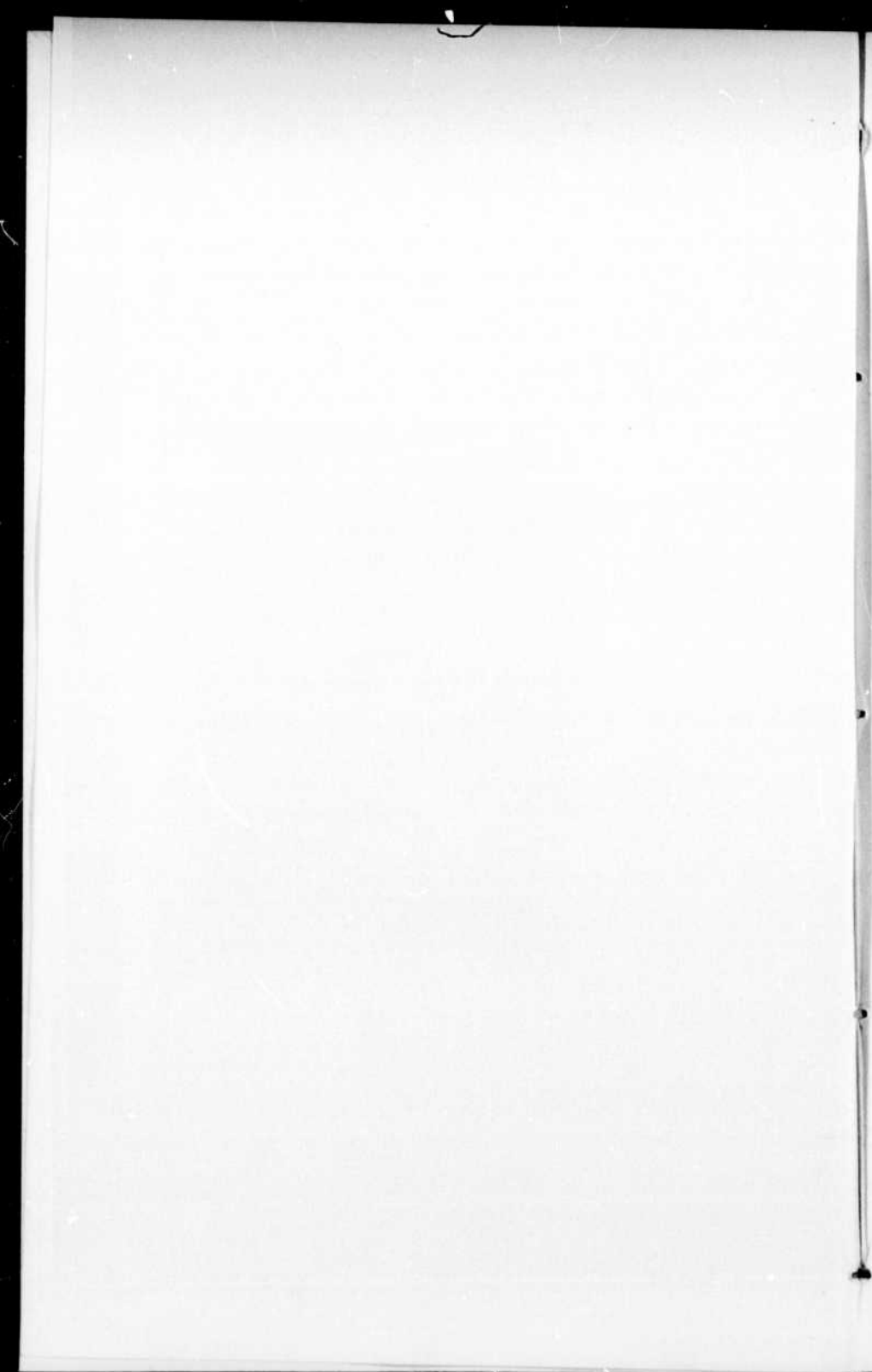
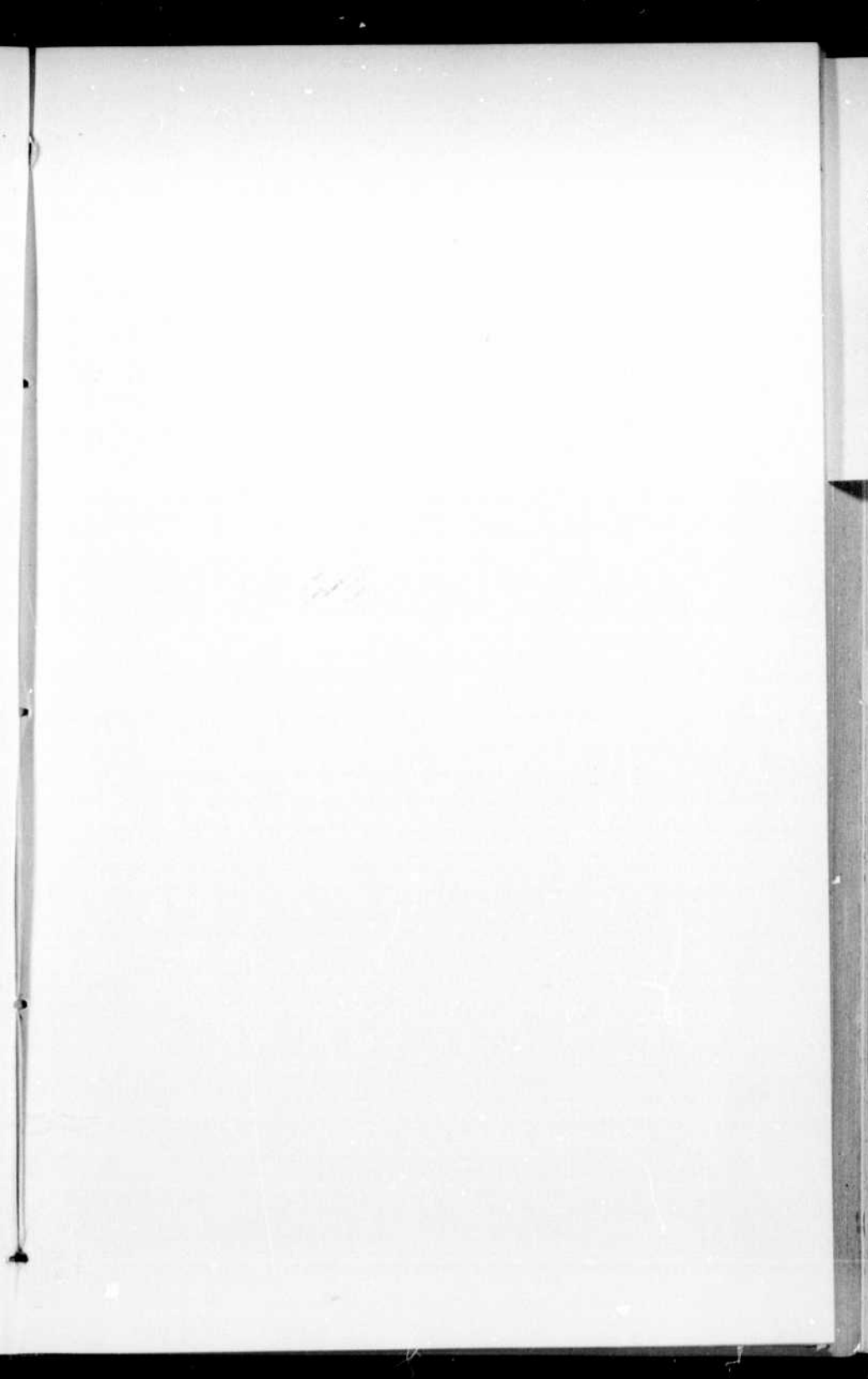




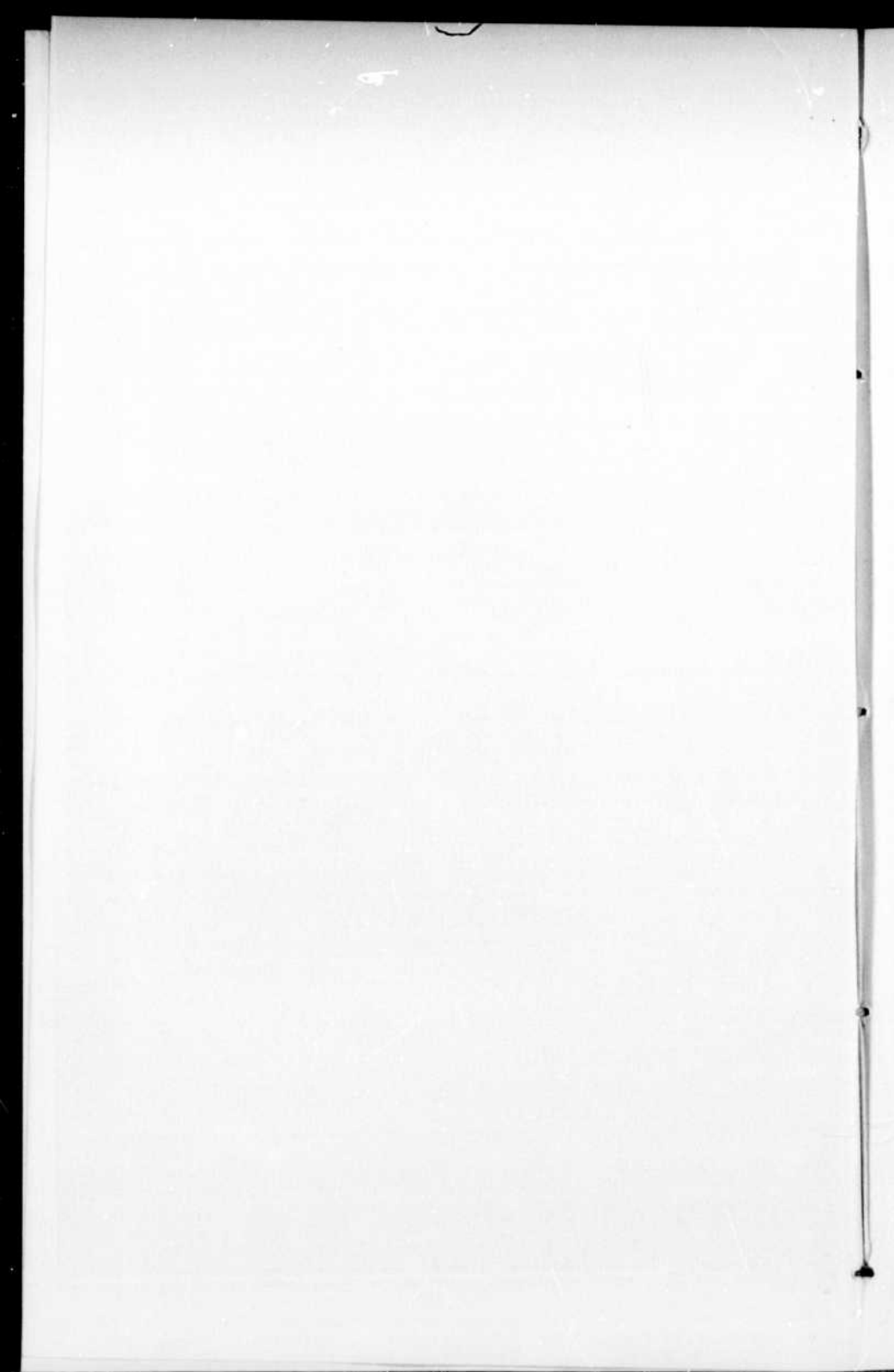
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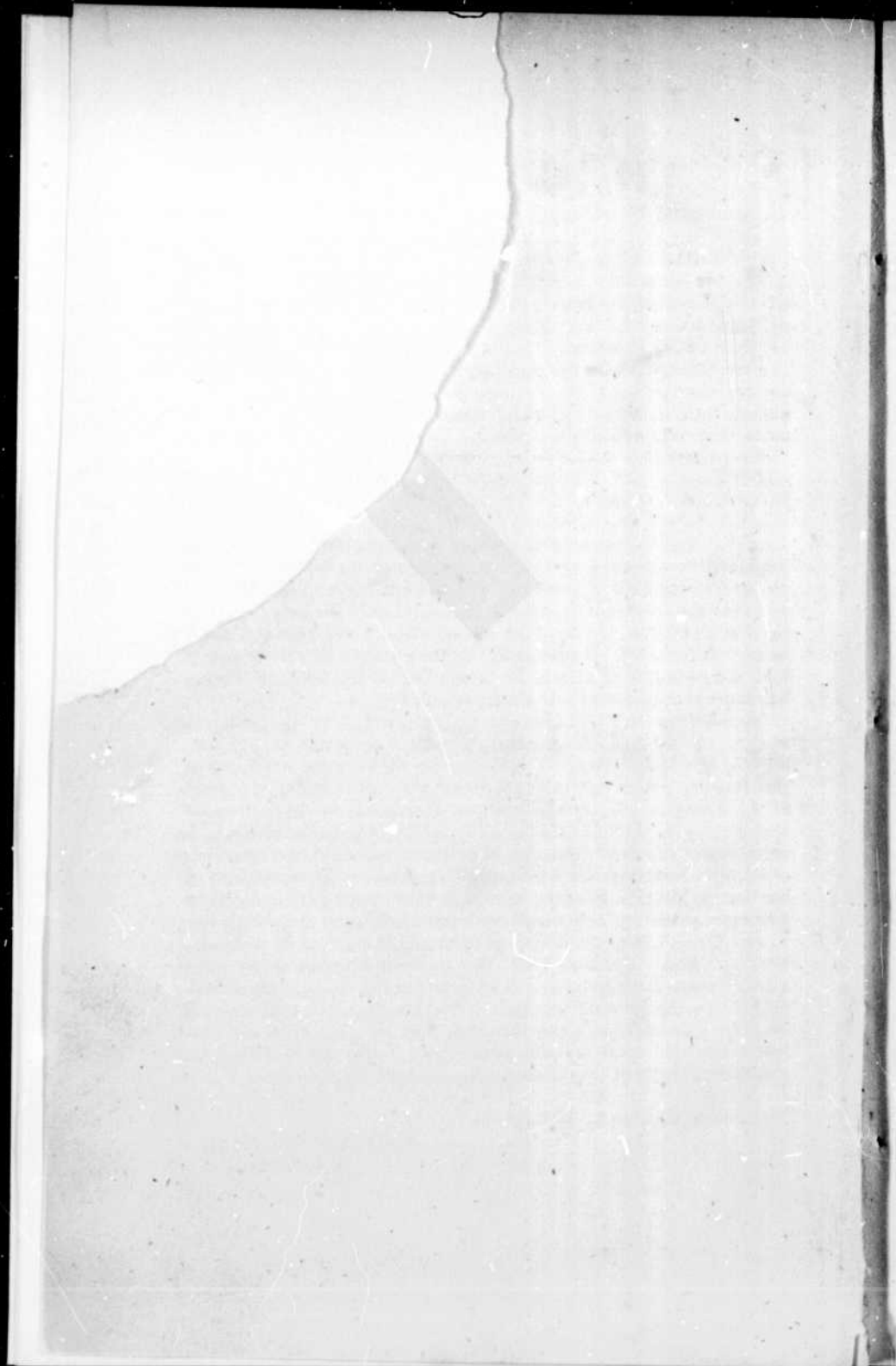








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## THIRD REPORT.

**A**CCORDING to the best information which your Committee have been able to obtain, there still remain very extensive tracts of Land fit for Settlement, unconceded in the different Seigniories, granted by His Most Christian Majesty, anterior to the conquest of this Province.

Your Committee, in pursuance of the general order of reference, and in consequence of the Testimony which has already been submitted, have thought it expedient also to direct their attention to the nature and conditions of these grants.

Your Committee caused to be examined the original grants of the said Seigniories, which grants are recorded, and to be found in the Office of the Secretary of the Province. They appear to be all substantially in the same form, with the exception of the Seignior of Lauzon. Besides the original grant of that Seignior, there will be subjoined the original grants of three Seigniories, copied indifferently, viz. one of the earliest grants of His Most Christian Majesty, and one from the latest grants of His Most Christian Majesty, and the third at about the middle of the intermediate time, between these two extremes. (A.) On referring to these grants it will be found that the condition of all was the conceding of the lands to the inhabitants of the Country, on the accustomed rents.

Your Committee next directed their researches to the principal Acts to the French Government, as well Legislative as Judicial, relating to this condition. The former are to be found subjoined to this Report, under the letter (B.) and the latter under the letter (C.). It appears to your Committee, that whatever well grounded complaints the people of this Country had to offer against the Government of His Most Christian Majesty, by reason of the exactions of his high Functionaries within the Colonies, and by reason also of the heavy Military Services to which they were subjected, they had every reason to be satisfied with the wisdom and care which His Most Christian Majesty bestowed upon this branch of the administration. Since the Conquest, the Colonial administration have allowed these Laws to be as a dead letter, and in the opinion of your Committee the principal obstacle to the settling of the unconceded Seigniorial Lands of this Province, has been the neglect of the Colonial Administration to enforce the Laws of the Land relating to grants *en Censive* of the different Seigniories of this Province.

Quebec, 2d March, 1821.

ANDREW STUART,  
Chairman.

(A.)

Title Deed of the  
Fief of La Côte de  
Lauzon, Mr. Charest

THE Company of New France, to all to whom these presents shall come, Greeting. Our desire to enlarge the Colony of New France, causing us to admit such Persons as can further that laudable Enterprise, and being willing as a further Inducement thereto, to bestow on them certain Portions of the Lands granted unto us by the King, being assured of the good intentions of Mr. S. Le Maitre, the King's Councillor, Receiver General of the *Decimes* in Normandy, for these causes and others us thereunto moving, and by virtue of the Power unto us given by His Majesty, we have granted and do hereby grant unto him, the Tract of Lands hereinafter described, that is to say, the River Bruyante, situate in the Country of New France, with a depth of six leagues in the Interior of the Lands, and three leagues on each side of the said River, to hold to him the said Lemaitre his Heirs or Assigns, in full Property, Jurisdiction and Seigniori for ever, with the like rights with which it hath pleased His Majesty to grant the Country of New France, reserving Fealty and Homage which the said Lemaitre, his Heirs or Assigns shall be holden to perform at Fort Saint Louis at Quebec, or such other place as shall be appointed by the said Company, by one single Act of liege Homage on every mutation of the Possessor of the said places, with a Bullion of Gold weighing half an ounce, and one year's produce of whatever the said Lemaitre shall have reserved to himself, after having granted in Fief or *cens et rentes* the whole or part of the said Tract, and that Appeals from the Judge of the said place shall lie to the *Prevôt* or *Bailli* who shall be established by the Company at Quebec, and Appeals from the said *Prevôt* or *Bailli* shall lie to the Supreme Judges who shall be established at Quebec or elsewhere. That the number of men whom the said Lemaitre and his Heirs shall send to New France shall be accounted in deduction from the number of men whom the said Company is bound to send thither, according to the said establishment, and to this end the persons by whom they shall be shipped, shall annually transmit to the Office of the said Company, the roll of the men shipped, in order to repair to and settle in the said Country, so that the said Company be certified thereof, without any power in the said Lemaitre, his Heirs or Assigns, or in any persons whom they may have sent to the said Country, to trade with the Indians for Furs and Peltry otherwise than according to the conditions of the said Edict, and in case the said S. Lemaitre desires that some higher Name or Title be annexed to the said Tract of Land, he shall make application to the King, and the Lord Cardinal de Richelieu, Peer of France, Grand Master, Chief, Superintendant General of the Navigation and Trade of the Realm, to be provided for in that behalf according to the said Edict. We enjoin the Sieur de Montmagny, Knight of the Order of Saint John of Jerusalem, Governor for the said Company, under

the authority of the King, and of the said Cardinal Duke de Richelieu, of Quebec and other places along the River Saint Lawrence, that he do put into and maintain in possession of this Grant the said *Sieur Lemaitre* duly assigning to him the Bounds and Limits of the Premises.

Done in the General Assembly of the Company of New France, holden at Paris in the Hôtel of Mr. de Lauzon, Councillor of the King, in his Councils, Intendant of the said Company, this fifteenth day of January, one thousand six hundred and thirty-six. Signed by the Company of New France, Lamy with *Paraphe*, and lower down is written, collated with the original, which is on paper, exhibited to me by M. Jean, Seigneur of Lauzon, Knight Grand Seneschal of the Country of New France and thereupon returned to him by the Notary undersigned, this twenty-eighth day of August, one thousand six hundred and fifty-eight.

(Signed) PEUVRET, Notary.

The foregoing Grant hath been collated with an exemplification on Paper, remaining of Record in the Office of the undersigned Royal Notary, in the *Prevôté* of Quebec, residing there, by Mr. George Reynard Duplessis, Seigneur of Lauzon, Treasurer of the Navy, Receiver of the *Droits* of the Lord Admiral of France, and Agent-General for the King's Farms in this Country. At Quebec this twenty-third day of September 1705.

(Signed) CHAMBALON.

The Marquis DUQUESNE, &c.  
FRANCOIS BIGOT, &c.

To Mr. Perthuis, grant  
of a League and a half  
in front by nine in depth  
in rear of the Fief of  
Portneuf.

UPON the Petition of Joseph Perthuis, Councillor in the Superior Council of this Country, setting forth that in the rear of the Seigniori of Portneuf, which has a front of one league and a half along the River Saint Lawrence, by three leagues in depth, there are Lands very advantageous for settlement, and therefore praying that we do please to grant unto him nine leagues in depth, in rear of the depth of the said Seigniori, We, by virtue of the Power to us jointly given by His Majesty, have given, granted and conceded, and do hereby give, grant and concede unto the said *Sieur Perthuis* the aforesaid Land of one league and a half in front by nine leagues in depth, beginning at the extremity of three leagues, which form the depth of the said Seigniori of Portneuf, to be holden by him, his Heirs and Assigns for ever in Fief and Seigniori, with superior, mesne and inferior Jurisdiction, the right of Fishing and Hunting, and that of trading with the Indians throughout the

said Seignior, on condition that Fealty and Homage be rendered at the Castle of Saint Louis at Quebec, of which it shall hold upon the accustomed Dues and Renders, according to the Custom of Paris followed in this Country. That appeals from the Judge who shall be therein established shall lie to the *Prevôté* of Quebec. That he shall preserve and cause to be preserved by his Tenants all Oak Timber fit for the building of His Majesty's Ships, That he shall inform His Majesty of any Ores, Mines and Minerals which may be found within the extent of the said Grant, shall reside actually there and shall oblige his Tenants to actual residence, and shall clear the said land, and cause the same to be cleared, in default whereof, the said Grant shall be and remain void; that he shall leave Highways and roads which may be deemed of public necessity and utility, and shall cause to be inserted the like Conditions in all Grants which he may make to his Tenants for the *cens*, rents and renders customary for every arpent of land by forty in depth. That he shall leave the beaches free for all persons, with the exception of such part thereof as he may require for his fishery. And in case His Majesty shall hereafter have occasion for any part of the said land for the construction thereupon of any Forts, Batteries, *Places d'Armes*, Magazines and public works, His Majesty may take the same, as also the Timber necessary for the said works, and fire wood for the Garrisons of the Forts, without being held to make any compensation. We do also in His Majesty's name reserve the right of taking such Oak Timber, Timber for Masts, and in general all such other Timber as shall be necessary for the building and fitting out of his Ships without being liable to any indemnification. The whole subject to His Majesty's pleasure, the confirmation whereof he shall obtain within a year. In witness whereof, &c. Given at Quebec, the Eleventh October, one thousand seven hundred and fifty-three. Signed, Duquesne and Bigot. Counter-signed and sealed.

A true Copy,

(Signed) BIGOT.

Title Deed of the  
Fief of Beauport, Sr.  
Juchereau de St. Denis.

THE Company of New France, to all to whom these presents shall come, GREETING: Our desire to advance the Colony in New France according to the King's pleasure, inducing us to receive those who have the means of contributing thereto on their part, and intending to distribute the Lands of the said country among those who participate with us in that laudable design, and who shall have the means of having them cleared and cultivated in order to induce Frenchmen to repair thither, through whose example the people of the said country who have hitherto lived without rule may be instructed in the knowledge of the true Government, and reared in



obedience to the King, from what appears unto us of the good intentions of Robert Giffard, and of his zeal for the Catholic, Apostolic and Roman Religion and for the King's service, we have for these considerations and by virtue of the power granted unto us by His Majesty, given and granted and by these presents do give and grant unto the said Giffard the tract of Lands herein after described with the appurtenances thereof, that is to say; one league of land in front along the bank of the River St. Lawrence, by one league and a half in depth, and in the depth at the place where the River called *Notre Dame de Beauport* joins the said River, including the same, to hold the said tract to him the said Giffard, his heirs or assigns in full jurisdiction, Property and Seigniorie forever, with all the rights with which it hath pleased His Majesty to invest the said Company with respect to New-France, reserving Fealty and Homage which the said Giffard, his heirs or assigns, shall perform at Fort St. Louis in Quebec, or such other place as shall be appointed by the said company, a single act of liege Homage on every change of the possessor of the said tract, with one Bullion of gold, weighing one ounce, and one year's produce of whatever the said Giffard shall have reserved to himself after having granted *en Fief* or *à Cens et Rentes*, the whole or part of the said tract; and that the appeals from the Judge of the said place shall lie to the Supreme Court of Judicature hereafter to be established in the said Country. That the number of men whom the said Giffard or his heirs shall send to New-France, shall be accounted in deduction from the number of men which the said Company is bound to send thither, and that he shall, to that end, annually transmit the rolls of such men to the office of the said company, to be certified; That the said Giffard shall not, nor shall his heirs, trade in furs and peltry at the said place, nor at any other place in New-France, otherwise than according to the conditions of the Edict establishing the Company. That in addition to the matters herein premised, the company hath granted to the said Giffard, his heirs or assigns, a piece of ground near the Fort of Quebec, containing two acres, for the erection of a House and the accommodations of a Court Yard and Garden, which he shall hold by *cens* of Quebec aforesaid, so that the said Giffard, his heirs or assigns shall not without the assent of the said Company dispose of the whole or part of the abovementioned places unto him granted during a term of ten years, to be computed from the date hereof, after which term he may dispose of the same in favor of such person as shall possess the qualification required by the Edict establishing the said Company, and without any power in the said Giffard, his heirs or assigns, to fortify the places herein before granted to him without permission from the said Company. We enjoin the Sieur Champlain, Commandant for the said Company, under the authority of the King, and of the Lord Cardinal de Richelieu, Grand Master, Chief and Superintendant General of the Navigation and Trade of France, at the Fort and settlement of Quebec, and in the extent of the said River St. Lawrence and lands adjacent,



that he do cause the said *Sieur Giffard* to have, and do put him in possession of the places herein before granted unto him, whereof he shall certify the said Company by the first return to France.

Given at the General Assembly of the Company of New-France, holden at the Hotel of the President de Lauzon, Councillor of the King in His Councils of State, and *Intendant privé* of the said Company, at Paris the fifteenth day of January, sixteen hundred and thirty-four; and lower down, by the Company of New-France, and the undersigned Lamy, with *paraphe*, and sealed with the Seal of the said Company in red wax; and on the other side is written: This last day of December, sixteen hundred and thirty-five, before us Marc Antoine de Bras de fer, Esquire, *Sieur* of Chateaufort, Lieutenant-General, throughout the extent of the River St. Lawrence in New-France, for Lord Cardinal, the Duke de Richelieu, Peer of France and Grand Master, Chief and Superintendant General of the Navigation and Trade of the Kingdom, Mr. Robert Giffard, *Sieur* of Beauport, who hath undertaken to observe the Laws and Ordinances, which shall be imperative on him, and of which he shall be notified, wherein he shall not fail, performing Fealty and Homage by reason of his land at Beauport, holding of the Fort and Castle of Quebec. Done the day and year above mentioned. Signed, Bras de fer Chateaufort, with *paraphe*.

Examined and compared by me, the undersigned Paul Vachon, Notary Royal, in New-France, residing at Beauport, with the original on parchment to me exhibited by Joseph Giffard, Esquire, Seigneur of Beauport, and to him immediately returned. Done this 14th day of May, sixteen hundred and seventy-five.

Deed of Prolongation  
of the Seigniority of  
Beauport.  
Mr. Giffard. } JEAN LAUZON, Councillor in Ordinary  
of the King in his Privy Councils of State,  
Governor and Lieutenant-General for His Majesty in New-France throughout the extent of the River Saint Lawrence: To all to whom these Presents shall come, Greeting:

The Company of New-France having on several occasions recognized the zeal which the *Sieur Giffard*, Esq. *Sieur* of Beauport, hath always had for the Settlement of the Colony of New-France, the great expenses which he hath incurred in order to attain that end, the losses which he hath sustained on that subject, even when he was made prisoner by the English, with the Fleet, in one thousand six hundred and twenty-eight, the Company by way of acknowledgment, endeavoured to gratify the said *Sieur Giffard*, and especially at the Assembly holden on the fifteenth day of January, one thousand six hundred and thirty-four, at our Hôtel in France, did grant unto him one league in front along the River Saint Lawrence, beginning at the mouth of the River Notre-Dame de Beauport, with one league and a half in depth, having caused to be transmitted to him a Grant thereof, in possession of which he was put by the late Monsieur

Champlain, to whom as Governor, the same was directed. The said Land was then bounded on one side by the said River Notre-Dame de Beauport, and on the other by the River of the Fall of Montmorency, as appears by a Deed signed A. Duchesne, and (as ascertaining the Signature and Hand-writing of the late Sieur de Champlain) by the Sieurs Letardif de la Porte and A. Duchesne de la Ville, by L'Épinasse, appointed Clerk, by Monsieur de Montmagny and by him signed. And further by certain Deeds of the sixteenth April and fifteenth of May, one thousand six hundred and forty-seven, signed Lamy, and sealed with the Seal of the said Company, there was moreover granted unto him two leagues in front by ten leagues in depth, either near the former Concession or between other places which should be designated for him by the Chevalier de Montmagny, which he not having had in his power to do, he hath not given any portion to the Reverend Ladies Hospitaliers, and hath moreover prayed us to extend his Concession of Beauport, of which the depth is already one league and a half, and to grant unto him as far as four leagues in the interior of the lands, until meeting some other tract of land convenient for him, the grant heretofore made to him can be accomplished. Wherefore acceding to the prayer of the said Giffard and until we shall have it in our power to grant a larger tract, We, by virtue of the power unto us granted by the Company of New-France, have given, granted and conceded, and hereby do give, grant and concede unto the Sieur Giffard, Seigneur of Beauport, two leagues and a half in depth by the one league of the said Seigniory of Beauport, bounded on one side by the River Notre-Dame de Beauport, including the River, and on the other by the River of the Fall of Montmorency, to hold to him, his heirs and assigns for ever in full property, jurisdiction and seigniory, with the like rights with which he hath heretofore possessed, and now doth possess the said Seigniory of Beauport, to form a single Fief and render a single Fealty and Homage, and as if the former concession had granted to him four leagues in depth, whereas the same contains only one league and a half; and inasmuch as the Sieur Giffard is in possession of the said tract which is contiguous to that which we have hereby granted unto him, no further taking of possession is necessary. We enjoin the Grand Seneschal of New-France, or his Lieutenants, to cause these presents to be duly enrolled, to deliver unto him *Actes* thereof, and duly to maintain him, his heirs and assigns in possession of the said tracts. In faith whereof we have signed these presents, and caused our Seal at Arms to be hereunto affixed, and the same to be countersigned by one of our Secretaries at Fort Saint Louis of Quebec, this thirty-first day of March one thousand six hundred and fifty-three. Signed De Lauzon, and lower down, by Monseigneur, Peuvret, and lower down is written, after the present collation :

Examined and compared by the undersigned Paul Vachon, Notary Royal in New-France, residing at Beauport, with the original on parchment, unto me presented by Joseph Giffard, Esquire, Seigneur

of Beauport, and to him immediately returned. Done this fourth May, one thousand six hundred and seventy-five.

(Signed)

VACHON, Notary, with Paraphe.

This fourth day of April, one thousand seven hundred and fifty-three, the foregoing grant was by me the Clerk to the *Sénéchaussée* of the Jurisdiction of Quebec in New-France, enrolled in the Office of the said place, at the instance of the said Seigneur of Beauport therein named, *Acte* whereof was taken. Done the same Day and Year, signed, Roland Godet, Clerk, with Paraphe ; also signed, Vachon, Notary, with Paraphe.

Grant to Mr. de Gaudarville in rear of the Fiefs Gaudarville, Demaure and Bonhomme.

LOUIS DE BUADE, &c.

JEAN BOCHART, &c.

**K** NOW all to whom these presents shall come, that on the petition of Alexandre Peuvret, Esquire, Sieur of Gaudarville, praying a grant of three leagues in depth in rear of the Fief Gaudarville, with all the lands adjacent which are in rear of the Fiefs of the Sieurs Demaure and Guillaume Bonhomme, as far as the depth of the same line from the North East to the South West, where the said three leagues are to terminate, so that the whole tract included in this grant is bounded at one extremity in front by South East of the lines which terminate the depth of the said Fiefs of Gaudarville, Bonhomme and Demaure, and in rear on the North West by a line running North East and South West, which terminates the depth of the said three leagues in rear of the said Fief of Gaudarville, and is to be prolonged as far as the Fief of Neuville, and on one side on the North East, by part of the Lands of the Fief of Sillery, by part of those of Gaudarville and by the Lands of the said Bonhomme, and on the other side on the South West by the Lands of the said Fief de Neuville, praying a Grant of the said tract of Land, whereof part is uninhabitable, also the Lakes, Streams, and Isles there situate, in Fief and Seignior, and with Superior, mesne and inferior jurisdiction, with the rights of Hunting and Fishing with instruments of every description, and that of trading throughout the said tract ; and also that of having Fisheries with instruments of every description on the beach as far as low water mark, in front of the Fief of Gaudarville, which Grant he wishes should bear the name of Faussem-bault.

By virtue of the Power to us given by His Majesty, we have given, granted and conceded, and hereby do give, grant and concede unto the said Sieur Gaudarville, three leagues in depth, in rear of the said Fiefs of Gaudarville, with all the Lands adjacent which are in rear of the Fiefs of the Sieurs Demaure and Guillaume Bonhomme, and as far as the depth of the same line from the North East to the South

West, which shall terminate the said three leagues, so that all that is included in the said Grant, shall be bounded at the South East end in front by the lines which terminate the depth of the said Fiefs of Gaudarville, Bonhomme and Demaure, and in the rear to the North West by a line drawn also North East and South West, which shall terminate the depth of the said three leagues in rear of the said Fief Gaudarville, and shall be prolonged in a right line as far as the said Fief de Neuville, and at one side on the North East by part of the Lands of the said Fief of Sillery, by part of those of Gaudarville and by the Lands of the said Bonhomme, and on the other side to the South West, bounded by the Lands of the Fief de Neuville. To hold unto the said Sieur de Gaudarville, his heirs and assigns for ever, in full property, in Fief and Seignior, with the right of trading and of hunting and fishing, even in front of the said Fief Gaudarville, with instruments of every kind, as far as low water mark, with superior, mesne and inferior jurisdiction in the tract herein before described, on condition of Fealty and Homage which he, his heirs and assigns shall perform at the Castle of Saint Louis in this City, and of dues according to the Custom of Paris followed in this country, and that appeals from the Judge who shall be established on this Grant which shall bear the name of *Fossambault*, shall be to the Lieutenant-General in the *Prevôté* of this City, that he shall obtain His Majesty's confirmation of this Grant within two years, shall preserve and cause to be preserved by his Tenants the Oak Timber growing on the said tract fit for the building of Ships, and shall inform His Majesty or the Governor General of the Country of any Ores, Mines, or Minerals which may be found there, and shall cause the like conditions to be inserted in the Grants which he shall make to Tenants, who shall be obliged to an actual residence on the spot, in default whereof he shall become reinvested with the possession of the said Lands; and that he shall cause to be left the highways which may be necessary for the public utility, and shall within six years from this date cause the clearing of the said Land to be commenced, on pain of being divested thereof.

In witness whereof we have signed this Grant, have caused to be thereunto affixed our Seal at Arms, and the same to be countersigned by our Secretaries.—Given at Quebec, this twentieth day of February 1693.

(Signed)

FRONTENAC,  
BOCHART CHAMPIGNY.

( B )

*Extract from the Registers of the Council of State.*

#### Revocation of the uncleared Grants.

The King having caused to be laid before him, in his Council, his Edict, of the present month, whereby his Majesty, in consequence of the grant and surrender by the persons interested in the Company

B

of New-France, resumed all the rights which had been granted to them by the deceased King, in consequence of the Treaty of the twenty-ninth of April one thousand six hundred and twenty-seven, and His Majesty having been informed, that one of the chief causes of the said Country not having become as populous as might be desired, and even that several settlements have been destroyed by the *Iroquois*, is to be found in the grants of large quantities of Land, which have been given to all persons inhabiting the said Country, who not having ever had, nor having the power of clearing the same, and having established their residence in the midst of the said Lands, have by that means been placed at a great distance from each other, and incapacitated from aiding and assisting each other, and even from obtaining succour from the officers and soldiers of the Garrison of Quebec, and other places in the said Country, and thus it even happens that in a very great extent of country, what little Land there is in the environs of the dwellings of the Grantees being cleared, what remains can never become so—which requiring a remedy, His Majesty, being in his Council, hath ordained, and doth ordain that, within six months from the date of the publication of this *Arrêt*, in the said Country, all Persons so being inhabitants thereof shall cause the Lands designed in their Grants to be cleared, in default whereof, at the expiration of that time, His Majesty doth ordain that all Lands remaining uncleared shall be distributed by new Grants in his Majesty's name either to the former or to the new Inhabitants thereof—His said Majesty revoking and annulling all Grants of the said Lands not as yet cleared by those of the said Company.—His Majesty doth enjoin and command the *Sieurs de Mézy*, Governor, the *Bishop of Pétrée*, and *Robert*, Intendant to the said Country to see to the punctual execution of this *Arrêt*; even to make a distribution of the said uncleared Lands and to grant them in the name of His said Majesty.—Given in the Council of State in presence of the King on the twenty-first day of March one thousand six hundred and sixty-three.—Signed, de Lomerie, Mézy, François, Bishop of Pétrée, Rouer, Villeray, Juchereau de Laferté, Ruelle, Dauteuil, D'Amour, Bourdon.

*Arrêt* of the King, for reducing the Concessions which are too extensive, and for making a Census.

The King having been informed that all the Subjects who have gone from Old to New France have obtained Grants of a very great quantity of Land along the Rivers in the said Country, which they have been unable to clear by reason of their too great Extent, which is an Inconvenience to the other Inhabitants of the said Country, and even prevents other Frenchmen from going thither to settle, which is entirely contrary to the intentions of His Majesty as to the said Country, and to the attention he has been pleased to bestow for eight or ten years on the extension of the Colonies which are settled there—



in, inasmuch as a part only of the Lands bordering on the Rivers is cultivated, the rest not being so, nor admitting of becoming so, by reason of the too great Extent of the said Grants and a want of means in the Proprietors thereof, which requiring a remedy, His Majesty in his Council hath ordained and doth ordain, that by the *Sieur Duchesneau*, Councillor in His Councils, and Intendant of Justice, Police and Finance in the said Country, there shall be made an accurate statement of the quality of the Lands granted to the principal Inhabitants of the said Country, of the number of Arpents (or other measure used in the said Country) which they contain on the borders of the Rivers and in the interior of the Lands, of the number of Persons and Cattle, fit for and employed in cultivating and clearing the same, in consequence of which statement one half of the Lands which were granted before the Ten last years and which are not cleared and cultivated as arable or as meadow Land, shall be struck out of the grants and given to such persons as shall come forward to cultivate and clear them. His Majesty ordaineth, that such Ordinances as shall be made by the said *Sieur Duchesneau* shall be executed according to their Form and Tenor as being supreme and of ultimate resort as Decrees of a Superior Tribunal, His Majesty to that end attributing to him plenary Jurisdiction and Cognizance. His Majesty doth further ordain that the said *Sieur Duchesneau* do give provisionally Grants of the Lands which shall so have been struck off to new Settlers, on condition however, that they do completely clear the same within the four next ensuing years, in default whereof at the expiration of the said time, the said Grant shall be and remain null. His Majesty enjoineeth the *Sieur Comte de Frontenac*, Governor and Lieutenant General of His Majesty in the said Country, also the officers of the Sovereign Council therein, to see to the execution of this *Arrêt*, which shall be executed, any opposition or hindrance whatever notwithstanding.

Given in the King's Council of State, holden in the Camp of Lutting near Namur, on the fourth day of June one Thousand Six Hundred and Seventy-five.

(Signed)

COLBERT.

*Power to Messrs. De Frontenac & Duchesneau to make Grants.*

Louis by the Grace of God, King of France and Navarre :—To our dear and well beloved *Sieurs Comte de Frontenac*, our Lieutenant-General in Canada or New France, and *Duchesneau*, Intendant of Justice, Police and Finance, in the said Country, Greeting :—There being a necessity for making provision for the granting of new Lands to the Inhabitants at present residing in the said Country, or to such as may repair thither on our behalf to settle there, we have given and do give to you jointly by these presents under our hand, power to make concessions of Lands as well to the Inhabitants of the said Country as to such as may repair thither in order to settle,

on condition that the said concessions belaid before us within a year from their date for confirmation, in default whereof, at the expiration of the term aforesaid, we declare the same henceforth null.

We will moreover that such grants be not made except upon condition of clearing the Lands and bringing them under cultivation within six years next ensuing, otherwise they shall remain null, and you shall not grant them, unless within short distances of each other, and adjacent to the concession hereupon made and cleared. Whereunto we do especially authorize and enjoin you. And in order that the matter be fixed and established for ever ; we have caused our Seal to be hereunto affixed.—Given at the Camp of Heurtebise, near Valenciennes, the twentieth day of May, in the year of Grace, one thousand six hundred and seventy-six, and of our Reign the thirty-fourth.

(Signed)

LOUIS.

And lower down, by the King, COLBERT, and the Seal of Yellow Wax appending.

Inrolled in order to be put in execution according to the Arrêt of this date, the nineteenth day of October 1676.

(Signed)

BECQUET.

*Extract from the Registers of the Council of State.*

Revocation of the grants which are of too great extent, and order to dispose of them, October 1679.

The King in Council having before him the Arrêt therein rendered on the fourth day of June one thousand six hundred and seventy-five, importing that, by the Sieur Duchesneau, Councillor in his Council, Intendant of Justice, Police and Finance in Canada, an accurate statement shall be made of the quality of the Lands granted to the principal Inhabitants of that Country, and of the number of *arpents* (or other measure there used) which they contain, in consequence of which statement, one half of the Lands which had been granted previous to the ten last years, and which are not cleared and cultivated as arable or meadow land, shall be struck out of the Grants, and given to such persons as shall offer to clear and cultivate them, the statement accordingly made by the said Sieur Duchesneau, containing the extent of each concession and the number of arpents thereof which are cleared and settled, by which it appears that those concessions are of such great extent that the larger portion of them remain useless to the Proprietors for want of

men and cattle to clear and cultivate them ; and His Majesty considering that the lands remaining to be granted in the said Country, are less conveniently situated, and admit with greater difficulty of being cultivated, by reason of their situation and remoteness from navigable rivers, insomuch that such of his Majesty's subjects as repair to the said Country do for that reason alone abandon the idea of remaining and settling there, which requiring a remedy, His Majesty in Council hath ordained and doth ordain that the Arrêt therein rendered on the fourth day of June one thousand six hundred and seventy-five, shall be put in execution according to its form and tenor, and doth accordingly declare one fourth of the lands conceded before the year one thousand six hundred and sixty-five, which are not as yet cleared and under cultivation, henceforth taken away from the Proprietors and Possessors thereof—His Majesty doth further ordain, that henceforth in each year, beginning with the ensuing year one thousand six hundred and eighty, there shall be taken one twentieth part of the lands forming a portion of the said concessions which shall remain uncultivated, in order to their being distributed to His Majesty's subjects, inhabiting the said Country, who have the means of cultivating them, or to Frenchmen repairing to the said Country to settle therein. His Majesty doth enjoin the Comte de Frontenac, Governor and Lieutenant-General, and to the said Duchesneau, to see the execution of this Arrêt, and to proceed to the distribution and granting anew of the said lands, according to the power to them granted by Letters Patent, of the 20th May 1676. Given in the King's Council of State in His Majesty's presence, at St. Germain en Laye, the ninth day of May one thousand six hundred and seventy-nine.

(Signed) COLBERT.

*Extracts from the Registers of the Council of State.*

**ARRET** Confirming the grants made by the Governor, and the Lord Intendant, from the 12th day of October 1676, to the 5th day of September 1679 ;

The King having before him in his Council, His Majesty's Letters Patent of the twentieth of May, one thousand six hundred and seventy-six, empowering the Comte de Frontenac, His Majesty's Governor and Lieutenant-General in Canada, and the Sieur Duchesneau, Intendant of Justice, Police and Finance in the said Country, jointly, to make grants of land, both to the old Inhabitants of the said Country, and to such as may come to settle therein anew, on condition that the grants be laid before them for confirmation within a year from their date, and that the lands granted be cleared and brought under cultivation, in six years from the date of



their grants, on pain of nullity : the said letter, inrolled in the Sovereign Council of Canada, on the nineteenth of October one thousand six hundred and seventy-six.—Having also before him the statement of the grants made by the Sieur Comte de Frontenac, jointly with the said Sieur Duchesneau from the twelfth of October one thousand six hundred and seventy-six, to the fifth of September one thousand six hundred and seventy-nine inclusive, of Fiefs, Lands, Islands and Rivers, to the persons called Pierre de Joybert, Damoiselle de Soulange et de Marson, Randin, de la Vallières, de Repentigny, Berthier, Damoiselle Marie Anne Juchereau widow of the Sieur de La Combe, de Bécancourt, Marie Guillemette Robert, widow of the late Sieur Couillard, Damoiselle Couillard, Nicolas Rousselot dit La Puisier, Noel Langlois, François Belanger, d'Amours, Deschaufour, Crevier, de Verchères, Bizarre, Romain Becquet, de Boyuinet, Jacques de La Lande, Louis Jolliet, Nicolas Juchereau de Saint Denys for Joseph Juchereau his son, André de Chaume, Antoine Caddé, Charles Marquis, Jean Levrard, and to the Superiors and Ecclesiastics of Saint Sulpice of Paris ;—And His Majesty being willing to confirm the said grants, in order to render the possession of the same, quiet and perpetual to the Persons above mentioned, their heirs and assigns, upon hearing the report of the Sieur Colbert the King's Councillor in ordinary, in his Royal Council, and Comptroller General of Finance, the King in his Council hath confirmed and doth confirm the grants made to the said de Joybert, Randin, de la Vallières, Repentigny, Berthier, the widow La Combe, de Bécancourt, the widow Couillard, Geneviève Couillard, Rousselot, Langlois, Bellanger, d'Amours, Deschaufour, Crevier, de Verchères, Bizarre, Becquet, de Boyuinet, La Lande, Jolliet, de Saint Denys for Joseph Juchereau his Son, de Chaume, Caddé, Marquis, Levrard and the Superiors and Ecclesiastics of the Seminary of Paris, by the said Sieur Count de Frontenac, jointly with the said Sieur Duchesneau, doth ordain that they, their heirs and assigns, shall hold the same in the manner and form stated in the letters of grant, also the said Langlois, his heirs and assigns, of the house he hath caused to be built, without disturbance in their possession and holding for any cause or occasion whatsoever, on condition of clearing and bringing the lands to them granted into cultivation within six years, to be computed from the date of the said Grants, on pains of nullity thereof, and also on condition of paying the dues thereon. It is His Majesty's pleasure that this *Arrêt* with the said grants be enrolled in his Sovereign Council of New France, holden in the City of Quebec, in order that recourse may be had thereto when necessary. Given in the King's Council of State, holden at Fontainebleau, in presence of His Majesty, the twenty-ninth day of May one thousand six hundred and eighty.

(Signed) COLBERT.

*Arrêt* of the King divesting the Inhabitants of the property of the Lands which may have been granted to them, unless they bring them into cultivation, having their residence there, within a year and day from the Publication of the said *Arrêt*.

The King being informed that Lands have been granted to the Inhabitants of New France which are not settled or cleared, on which they merely make a few imperfect clearings, supposing that by those means and by the Grants made to them by the persons to whom his Majesty hath granted Lands as Seigniories, they will secure to themselves the property whereby it becomes impossible to grant them to other more laborious Inhabitants who might occupy and bring them into cultivation, which is also very injurious to the other inhabitants settled on those Seigniories, because persons not inhabiting nor bringing their Lands into cultivation, do not work at those public works which are ordered for the good of the country and of the said Seigniories, which is quite contrary to the intentions of His Majesty, who permitted those Grants only with a view to causing the Country to be settled, and on condition that the Lands shall be settled and brought into cultivation; and it being necessary to remedy such an abuse, His Majesty being in his Council, hath ordained and doth ordain that within one year from the publication of this *Arrêt*, as the ultimate delay to be granted, the Inhabitants of New France, not residing on the Lands which have been granted them, shall establish their residence thereon and bring them into cultivation, in default whereof, at the expiration of the said term, it is His Majesty's pleasure that upon the certificates of the Curates and Captains, that the said Inhabitants have omitted for one year to reside on the said Lands, and have not brought them into cultivation, they shall be divested of the Property, and the same shall be re-united to the *Domaine* of the Seigniories upon the Ordinances which shall be rendered by the *Sieur Begon*, Intendant of the said Country of New France, whom His Majesty doth enjoin to enforce the execution of this *Arrêt*, and to cause the same to be enrolled in the office of the Superior Council of Quebec, and published and posted up wherever need shall be, in order that no person be ignorant thereof. Done in the King's Council of State, at Marly, on the sixth day of July, in the year of our Lord, one thousand seven hundred and eleven.

(Signed)

PHILIPPEAUX.

*Arrêt* of the King's Council of State for the Re-union of the Lands granted by the Gentlemen of the Seminary of Saint Sulpice.

The King in his Council having before him the Petition of the Ecclesiastics of the Seminary of Saint Sulpice of Paris, Seigniors of the Isle of Montreal, the Land or *Côte Saint Sulpice* in Canada, their appurtenances and Dependencies, in which Petition they have set forth that as Seigniors of the said Isle they have made several Grants of Inheritances upon the charges, renders and dues stated in the said

Grants, that several Proprietors of the said conceded Settlements having left them uncultivated and abandoned, the Superiors have been obliged for the preservation of their Rights to have recourse to the first Intendant of New France, in order to obtain permission to resume the same, which hath been granted them by divers Ordinances of the twenty-second of June 1706, twenty-fifth of May 1707, twenty-sixth of May 1708, and fifth of July 1710, after having laid before the said Intendant certificates in proper Form of the Abandonment of the said Concessions. That the late King having been informed of the negligence of the Proprietors of the said Concessions and that the same would prove materially detrimental to the Settlement of the Colony, ordained by Arrêt rendered on the sixth of July 1711, that within one year from the date of the Publication of the Arrêt, the inhabitants of New France not residing upon the Lands which have been granted to them should be held, to cause the same to be actually settled and brought under cultivation, in default whereof at the expiration of the said Term, it is ordained that upon certificates of the Curates and Captains of the Côte, shewing that the inhabitants have been one year without making actual settlement upon the said Lands, and have not brought them under cultivation, they be divested of the property, and the same re-united to the Domains of the Seigniors, according to such Ordinances as shall be rendered by the Sieur Begon, Intendant of the said Country of New France. That in Execution of the said Arrêt published in the town of Montreal, on the twenty-ninth of January 1713, the Petitioners have prayed the Sieur Begon to be admitted to resume more than forty-eight settlements, which appear by the certificates of the Curates and Captains of the Côtes to be abandoned and uncultivated, at the foot of which Petition the said Intendant hath ordained, that the parties shall be summoned. But inasmuch as many of the proprietors of those inheritances are deceased without Heirs, that others have been absent many years, and that to compel them to comply with the Formalities of Proceeding respecting all abandoned and uncultivated Concessions would be to render it impossible for them to procure re-union to their Seigniories, the aforesaid Ecclesiastics of the Seminary of St. Sulpice have most humbly prayed His Majesty to make known his intentions respecting the Arrêt of the sixth of July 1711, and to determine what are the cases in which they may resume the abandoned and uncultivated Concessions without other Formality than that of presenting the certificates required by the said Arrêt : And His Majesty taking into consideration that if the said Ecclesiastics were compelled to have recourse to the Intendant of the said Country respecting the said uncultivated or abandoned Concessions, they would become exposed to lengthened Proceedings by their remoteness from the City of Quebec, where the said Intendant resides, whose stay at Montreal is not long enough for the discussion of such matters, moreover in case of Appeal from his Ordinances, the parties interested therein are held to institute them in France. For

all which His Majesty being willing to provide, having heard the Report, and having taken the whole into consideration, His Majesty in Council, by the advice of the Duke of Orléans, Regent, hath ordained and doth ordain that upon the Demands of the Ecclesiastics of the Seminary of St. Sulpice, for the reunion to their Seigniority of the Concessions by them made, they shall proceed before the Royal Judges of Montreal, and by Appeal to the Superior Council of Quebec for their Decree in the Premises. Provided nevertheless that the said Officers shall not take cognizance of Ordinances heretofore rendered by the Intendant of the said Country, with respect to which Proceedings shall obtain in the usual manner, and according to the Terms of the Ordinances, in cases wherein the Proprietors of the said Concessions or their Assigns seek a remedy against them. His Majesty doth nevertheless ordain that the said Ordinances shall be put in Execution according to their form and tenor provisionally, until it be otherwise ordained.

Given in the King's Council of State, in His Majesty's Presence, at Paris, on the fifth day of May 1716.

(Signed) PHELIPPFAUX, with Paraphe.

The foregoing *Arrêt* hath been enrolled in the Office of the Superior Council of Quebec, according to *Arrêt* of this date, by me the undersigned King's Councilor and Secretary, Chief Clerk of the said Council at Quebec, this 1st December 1716.

(Signed) DE MONSEIGNAT.

**ARRET** of the Council of State, enjoining the Seigniors to cause actual settlements to be made on their Seigniories, and prohibiting their selling uncleared Lands.

*Extract from the Registers of the Council of State.*

The King having caused to be laid before him in his Council the *Arrêt* therein rendered on the sixth day of July 1711, importing that such Inhabitants of New France as having obtained grants of Land in Seigniority, had not therein any cleared Domain nor Inhabitants settled, should be held to bring them into cultivation and to settle Inhabitants thereon within one year from the publication of the *Arrêt* aforesaid, after which period they should remain reunited to His Majesty's Domain, and that the said Seigniors should also be held to concede to such Inhabitants as should demand the same for rent, and without exacting any sum of money, that otherwise such Inhabitants should be permitted, in case of refusal after one application, to apply to the Governor, Lieut. General and Intendant of the said

Country for Grants of them, with the same dues as are imposed upon other conceded Lands, which dues should be paid to the Receiver of His Majesty's Domain, without any Power in the Seigniors to claim any thing upon the Lands so granted. Also another *Arrêt* of the same sixth day of July 1711, importing that the Grantees of Lands *en Rôture* should be held to actual settlement thereon, and to bring them into Cultivation within one year from the date of the publication, on pain of Reunion to the Domain of the Seigniors upon the Ordinance of the Intendant. His Majesty having also been informed that contrary to the exigence of both those *Arrêts* certain Seigniors have reserved to themselves extensive Domains within their Estates, that they sell Tracts of Wood Land, instead of merely conceding them for Rents, and that some Inhabitants having obtained Grants from the Seigniors have sold them to others, who successively sold them again, whereby a Traffic adverse to the good of the Colony is effected, and it being necessary to remedy such pernicious abuses, His Majesty in Council hath ordained and doth ordain that within two years from the date of the publication of this *Arrêt*, all proprietors of Lands in Seignior, as yet uncleared, shall be held to bring them into cultivation and settle inhabitants thereon, otherwise after the expiration of that time, the said Lands shall be reunited to His Majesty's Domain by virtue of this *Arrêt*, without a necessity for any other. His Majesty doth most expressly prohibit all Seigniors and other Proprietors from selling any Wood Land on pain of the nullity of the Deeds of Sale and restitution of the Price of the Lands sold, which Lands shall in like manner become reunited to His Majesty's Domain, and further both the *Arrêts* aforesaid, of the sixth of July 1711, shall be put in execution according to their form and tenor, and this shall be enrolled in the Office of the Superior Council of Quebec, and read and published, wherever it shall be necessary. Given before His Majesty, in His Council of State, holden at Versailles the 15th day of March 1732.

(Signed) PHELIPPEAUX, with Paraphe.

Enrolled, the Attorney General being heard and demanding the same, according to *Arrêt* of this Date, by us Councilor of the King, principal Clerk of the said Council at Quebec, the 4th September 1732.

(Signed) DAINE.

#### DECLARATION of the King concerning Grants in the Colonies.

Louis, by the Grace of God, King of France and Navarre. To all to whom these presents shall come, Greeting. We have, after the example of the Kings our ancestors, authorized the Governors and



Intendants of our Colonies in America, not only themselves to grant the Lands which we cause to be distributed to such of our Subjects as are willing to settle thereon, but also to proceed to reunite to our Domain such granted Lands as are liable to reunion, by not having been brought into cultivation; and they have also cognizance, to the exclusion of the ordinary Judges, of all differences arising between the Grantees or their Assigns, as well with respect to the validity and execution of the Grants, as to their situation, extent, and limits, but we are informed that, up to this time, there hath been scarcely any thing certain, either with respect to the Form of Proceeding, in cases of the reunion of Grants, or of the trial and adjudication of suits between the Grantees or their Assigns, or with respect to the method to be adopted for obtaining relief against the Ordinances rendered by the Governors and Intendants on this matter, so that not only have different customs been introduced in the several Colonies, but also in one and the same Colony there have been frequent variations in this respect. In order to put an end to that state of uncertainty, upon matters of such interest to the security and tranquillity of families, we have resolved on establishing by express law, fixed and invariable rules to be observed throughout our Colonies, both as to form of proceeding to the reunion to our Domain of the Concessions which are liable to be thereunto reunited, and to the proceedings on the question they may occasion, also to the modes of recourse to be pursued by those who may deem themselves aggrieved by the judgment which may be rendered. For these causes and others, us thereunto moving, with the advice of our Council and of our certain knowledge, full power and Royal Authority, we have declared and ordained, and by these presents under our sign manual do declare and ordain, and our will and pleasure is as followeth:

ART. I.—The Governors, our Lieutenant Generals and the Intendants of our Colonies, or in default of them, or in their absence from the Colonies, the Officers representing them shall continue jointly to make Grants of Land to the Inhabitants who apply for them, in order to bring them into cultivation, and shall give them titles on the usual and accustomed terms and conditions.

II.—They shall in like manner proceed to reunite to our Domain the Lands which are liable to be reunited thereto, and this shall be at the diligence of our Attornies, in the ordinary jurisdiction within the limits of whose cognizance the said lands shall be situate.

III. They shall not grant Lands which have once been conceded, although liable to reunion, until after their reunion shall have been adjudged, on pain of nullity of the new Concessions, without prejudice nevertheless to the reunion which may always be sued for against the first Grantees.

IV.—Our Governors and Lieutenant Governors and the Intendants, or in default of them, or in their absence from the Colonies, the Officers representing them shall also continue to have cognizance, to the exclusion of all other Judges, of all the differences arising between the Grantees or their Assigns, as well as to the validity and execution of the Grants, as on the subject of their situations, extent and limits, and in case of there being Minors who are party to the said differences, such differences shall be communicated to our Attornies in the ordinary Jurisdictions within which the Governors and Intendants shall reside, in order that they may there take their conclusions, in the same manner as if the said differences were instituted in the said Jurisdictions. It is not nevertheless intended to include in this article differences arising on Family Partitions, of which the Judges of our ordinary Jurisdictions shall continue to have cognizance.

V. We declare to be null and of none effect all Grants which shall not be made by the Governor and Intendant jointly, or by the officers respectively representing them, as also all reunions which shall not be pronounced, and all Judgements which shall not be rendered in common by them or their representatives. Nevertheless we empower either of them in case of the decease of the other, or of his absence from the Colony, and a defect of Officers capable of representing such as may be dead or absent, to make the Grants alone, and even proceed to the reunions to our Domain, and to the Adjudication of suits between the Grantees, calling nevertheless upon such Officers of the superior Councils or Jurisdictions as he shall think fit. And he shall be held to make mention as well on the Concessions and Reunions, as in the Judgements upon private suits, of the necessity in which he may have been so to proceed; on pain of nullity.

VI.—In cases in which the Governors and Intendants shall be of different opinions on applications made to them for Grants of Land, it is our pleasure that they do suspend the issuing of Grants until they receive our Orders, upon the statements they shall make to us of their motives, and in cases of a division of opinion between them, whether as to Judgements of Reunion, or upon differences between Proprietors of Grants, they shall call in the Senior Member of the Superior Council, or in case of absence or lawful impediment, two Councillors next following him in the order of the list, the whole without prejudice to the preponderance of the vote of the Governors in matters concerning our service, in which it is to obtain.

VII. In matters in which it shall happen that local visitations, and nominations and Reports of Experts or Inquests are ordered, the Enactments in that behalf of the twenty-first and twenty-second titles of the Ordinance of 1667, shall be observed on pain of nullity.



VIII. The parties may have their remedy by appeal to our Council from Judgements rendered by the Governors and Intendants upon the said private differences and upon Reunions to our Domain. The said Appeals may be instituted by mere "*Actes*," and the Petitions which shall be presented accordingly, shall together with the paper writings of the parties be transmitted to the Secretary of State for the Marine Department, in order that upon his Report thereon in our Council, we may do therein as shall be meet.

Wherefore we enjoin our beloved and faithful the Members of our Superior Council of Canada, that they do cause these presents to be read, published and enrolled, and that the contents thereof they do keep, observe and execute according to their form and tenor, any Edict, Declaration, *Arrêt*, Ordinance or other thing to the contrary thereof notwithstanding, all such being hereby derogated from. For such is our pleasure. In Witness whereof we have caused our Seal to be hereunto set.

Given at Versailles, this seventeenth day of July, in the year of our Lord 1743, and of our Reign the 28th.

(Signed)

LOUIS.

And lower down

(Signed)

PHELIPPEAUX.

Enrolled, the Attorney-General being heard and demanding the same, according to the *Arrêt* of this date, by us the undersigned, Councillor and Secretary of the King, Principal Clerk of the Council aforesaid.

At Quebec, this fifth day of October 1744.

(Signed)

DAINE.

# DECLARATION of the King in Interpretation of that of 17th July 1743, concerning Grants of Land in the Colonies.

Louis, by the Grace of God, King of France and Navarre. To all to whom these presents shall come, Greeting. By our Declaration of the seventeenth day of July one thousand seven hundred and forty-three, we have regulated the form of proceeding whether as to Concessions of lands in our French Colonies, or as to the reuniting to our Domain, of such conceded land as are liable to be reunited thereunto, or as to the trial and adjudication of differences arising between the grantees or their assigns, and by the eighth Article of the same declaration, we have ordained that the parties may have their recourse by appeal to our Council against the judgements which shall be rendered by the Governors and Intendants of the said Colonies, on all

those matters of which the cognizance devolves upon them to the exclusion of all other Judges, that the said Appeals may be instituted by mere *Actes* and that the Petitions which shall be presented accordingly, shall be transmitted together with the paper writings of the parties to our Secretary of State for the Marine Department in order that upon his Report to our Council we may do that which shall be meet. But upon the last Article it hath been represented unto us, that by reason of the distant situation of Places, it would be expedient for the sake of Justice, to render provisionally executory the Judgement pronounced by the said Governors and Intendants, and that such new provision would prevent many Appeals which are instituted by the Parties merely in order to maintain their unjust Possession. For these causes and others, us thereunto moving, with the Advice of our Council and of our certain knowledge, full power and Royal authority, we have in Interpretation of our Declaration of the 17th of July 1743, declared and ordained and do declare and ordain and it is our will and pleasure that the Judgements which shall be rendered in consequence of our Declaration by the Governors our Lieutenant Generals and the Intendants in our Colonies, or by the Officers representing them, upon the said matters of which they have the Cognizance to the exclusion of all other Judges, shall be provisionally executory notwithstanding any Appeal which may be instituted and without prejudice thereto. We nevertheless leave it at the discretion of the said Governors and Intendants, in the cases in which they shall deem it proper, not to direct the provisional Execution of their Judgements unless upon good and sufficient Security being entered into by the Party in whose favour they shall have been rendered. Our said Declaration shall moreover be put in execution according to the form and Tenor thereof. Wherefore we enjoin our beloved and faithful the Members of our Superior Council of Quebec that they do cause these presents to be read, published and enrolled, and the Contents of the same observed and put in Execution according to their form and Tenor, any Edict, Declaration, *Arrêt*, Ordinance, Regulation and other things to the contrary notwithstanding, all which we have derogated from and do hereby derogate from. For such is our pleasure. In Witness whereof we have caused our Seal to be hereunto affixed. Given at Versailles this first Day of October, in the year of our Lord, 1747, and of our Reign the 33d.

(Signed)

LOUIS.

And lower down

Signed,

PIHELIPPEAUX, with Paraphe.

And sealed with the great Seal of yellow wax.

Enrolled, the King's Attorney General being heard and demanding the same, according to *Arrêt* of this Date, by us, undersigned Councillor and Secretary of the King, principal Clerk of the Coun.

cil, at Quebec, this nineteenth day of June one thousand seven hundred and forty-eight.

(Signed)

BOISSEAU.

*Arrêt* enjoining Communication to the Trustee (*Syndic*) for the Inhabitants, of the *Arrêt* concerning the Reunion of the uncleared Lands, before rendering Judgement. [*avant faire Droit.*]

The Governor and Bishop having laid before the Council the *Arrêt* of the King's Council of State of the 21st of March 1663; enjoining that within six months from the publication thereof, all the inhabitants shall cause to be cleared all the Lands contained in their Concessions, in default whereof all those which shall remain uncleared shall be distributed by new Grants in His Majesty's name, His Majesty revoking and annulling all grants of the said Lands not yet cleared, made by the persons heretofore interested in the Company of New France, whereby it is enjoined them to see to the punctual execution of the said *Arrêt*, and even to make a distribution of the said uncleared Lands and to make Grants thereof in His Majesty's name, they demand that the said *Arrêt* be put in execution in every respect, according to its Form and Tenor. And that in so doing all the Lands which are not at present cleared and brought under cultivation, be declared reunited to the King's Domain, to be disposed of in His Majesty's name, by new Grants in favour of persons demanding them as aforesaid, the said Governor and Bishop declaring that they do not in any way pretend to influence [*intéresser*] the people inhabiting this Country, nor to compel them to quit their houses and settlements, consenting that these do remain in the state in which they are, but that with respect to those of which Grants are to be made, they will take care that the King's instruction be therein followed, and that they be reduced into Hamlets and Boroughs, (*Bourgs et Bourgades*) as far as can be done, as also that it be forbidden to all pretended Seigniors to dispose by Grant of any waste Lands on pain of nullity: the King's Attorney being heard, who hath prayed that all the Tracts of Wood Land be reunited to the King's Domain, the Council before adjudication, hath ordained that the said *Arrêt* shall be communicated to the Trustee for the Settlers, at the diligence of the King's Attorney General, in order to such Decree upon his answer as shall be meet.

**PROJECTS and REGULATIONS made by Messrs. de Tracy and Talon concerning the Settlement of the Country of Canada.**

Whereas by Monsieur de Tracy and Monsieur de Courcelles, it is deemed of utility to the King's Service and benefit to the Country, that the Supreme Council (*Conseil Souverain*) which was established

by the King in 1663, and interrupted by the late Monsieur de Mézy in 1664, be now reestablished by retaining the same Persons who were placed therein at its creation, or by placing others in their stead to compose the same, Talon demands that after the said Sieurs shall have been assured of the probity and capacity of His Majesty's Subjects inhabiting Canada above mentioned, the reestablishment of the said Council be proceeded to according to the orders and intentions of His Majesty; that the matters whereof the same shall have cognizance, shall be specifically declared, the place and day on which they shall meet designated and the power thereof extended or regulated as it shall seem meet unto the Sieurs above-mentioned.

And inasmuch as the King's intention is not that his Subjects should ruin each other by protracted suits, and that it is highly expedient for the Country of Canada that there should be therein established a brief, clear and inexpensive Form of distributive Justice; that there be established in every *Côte*, Ward or Jurisdiction, Judges having original Jurisdiction over all civil matters to the extent of Ten Livres and over all others of the said Judgements from which an Appeal may lie to three other Judges of the four who shall be established at Quebec, to determine all matters within the Consular Jurisdiction; and to decide all differences arising among the inhabitants whether merchants or not, by reason of Notes, Bills, Undertakings, Obligations, Balances of Account by Mercantile Books, according to and in the mode prescribed by the annexed Regulation; in order that at all times the parties who are often from a distance be regulated, and that by such facility and prompt despatch they may save that time which is so useful in the culture of Land and those expenses which another Form of Justice might occasion, if the present one were not introduced, unless the Sieurs above-mentioned should deem it preferable to establish the Sieurs Chartier as Lieutenant General to which appointment he had been nominated by the West-India Company which hath granted him procuracy to that effect.

That the Fees [*Vacations*] and Salaries of these four Judges, if established, shall be regulated rather for the sake of Honour than of Emolument, inasmuch as they ought chiefly to regard the Public Good to which they are pleased to devote a small portion of their Time.

Be it ordained that Parties shall summon those against whom they may have an Action, by notice given by themselves, unless according to circumstances or the exigency of the case, the Judge should deem it meet to send them *ex officio* a note giving a day for their appearance wherefore there shall be appointed one day or more in the week for presenting petitions; the Sundays and Holidays (the four principal Holidays of the year excepted,) appear fittest for saving that time for labour which is so valuable to the Inhabitants of Canada.

That such Notice so given by the party or *ex officio* by the Judge, and certified by any neighbour of credibility shall have the same force and virtue as a Summons; and that upon non-appearance, default

shall be given in like manner as if there had been a Summons, in which case the Ministry of the Bailiff may be used to serve the same at the expense of the person to whom it shall appertain.

That before any Prosecutor or Plaintiff, inhabiting the *Côte*, shall seek a judicial remedy at Quebec by suit, he shall try the effect of an arbitration, by summoning the adverse party by one or two neighbours of credibility, to submit his interests to one or more Arbitrators, or to the determination of the Captain of the Ward, in matters a little under fifteen Livres, slight quarrels, disputes or opprobrious language, and upon his refusal, he shall proceed as is hereinbefore stated after the party refusing shall have been condemned to pay the expenses of the first Summons previous to being permitted to plead, upon his refusal being ascertained by proof, inasmuch as by refusing that fair method (*honnêteté*) and that settlement by arbitration which was proposed respecting the interest claimed by him, he has evinced an inclination for litigation which cannot be otherwise than censurable.

Because there are too frequently complaints by Masters against temporary Domestic, old or new (*Valets passagers, anciens ou nouveaux*,) and Domestic against Masters.

That the same Judges who are established at Quebec shall have cognizance of all differences existing, or which may arise between Masters and Domestic, old or new, by reason of service, allowances and wages.

That for the provisional Regulation of matter of the said Masters or Valets it be ordained——

N. B. The Leaf which is wanting, that is to say, folio 32, contains nothing else than a continuation of the Projects of Regulations which are commenced at folio 31, R<sup>o</sup>. and end at folio 34, V<sup>o</sup>. see Letter A, Register of Edicts, *Arrêts*, &c. First volume, fifteenth folio.

One and the same Surgeon shall have the Care of two or three *Communautés*.

VI. That one common Herdsman for the keeping of cattle in Common, may save the Grain from the injury which such Cattle usually do in the Fields of such Settlements as are not incorporated, *Communautés*, and for several other reasons which it would be useless to adduce.

After it shall have been deemed expedient to form incorporated Villages, *en corps de Communauté*, it is right to remark that it is most material for the King's service and the safety of the Country of Canada to place them, as far as may be practicable, in the vicinity of Quebec, for the following reasons :

I. For the mutual Aid which Quebec and its Settlements afford each other, the latter supplying the former with the productions of the Lands, Wood, Grain, Pulse, Vegetables, and the profits of rural economy and of the Farm-Yards, *Ménageries*, for feeding Cattle and for Poultry, Eggs, Butter, Milk, Cheese and other necessaries of



life, which are so rare at Quebec, that they are there sold excessively dear ; in exchange for which they will receive from Quebec aforesaid the merchandize, the stuffs, linen, shoes and other articles brought from France for the use of the Colonies.

II. That as the proximity of Quebec, besides the protection it affords those Villages merely because it is secure from the Iroquois, that they may be easily assisted in case of attack, will greatly facilitate that real and salutary relief which the said Villages might require ; Quebec, on its part, if attacked by the Europeans, or by Indian Nations may be strongly supported by the great number of Inhabitants, which those Villages will furnish, who on the firing of the first Cannon, shall be ordered to repair to the Castle of Saint Lewis, the *Rendez-vous* common to all.

III. The same proximity of Quebec, with respect to Settlements ought to be much regarded, if it be considered, that the families which will be sent from France, will thence derive great advantages for their Instruction in the manner of living in Canada, in Spiritual and Temporal concerns. And to speak in its Order of the Villages to be formed for the Settlement of the new families which are to be sent by His Majesty ; having ascertained that it is of importance to place them near Quebec, it must be admitted that as their form must be according to the nature and situation of the ground, it is not easy to determine the same ; that a round or a square form appears nevertheless to be most convenient if the situation permits, and that the extent of each Settlement should be so much land as, when distributed into twenty, thirty, forty or fifty shares, shall give for each of them forty *arpents* and this varying and unequal number of settlements will form Boroughs, Villages and Hamlets, according to the adaptation of the ground.

It must also be determined, that after having reserved in these Hamlets or Villages, the Settlements necessary for the families which are to be sent out this year, it appears that the remainder ought to be distributed among old Settlers, competent to instruct such heads of families as are newly arrived and settled in the most useful method of cultivating the land by labouring in the proper seasons, either by conversation or by the example of their assiduity in labour, and I add if there be persons of various trades usually serving to provide something in their line, which is adapted to the common use of the inhabitants of these Villages, as Carpenters, Masons, Cordwainers and others, it will be very proper to introduce them therein, in order that without going out of the Village, every thing necessary either for the food or the lodging and clothing of man may be found therein for the convenience of the person inhabiting the place.

With respect to the terms and conditions which are to be stipulated in the Contracts to be made in favour of the Grantees, it appears that they ought to be various according to the difference among the Persons on whom they are to be bestowed.



The Soldiers of the Regiment *Carignan-Salière*, or of the Garrisons of the Forts of Quebec, Three-Rivers and Montreal, being in right and in fact bound to the King, by the pay they have received, not having it in their power to exempt themselves from continuing to render their services on future occasions to His Majesty, whether for the defence of the Country, in which they will be interested as in the common weal and security of all, or for all enterprises having in view the utility and benefit of Old and New-France, so there is nothing inexpedient in granting to them the Lands which they may clear upon this condition which will not be burdensome to them since it will not take them out of that in which they now are, and because they cannot settle themselves by their labour alone, it is necessary to afford them assistance in the first years. It appears to His Majesty as useful as it is just to give them some assistance in provisions and tools proper for their work, and to pay them for the cultivation of the two first arpents of land which they shall cut down and burn, although upon their own account and for their own profit, obliging them to cultivate in exchange two others in the three or four years following, in favour of the families who shall come hither from France, without any payment therefore. By this expedient, they are provided with the means of forming a stock for subsistence in the winter, and lands are prepared for the families which the King appears to intend to settle at his expense.

This mode of granting a newly acquired Country, has its example in Roman Antiquity, and may correspond with that in which among the Romans the Territories of subdued Provinces which were called *Prædia Militaria* were formerly given. The practice of that politic and warlike people may in my opinion be judiciously introduced into a Country, a thousand leagues distant from its Sovereign, and the State of which it is but a very detached member, and may be after under the necessity of supporting itself by its own resources. This method appears to me the more to be valued, as it will one day form for the King a body of old troops, who will no longer be a charge to His Majesty, and will nevertheless be able to preserve the infant state of Canada, with all the augmentations it may receive against the inroads of the Indians, or the violent incursions of the Europeans, and even in the urgent necessities of Old France, afford His Majesty considerable aid.

In addition to these first motives, it is well to allow weight to considerations of the public peace and tranquillity, to maintain which all human prudence ought to be exerted, there being nothing in civil life whose preservation is so precious as matters which tend to maintain the union and repose of people, which peculiarly depend on their fidelity towards their Sovereign, and thereupon the preservation of the newly discovered and acquired Provinces in remote Countries under the subjection and dominion of that Sovereign.—Wherefore the first of our Kings, whose policy was superior to what has been supposed, introduced into newly acquired Countries, mili-

tary men of well known fidelity, and born their Subjects, in order internally to keep the Inhabitants in their duty, and externally to ward off their common enemies. And with a view to maintain and support them therein, granted them Lands in these Countries to be cultivated and supply all the necessaries of life. A practice equally economical and politic, for on one hand it saved the public Funds and on the other it gave the Officer and Soldier an interest in the preservation of the Country, as in that of his own inheritance.

The old Settlers claiming Lands might less relish this condition of serving His Majesty than Soldiers might do, if on one hand the natural duty which require them to take the field when called out, and on the other that honour by which they may be stimulated, and the remission which may be made them of the other onerous dues, usually annexed to Grants, did not sufficiently induce them to comply therewith. It might then be stipulated in the Grants.

And as His Majesty appears to intend to defray the whole expense of commencing the Settlements, by clearing the woods, tilling and sowing two acres of ground, advancing meal to the families coming out, that may be required of them in the first instance, which is required of the old Settlers; that having received two acres in a state fit for yielding the fruits of the tillage and sowing of the soil, they should cultivate two others in the three or four years next after their arrival, so as not to require of them such return for the first or second year which would divert them too much from the improvement of their Settlement, at a time when all their exertions are necessary for acquiring that establishment on which that of their whole family depends. And for the benefit they desire from the Grant of the Land, they shall in lieu of *cens sur cens*, *censives* or other renders which are annexed to the Grants in that Country, engage their first born son in the King's service, when he shall have attained the age of sixteen, and he shall commence his noviciate in a Garrison of the Forts, without having claim to any other stipend than his subsistence, or such as may be ordered for him by His Majesty's States, during the service he shall render; this obligation hardly adds to that which a true subject incurs at his birth, but it appears that when the condition is stipulated it is less harsh when required than when nothing is said of it in the Grants of the Lands which are given as all those in Canada are given.

As in the whole of this distribution nothing is reserved in favour of the West India Company, on which His Majesty is willing to confer the benefit which in such case arises from the right of Seigniority where the Settlements hold immediately of them, and in this case they might be invested with superior, mesne and inferior jurisdiction, with the dues of *lods et ventes*, *saisines* and fines, and even a small ground rent if it be thought expedient, or if His Majesty deeming it more expedient that they should have as Vassals Officers of his Troops who having over the Peasantry, *roturiers*, the useful and domanial Seigniority, he may create for them some inconsiderable ground rents,

rather as Tokens of Honour than as useful Income, and may grant them mesne and inferior Jurisdiction, reserving the superior Jurisdiction, which he may annex to a supreme Court of Fiefs or to Officers instituted for the rights of the Seigneur Paramount, (*Suzerain*) or *Dominantissime*.

The foregoing articles, treating only of dues to be established in the Hamlets, Villages and *Bourgades*, which His Majesty hath instituted or may institute at his expense, to be distributed among the poor families which he may send from France, and with which he intends to people Canada, or which (Hamlets, &c.) he intends to distribute among the Soldiers who may choose to settle therein, it is very proper to inquire by what Titles and on what conditions the Lands are to be distributed, and Grants made to the persons who will be at the expense and labour of the cultivation of Canada, they forming Hamlets, Villages or *Bourgades*.

Assuming always the same principle that the obedience and fidelity due to the Prince, being more liable to be impaired in remote Countries than in those near the supreme authority chiefly vested in the person of the Prince, and having therein more force and efficacy than in any other, it is prudent to prevent in the establishment of the infant state of Canada, all those deplorable revolutions which might either render the same aristocratic or democratic instead of monarchical, or by means of a balanced power and authority among its subjects, might separate it into parts and occasion a dismemberment, such as has occurred in France by the erection of Sovereignties in the Kingdoms of Soissons, Orléans, the Counties of Champagne and others.

(Signed)

TALON & TRACY.

Read, published and enrolled at the instance of the Attorney General, to be put in execution according to *Arrêt* of this date. At Quebec, in the Supreme Council, the twenty-fourth of January one thousand six hundred and sixty-seven.

(Signed)

PEUVRET.

(C.)

ORDINANCE reuniting several Lands to the Domain of Lauzon, for default by the Inhabitants to make actual settlements:

Dated 30th March 1730.

GILLES HOCQUART, &c.

Upon reading the *Arrêt* of the King's Council of State, of the 6th of July 1711, whereby His Majesty hath ordained that for Default by the Inhabitants of New France, to bring their Lands into cultivation, and to make actual settlements thereon within one year from

the date of their Grants, they shall be divested of all property in the said Lands, and that the reunion thereof to the Domains of the Seigneurs shall be made by the Intendants, upon the Certificates and Attestations of the Curates and Captains of Militia, that the said Inhabitants have not obeyed the said *Arrêt*. Also our Ordinance of the 18th of February 1730, whereby on complaint made to us by the *Sieur Etienne Charêt*, Seigneur of the *Côte de Lauzon*, that divers Individuals to whom for some years past Lands have been conceded in the said Seigniory, have not made actual settlements thereon, nor have brought them into cultivation, although the Lands of the said persons were at that time liable to reunion, it was nevertheless our pleasure to grant them a further delay of ten months, in order to enable them to comply with the said *Arrêt* of the Council of State, under the Penalties thereof. The Publication of our said Ordinance, and the posting thereof at the door of the Church of St. Joseph, a Parish in the said Seigniory, on the 26th of the said month of February in the year aforesaid, by *Benoît*—The Petition presented to us by the *Sieur Charet* on the 16th of the present month, containing renewed complaints against the said persons therein-named, all Proprietors of Land in the said Seigniory of Lauzon, who have not made actual settlement in all the time we had granted them, which elapsed nearly three months since—that is to say, the Heirs and Assigns of the late *Dumont*, for eight Arpents in front by forty in depth in the first Range; *Charles Gautier*, for ten Arpents in front, by forty in depth, also in the first Range; *Eustache Samson*, for three Arpents in front by thirty in depth in the second range; the widow *Grenet* for two Lands in the second Range, of three Arpents each, by thirty in depth; *Joseph Girard*, for one of three Arpents, in the second Range, by thirty in depth; *François Brulot*, for two Arpents and a half in front, by thirty in depth; *Louis Fagot*, for three Arpents in front, by thirty in depth; *Joseph Fagot*, also for three Arpents in front, by thirty in depth; *Michel Jourdain*, also for three Arpents in front, by thirty in depth; *Joseph Jourdain*, also for three Arpents in front, by thirty in depth; *Louis Marchand*, also for three Arpents in front, by thirty in depth; *Charles Guay*, in the third Range also, for three Arpents in front, by thirty in depth; *Joseph Guay*, also for three Arpents in front, by thirty in depth; *Michel Guay*, also for three Arpents in front, by thirty in depth; *Jean Baptiste Girard*, also for three Arpents in front, by thirty in depth; *Charles Girard*, in the third Range, for three Arpents in front, by thirty in depth; *Claude Girard*, also for three Arpents in front, by thirty in depth; *Jacques Girard*, also for three Arpents in front, by thirty in depth—by which Petition the said *Sieur Charêt* prayeth that we do proceed to the reunion of the said Lands to his Domain, upon the certificates of the Curates and Captains of the *Côtes* of the said Seigniory which he hath laid before us. And upon reading the said certificates of the *Sieurs Larue*, Curate, and *Couture*, Captain of Militia of the said *Côte* and Seigniory of *Lauzon*, both bearing date

the 12th day of February last, by which they attest that all the Inhabitants above-mentioned, have not for many years had any actual settlement on the Lands they have obtained in the said Seignior of Lauzon. The whole matter being taken into consideration, We, by virtue of the power to us given by His Majesty, and in execution of the said *Arrêt* of the King's Council of State, of the 6th of July 1711, have declared all the persons above-mentioned, that is to say : the Heirs or Assigns of the late Dumont, Charles Gautier, Eustache Samson, the widow Grenet, Joseph Girard, François Brulot, Louis Fagot, Joseph Fagot, Michel Jourdain, Joseph Jourdain, Louis Marchand, Charles Guay, Joseph Guay, Michel Guay, Jean Baptiste Girard, Charles Girard, Claude Girard, Jacques Girard, well and duly divested of all property in the said Lands to them conceded, and situate in the said Seignior of Lauzon, for their default to have made actual settlement thereon, and to have resided thereon, and brought them into cultivation within the time ordained, both by the said *Arrêt* of the Council of State, and by our Ordinance of the 18th of February 1730, and the same we have reunited to the Domain of the said Sieur Charêt, and the said Ordinance shall be read, published and affixed at the door of the Church of the said Seignior at the close of Divine Service, in order that no one of the persons above-mentioned may be ignorant thereof. We enjoin, &c.

Given at Quebec, the 30th day of March 1730.

(Signed)

HOCQUART.

ORDINANCE reuniting the Lands of the Persons therein named to the Domain of the Sieur Boucher de Niverville, by virtue of the Ordinance of the 24th July 1730, which obliges them to actual residence, and prohibits them and all others from selling, assigning or exchanging their Lands to prevent all surprise. Dated 27th July 1732.

GILLES HOCQUART, &c.

Upon our Ordinance of the 24th of July 1730, rendered on the Petition of the Sieur Jean Baptiste Boucher de Niverville, Esquire, Seigneur of Chambly, whereby we have ordained that all the Settlers therein named shall actually reside upon their Lands and cause a clearing to be made thereon within eight months at the latest, computing from the date of our said Ordinance to the first day of April one thousand seven hundred and thirty one inclusive, after which time and upon the certificates of the said Curate and Captain of Militia of the place, that they shall not have actually resided on the spot, nor made a clearing, we shall proceed to the reunion of the said Lands to the Domain of the said Sieur De Niverville, with prohibition to the said settlers and all others to Assign, Exchange, or Sell their Lands without previous notice to their Seigneur, in order that such Assignments, Exchanges or Sales may be by him ratified to



avoid all surprise—The said Ordinance published on three successive Sundays, beginning on the 30th July in the said year, by Laloire and Lavalé, Officers of Militia. The Petition unto us presented by the said Sr. de Niverville, setting forth that since the said delay granted by the above mentioned Ordinance and which expired more than a year since, the said Settlers therein mentioned have not fulfilled the duty of actually residing upon their said Lands, and praying that it be our pleasure to decree the reunion of the said Lands to his Domain upon the Certificates of the Curate and Captain of Militia of the said Seigniory, to the said Petition annexed, and according to the *Arrêt* of the King's Council of State of the sixth July one thousand seven hundred and eleven, in order that the Petitioner may do with and dispose of the same in favour of such persons as it shall seem meet unto him, and moreover to condemn the said inhabitants to pay to the Petitioner the *Cens et Rentes* which they owe him for the whole time of their possession, and upon the said certified statement of the Missionary and Captain of Chambly of the twelfth instant, whereby it appears that since the publication of our foregoing Ordinance, the said Settlers therein named have not actually resided, nor have done any thing to their Lands—that is to say, Marien Lebault, for three arpents in front by thirty in depth, L'Épine, for a Land of like extent, Nicolas Favereau, for three arpents and a half by thirty in depth; Michel Charbonneau, also for three arpents and a half by thirty in depth; André Languedoc, Joseph Labrie, Etienne Petit, Antoine Roy, Pierre Marié, Jean Archambault, Joseph Lorion, Jean Milet, André Archambault, François Chrétien, Pierre Groux, François Sérat L'Espagnol, Pierre Avare, Jean Baptiste Cousineau, Ignace Martin, all the Settlers above mentioned for three arpents in front each by thirty in depth; René La Fleur, for three arpents by forty in depth; the widow Latulipe, for four arpents in front by forty in depth; Louis Languedoc, Antoine Languedoc, François Languedoc, each for a Land of three arpents in front by thirty in depth; Jean Baptiste Cousineau, for two Lands of three arpents by thirty in depth; François Voyer dit Labrie, for three arpents by thirty in depth; Pierre Groux, for two Lands of three arpents by thirty in depth; François Sérat also for two Lands of three arpents in front, by thirty in depth; Antoine Lorion, for three arpents by the same depth; René Lorion, for three arpents by thirty in depth; Louis and André Archambault each for three arpents by thirty in depth; the whole being taken into consideration, we, by virtue of the power unto us given by His Majesty, and in execution of the said *Arrêt* of the Council of State of the sixth of July one thousand seven hundred and eleven, have declared all the said Persons herein-before named well and duly divested of the Property of the said Lands unto them granted by the Sieur de Niverville, and situate in the said Seigniory of Chambly for their default of actual residence on the spot, and of having performed any work thereon within the times appointed both by the said *Arrêt* of the said Council of State and our said



Ordinance of the 24th July one thousand seven hundred and thirty, and we have reunited the same to the Domain of the said *Sieur de Niverville* : and this Ordinance shall be read and published in the accustomed manner, to the end that no Person therein-mentioned may be ignorant thereof. We enjoin &c. Done at Montreal the twenty-seventh of July 1732.

(Signed) HOCQUART.

ORDINANCE reuniting to His Majesty's Domain all Seignories which are not under cultivation. Dated 10th May 1741.

CHARLES, MARQUIS OF BEAUHARNOIS, &c.

GILLES HOCQUART, &c.

Between the King's Attorney General of the Supérieur Council of Quebec, Plaintiff, according to his Request, answered by us on the twentieth day of February last, on one part, and the *Sieurs François Daine*, Principal Clerk of the said Council, *De Lusignan*, Lieutenant of the Troops, *De Laronde Denis*, Captain of the said Troops, *De Beaujeu*, Major of the Troops, *Péan*, Major of the Town and Castle of Quebec, and *Foucault*, Keeper of the King's Stores, Defendant, all personally present, Mr. Dosquet, formerly Bishop of Quebec, one of the Directors of the Seminary of Quebec appearing, *De St. Vincent*, an Ensign on service, appearing by the *Sieur Estebe*, holding his procuration, dated the 27th of April 1740, *De Beauvais* the younger, appearing by the *Sieur Chaussegros De Léry*, Chief Engineer, *De Contrecoeur*, the younger, Ensign, and *Laperrière*, Captain of the said Troops, appearing by the said *Sieur Péan*, Major of Quebec, holding their Procuration, passed before Mr. La Tour, Royal Notary, on the 24th of March last, *De Sabrevois*, Lieutenant of the Troops, and *De Sabrevois De Bleury*, appearing by the *Sieur Parent* of this City, Merchant, holding their Procuration under their hands, bearing date the 5th of this month, the *Chevalier d'Argenteuil*, appearing by *Dubreuil*, Usher to the Council, holding his Procuration also under his hand, dated the eleventh of the said month, *Lafontaine*, Councillor of the said Superior Council, appearing by the *Sieur Lévrard*, holding his Procuration also under his hand, of the fourth of the said month, *Robert*, Keeper of the King's Stores at Montreal, appearing by the said *Sieur Foucault*, holding his Procuration received before Mr. Danré, Notary at Montreal, of the twenty-seventh of March last, all the persons abovementioned being Grantees of Lands along the River Champlain, Lake Champlain and other places, Defendants, and summoned on the sixth and eleventh day of March last, and on the ninth day of this month, and the *Sieurs Douville*, *De Noyan* and *De Lagauchetière*, also Defendants and in Default, not having appeared themselves nor any person for them to the Summonses which were served

upon them on the eleventh of the said month of March, also on the other part. The said "Request" of the King's Attorney General being read, whereby for the reasons therein stated, he prayeth that we do permit him, to cause the persons abovementioned to be summoned to be and appear before us at the Castle of St. Louis at Quebec, within the delay of the Ordinance, in order that it be adjudged and ordained, that for Default of their having according to the Forms of the *Arrêts* of the King's Council of State of the 6th of July 1711, and 15th of March 1732, and within the time therein specified, brought into cultivation the said Lands in the Seigniories which have been granted to them, and placed and settled Inhabitants thereon, they be and remain reunited to his Majesty's Domain in this Country. The answers of the said Defendants present, by which the *Sieur Daine* hath stated that he ceded his Seigniorie to the *Sieur Gosselin*, Curate of the River Chambly, about two years since, that the said *Sieur Daine* had then made several Grants, and among others to the persons named *Guarguilleau* and *Boileau*, that he knows that one of them is actually settled, that he is also informed that the said *Sieur Gosselin* on his part had placed another Inhabitant there, who is actually settled on the spot—that it is his intention to settle the same and to repair thither next Spring, in order to form a Domain there; The *Sieur Lusignan*, that at the time of the ratification of his Concession, he was detached in order to take the Command at the River St. Joseph, from which place he returned only two years since, that since his arrival he had made every endeavour to find inhabitants to settle the same even at his own expense, that he had not hitherto been able to find any, and that he is at present actually occupied in that endeavour, wherefore he prays for a sufficient delay. The *Sieur de Laronde Denis*, that being occupied at the Post of *Chagouamigon*, in exploring for Copper Mines, he hath not hitherto been able to attend to the settlement of his Seigniorie, but that he will next year send his oldest son, who is at *Chagouamigon* aforesaid, from thence, in order to have a Saw Mill made there, and a Domain established, until he shall be able to have a Grist Mill made, and Inhabitants settle there; the *Sieur de Beaujeu*, that he hath hitherto done every thing in his power to procure Inhabitants to settle on his Seigniorie, and that no one hath come forward; that his duty having called him to Quebec, he hath been obliged to sell all he possessed at Montreal, even his Harness; that he intends to go to France to put his Affairs in order, and that at his return he hopes he shall be able to settle his said Seigniorie; The *Sieur Péan*, that he hath not hitherto been able to find any Inhabitant to place on his Seigniorie, that if he found any, he is ready to supply them with Axes, Hoes for clearing, and a year's Provision, that he will continue to seek for, and will do his utmost to procure Settlers, and that he intends to establish a Domain there; and the *Sieur Foucault*, that he has made it a point of duty to settle the Land granted to him, that he hath caused the same to be bounded and surveyed, as he proves by one hundred and four *Procès*

*Verbaux* of Survey numbered, by two Deeds of Grant made by him to Jean and Louis Vigean, passed on the 14th of August 1739, before Barolet, Notary at Quebec, and the general *Procès Verbal* of Survey of the said Seigniory, which he hath caused to be made by Jean Vrin, Surveyor, the said *Procès Verbaux* produced to us ;— The paper dated 15th March last, signed by the Sieur Rançonnet, whereby, among other things, he states that he hath not ever held any Procuration from Mr. Dosquet in this Country, and consequently that the Ordinance rendered without any other Summons, is rendered *Ex parte*. That possibly Mr. Dosquet will, at a proper time, allege in his defence, that the negligence imputed to him is entitled to some indulgence—that in the same year in which the said *Arrêt* of the King's Council of State bears date, the Affairs of his Diocess called him to France, that he hath imported from France certain Mill works [*moulanges*] which were at length spoiled without having been used ; that new business, or rather such as necessarily arose out of the former affairs, induced Mr. Dosquet to perform a second voyage, that he hath ceased to be Bishop of Quebec only since his Successor took possession, the said Sieur Rançonnet (without warranting facts of which he is not sufficiently informed) declaring that Mr. Dosquet hath probably given part of his Seigniory to the Seminary of Montreal, that he now learns that Mr. Gosselin, Missionary at the River Chambly, hath lately declared to the Attorney General, that he hath at present several Inhabitants actually settled upon his land. Further answer of the Sieur Estebe appearing as aforesaid, stating that the said Sieur St. Vincent, is actually detached to command at the *Post des Ouyatanons*, that he has already made some Grants upon his Seigniory, for instance to an Inhabitant from the *Côte de Beaupré* ; that the said Sieur St. Vincent, before his departure told him, he intended to establish a Domain there forthwith, the said Sieur Estebe, in the behalf aforesaid, further praying that in consideration of the absence of the said Sieur St. Vincent in the King's service, there be granted unto him sufficient delay : Further answer of the Sieur De Léry on behalf of the Sieur De Beauvais, stating that the said Sieur De Beauvais hath placed an Inhabitant upon his Seigniory, who hath made an extensive clearing on the said Concession, on which he, his wife and children reside, and further that on the behalf aforesaid, he prayeth delay in order to make more extensive settlements : A paper without date, intituled, "Summary Remonstrance" produced by the said Sieurs De Contrecoeur, the elder and the younger, and La Perrière, through the said Sieur Péan on their behalf, setting forth among other things, that they have taken every step in order to settle their Grant, that they have not been able to find persons willing to accept Lands, although offered to them on very advantageous conditions, and although they have been willing to give them as much as Three Hundred Livres to engage them ; that the said Sieur Contrecoeur the elder hath performed Fealty and Homage for his said Seigniory, and that he, as also the said Sieurs La

Perrière and Contrecœur the younger, have been exposed to various expenses ; that they are moreover about to do their utmost in order to procure Inhabitants to settle the said Seigniories, and are in hopes of succeeding, praying that we do grant them delay, on their proposing to conform within the same to His Majesty's intentions. Another Paper writing in answer, dated the 5th of April last, from the Sieurs De Sabrevois and De Bleury, by the said Sieur Parent on their behalf, stating among other reasons, that they have already conceded three Lands in their Seigniories, to Inhabitants who have begun clearings thereon ; That in order to engage those Inhabitants, they have likewise begun a Domain, and caused the wood necessary for building to be squared ; that they undertake to send this summer, and build the houses and barns necessary for the settlement, and to cause the cultivation of their said concessions to be followed up ; another paper writing dated the eleventh of April last, laid before us by the said Dubreuil, Usher, appearing for the Sieur d'Argenteuil, intituled, "Summary Representations," wherein the said Sieur d'Argenteuil states; first, that he hath requested the Sieur De la Valtrie to cause to be drawn the line of the continuation of the Seigniorie De la Valtrie, by which continuation the Land to him granted is bounded without having been able hitherto to compel the said Sieur De la Valtrie so to do, although called on by Summons on the 15th of March also last past, to the said Paper writing annexed, that such refusal on the part of the said Sieur De la Valtrie hath been the cause of his having been unable to have any work done, or to make any concessions in his said Seigniorie, but that he is about to institute a Suit at Law against the said Sieur De la Valtrie, in order that a Surveyor may be appointed at their joint Expense to draw the said Line ; Secondly, That he is ready to conform to His Majesty's intentions, that he undertakes to send in the course of next summer to have a Domain laid out on his said Seigniorie, and that he will at the same time concede several Lands for which the Inhabitants are applying to him, and for all these reasons he prays delay in order to conform to rule ; another Paper writing from the Sieur Lafontaine without date, and signed by him, by the Sieur Levrard on his behalf, whereby he offers with our assent to go this spring upon his Grant, with three men, to build there and commence clearings, and to give to such persons as he may be able to procure and as may be willing to settle them, wheat and even money without requiring any return, in order to obtain that of them by the influence of the gift, which he cannot obtain by compulsion ; a Paper writing from the said Sieur Robert, by the Sieur Foucault on his behalf, also without date, wherein he states, that as soon as his concession was granted to him, he sent Mr. Janvriin Dufrêne, a sworn Surveyor, with six men to survey, and measure and lay down the boundaries of the said Grant, who were forty days on their Journey, at an expense of seven hundred livres and ten sols, according to the Certificate of the said Dufrêne, which he produces, and that he hath not neglected any thing in order to induce

some young persons to go and settle there, by procuring to them great advantages and accommodation, and therefore praying that we do accord him delay, to enable him to comply with his Majesty's intentions. Having also read his Majesty's Ordinances, bearing date the sixth day of July 1711, and the 15th day of March 1732, and his orders to us directed last year, whereby His Majesty doth most strictly enjoin us, to cause proceedings to be taken for reuniting to His Domain the Lands granted of old and recently, for default by the Proprietors thereof to fulfil the conditions expressed in their Deeds. We, proceeding to adjudge upon the prayer of the King's Attorney-General, have reunited and do hereby reunite unto His Majesty's Domain, the Lands hereinafter mentioned; That is to say, that granted to the Sieur Daine on the 5th of April 1733, of one league and a half in front in Missisquouy Bay on Lake Champlain, by three leagues in depth---That in like manner granted on the 6th of April 1733, to the Sieur de Lusignan, in the Bay of Missisquouy, on Lake Champlain aforesaid, of two leagues in front by three in depth. That granted on the 8th of April of the said year 1733, to the Sieur Laronde Denis, of two leagues in front by three leagues in depth, along the River Chambly, and the small Island above the *Isle aux Têtes*. That granted to the Sieur de Beaujeu on the 9th of April of the said year 1733, of two leagues in front by three in depth, on the River Chambly. That in like manner granted on the 10th of April of the said year 1733, to the Sieur Péan, of two leagues or two leagues and a half in front, by three in depth, along the said River Chambly and Lake Champlain, including the River Chazy and *l'Isle à Lamotte*. That granted on the 15th of October 1731, to Mr. Dosquet, of four leagues in front on each side of the River Yamaska, including that River, by four leagues in depth also along each side of the said River. That granted to the Sieur St. Vincent, on the 12th of April 1733, of two leagues in front by three leagues in depth, on Lake Champlain. Another of the Sieur de Beauvais, on the 20th of July 1734, of two leagues in front by three leagues in depth, on Lake Champlain aforesaid, also the Peninsula included in front of the said Land.—Another conceded on the first of July 1734, to the Sieur de Contrecoeur the elder, of an Island situate in Lake Champlain, commonly called *La Grande Isle*, with the Isles, Islets and Shores thereon depending. Another conceded on the 7th of July of the said year 1734, to the Sieur de Contrecoeur the younger, along Lake Champlain, beginning at the mouth of the River *aux Loutres*, one league and a half above and one league and a half below, being two leagues in front by three leagues in depth, also the extent of the said River *aux Loutres* included therein, with three Isles or Islets in front of the said Grant, and depending thereon. Another granted on the 6th of July of the said year 1734, to the Sieur de la Perrière, on the margin of Lake Champlain, being at the mouth of the River Ouy-mouski, one league above and one league below, being two leagues in front by three leagues in depth, with the extent of the said River



included therein, also the adjacent Isles and Shores. Another granted on the 4th of April 1733, to the Sieur de Sabrevois, of two leagues in front by three leagues in depth, along the River Chambly. Another granted to the Sieur Sabrevois de Bleury, on the 1st of April of the said year 1733, of three leagues in front along the River Chambly, by three leagues in depth. Another granted to the Sieur d'Argenteuil, on the 6th of October 1736, of one league and a half in front by four leagues in depth, at the termination of the depths of the Seignior of *La Noraye*. That granted to the Sieur Lafontaine, on the 5th of April 1733, of one league and one fourth in front on the River Chambly, by the depth existing between that and Missisquouy Bay. That granted on the 13th of June 1737, to the Sieur Rochert, of three leagues in front by two leagues in depth, on the west side of Lake Champlain, beginning half a league below the River *Bosquet* proceeding downwards, and two leagues and a half above the said River proceeding upwards. And that granted to the Sieur Foucault, on the 3d of April 1733, of two leagues in front by the depth existing between that and Missisquouy Bay. We have accordingly declared all the Grantees herein before-named divested of all Right and Property in the said Lands. We do, nevertheless, having regard to the Representations made by some of the said Defendants, reserve the power (subject to his Majesty's pleasure) of giving new Letters of Grant of the same Lands to such of the said Defendants, as shall within one year prove, that they have in earnest and with actual expense and labour, brought into cultivation a considerable portion of the said Lands, or placed Inhabitants thereon, in the course of the year aforesaid, after which time, by virtue and in execution of these Presents, and without any need of others, the said Lands shall be granted to whom and in such manner as shall be meet. We give default against the Sieurs Douville, De Noyau et De la Gauchetière, and that the same may avail, we have declared the Judgement common to the Lands to them in like manner granted; that is to say, as to the said Sieur Douville, that granted to him on the 8th of October 1736, of two leagues in front by three leagues in depth, on the east side of Lake Champlain. Also that granted on the 2d of April 1733, to the said Sieur de Noyau of two leagues in front along the River Chambly, by two leagues in depth, beginning at the little River *du Sud*, including the same, proceeding upwards towards Lake Champlain, with the *Isle aux Têtes*, and other adjacent Isles and Islets. Finally that granted to the Sieur La Gauchetière, on the 11th of April of the said year 1733, of two leagues in front by three leagues in depth, on Lake Champlain aforesaid. We enjoin, &c. Given at the Castle of Saint Louis of Quebec, this 10th day of May 1741.

(Signed) BEAUHARNOIS & HOCQUART.  
Countersigned and Sealed.

A true Copy

(Signed)

HOCQUART.



## FOURTH REPORT.

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**W**HEN, at the close of the long and sanguinary contest which had for more than twenty years agitated and desolated Europe, a new order of things arose in 1815, the United Kingdom in common with the other nations of Europe suffered greatly from the sudden transition from a war unexampled in the histories of mankind, to a state of Peace, her government naturally looked to the North American Colonies, as a refuge for her distressed subjects thrown out of employ. The landholders of England expected that by means of the emigration of the poor to the Colonies, the encreased pressure of the poor laws would be diminished. The poor themselves had a right to expect, from the vast and interminable waste lands of the Crown in these Colonies, a refuge and an honest independence ; all classes might indulge a hope, that this would be one of the most powerful means to allay discontents and to restore tranquillity. How far these hopes have been realized in our Sister Colonies, it belongs not to your Committee to enquire, their attention was necessarily confined to this Province. Your Committee find that there arrived at the Port of Quebec, in the year 1817, 6796 settlers ; in the year 1818, 8221 ; in the year 1819, 12907, and in the year 1820, 11239, making altogether 39163 ; that a great majority of these, intimidated by the length and rigour of the winter of this Country, and unacquainted with the laws, institutions and language thereof, have ascended the Saint Lawrence, and are now dispersed over the lands of Upper-Canada and the United States, where they have found a more genial climate, their own language, and laws and institutions analagous to those to which they had been accustomed.

Although the proportion are unknown to your Committee, your Committee have however ascertained that a very large number have gone into the United States, a very small number of the total number of emigrants have remained in this Province, and this less from inclination than from accident, sickness or want of pecuniary means to proceed further up into the interior. The only lands within the disposition of the Crown, upon which these individuals could have been located, were :—

First.—On the ungranted lands of the Crown, within the Townships on the Southern and Northern shore of the Saint Lawrence.

Secondly.—On the ungranted lands of the Crown situate in the rear of those Townships, or in the rear of the old Seigniories of the Country.

Thirdly.—On the ungranted lands of the estates heretofore belonging to the late order of the Jesuits, and now administered by a Commission.

As to the first, the large quantities of land held by private individuals who have never settled or cultivated the same, and the want of roads of Communication rendered them inaccessible to these poor Emigrants, and if this obstacle had not subsisted, the quantity tendered by the Colonial Administration being but one hundred acres, afforded no sufficient encouragement to induce the Emigrants to encounter the privations and hardships incident to a new settlement in a wilderness.

The Crown and Clergy reserves, interspersed as they are amongst the other lots, offered another insuperable barrier.

To all these was superadded an exaction unwarranted, as your Committee believes, by law, of fifteen shillings and six pence on the name of each Petitioner inserted in any Petition before the same could be laid before the Executive Council, an exaction required as well from the Emigrants as from His Majesty's Canadian subjects, to whom His Majesty was graciously pleased to order that grants of land should be made for their Services during the late American War.

Under all these obstructions, your Committee have reason to believe that of the above mentioned 39163 Emigrants who arrived at the Port of Quebec, during the years 1817, 1818, 1819 and 1820, not more than one hundred families have found a refuge and subsistence upon the waste and ungranted lands of the Crown. (See *Appendix to the second Report*).

It appears to your Committee, that the ungranted lands heretofore belonging to the late order of Jesuits, and now administered by a Commission, from their proximity to actual settlements, and from various other causes, constituted the most advantageous situation for locating such of the Emigrants as could not proceed to the Upper Province.

Those lands are under the administration of a Board of Commissioners, and their advantages in this respect were fully felt by a Committee of Gentlemen associated at Quebec for the purpose of affording relief to the distressed Emigrants.—And in the last autumn, an application was made to that Honourable Board, by the said Committee, to forward these views : that application was not successful to the extent that might have been wished. Information respecting it will be found in the Appendix to this Report under the letter (A.) but the causes which led to the failure of this application, your Committee do not deem it their province to explore.

As connected with the subject which has been referred to your Committee, they think it proper to observe that in the course of their enquiries, they have found that Emigrants, arriving in the ports of this Province, on their way to their intended places of Settlement, are subjected to various oppressions on the part of Masters of Vessels, from the want of sufficient authority in the Courts of Law for their protection, and to give due effect to the Statute to regulate the Vessels carrying Passengers from the United Kingdom to certain of His Majesty's Colonies in North America. Your Committee there-

fore deem it necessary that a Bill should be introduced vesting jurisdiction in His Majesty's Court of King's Bench, in the several Districts of this Province, for the recovery of the penalties in the said Statute contained, and further, that to relieve the Emigrants from the inconveniences to which they are not unfrequently subjected, by being conveyed to Ports and places different to and at a distance from the Ports and places to which the Masters had engaged to convey them, a heavy penalty should be imposed upon this offence, and further, to relieve them from the occasional exactions from the Masters and the detention of their effects by the said Masters, to carry into effect the said exactions, which your Committee have reason to believe are not unfrequent, that a summary jurisdiction within limits as to amount, should be vested in one or more Magistrates.

Upon the whole of this branch of the subject, your Committee are of opinion that the manner in which the Crown and Clergy reserves are interspersed among the other lands, contributes greatly to retard the Settlement of the Country, and that from the errors and vices of the System of granting the waste lands of the Crown, which has hitherto obtained within the Colony, not only has the settlement of those lands and the advancement and prosperity of the Country been retarded, but also that relief to the distressed Emigrants withheld, which it must have been the desire of His Majesty's Ministers to afford.

All which, nevertheless, is humbly submitted.

Quebec, 6th March 1821.

ANDREW STUART,  
Chairman.

( A. )

ANDREW WILLIAM COCHRAN, Esquire, appeared before your Committee and answered as follows to the questions which were put to him :

Q. Is there established in Quebec a Society for relieving distressed Emigrants. When was the said Society established and of what Members is it now composed ?

A. A Society was established in Quebec in the month of July 1819, for the relief of distressed Emigrants—And it is yet in existence and operation. It was sanctioned by the support of the Persons at different times at the head of the Government, and consisted of the principal inhabitants of Quebec, of whom, such as gave an annual Subscription to a certain amount became Members of the So-

ciety, a list of these was published in the Quebec Gazette of the 21st October last and can be referred to.

Q. Who is the Secretary of the said Society?

A. Lieut. Smith of the Royal Engineers has undertaken the duty of Secretary.

Q. Has the said Society received any Contributions and to what amount?

A. The subscriptions raised by the Society in 1819 and 1820 amounted to about £570, and since Nov. 1820, I believe about £300 has been collected.

Q. What number of Emigrants have been supported or assisted by the said Society, and whence did the Committee derive their means?

A. It is from these funds, and by the assistance afforded by different Military Departments of Government, that the Committee of the Society have been enabled to grant relief or support to Emigrants, but I cannot state the number of these with any accuracy.—I am satisfied, however, that of the 20,000 Emigrants who have arrived here during the last two Summers, a very considerable proportion has received information, assistance or support from the Society; and I know that in the winter of 1819 and 1820, more than 500 cases of sickness were treated among those on the Society's lists, and that during a few days attendance last Autumn, when the operations of the Society were renewed, I saw some hundreds applying for relief or assistance.

Q. Of what description of persons did they consist?

A. The greater part of these Emigrants have been men with large families and small means, or in absolute indigence.

Q. Did any number of them express a desire to obtain Lands in this Province, or in the Upper Province?

A. Almost all have expressed a desire to obtain Lands from Government in this or the Upper Province, but principally in the latter.

Q. Did any of the said Emigrants express a wish to obtain ungranted Lands of the Seigniories heretofore belonging to the late Order of Jesuits, and now in the custody and possession of His Majesty, or have any applied for, or obtained any?

A. I should imagine not more than 10 or 12 families have at different times, since the establishment of the Society, obtained, or had the promise of obtaining, Lands in the Seigniories of the Jesuits' Estates, and many others have been desirous of the same advantage, and applications have been accordingly made either for or by them to the Commissioners of those Estates.

Q. By whom are the said Estates administered?

A. These Estates are administered by a Board of Commissioners, which, in November last, when I was requested by the Emigrant Society to communicate with them, consisted of the Honble. Mr. Ryland, Chairman; the Honble. Col. Ready, Mr. Coltman, Mr. Smith, and J. Stewart and L. Foy, Esqrs. Mr. G. Ryland is Secretary to the Board. And Mr. Foy is or lately was Procurator and was also styled visiting Inspector and discharged the duties of an Agent.

I cannot state with certainty who is the Treasurer of the Board.

Q. Were there any and what applications made by the said Committee of the Society for the relief of Emigrants to the said Commissioners, for Lands to be settled upon by the said Emigrants?

A. An application was made by a Committee of the Emigrant Society to the Commissioners for lands to be settled upon by Emigrants. A plan was submitted to the Society on the part of certain Gentlemen of Quebec for the employment of a number of Emigrant families during the winter on certain vacant Lots of the Seignior of St. Gabriel, belonging to the Jesuits' Estates, on which, if a grant thereof could be ensured to them, they proposed to expend a sum of money equal to £30 for each lot, which sum was to go to the clothing, lodging and support of the Emigrants employed in labour on such Lots, and would give to each a small sum of money at the end of their winter.

Q. Was any and what application made in consequence to the said Commissioners, and what was the result of the said application?

A. A communication having been made to the Commissioners of those Estates, they agreed to put a certain number of the Lots applied for, at the disposal of the Society. A number of Emigrants were accordingly sent out to the land in question by the Society, to be employed and supported in the manner proposed, and I have reason to believe that they are now labouring there. This plan being found useful and practicable, and many other industrious families of Emigrants offering to go out on the same terms, it was proposed to the Committee of the Emigrant Society to whom the management of this matter was left, to apply to the Commissioners for an extension of the plan. This was accordingly done. It was stated to them that if certain vacant Lots on the same Seignior which were designated to them could be placed at the disposal of the Emigrant Society in the mode already adopted and in actual operation, it would be in their power to enter into engagements with individuals to the extent of four or five hundred pounds to be expended in the employment of Emigrants in the clearing of those Lots during winter. And that for this purpose Dr. Blanchet owning the Lands adjacent, had consented (in order to enlarge the Lots in question to a sufficient extent of cultivable Land) to surrender a part of his Land, on condition of receiving from the Society, if the vacant Lots in question were placed at their disposal, so much thereof as would be a compensation to him for the expenses already incurred on the Land so surrendered by him. To this application the Committee have not as yet received any answer, some of the Commissioners being of opinion, as I have been verbally informed by individuals of the Board, that they could not enter into a correspondence with the Committee, or that the Lots applied for were not vacant, or that the proposal was objectionable as including the stipulation between the Society and Dr. Blanchet, who had failed in performing the conditions of the concessions already made to him.



## FIFTH REPORT.

**Y**OUR Committee, after examining the Reports and Proceedings of the Committee named by this House in the last Session of this Parliament, on that part of the Speech of His Excellency the Governor in Chief which relates to the Settlement of the Waste Lands of the Crown, and which constitutes the subject of the present reference, proceeded carefully to examine the documents received since the close of the last Session, and which, therefore, had not come under the consideration of that Committee.

These consist in the answers of a large number of the Curates of the different Parishes of this Province, to the Queries transmitted to them in the last Session of this Parliament.

The anticipations of valuable information from this respectable source, have been fully realized ;—so much thereof as is susceptible of being exhibited in the form of a Table, will be found in the Synoptical Table hereunto subjoined.

For other and valuable information upon the causes which have hitherto retarded the settlement of this Country, your Committee must refer to the answers themselves which are upon the files of this House.

Your Committee had occasion to believe that the intentions of His Excellency the Governor in Chief, the Earl of Dalhousie, to cause to be laid before this House, copies of such parts of the Royal Instructions for the granting of Crown Lands in this Province, as may have been given since the year one thousand seven hundred and eighty-six, also a table of the Fees of the Office of the Clerk of the Executive Council and other Officers relating to the said Grants, as expressed in His Excellency's answer to the Message of this House of the 13th February 1821, have not been fully carried into effect.

Without adequate information upon these subjects, your Committee could not feel any confidence in the accuracy of the conclusions which they might be led to form, and they, therefore, suspended their labours until this information could be procured.

Accordingly, on the thirteenth of the present month of February, this House was pleased to order, “ That an humble Address be presented to His Excellency the Governor in Chief, representing that  
 “ on the thirteenth day of February one thousand eight hundred and  
 “ twenty-one, an humble Address was voted by this House to His  
 “ Excellency, praying His Excellency would be pleased to order to  
 “ be laid before this House, Copies of such Royal Instructions respecting the granting of the Crown Lands in this Province, as may  
 “ have been given since the year one thousand seven hundred and  
 “ eighty-six, also a Table of the Fees of the Office of the Clerk of  
 “ the Executive Council and other public Officers relating to the



“ said Grants ; to which His Excellency was pleased to give for answer, “ That he should cause to be laid before the House Copies of such parts of the Royal Instructions for the granting of Crown Lands, as His Majesty has caused to be made public, and Copy of the Table of Fees to the Officers named in the Address ;” that this House have reason to believe that the intentions of His Excellency the Governor in Chief to afford information to the House relative to the Public Instructions of His Majesty respecting the granting of Crown Lands in this Province, and relative to the said Table of Fees have not been fully carried into effect, and praying His Excellency will be pleased to order such of the above Documents as have not already been laid before this House to be laid before the same, and that His Excellency will be further pleased to order a Copy of the Report of the permanent Committee of the whole Council to His Excellency Sir Robert Shore Milnes, then Lieutenant Governor of this Province, bearing date the twenty-sixth day of May one thousand eight hundred and one, to be laid before this House.”

To which His Excellency was pleased to give for answer :

“ That he will give orders that such papers as have not been laid before the House conformably to his former commands, be laid before it.”

That the advanced state of the Session leaves no hopes to your Committee that it will be in their power further to investigate the subject referred to them, and they have, therefore, lost no time in laying before the House the present Report.

The whole nevertheless humbly submitted.

Quebec, 18th February 1822.

ANDREW STUART,  
Chairman.



## OBSERVATIONS.

There are twelve Individuals possessing Lands of 6 arpents in front.

to Return.

Do.

Do.

Twenty-five Individuals, possess each 6 arpents by 40.

These Individuals, possess each 6 arpents by 40.

The greatest number of Lands conceded consist of from 20 to 30 arpents in superficies each.

to Return.

Twelve Farmers possess 6 arpents by 30 or 40.

to Return.

Eighteen Persons possess 6 arpents by 30.

Thirty-seven Ditto 6 do. by 30.

Twenty-one Ditto 4 do. by 30. Seven Do. each 6 arpents by 30.

Three arpents by 30 is the general concession.

Twelve Individuals possess each 6 arpents by 40.

to Return.

Eighty Individuals have each 6 arpents by 30.

to Return.

Do.

Do.

Thirty-one Persons possess each 6 arpents by 40.

Seven Individuals possess 6 arpents by 30.

Three or four Individuals 6 arpents by 30.

Five Do. 6 do, 28.

Twenty-nine Individuals possess from 150 to 300 arpents.

Seven Individuals possess each 4 arpents by 30.

Each subdivided, the greatest number of lands consist of  $1\frac{1}{2}$  arpent by 20.

to Return.

Do.

Do.

Do.

Four Individuals possess 6 arpents by 30 or 40.

Five Individuals possess each 9 arpents in front, and 15 possess 6.

to Return.

Seven Individuals possess more than 6 arpents by 40.

Twenty to Fifty Individuals possess each 6 Arpents by 40.

to Return.

Do.

[illegible]



| DISTRICT OF MONTREAL.       |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|-----------------------------|------|-----|-----|-----|------|------|------|-----|-----------------------------|-----------------------------|--------------------|------------------|---------------------|-----|----------------------------------------------------------------------------------------------------------|
| St. Laurent,                | 1978 | 196 | 115 | 54  | 210  | 972  | 505  | 65  | 90                          | 287 arpents in superficies. |                    | 20               | 20                  | 13  | 6 Individuals possess each 6 arpents by 30 or 40.                                                        |
| St. Geneviève,              | 895  | 60  | 42  | 26  | 102  | 484  | 376  | 2   | 50                          | 245 Do. in Do.              |                    | Individuals.     | of different sizes. |     | 2 Do. Do. Do.                                                                                            |
| La Chine,                   | 1145 | 134 | 84  | 64  | 180  | 860  | 493  | 21  | 51                          | 328 Do. in Do.              |                    | 44               |                     |     | 15 Do. Do. Do.                                                                                           |
| Pointe Claire,              | 601  | 56  | 42  | 21  |      |      |      |     |                             |                             |                    | 40               |                     |     | No Return.                                                                                               |
| St. Anne,                   |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | Do.                                                                                                      |
| Pointe aux Trembles,        |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
| Longue Pointe,              |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
| Sault au Récollet,          | 1430 | 113 | 413 |     | 142  | 649  | 465  | 50  | 78                          | 281 Do. in Do.              |                    | 40 to 46         |                     |     | 7 Individuals each 6 arpents by 30.                                                                      |
| Rivière des Prairies,       | 750  | 92  | 45  | 31  | 27   | 123  | 195  | 31  | 47                          | 320 Do. in Do.              |                    | 63               |                     |     | No Return.                                                                                               |
| Ile Perrot,                 |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | Eleven Individuals each 6 arpents by 30.                                                                 |
| St. Martin,                 | 2567 | 220 | 142 | 57  | 238  | 1257 | 790  | 35  | 77                          |                             | 44                 | 59               | 35                  | 95  |                                                                                                          |
| St. Rose,                   | 2719 | 191 | 110 | 39  | 172  | 1205 | 658  | 38  | 76                          | 9 Do. by 30 arpts.          |                    |                  |                     |     |                                                                                                          |
| St. Vincent de Paul,        | 1730 | 68  | 20  | 54  | 171  | 1174 | 570  | 40  | 82                          |                             | 70                 | 63               | 23                  |     | Six Individuals 6 arpents by 20.                                                                         |
| Berthier,                   | 3660 | 295 | 270 | 72  | 304  | 1853 | 791  | 97  | 95                          | 9 Do. by 40 do.             | 110                | 44               | 50                  |     | No Return.                                                                                               |
| St. Cuthbert,               |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | Twenty Individuals possess each 6 arpents by 30.                                                         |
| St. Elizabeth,              | 3838 | 396 |     | 80  | 200  | 1800 | 250  | 60  | 180                         | 360 Do.                     |                    | 60               |                     |     | No Return.                                                                                               |
| Lavaltrie,                  |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
| Lanoraie,                   | 973  | 94  | 140 | 30  | 100  | 486  | 260  | 50  | 40                          | 16 Do. in front.            |                    | 195 Individuals. |                     |     | Seventeen Individuals possess each 6 arpents by 30.                                                      |
| St. Paul,                   | 2900 | 300 | 280 | 40  | 180  | 1060 | 395  | 250 | 360                         | 250 Do.                     |                    |                  |                     |     | Eight Do. 180 arpents.                                                                                   |
| St. Sulpice,                | 884  | 90  | 69  | 47  | 81   | 447  | 225  | 51  | 97                          | 280 do. in superficies.     | 50                 |                  |                     |     | Seven Do. 6 arpents by 30 to 50.                                                                         |
| Repentigny,                 | 1506 | 140 | 100 | 74  | 169  | 743  | 394  | 31  | 50                          | 8 Do. by 44,                |                    | 17               | 13                  |     | No Return.                                                                                               |
| St. Pierre du Portage,      |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
| St. Jacques,                | 3580 | 420 | 840 | 50  | 233  | 1459 | 612  | 250 | 900                         | 15 Do. by 30.               |                    |                  |                     |     | Ninety-four Individuals possess 2 lands of 3 arpents by 30.                                              |
| St. Roch,                   | 3250 | 404 | 157 | 92  | 241  | 1502 | 776  | 27  | 143                         | 90 Do. in superficies.      | 303                | 124              | 32                  |     | No Return.                                                                                               |
| St. Esprit,                 |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | Thirteen Persons possess each 6 arpents by 30.                                                           |
| St. Henry de Mascouche,     | 2210 | 198 | 181 | 75  | 196  | 1058 | 577  | 14  | 109                         | 734 Do. in do.              |                    | 100              |                     |     | Ditto do. by 30 or 40.                                                                                   |
| La Chenaie,                 | 1249 | 70  | 64  | 65  | 102  | 555  | 327  | 5   | 79                          |                             |                    | 58               |                     |     | Sixteen do. 40.                                                                                          |
| Terrebonne,                 | 2014 | 103 | 85  | 61  | 194  | 1059 | 647  | 61  | 136                         | 700 Do. in do.              |                    |                  |                     |     | There are many Individuals who possess Lands of several dimensions, as 4½ arpents by 2 Leagues, &c.      |
| St. Anne des Plaines,       | 2266 | 293 | 263 | 136 | 152  | 1039 | 496  | 52  | 135                         | 956 Do. in do.              | 206                | 62               | 19                  |     | Eleven Individuals possess each 6 arpents by 30.                                                         |
| Blainville,                 | 2428 | 235 | 170 | 20  | 202  | 1362 | 766  | 5   | 100                         | 360 Do. in do.              | 118                | divers sizes.    |                     |     |                                                                                                          |
| St. Benoit,                 | 5609 | 600 | 26  | 970 | 2888 | 1433 | 163  | 247 |                             |                             |                    |                  |                     |     |                                                                                                          |
| St. Eustache,               | 4476 | 354 | 37  | 405 | 2394 | 1431 | 54   | 121 |                             |                             |                    |                  |                     |     |                                                                                                          |
| Vaudreuil,                  | 2130 | 153 | 140 | 176 | 176  | 935  | 437  | 105 | 125                         | 300 Do. in do.              |                    |                  |                     |     | This Seigniorship is established as a Parish only since two years.                                       |
| Rigaud,                     | 9000 | 300 | 190 | 50  | 172  | 1111 | 455  | 25  | 60                          | 968 Do. in do.              |                    |                  |                     |     | One hundred Individuals possess 6 arpts. by 30 or 40. Eight individuals possess each 6 lands of 3 by 30. |
| Soulanges,                  | 3576 | 470 | 69  | 53  | 349  | 2034 | 902  | 157 | 173                         | 2295 Do. in do.             |                    |                  |                     |     | Eight hundred Farms have been asked for by the inhabitants, but have not been conceded.                  |
| Nouvelle Longueuil,         | 1784 | 240 | 156 | 100 | 31   | 153  | 53   | 80  | 90                          | 9 Do. by 20.                | generally conceded | 3 Arpents by 20. |                     |     | No Return.                                                                                               |
| St. Régis,                  | 1050 | 92  | 30  | 6   | 95   | 833  | 322  | 53  | 10                          | 400 Do. in superficies.     | 3                  |                  |                     |     | Thirty-five Individuals possess 6 arpents by 40.                                                         |
| Châteaugay,                 | 3530 | 340 | 400 | 209 | 287  | 2079 | 991  | 92  | 150                         | 540 Do. in do.              |                    |                  |                     |     | One Individual possesses 52 arpents by 30, but in a state of nature.                                     |
| St. Clément de Beauharnois, | 2205 | 433 | 573 | 73  | 46   | 205  | 106  | 110 | 57                          | 5 Do. by 42.                |                    |                  |                     |     |                                                                                                          |
| Sault St. Louis,            | 4050 | 521 | 690 | 358 | 1902 | 968  | 24   | 224 | 517 Do. in superficies.     |                             |                    | 204              | 140                 | 142 |                                                                                                          |
| St. Philippe,               | 4400 | 480 | 500 | 329 | 2078 | 886  | None |     | 3 Lands of 3 by 30.         |                             |                    |                  |                     |     |                                                                                                          |
| St. Constant,               | 3940 |     |     | 219 | 1428 | 636  | 13   | 179 | 920 arpents in superficies. |                             |                    |                  |                     |     |                                                                                                          |
| St. Luc,                    | 7900 | 850 | 300 | 582 | 3121 | 1283 | 50   | 600 | 560 Do. in Do.              |                             |                    |                  |                     |     |                                                                                                          |
| Blairindie,                 | 2800 | 190 | 240 | 943 | 1432 | 858  | 140  | 100 | 400 Do. in Do.              |                             |                    | 40               | 20                  |     | Twelve Farmers possess 6 arpents by 30 or 40.                                                            |
| Prairie de la Magdeleine,   |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | No Return.                                                                                               |
| Longueuil,                  | 2880 |     |     |     |      |      |      |     |                             | 580 Do. in Do.              |                    |                  |                     |     | Greatest number.                                                                                         |
| Boucherville,               | 3126 | 256 | 7   | 118 | 272  | 1607 | 795  | 118 | 150                         | 18 Do. by 30.               | 25                 |                  |                     |     | Eighteen Persons possess 6 arpents by 30.                                                                |
| Varennes,                   | 2476 | 220 |     |     | 218  | 1048 | 527  | 81  | 102                         | 390 Do. in superficies.     |                    | 183 Individuals. |                     |     | Thirty-seven Ditto 6 do. by 30.                                                                          |
| Vercheres,                  | 1735 | 284 | 200 | 145 | 157  | 826  | 361  | 68  | 115                         | 6 Do. by 30.                | 28                 | 2156             |                     |     | Twenty-one Ditto 4 do. by 30. Seven Do. each 6 arpents by 30.                                            |
| Contrecoeur,                | 3550 | 300 |     |     | 375  | 2045 | 1019 | 450 | 500                         | 792 Do. in superficies.     |                    | 30 to 40         |                     |     | Three arpents by 30 is the general concession.                                                           |
| St. Joseph,                 | 2140 | 214 | 161 | 45  | 171  | 1112 | 481  | 64  | 87                          | 255 Do. in do.              |                    | 71               |                     |     | Twelve Individuals possess each 6 arpents by 40.                                                         |
| Rouville,                   |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | No Return.                                                                                               |
| St. Mathias,                | 2880 | 400 | 500 | 250 | 204  | 1384 | 645  | 25  | 40                          | 12 Do. by 30.               |                    |                  |                     |     | Eighty Individuals have each 6 arpents by 30.                                                            |
| St. Marie du Manoir,        | 1420 | 152 | 24  | 50  | 131  | 661  | 343  | 22  | 17                          | 4 Lands.                    |                    |                  |                     |     |                                                                                                          |
| St. Charles,                | 1102 | 106 | 11  | 32  | 123  | 429  | 315  | 7   | 11                          | 3 Do.                       |                    |                  |                     |     | No Return.                                                                                               |
| St. Marc,                   |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | Do.                                                                                                      |
| Belœil,                     |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     | Do.                                                                                                      |
| St. Hilaire,                |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
| St. Antoine,                | 2906 | 478 | 607 |     | 235  | 1300 | 682  | 58  | 167                         | 440 arpents in superficies. | 92                 | 98               | 17                  |     | Thirty-one Persons possess each 6 arpents by 40.                                                         |
| St. Denis,                  | 8287 |     |     |     | 684  | 4448 | 1924 |     |                             |                             |                    |                  |                     |     |                                                                                                          |
| St. Hyacinthe d'Yamaska,    | 1764 | 194 | 200 | 50  | 131  | 904  | 443  | 40  | 50                          | 4724 Do. in Do.             |                    | 140 Indiscrimi   | nately.             |     | Eleven Individuals possess 6 arpents by 30.                                                              |
| La Présentation,            | 3268 | 400 |     |     | 273  | 1527 | 712  |     |                             |                             |                    | Equally divided, |                     |     |                                                                                                          |
| St. Ours,                   | 3711 | 400 |     |     | 208  | 1317 | 578  | 105 | 144                         | 7 Do. by 40.                | greatest number.   | Some.            | Some.               |     | Three or four Individuals 6 arpents by 30.                                                               |
| William Henry,              | 790  | 80  |     |     | 90   | 213  | 126  | 41  | 32                          | 10 Do. by 25.               |                    |                  |                     |     | Five Do. 6 do. 28.                                                                                       |
| Ile du Pas,                 |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |
|                             |      |     |     |     |      |      |      |     |                             |                             |                    |                  |                     |     |                                                                                                          |

| Name of the Person |                      | Date of Birth |      | Date of Death |      | Place of Birth |          | Place of Death |          | Cause of Death |          | Burial Place |          | Remarks |  |
|--------------------|----------------------|---------------|------|---------------|------|----------------|----------|----------------|----------|----------------|----------|--------------|----------|---------|--|
| 1                  | John Doe             | 1850          | 1880 | 1880          | 1880 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 2                  | Jane Smith           | 1855          | 1885 | 1885          | 1885 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 3                  | Robert Brown         | 1860          | 1890 | 1890          | 1890 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 4                  | Mary White           | 1865          | 1895 | 1895          | 1895 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 5                  | William Black        | 1870          | 1900 | 1900          | 1900 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 6                  | Elizabeth Green      | 1875          | 1905 | 1905          | 1905 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 7                  | Thomas Grey          | 1880          | 1910 | 1910          | 1910 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 8                  | Anna Hall            | 1885          | 1915 | 1915          | 1915 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 9                  | Charles King         | 1890          | 1920 | 1920          | 1920 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 10                 | Frances Lee          | 1895          | 1925 | 1925          | 1925 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 11                 | George Miller        | 1900          | 1930 | 1930          | 1930 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 12                 | Harriet Wilson       | 1905          | 1935 | 1935          | 1935 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 13                 | Edward Young         | 1910          | 1940 | 1940          | 1940 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 14                 | Elizabeth Zane       | 1915          | 1945 | 1945          | 1945 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 15                 | Frank Adams          | 1920          | 1950 | 1950          | 1950 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 16                 | William Baker        | 1925          | 1955 | 1955          | 1955 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 17                 | Mary Clark           | 1930          | 1960 | 1960          | 1960 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 18                 | Robert Evans         | 1935          | 1965 | 1965          | 1965 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 19                 | Anna Foster          | 1940          | 1970 | 1970          | 1970 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 20                 | Thomas Grant         | 1945          | 1975 | 1975          | 1975 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 21                 | Elizabeth Harris     | 1950          | 1980 | 1980          | 1980 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 22                 | Charles Irving       | 1955          | 1985 | 1985          | 1985 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 23                 | Frances Jones        | 1960          | 1990 | 1990          | 1990 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 24                 | George Keith         | 1965          | 1995 | 1995          | 1995 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 25                 | Harriet Lamb         | 1970          | 2000 | 2000          | 2000 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 26                 | Edward Munn          | 1975          | 2005 | 2005          | 2005 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 27                 | Elizabeth Nunn       | 1980          | 2010 | 2010          | 2010 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 28                 | Frank Owen           | 1985          | 2015 | 2015          | 2015 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 29                 | William Pugh         | 1990          | 2020 | 2020          | 2020 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 30                 | Mary Quinn           | 1995          | 2025 | 2025          | 2025 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 31                 | Robert Reed          | 2000          | 2030 | 2030          | 2030 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 32                 | Anna Scott           | 2005          | 2035 | 2035          | 2035 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 33                 | Thomas Taylor        | 2010          | 2040 | 2040          | 2040 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 34                 | Elizabeth Vance      | 2015          | 2045 | 2045          | 2045 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 35                 | Frank Ward           | 2020          | 2050 | 2050          | 2050 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 36                 | William Xanthopoulos | 2025          | 2055 | 2055          | 2055 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 37                 | Mary Yantis          | 2030          | 2060 | 2060          | 2060 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 38                 | Robert Zane          | 2035          | 2065 | 2065          | 2065 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 39                 | Anna Zane            | 2040          | 2070 | 2070          | 2070 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |
| 40                 | Thomas Zane          | 2045          | 2075 | 2075          | 2075 | New York       | New York | New York       | New York | Old Age        | New York | New York     | New York |         |  |



## SIXTH REPORT.

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**H**IS Excellency the Governor in Chief having, early in the present Session, laid before the House papers and documents prayed for in the last Session of this Parliament, your Committee commenced their enquiries.

Their first object was to ascertain what had been His Majesty's Instructions upon this important matter of administration from the first cession of the Country down to the present time.

The Royal Instructions, with other papers relative to the then Province of Quebec, were in the year 1791 printed in obedience to an order of the House of Commons, bearing date the 21st day of April of that year.

From this authentic document all the Instructions relating to the waste Lands of the Crown down to that period have been extracted. The subsequent Instructions upon this matter appear to have been the same as those to His Excellency the Earl of Dalhousie, transmitted by him to this House.

These, with the Royal Instructions of the fifteenth August 1737, which have already been reported to the House, form the whole body of the Royal Instructions relative to Lands, and will be found in the Appendix to this Report under the Letter (A.)

The general heads under which these Instructions may be distributed, are—

**FIRST**—Instructions to obtain a knowledge of the true state of the Province, of the measures necessary for the making of Settlements, the nature and quality of the soil and climate, the Rivers, Bays, and Harbours, and every other circumstance attending the natural state of it. (Instructions for James Murray, Esquire, Governor of the Province of Quebec, dated the seventh December 1763, Art. 44 and Art. 72.

**SECONDLY**—Instructions to prevent the granting of excessive quantities of Land to particular persons, never intending to cultivate or settle it, and thereby preventing others more industrious from improving the same.

**THIRDLY**—Instructions to render public the Royal Instructions given from time to time, respecting the waste Lands of the Crown, and reporting the proceedings had thereupon, from time to time as the same occurred, to His Majesty's Government in England.

**FOURTHLY**—Instructions, directing that no Fees should be taken within the Colony upon the granting of Lands, except such as should, from time to time, be established by His Majesty, under his Signa-

ture and Sign Manual, or by his order in that behalf, signified by one of his principal Secretaries of State. (Instructions of the fifteenth August 1797.)

Upon the first head—

Little has been done since the cession of the Country, and there is reason to believe that that portion of Lower-Canada which lies upon the north side of the Saint Lawrence, either in the rear of or below the actual Settlements, is now less known than it was a century back.

Before adopting any plan of settlement, it would be necessary in the opinion of your Committee, that accurate information should be obtained upon the various matters mentioned in the seventy-second Article of His Majesty's Royal Instructions of the year 1763.

Upon the second head—

His Majesty's Instructions have been entirely frustrated, and large quantities of Lands have been accumulated in the hands of individuals who never cultivated or settled them.

Here your Committee have been relieved from a large branch of the Enquiry, by the Report of the permanent Committee of the whole Council to His Excellency Sir Robert Shore Milnes, Baronet, Lieutenant Governor of this Province, bearing date the twenty-sixth May 1801, which is subjoined to this Report under the Letter (B.)

By the Honourable Chairman's exertions whose name is subjoined to that Report, and of Members of the Council who acted either with him or under his guidance or control, the sacrifice of the whole of the waste Lands of the Crown was prevented, and the evils which the proceedings of his predecessor in Office were calculated to inflict, appear to have been mitigated to as large an extent as was consistent with the maintenance of the public faith.

After the return to England of that Honourable Chairman of the Executive Council, and Chief Justice of the Province, large Grants of Land appear to have been made to divers individuals. How far these were so made in fulfilment of promises given whilst the late Honourable Mr. Smith presided over the Council, your Committee have not the means of ascertaining. The Table subjoined to this Report, extracted from the Topography of Canada, by Lieutenant-Colonel Bouchette, furnishes the names of the Grantees of Waste Lands of the Crown, granted in the years 1796 to 1814, inclusive, and of the quantities granted to them respectively, (C.)

Upon the third head—

Obvious considerations of expediency would have rendered it necessary that the directions accompanying His Majesty's Instructions of the fifteenth day of August, 1797, should not have been rendered public before they were carried into effect. This case, however, from the very peculiar circumstances of the Country, as disclosed in the above-mentioned Report of the permanent Committee of the whole Council, bearing date the twenty-sixth May 1801, was to have been

considered in the light of a justifiable exception to the general rule.

But your Committee are of opinion, that the observance of the general rule laid down by His Majesty's Instructions, that the said Instructions should be entered of Record for the information and satisfaction of all parties concerned therein, affords the best security for the fulfilment of His Majesty's said Instructions, and that the want of publicity has facilitated the introduction of abuses into this department of the Government, which have greatly retarded the settlement of this Country.

Upon the fourth head—

Your Committee are of opinion that the gracious Instructions of His Majesty of the fifteenth August 1797, have not been complied with by the servants of His Majesty within the Colony, and that Fees have been exacted and received, contrary to the provisions of the said Instructions, and that this circumstance has also retarded the settlement of the Waste Lands of the Crown.

Your Committee are also of opinion that the manner in which the Crown and Clergy Reserves are located has operated as a great bar to settlement.

Your Committee next proceeded to obtain all the information which was within their reach relative to the new settlements, which have latterly been attempted in this Country, and to the amount of the surplus produce of the staple commodity of Wheat therein. The examination of a number of Witnesses upon these and other matters connected with the subject of this reference will be found in the Appendix, under the letter (D.)

Upon that part of the reference which relates to Militia Lands, your Committee have examined several Witnesses, but have not obtained all the information which it would have been desirable to them to have had.

As, at this late period of the Session, they cannot expect to obtain any further information upon this head, they have humbly to report, that in consequence of various charges to which Militia men have been subjected in the prosecution of their claims, and journees and attendance at Offices at a distance from their homes, and in consequence also of the lands destined for them being located at a distance from the usual places of their residence, and the places of residence of their friends and relatives, a very small part of the whole number of Militia men have received their Lands, and that an extension of time within which the application for Lands might be made, would be highly desirable.

Your Committee, upon the whole, are of opinion, that the disobedience to His Majesty's Instructions, and the absence of any effectual system of checks or of responsibility within the Colony, upon the exercise of the power of granting Lands, have, hitherto, greatly retarded the settlement of the Waste Lands in this country.

Your Committee here close their labours; and, notwithstanding the extent and inveteracy of the abuses which they have been con-

strained to point out, they feel a confidence in the wisdom and justice of His Majesty's Government, which convinces them that His Majesty, once satisfied of the existence of these abuses, equally injurious to His Majesty's Rights and to the welfare of His Majesty's Subjects, will provide an ample and efficacious remedy for them.

All which is, however, humbly submitted.

ANDREW STUART,  
Chairman.

Quebec, 17th March 1823.

(A)

COPY of Instructions for JAMES MURRAY, Esquire, Governor of the Province of Quebec, dated seventh December 1763.

GEORGE R.

(L. S.) Instructions to our trusty and well beloved JAMES MURRAY, Esquire, Our Captain General and Governor in Chief in and over our Province of Quebec, in America, and of all our Territories depending thereupon.—Given at our Court, at St. James, the 7th day of December 1763, in the fourth year of our Reign.

Art. 42. And it is our further will and pleasure, that all and every the French inhabitants in our said Province, who are now possessed of Lands within the said Province, in virtue of Grants or Concessions made before the signing of the preliminary articles of peace on the 3rd day of November 1762, do, within such limited time as you in your discretion shall think fit, register the several Grants or other deeds or titles by which they hold or claim such Lands in the Secretary's Office, which said Grants, deeds or other titles shall be entered at large in the said Office, so that the particular quantity of Land, its scite and extent, the conditions upon which it is granted, either as to rents, services or cultivation, may appear fully and at length.

43. And in case it shall appear, upon a strict and accurate examination of the said Grants and title deeds to be taken in such manner as you shall think proper, that any of the Grantees or persons claiming Lands under such Grants and title deeds are in possession of more Land than is contained within such Grant or other concessions, or that the terms and conditions upon which the Lands were granted, have not been complied with, agreeable to what is stipulated in such Grants or concessions, it is our will and pleasure, that you forthwith represent the same to us by our Commissioners for trade and plantations, to the end that you may receive such directions thereupon as the nature and circumstances of the case shall appear to require.

44. And whereas it is necessary, in order to the advantageous and effectual settlement of our said Province, that the true state of it should be fully known, you are therefore, as soon as conveniently may be, to cause an accurate survey to be made of the said Province, by such able and skilful person as is or shall be appointed for that service, who is to report to you in writing, for your judgement in the measures which you may in general pursue for the making of Settlements, not only the nature and quality of the soil and Climate, the Rivers, Bays, and Harbours, and every other circumstance attending the natural state of it, but also his opinion in what manner it may be most conveniently laid out into Counties, and to annex to his Report a Map of such survey, with the several divisions proposed marked upon it; but as the making such survey will be a work of great length, you are in the mean time to carry on settlements upon that plan which shall appear to you to be most expedient from the best information you can collect.

45. And whereas it has been found by experience that settling Planters in Townships hath very much redounded to their advantage, not only with respect to the assistance they have been able to afford each other in their civil concerns, but likewise with regard to the security they have thereby acquired against the insults and incursions of neighbouring Indians, or other enemies, you are therefore to lay out Townships of a convenient size and extent in such places as you in your discretion shall judge most proper: and it is our will and pleasure that each Township do consist of about twenty thousand Acres, having, as far as may be, natural boundaries extending up into the Country, and comprehending a necessary part of the River St. Lawrence where it can conveniently be had.

46. You are also to cause a proper place, in the most convenient part of each Township, to be marked out for building a Town, sufficient to contain such a number of families as you shall judge proper to settle there, with Town and pasture lots, convenient to each Tenement, taking care that the said Town be laid out upon, or as near as conveniently may be, to some navigable River on the Sea Coast: and you are also to reserve to us proper quantities of Land in each Township for the following purposes, viz. for erecting fortifications and barracks where necessary, or for other military or naval services, and more particularly for the growth and production of naval timber, if there are any wood Lands fit for that purpose.

47. And it is our further will and pleasure, that a particular spot, in or as near such Town as possible, be set apart for the building a Church, and four hundred acres adjacent thereto, allotted for the maintenance of a Minister, and two hundred for a Schoolmaster.

48. And you are to give strict orders to the Surveyors, whom you shall employ to mark out the said Townships and Towns, to make returns to you of their Surveys as soon as possible, with a particular description of each Township and the nature of the soil within the same.



49. And you are to oblige all such persons as shall be appointed to be Surveyors of the said Lands in each Township, to take an oath for the due performance of their Offices, and for obliging them to make exact Surveys of all Lands required to be set out.

50. And whereas nothing can more effectually tend to the speedy settling of our said Colony, the security of the property of our Subjects, and the advancement of our Revenue, than the disposing of such Lands as are our property upon reasonable terms, and the establishing a regular and proper method, with respect to the passing of Grants of such Land : It is, therefore, our will and pleasure, that all and every person and persons who shall apply to you for any Grant or Grants of Land, shall, previous to their obtaining the same, make it appear before you in Council, that they are in condition to cultivate and improve the same, by settling thereon, in proportion to the quantity of acres desired, a sufficient number of white persons and negroes ; and in case you shall, upon a consideration of the circumstances of the person or persons so applying for such Grants, think it advisable to pass the same, in such case, you are to cause a Warrant to be drawn up, directed to the Surveyor General or other proper Officers, empowering him or them to make a faithful and exact Survey of the Lands so petitioned for, and to return the said Warrant within six months at farthest from the date thereof, with a plot or description of the Lands so surveyed thereunto annexed ; provided that you do take care, that, before any such Warrant is issued as aforesaid, a Docquet thereof be entered into the Auditor's and Register's Office ; and when the Warrant shall be returned by the said Surveyor or other proper Officer, the Grant shall be made out in due form, and the terms and conditions required by these our Instructions be particularly and expressly mentioned in the respective Grant ; and it is our will and pleasure that the said Grant shall be registered within six months from the date thereof, in the Register's Office there, and a Docquet thereof be also entered in our Auditor's Office there, in case such establishment shall take place in our said Province, or that, in default thereof, such Grant shall be void, copies of all which entries shall be returned regularly by the proper Officer to our Commissioners of our Treasury, and to our Commissioners for Trade and Plantations, within six months from the date thereof.

51. And whereas great inconveniences have arisen in many of our Colonies in America, from the granting excessive quantities of Land to particular persons, who have never cultivated or settled it, and have thereby prevented others, more industrious, from improving the same ; in order, therefore, to prevent the like inconveniences for the future, you are to take especial care, that in all Grants to be made by you, by and with the advice and consent of our Council, to persons applying for the same, the quantity be in proportion to their ability to cultivate ; and you are hereby directed to observe the following directions and regulations in all Grants to be made by you, viz :

That one hundred acres of the Land be granted to every person being Master or Mistress of a Family, for himself or herself, and fifty acres for every white or black man, woman or child, of which such person's family shall consist, at the actual time of making the Grant; and in case any person applying to you for Grants of Land shall be desirous of taking up a larger quantity than the actual number of persons in his or her family would entitle such persons to take up, it is our will and pleasure, and you are hereby allowed and permitted to grant unto every such person or persons such further quantity of Land as they may desire, not exceeding one thousand acres over and above what they are entitled to by the number of persons in their respective families, provided it shall appear to you that they are in a condition and intention to cultivate the same, and provided also that they do pay to the Receiver of our Quit Rents, or to such other officer as shall be appointed to receive the same, the sum of Five shillings only, for every fifty Acres so granted, on the day of the date of the Grant.

That all Grantees be subject to the payment of two shillings sterling, for every hundred Acres, to commence at the expiration of two years from the date of such Grant, and to be paid yearly and every year, or in default of such payment the Grant to be void.

That every Grantee upon giving proof that he or she has fulfilled the terms and conditions of his or her Grants, shall be entitled to another Grant in the proportion and the conditions above mentioned.

That for every fifty Acres of Land accounted plantable, each Patentee shall be obliged within three years after the date of his Patent to clear and work three acres at the least, in that part of his tract which he shall judge most convenient and advantageous, or else to clear and drain three Acres of swampy or sunken ground, or drain three Acres of marsh, if any such be within the grounds of his Grant.

That for every fifty Acres of Land accounted barren, every Patentee shall be obliged to put and keep on his Land within three years after the date of his Grant, three Neat Cattle, which number he shall be obliged to continue on his Land until three acres for every fifty be fully cleared and improved.

That if any person shall take up a Tract of Land wherein there shall be no part fit for present cultivation, without manuring and improving the same, every such Grantee shall be obliged within three years from the date of his Grant to erect on some part of his Land one good dwelling House, to contain at least twenty feet in length and sixteen feet in breadth; and also to put on his Land the like number of three neat Cattle for every fifty acres.

That if any person who shall take up any stony or rocky grounds, not fit for planting or pasture, shall within three years after the passing of his Grant begin to employ thereon, and so continue to work for three years then next ensuing, in digging any stone quarry or other mine, one good and able hand for every hundred acres of such tract, it shall be accounted a sufficient cultivation and improvement.

That every three acres which shall be cleared and worked as aforesaid, and every three acres which shall be cleared and drained as aforesaid, shall be accounted a sufficient seating, planting, cultivation and improvement to save for ever from forfeiture fifty acres of Land in any part of the tract contained within the same Patent, and the Patentee shall be at liberty to withdraw his Stock, or to forbear working in any quarry or mine, in proportion to such cultivation and improvement as shall be made upon the plantable lands, or upon the swamps, sunken grounds and marshes, which shall be included in the same Patent.

That when any person who shall hereafter take up and patent any lands, shall have seated, planted, and cultivated, or improved the said Land or any part of it, according to the directions and conditions above mentioned, such Patentee may make proof of such seating, planting, cultivation and improvement in the general Court of the County, District or Precinct where such Lands shall lie, and have such proof certified to the Register's Office and there entered with the record of the said Patent, a copy of which shall be admitted on any trial to prove the seating and planting of such Land.

And lastly in order to ascertain the true quantity of plantable and barren Land contained in each grant hereafter to be made within our said Province, you are to take especial care that in all surveys hereafter to be made, every Surveyor be required and enjoined to take particular notice, according to the best of his judgement and understanding, how much of the Land so surveyed, is plantable and how much of it is barren and unfit for cultivation, and accordingly to insert in the survey and plot by him to be returned into the Register's Office the true quantity of each kind of Land.

52. And it is our further will and pleasure, that in all Grants of Land to be made by you as aforesaid, regard be had to the profitable and unprofitable acres, so that each Grantee may have a proportionable number of one sort and the other, as likewise that the breadth of each tract of Land to be hereafter granted be one third of the length of such tract; and that the length of each tract do not extend along the banks of any River, but into the main land, that thereby the said Grantees may have each a convenient share of what accommodation the said River may afford for navigation or otherwise.

53. And whereas it hath been represented to us that many parts of the Province under your Government are particularly adapted to the culture of hemp and flax, it is therefore our will and pleasure, that in all surveys of Land for settlement, the Surveyor be directed to report whether there is any, or what quantity of Lands contained within such survey fit for the production of hemp and flax; and you are to take particular care to insert a clause in every Grant of Land where any part thereof is fit for such production, obliging the Grantee annually to sow a proportionable part of his Grant with hemp and flax seed.

54. And whereas it hath been further represented to us that a great part of the Country in the neighbourhood of Lake Champlain

and between that Lake and the River St. Lawrence abounds with woods producing Trees fit for masting for our Royal Navy, and other useful and necessary timber for naval construction, you are therefore expressly directed and required to cause such parts of the said Country or any other within your Government that shall appear upon a survey to abound with such trees, and shall lie convenient for water carriage, to be reserved to us, and to use your utmost endeavour to prevent any waste being committed upon the said tracts, by punishing in due course of Law any person who shall cut down or destroy any trees growing thereon; and you are to consider and advise with our Council, whether some regulation that shall prevent any Saw Mills whatever from being erected within your Government without a Licence from you, or the Commander in Chief of the said Province for the time being, may not be a means of preventing all waste and destruction in such tracts of Land as shall be reserved to us for the purposes aforesaid.

55. And whereas it appears from the representations of our Governor of the District of Three Rivers, that the Iron Works at St. Maurice, in that District, are of great consequence to our service: it is therefore our further will and pleasure, that no part of the Lands upon which the said Iron Works were carried on, or from which the Ore used in such Works was procured, or which shall appear to be necessary and convenient for that establishment, either in respect to a free passage to the River St. Lawrence, or for producing a necessary supply of wood, corn and hay, or for pasture for cattle, be granted to any private person whatever, and also that as large a District of Land, as conveniently may be adjacent to and lying round the said Iron works, over and above what may be necessary for the above purposes, be reserved for our use, to be disposed of in such manner as we shall hereafter direct and appoint.

56. And whereas it is necessary that all persons who may be desirous of settling in our said Province, should be fully informed of the terms and conditions upon which Lands will be granted in our said Province; you are, therefore, as soon as possible, to cause a publication to be made, by Proclamation or otherwise, as you in your discretion shall think most advisable, of all and every the foregoing terms, conditions, and regulations of every kind respecting the Grants of Land; in which Proclamation it may be expedient to add some short description of the natural advantages of the Soil and Climate and its peculiar conveniences for trade and navigation, and you are to take such steps as you shall think proper for the publishing such Proclamation in all the Colonies in North America.

57. And it is our further will and pleasure, that all the foregoing Instructions to you, as well as any which you may hereafter receive relative to the form and method of passing Grants of Land, and the terms and conditions to be annexed to such Grants themselves, be entered upon record for the information and satisfaction of all parties whatever that may be concerned therein.

58. And it is our further will and pleasure, that you do consider of a proper and effectual method of collecting, receiving and accounting for our Quit Rents, whereby all frauds, concealment, irregularity or neglect therein may be prevented, and whereby the receipt thereof may be effectually checked and controlled; and if it shall appear necessary to pass an act for the more effectually ascertaining, and the more speedily and regularly collecting our Quit Rents, you are to prepare the heads of such a Bill as you shall think may most effectually conduce to the procuring the good ends proposed, and to transmit the same to our Commissioners for Trade and Plantations, in order to be laid before us for our further directions therein.

59. And it is our further will and pleasure, that the Surveyor-General or such other person or persons as you shall think proper to appoint, do, once in every year, or oftener, as occasion shall require, inspect the state of all Grants of Land made by you, and make Report thereof to you, in writing, specifying whether the conditions therein contained have or have not been complied with, or what progress has been made towards fulfilling the same; and you are annually to transmit Copies of such Reports to our Commissioners for Trade and Plantations.

60. And whereas our Province of Quebec is in part inhabited and possessed by several nations and tribes of Indians, with whom it is both necessary and expedient to cultivate and maintain a strict friendship and good correspondence, so that they may be induced by degrees not only to be good neighbours to our subjects, but likewise themselves to become good subjects to us; you are therefore, as soon as you conveniently can, to appoint a proper person to assemble and treat with the said Indians, promising and assuring them of protection and friendship on our part, and delivering them such presents as shall be sent to you for that purpose.

61. And you are to inform yourself with the greatest exactness of the number, nature and disposition of the several bodies or tribes of Indians, of the manner of their lives and the rules and constitutions by which they are governed and regulated; and you are upon no account to molest or disturb them in the possession of such parts of the said Province as they at present occupy or possess, but to use the best means you can for conciliating their affections and uniting them to our Government, reporting to us, by our Commissioners for trade and plantations whatever information you can collect with respect to these people, and the whole of your proceeding with them.

62. Whereas we have by our Proclamation, dated the seventh day of October in the third year of our Reign, strictly forbid, on pain of our displeasure, all our subjects from making any purchases or settlements whatever, or taking possession of any of the Lands reserved to the several nations of Indians with whom we are connected and who live under our protection, without our especial leave for that purpose first obtained, it is our express will and pleasure, that you take



the most effectual care that our Royal Directions herein be punctually complied with, and that the Trade with such of the said Indians as depend upon your Government, be carried on in the manner and under the Regulations prescribed in our said Proclamation.

72. And you are to report to us, by our Commissioners for Trade and Plantations,

What is the nature of the soil and climate of the Province under your Government? If it differs in these circumstances from our other Northern Colonies; in what that difference consists; and what beneficial articles of commerce the different parts of it are capable of producing?

What Rivers there are, and of what extent and convenience to the Planters?

What are the principal harbours, how situated, of what extent, and what is the depth of water and nature of the anchorage in each of them?

What quantity of Land is now under actual improvement and settlement?

What are the chief articles of produce and culture, the annual amount of the quantity of each, and upon what terms and conditions the Inhabitants hold their Lands, either of cultivation, Rent or personal service.

What is the quantity, nature and property of the Land uncultivated, how much of it capable of culture, and what part thereof is private property?

What is the number of Inhabitants, whites and blacks, distinguishing each? What number of the former is capable of bearing Arms, and what number of the latter is annually necessary to be supplied in proportion to the Land cultivated?

What was the nature, form and constitution of the Civil Government? What Judicatures were there established, and under what Regulations did the French Inhabitants carry on their Commerce?

**COPY of Instructions to GUY CARLETON, Esquire, Captain General and Governor in Chief in and over the Province of Quebec, in America, and of all the Territories dependent thereupon. Dated St. James's, 3d January 1775.**

**GEORGE R.**

(L. S.) Instructions to our trusty and well-beloved Guy Carleton, Esquire, our Captain General and Governor in Chief in and over our Province of Quebec in America, and of all our Territories dependent thereupon. Given at our Court at St. James, the third day of January 1775, in the fifteenth year of Our Reign.

H

**ART. 38.** By Our Commission to you under our Great Seal of Great-Britain, you are authorized and empowered with the advice and consent of our Council, to settle and agree with the Inhabitants of our said Province of Quebec for such Lands, Tenements and Hereditaments, as now are or shall hereafter be in our power to dispose of; it is, therefore, our will and pleasure, that all Lands which now are or hereafter may be subject to our disposal, be granted in Fief or Seignior, in like manner as was practised antecedent to the conquest of the said Province; omitting, however, in any Grant that shall be passed of such Lands, the reservation of any judicial powers or privileges whatever: And it is our further will and pleasure, that all Grants in Fief or Seignior, so to be passed by you as aforesaid, be made subject to our Royal ratification or disallowance, and a due Registry thereof within a limited time, in like manner as was practised in regard to Grants and Concessions held in Fief and Seignior under the French Government.

39. It is our will and pleasure, however, that no Grants be made of any Lands on which there is any considerable growth of White Pines fit for masting our Royal Navy, and which lie convenient for water carriage, but that you do cause all such Lands to be set apart for our use, and proper regulations made and penalties inflicted, to prevent trespasses on such Tracts and the cutting down or destroying the trees growing thereon.

40. And whereas it appears from the representations of our late Governor of the District of Trois Rivières, that the Iron Works of St. Maurice, in that District, are of great consequence to our Service; it is, therefore, our will and pleasure, that no part of the Lands upon which the said Iron Works were carried on, or from which the Ore used in such works are procured, or which shall appear to be necessary and convenient for that establishment, or for producing a necessary supply of wood, corn and hay, or for pasture for cattle, be granted to any private person whatever; and also that as large a District of Land as conveniently may be, adjacent to and lying round the said Iron Works, over and above what may be necessary for the above purposes, be reserved for our use, to be disposed of in such manner as we shall hereafter direct and appoint.

41. And it is our further will and pleasure that you do consider of a proper and effectual method of collecting, receiving and accounting for our Quit Rents, whereby all frauds, concealment, irregularity or negligence therein may be prevented, and whereby the receipt may be effectually checked and controuled; and if it shall appear necessary to pass an Act for the more effectually ascertaining and the more speedily and regularly collecting our Quit Rents, you are to prepare the heads of such a Bill as you shall think may most effectually conduce to the procuring the good ends proposed, and to

transmit the same to us by one of our Principal Secretaries of State, for our further directions therein ; and you are also to transmit a Duplicate thereof to our Commissioners for Trade and Plantations for their information.

**COPY** of such Articles in the Instructions to **LORD DORCHESTER**, in 1786, as are not contained in the Instructions to **Guy Carleton, Esquire**, in 1775 ; also Copy of such Articles or parts thereof in the same Instructions in 1786, as are altered from the Instructions to **Guy Carleton, Esquire**, in 1775.

**ART. 40.** Whereas many of our loyal subjects, Inhabitants of our Colonies and Provinces now the United-States of America, are desirous of retaining their allegiance to us, and of living in our Dominions, and for this purpose are disposed to take up and improve Lands in our Province of Quebec ; and we being desirous to encourage our said loyal subjects in such their intentions, and to testify our approbation of their loyalty to us and obedience to our Government, by allotting Lands for them in our said Province ; and whereas we are also desirous of testifying our approbation of the bravery and loyalty of our Forces serving in our said Province, and who may have been reduced there, by allowing a certain quantity of Land to such of the non commissioned officers and private men of our said Forces who are inclined to become settlers therein : it is our will and pleasure, that immediately after you shall receive these our Instructions, you do direct our Surveyor General of Lands for our said Province of Quebec, to admeasure and lay out such a quantity of Land as you, with the advice of our Council, shall deem necessary and convenient for the settlement of our said loyal subjects, and the non-commissioned Officers and private men of our Forces, which may have been reduced in our said Province, who shall be desirous of becoming settlers therein ; such Lands to be divided into distinct Seigniories or Fiefs, to extend from two to four leagues in front, and from three to five leagues in depth, if situated upon a navigable River, otherwise to be run square, or in such shape and in such quantities as shall be convenient and practicable, and in each Seigniority a Glebe to be reserved and laid out in the most convenient spot, to contain not less than three hundred acres nor more than five hundred acres, the property of which Seigniories or Fiefs shall be and remain vested in us, our heirs and successors, and you shall allot such parts of the same as shall be applied for by any of our said loyal subjects, non-commissioned Officers and private men of our Forces, reduced as aforesaid, in the following proportions ; that is to say,

To every master of a family one hundred acres, and fifty acres for each person of which his family should consist.

To every single man fifty acres.

To every non-commissioned Officer of our Forces, reduced in Quebec, two hundred acres.

To every private man, reduced as aforesaid, one hundred acres, and for every person in their families fifty acres.

The said Lands to be held under us, our heirs and successors, Seigniors of the Seigniorly or Fief in which the same shall be situated, upon the same terms, acknowledgements and services, as Lands are held in our said Province under the respective Seigniors holding and possessing Seigniories or Fiefs therein, and reserving to us, our heirs and successors, from and after the expiration of ten years from the admission of the respective Tenants, a Quit Rent of one half-penny per acre.

41. And whereas upon the raising and establishing the Corps late the Eighty-fourth Regiment of Foot, we did promise and declare, that the Officers and Privates of the said Corps should, when reduced, be entitled to and receive grants for certain allotments of Lands in proportion to their respective ranks therein; it is our will and pleasure, that you do in manner as herein before directed grant Warrants of allotment and survey to such of the Officers and Privates of the said late Eighty-fourth Regiment of foot, now reduced, who shall be willing to settle and become inhabitants of our Province of Quebec, and shall apply for the same, for such quantities of land as they shall be respectively entitled to in consequence of our said promise and declaration contained in our instructions to our Governors of New York and North Carolina, dated the third of April 1775, (that is to say)

|                                 |              |
|---------------------------------|--------------|
| To Field Officers,.....         | 5,000 Acres, |
| Captains,.....                  | 3,000 do.    |
| Subalterns,.....                | 2,000 do.    |
| Non Commissioned Officers,..... | 200 do.      |
| Privates,.....                  | 50 do.       |

and that the Surveys be made and Grants for the same be delivered to them respectively free of expense, as herein before directed, provided nevertheless that every commissioned Officer, non commissioned Officer or Private belonging to the said late Eighty-fourth Regiment of foot, who shall claim and apply for Land in our Province of Quebec as aforesaid, shall declare upon oath that no Land has been obtained by him in any of our other Provinces in America under our Royal Declaration as aforesaid.

42. It is our further will and pleasure, that every person within the meaning of these our Instructions, upon making application for Land shall take the Oaths directed by Law, before you or our Commander in Chief for the time being, or some person by you or him authorized for that purpose, and shall also at the same time make and subscribe the following declaration (viz.) "I A. B. do promise and declare that I will maintain and defend, to the utmost of my power, the authority of the King in His Parliament, as the supreme Legislature of this Province:" which Oaths and Declaration shall also be taken, made, and subscribed, by every future

tenant before his, her or their admission, upon alienation, descent, marriage or otherwise howsoever, and upon refusal the Lands to become re-vested in us, our Heirs and Successors. And it is our further will and pleasure, that the expense of laying out and surveying as well the Seigniories and Fiefs aforesaid as the several allotments within the same, and of the deed of admission, shall be paid by the Receiver General of our Revenue in the said Province of Quebec, out of such monies as shall be in his hands, upon a certificate from you or our Commander in Chief for the time being, in Council, Oath being made by our Surveyor General to the account of such expense: provided however that only one half of the usual and accustomed Fees of Office shall be allowed to our said Surveyor General or any other of our Officers in the said Province entitled thereunto, upon any survey or allotment made, or upon admission into any Lands, by virtue of these our Instructions.

43. And whereas we have some time since purchased the Seignior of Sorel from the then proprietors, the Lands of which are particularly well adapted for improvement and cultivation and the local situation of the said Seignior makes it expedient that the same should be settled by as considerable a number of Inhabitants of approved loyalty as can be accommodated therein with all possible dispatch; It is therefore our will and pleasure, that you do cause all such Lands within the same, as are undisposed of, to be run out into small allotments, and that you do allot the same to the non commissioned Officers and Private men of our Forces, who may have been reduced in our said Province, or to such other of our loyal subjects as may be inclined to settle and improve the same, in such proportions as you may judge most conducive to their interest and the more speedy settlement of our said Seignior, the Lands so allotted to be held by us, our Heirs, and Successors, Seigniors of Sorel, upon the same conditions, and under the same reserved Rent at the expiration of ten years, as the other tenants of Seigniories now hold their lands, and pay to us, and also of taking the Oaths, and making and subscribing the Declaration as hereinbefore is mentioned and directed; the expense of making the said allotments, and of admission thereunto, to be also paid and defrayed in like manner as those in the Seigniories directed to be laid out by these our Instructions; it is nevertheless our will and pleasure, that the allotments to be made to such of our loyal subjects from the Provinces or Colonies near the United States of America, as may be disposed to settle and improve Lands in our said Province of Quebec, shall be limited to those only who may have withdrawn themselves from the said Provinces or Colonies after the Signing of the definitive Treaty of Peace with the said United States and no other; and it is our further will and pleasure, that a record be kept in the Office of our Receiver General of our Revenue, of every admission into Lands as well by virtue of these our Instructions with respect to our loving subjects retiring from the Provinces and Colonies now the United



States of America, and to our Forces disbanded as aforesaid, as in cases of future admission, by alienation or otherwise, a docquet of which shall be transmitted yearly to us through one of our principal Secretaries of State, and also a duplicate thereof to our High Treasurer, or the Commissioners of our Treasury for the time being.

**EXTRACT** from the Royal Instructions to His Excellency the Right Honourable GEORGE, EARL OF DALHOUSIE G. C. B. Captain General and Governor in Chief, &c. &c. &c.

And whereas nothing can more effectually tend to the speedy settling of our said Province of Lower Canada, the security of the property of our Subjects and the advancement of our Province, than the disposal of such Lands as are our property, upon reasonable terms, and the establishing of a regular and proper method of proceeding with respect to the passing of Grants of such Lands, it is therefore our will and pleasure, that all and every person or persons who shall apply for any Grant or Grants of Land, shall, previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same; and in case you shall, upon consideration of the circumstances of the person or persons applying for such Grants, think it advisable to pass the same, you are in such case to cause a Warrant to be drawn up, directed to the Surveyor General, or other Officers, empowering him or them to make a faithful and exact Survey of the Lands so petitioned for, and to return the said Warrant within six months at furthest, from the date thereof, with a Plot or Description of the Lands so surveyed, thereunto annexed, and when the Warrant shall be returned by the Surveyor or other proper Officer, the Grant shall be made out in due form, and the terms and conditions required by these our Instructions be particularly and expressly mentioned.

And it is our will and pleasure, that the said Grants shall be registered within six months, from the date thereof, in the Register's Office, and a Docquet thereof be also entered in our Auditor's Office. Copies of all which Entries shall be returned regularly by the proper Officer to our Commissioners of our Treasury.

And for the further encouragement of our Subjects, it is our will and pleasure, that the Lands, to be granted by you as aforesaid, shall be laid out in Townships, and that such Inland Township shall, as nearly as circumstances will admit, consist of ten miles square, and such as shall be situated upon a navigable River or Water, shall have a front of nine miles and be ten miles in depth, and subdivided in such a manner as may be found most advisable for the accommodation of the Settlers and for making the several Reservations for Public Uses, and particularly for the Support of the Protestant Clergy, agreeably to the above recited Act passed in the thirty-first year of our Reign.

And whereas great inconveniences have heretofore arisen in many parts of the Colonies in America from the granting excessive quantities of Land to particular persons who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such Lands, in order therefore to prevent the like inconveniences in future, it is our will and pleasure, that you observe the following directions and regulations in all Grants to be made by you as aforesaid, that is to say, That no Town Lot shall be granted to any one person being Master or Mistress of a Family in any Township to be laid out as aforesaid, which shall contain more than one acre of Land.

That no Park Lot shall be granted to any one person being Master or Mistress of a Family in any Township to be laid out, which shall contain more than twenty-four acres.

That no Farm Lot shall be granted to any one person being Master or Mistress of a Family in any Township so to be laid out, which shall contain more than two hundred acres. It is our will and pleasure, and you are hereby allowed and permitted to grant unto any such person or persons such further quantity of Land as they may desire, not exceeding one thousand acres over and above what may have heretofore been granted to them, and in all Grants of Lands to be made by you as aforesaid, you are to take care that due regard be had to the quality and comparative value of the different parts of Land comprised within any Township, so that such Grantee may have, as nearly as may be, a proportionate quantity of Land of such different quality and comparative value, as likewise that the breadth of each tract of Land to be hereafter granted, be one third of the length, and that the length of such Tract do not extend along the Banks of any River, but towards the main Land, and that thereby the said Grantees may have a convenient share of whatever accommodation the said River may afford for navigation or otherwise.

And as a further encouragement to our subjects who shall become Settlers as aforesaid, it is our will and pleasure, that the said Townships and the respective allotments within the same, together with the Lands to be reserved as aforesaid, shall be seen and laid out by our Surveyor General of Lands for the said Province, or some skilful persons authorized by him for that purpose, which Survey, together with the Warrants and Grants for the respective allotments, shall be made out for and delivered to the several Grantees free of any Expense or Fee whatsoever, other than such as may be payable to the different Officers according to the Table of Fees established upon Grants of Lands made in the said Province.

And in order to prevent any persons disaffected to us and to our Government from becoming Settlers in our said Province of Lower Canada, it is our will and pleasure, that no Warrants for Surveying Lands be granted by you, or the Lieutenant Governor, or the person Administering the Government for the time being, unless the per-

son or persons applying for the same do at the time of making such application, besides taking the several Oaths directed by Law, also make and subscribe the following Declaration in your or his presence or in the presence of such person or persons as shall by you or him be appointed for that purpose, that is to say; "I A. B. do promise and declare that I will maintain and defend to the utmost of my power the authority of the King in his Parliament, as the Supreme Legislature of the Province."

Whereas the reserving of such bodies of Land within our said Province of Lower-Canada, where there are considerable growth of Timber fit for the use of our Royal Navy, is a matter of the utmost importance to our Service, it is our will and pleasure, that no grants whatever be made of Lands within any District or Tract in our said Province of Lower-Canada until our Surveyor-General of Woods, or his Deputy lawfully appointed, shall have surveyed the same and marked out as reservations to us, our Heirs and Successors, such parts thereof as shall be found to contain any considerable growth of Mastig or other Timber fit for the use of our Royal Navy, and more especially upon the Rivers; and you are hereby instructed to direct our Surveyor-General of Lands in our said Province, from time to time, with all due diligence, to complete the Surveys and mark out the reservations as aforesaid, in the most convenient parts of our said Province. And you are from time to time to report the number and situation of such reservations, and you are further to direct our Surveyor-General not to certify any Plots of Ground, ordered and surveyed for any person or persons whatever, in order that Grants may be made for the same, until it shall appear to him, by a certificate under the hand of our Surveyor of Woods or his Deputy, that the Land so to be granted is not part of or included in any District marked out as a reservation to us, our Heirs and Successors as aforesaid, for the purposes herein-before mentioned. And in order to prevent any deceit or fraud from being committed by the person applying for Land in this respect, it is our will and pleasure, that in all grants to be hereafter made for Lands in our said Province of Lower-Canada, the following Proviso and exception be inserted, that is to say, "And provided also that no part of the parcel or Tract of Land hereby granted to the said——and his Heirs, be within any reservation heretofore made and marked for us, our Heirs and Successors by our Surveyor General of Woods or his lawful Deputy; in which case this our Grant for such part of the Land hereby given and granted to the said——and his Heirs for ever as aforesaid, and which shall, upon a survey thereof being made, be found within any such reservation, shall be null and void and of none effect, any thing herein contained to the contrary notwithstanding."

And whereas it is necessary that all persons who may be desirous of settling in our said Province should be fully informed of the terms and conditions upon which such Lands will be granted within our

said Province of Lower-Canada, in manner prescribed in and by the said Act passed in the thirty-first year of the reign of our Dearest Father, His late Majesty King George the Third, You are therefore as soon as possible, to cause a Publication to be made, by Proclamation or otherwise, as you in your discretion shall think most advisable, of the said terms and conditions respecting the granting of Lands; in which Proclamation it may be expedient to add some short description of the natural advantages of the soil and climate, and the peculiar convenience for trade and navigation.

And it is our further will and pleasure, that all the foregoing Instructions to you, as well as any which you may hereafter receive, relative to the passing Grants of Land, in conformity to the said Act passed in the thirty-first year of the Reign of King George the Third, be entered upon record for the information of all parties whatsoever that may be concerned therein.

Certified to be a true Extract.

A. W. COCHRAN, Secy.

(B.)

To His Excellency Sir ROBERT SHORE MILNES, Bart. Lieutenant Governor of the Province of Lower-Canada, &c. &c. &c.

Report of the Permanent Committee of the whole Council.

*Present*, The Chief Justice, the Lord Bishop of Quebec, Messrs. Finlay, Baby, Dunn and Young.

On the Memorial of Samuel Gale to the Lords of His Majesty's Most Honourable Privy Council, on behalf of sundry Applicants for Grants of various Tracts and Parcels of the Waste Lands of the Crown, in this Province, which Memorial was by His Grace the Duke of Portland transmitted to Your Excellency, to be referred to the Executive Council of Lower-Canada.

*May it Please Your Excellency,*

In obedience to the order of reference signified by His Majesty's Secretary of State, and communicated by Your Excellency, of the Memorial of Samuel Gale, to the Lords of His Majesty's Most Honourable Privy Council, respecting the Waste Lands of the Crown in this Province, the Committee have taken the same into their serious consideration, and they cannot but express their regret, that after the toilsome hours they have employed in permanent Committee, during a period of fourteen months, in arranging, considering, and from time to time, reporting upon the many hundred claims referred to them, and in such Reports carefully assigning the principles on which their opinions were framed; and that after having submitted to Your Excellency their concluding and summary Report, containing a detail of their progress, together with an Appendix,

presenting a Synoptical Table of the Result of their whole Proceedings, by which they well hoped that the discretion and diligence manifested therein, would be both creditable to themselves and satisfactory to His Majesty, they should at this day be called upon to vindicate their conduct against the Charges of an Individual, the particulars of whose authority to interfere they know not. When they reflect on the motives by which they have been actuated, of the purity of which they are conscious, and on the station to which it has pleased His Majesty to call them in his Councils in this Province, where their integrity ought to be above suspicion; it becomes a question whether it be fitting they should condescend to give any other answer to the imputations urged against them, than by referring to the whole of their proceedings as they appear upon Record; but when they consider the respect due to the quarter from which the Memorial before them was transmitted, and the possibility that a statement of detached facts, partially selected from a mass of proceedings, may be so artfully arranged, as to give a plausible appearance to a charge of inconsistency, that the fallacy of such charge cannot be detected but by those who have a distinct, complete and comprehensive knowledge of the business in question, and that the minute research requisite to the attainment of such information, can neither be expected from the Lords of His Majesty's most Honourable Privy Council, nor possibly from any party by them employed for such purpose, the Committee, induced by a desire of standing justified in the opinion of His Majesty's Council, will not hesitate to enter into that detail, in vindication of their conduct, which they would deem it unbecoming to adduce before a less dignified Tribunal.

After an attentive perusal of the Memorial in question, it appears that the complaints made against His Majesty's Executive Council in this Province may be reduced to three general heads, in the course of which some specific cases are mentioned.

1st. The first respects the delays in issuing legal Grants to those possessed of certificates or copies of Orders passed by the Governor and Council, and of Warrants of Survey; and more especially to the Applicants for the Townships of Shefford, Orford and Stukely.

2d The inconsistency of the Executive Council respecting the encouragement for actual settlement.

3d The conduct of the Executive Council with respect to the requisite of taking the Oaths.

The Committee propose to make some observations on each of these general heads, and to give a distinct answer to every special case stated in the said Memorial.

With regard to the first complaint, namely, the delay in giving legal Grants to those possessed of Location Certificates with directions to the Surveyor General's Department to give them possession thereof, after premising that many hundreds are, or might be in actual possession of their Lands under such certificates, and that their right has ever been deemed so unquestionable, that comparatively speaking



they have evinced little anxiety to obtain formal Titles, the Committee are ready to admit that very few actual Grants have been made out, a circumstance for which, they trust, they can account upon grounds that will not involve any imputation upon the good faith of this Government.

During the late war, the 84th Regiment had been raised upon the express promise, that each individual should obtain a specific portion of Land on their being reduced, settling and becoming inhabitants of this Province. When that period arrived, certificates were granted and possession taken whenever the parties thought proper, and several Provincial Corps obtained specific portions in consequence of Royal Instructions to that end.

Some time after, the Canada Act was passed, in which the Legislature deemed it expedient to enact in the most positive terms—  
 “That no future Grant of Lands should be valid or effectual, unless  
 “the same shall contain a specification of Land to be allotted and  
 “appropriated for the purposes therein-mentioned in respect to the  
 “Land to be thereby granted.”

Hence questions arose whether the grants of certificate Lands came within the operations of the Act, the certificates having been granted previously to the passing thereof by Tenure *en Seigncurie*. Upon the first application made to the Committee upon this subject, they drew up a Report of which the following is an Extract :

“The next Memorial referred to this Committee is marked No. 240, and is the Memorial of Malcolm Fraser, a Captain in the late 84th Regiment, praying Patents for 8,000 acres of Land in the Township of Chatham, being the King's bounty, to himself and others, upon which the *Land Committee* observe that the prayer raises a question which the Officers and Privates of that corps have long earnestly wished might be decided, namely, whether under the Act of the 31st of His Majesty any Patent for Land can pass to any person whatever under any circumstance, before an actual Survey of the Township and a subdivision thereof into Lots of 200 acres shall have been made and laid out, in conformity to the Diagram D or E, as the case may require, and the reservations for the maintenance of a Protestant Clergy, and for the future disposition of the Crown, shall have been admeasured and marked in the field, notwithstanding Location Certificates have been granted for portions of Land therein to the Officers and Privates of the late 84th Regiment or to other persons, and therefore the Land Committee humbly request, that the said Petition may likewise be referred to a *Committee of the whole Council*, with which request Your Excellency has been pleased to comply.

“This Committee humbly beg leave to observe to Your Excellency, that they are well aware the question now referred to them not only involves points of considerable nicety and importance, but also that some points connected with this question, may by possibility be brought before them when sitting in a different capa-

“ city, in which case it might be inconvenient to have delivered any  
 “ previous opinion ; but as the Committee are desirous of removing  
 “ the doubts of so numerous a class of His Majesty’s most deserving  
 “ subjects, they are willing to submit their sentiments to Your  
 “ Excellency’s consideration, at the same time laying in their claim  
 “ not to be bound by them in case of their seeing a necessity of  
 “ departing therefrom, upon fuller information, should they be  
 “ called upon at any future period to determine by solemn adjudica-  
 “ tion.

“ The Committee apprehend that with respect to the Reserves,  
 “ the provisions of the Act 31st of the King, cap. 31, are peremp-  
 “ tory, and that no Grant of Lands that shall be made after the  
 “ passing of that Act, can be valid or effectual, unless such Grant  
 “ contains a specification of the Reserves allotted and appropriated  
 “ in respect of the Land to be thereby granted ; and with respect to  
 “ reservations, the Committee apprehend this distinction is to be ta-  
 “ ken, that in those cases where Location Certificates shall have been  
 “ granted, previously to the passing of the said Act, in certain specific  
 “ Townships, in number sufficient to exhaust one or more Townships,  
 “ so that no space remains for reserved allotments within the said  
 “ Townships, recourse must be had to the directions in the said Act  
 “ contained, whereby the Governor, the Lieutenant-Governor or  
 “ person Administering the Government, is authorized to make from  
 “ and out of the Lands of the Crown, such allotment and appropri-  
 “ ation of Lands for the support and maintenance of a Protestant  
 “ Clergy, within the Province, as may be in a due proportion to the  
 “ amount of such Lands within the same as have at any time been  
 “ granted by or under the authority of His Majesty ; and that in all  
 “ Patents to be granted for Lands situated in Townships com-  
 “ pletely covered by Location Certificates as aforesaid, the re-  
 “ serves to be specified in respect thereof, should be taken from the  
 “ general allotment and appropriation so directed to be made out of  
 “ the said Act, the 31st of the King, cap. 31st ; and in order to  
 “ enable such persons as have already received His Majesty’s bounty  
 “ by Location Certificates in manner hereinbefore mentioned to ob-  
 “ tain their Patents in conformity to the said Act, The Commit-  
 “ tee are of opinion that it is absolutely necessary forthwith  
 “ to pursue the directions given by the said Act for the purpose  
 “ of providing a sufficient appropriation of Lands for the use  
 “ of a Protestant Clergy, from which the reserves to corres-  
 “ pond with the Lands already granted by Certificates, should be  
 “ taken, and to that end the Committee respectfully propose, that  
 “ the Surveyor General should be directed to lay before Your Ex-  
 “ cellency a Report of the number of Acres of the Waste Lands of  
 “ the Crown for which Location Certificates have already been  
 “ granted, in order that Your Excellency may be enabled to ascer-  
 “ tain the extent of the general appropriation and allotment ne-

“cessary to be made for the purpose aforesaid, and further that  
 “the said Surveyor General be directed to report his opinion on  
 “the most convenient mode of subdividing such general allotment  
 “into such proportions as shall be best calculated to answer the  
 “purposes aforesaid, and thereby enable the Law Officers of the  
 “Crown to prepare the Patents with a distinct specification of  
 “the Reserves to be set apart in respect of the Lands for which  
 “Certificates have already been granted.”

On perusal of this Extract the Committee apprehend that instead of being censurable for endeavouring to obstruct the passing of formal Grants, they may be liable to the charge of indiscretion, for having travelled beyond their province, by hazarding opinions with a desire of giving satisfaction to so meritorious a class of His Majesty's subjects.

In addition to the delays and difficulties which must obviously arise from a performance of those requisites without which all Titles will ever remain impeachable, some delay has been occasioned by the precautions which the Committee have found it needful to exert, in order to prevent the provision of the Act from being eluded; and that the conduct of the Land Surveyors have given just occasion for the exercise of such vigilance, will appear from the extract of two several Reports subjoined in the Appendix, and marked with the Letters A. and B. respectively.

From a perusal of these documents, the Committee humbly apprehend that whatever delay may have taken place, it ought not to be imputed to any negligence on their part.

Having made these observations, the Committee will proceed to give distinct answers, to the several cases mentioned in this part of the Memorial, which are those of Shefford, Orford and Stuke-ly. With respect to the Township of Shefford, in order to show how very ineffectual all schemes and plans have been in contemplation, for obtaining to the behoof of other persons, the legal Grant of this Township, the Committee will beg leave to transcribe the preamble to their Report respecting this Township, as it now stands on the Minutes of the Council of the 28th November last.

“The Committee proceeded to take into consideration the case of  
 “the Claimants of the Township of Shefford, whereof John Savage  
 “is Leader, and inasmuch as the said John Savage is well known  
 “to have been the first of His Majesty's subjects who suffered imprisonment on account of his loyalty in the County of Albany, that  
 “he was imprisoned during the space of four years, and that he after  
 “his enlargement was employed in many confidential services in  
 “behalf of Government, of which he acquitted himself with distinguished fidelity, the Committee have deemed themselves at  
 “liberty to make some slight deviation from their general rules,  
 “in favour of a character so truly meritorious, and to adopt and  
 “admit upon the Files the account delivered in and signed by him-

"self, of the character and qualifications of his several Associates, and do therefore report and recommend that, &c."

In regard to the Township of Orford, notwithstanding the various allegations that have been made concerning the expenses, time and labour, that have been employed upon this as upon many other Townships, it appears by reference to authentic documents, that the mere outlines only of the Township had been run. A Report bearing date 7th March 1800, has been made to Your Excellency, respecting this Township, in the following terms :

"On the Petition of Luke Knoulton for the Township of Orford."

"On perusing the documents accompanying this Petition, it appears that the case of the Petitioner falls under the third Class : the Committee therefore recommend, that a Warrant of Survey and Subdivision do issue for the Township of Orford, and in consideration of the expenses incurred by the Petitioner, that he and his Associates do obtain a quarter part of the said Township at the old Fees."

And a final Report upon the Return of the Warrant of Survey, has been made on the 23d February 1801, Book E. page 140—whereby,

"It appears that a portion of the said Township, situate in the South Easterly part thereof, consisting of sixty-eight Lots, exclusive of the Reserves for the Church and Crown, is contained within a line in the said Diagram drawn and distinguished by a yellow edge, which said portion the Committee humbly recommend may be divided among Luke Knoulton, the Leader of the said Township and his fifteen Associates in the proportions herein after set forth, that is to say, &c."

The case of the Township of Stukely has been resolved upon ever since the fifth of December One thousand seven hundred and ninety-nine, as appears by entry on the Minutes, Land Book D. page 375, wherein the Committee report their opinion that this case comes under the second class ; and on the nineteenth September one thousand eight hundred, it is ordered that a Patent do issue in favour of Samuel Willard and his Associates for one half of the Township of Stukely, and the Patent has issued accordingly.

Before they quit this part of the subject, the Committee cannot refrain from observing, that after all the complaints that have been made, respecting the number of Settlers who have embarked their labour and property on the Waste Lands of the Crown, it appears from the result of an actual Survey, that five Townships only fall under this predicament ; and in regard to the expense, it is a principle generally admitted and confirmed by experience, that all new settlers are fully indemnified by the Ashes produced by clearing, and the first crop.

20. The second charge turns upon the inconsistency of the Executive Council, respecting the encouragement for actual settlement.

The merits of this charge have been amply discussed in the proceedings of the Executive Council, which proceedings were made public in certain Pamphlets published in the year 1798.

The Committee will give a brief outline of the cause and the nature of this inconsistency, and among other particulars, refer to an Extract from a Report of the Executive Council, 27th August 1798, subjoined in the Appendix, and marked with the Letter C.

Early in the year 1792, when the Land granting business was entered upon, in consequence of the Royal Instructions framed in conformity to the provisions of the Canada Act, the Committees of the whole Executive Council were presided by William Smith, Esquire, His Majesty's Chief Justice of the Province, a Gentleman who had been long conversant in the practice of the Land Granting Department in the former Colonies of New-York and New-Hampshire: at the outset of the business, the Chairman, after observing that "An *abundant population* of these Colonies" was the main object of the Royal Instructions," proposed a detailed plan of proceedings, and the Committee concurred in the mode of proceeding suggested by the Chair.

In consequence of the mode thus adopted, and before many of the most essential points connected with the business, such as the expenses of the Survey, the position of the Reserves, or the appointment of Commissioners had been ascertained and adjusted, Warrants of Survey were in the course of a few months issued to divers persons, for upwards of 150 Townships of 10 miles square.

The uncertainty respecting the particulars abovementioned and other causes, suspended the further progress till towards the close of June 1794, when the business was resumed by Order of His Excellency Lord Dorchester; at this period the former Chairman, William Smith, Esquire, had paid the debt of nature, and the duty of presiding in Committees of the whole Council, devolved on his Successor in the Chief Justiceship, and soon after five additional Members were called to the Executive Council.

The very important business of the Land Granting Department being a novelty as well to the succeeding Chairman as to the new Members, it became their Duty to acquaint themselves both with the Rules assigned for their conduct by His Majesty's Royal Instructions, and with the anterior proceedings of the Board from its first Institution, as they appeared upon the records of the Council.

Upon perusing the very elaborate Report drawn up by the late Chairman, introductory to the Plan of proceedings by him suggested, and after observing the numerous Orders that had been issued in consequence thereof, it appeared evident to the Committee, that both the Theory laid down and the Practice adopted were in manifest violation of His Majesty's Instructions. For whereas the 35th Article of the said Instructions is of the tenor following:

"And in order to prevent any persons disaffected to us and our Government from becoming settlers in our said Province of Lower



“ Canada, it is our will and pleasure, that no Warrants for Surveying Lands be granted by you, or the Lieutenant Governor or person Administering the Government for the time being, unless the Person or Persons applying for the same, do at the time of making such application, besides taking the usual Oaths directed by Law, also make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed for that purpose, viz. “ I A. B. do promise and declare that I will maintain and defend, to the utmost of my power, the authority of the King in His Parliament, as the supreme Legislature of this Province ;”

Nevertheless in direct opposition to the Royal Will and Pleasure, Warrants of Survey for upwards of 150 Townships have been issued at a time when no Commissioners for the purpose in the said Instruction had been even appointed.

To rectify this manifest mistake, to preserve the Faith of Government as implied by the Grant of the Warrant of Survey, and to prevent the like evil in future, the most effectual remedy that occurred to the Committee, was to recommend the issuing of certain Orders in Council as set forth in the Appendix (D) and since that time no Warrant of Survey has been issued, but in conformity to the Royal Instructions.

The existence of the Error as well as the detection of it, together with the efforts of His Majesty's Council to obviate any prejudice that might arise therefrom, were well known to the Memorialist, altho' it might not suit his purpose to state them, and also to the parties interested, so that the repeated endeavours of the Council to restrain unauthorized Settlement by their repeated Order issued during the course of several years, and the public notoriety of the fact, may well justify the assertion of the Committee on which an inconsistency is attempted to be established.

The Committee are ready to admit that, *prima facie*, there appears to be an inconsistency of declaration between the Extracts of the years 1792 and 1798, as stated by the Memorialist, but they humbly apprehend that the charge of inconsistency cannot in reality attach upon the conduct of his Majesty's Executive Government in respect to the Applicants for Lands, when, instead of adopting a rigorous course, they studiously endeavoured to remedy the inconvenience by allowing an ample period to that end, and by Public Notice inviting all the parties concerned to avail themselves of it.

The Committee conceive they would have been much more censurable had they persisted in an error after it had been discovered, and humbly persuade themselves that under those circumstances the chief objects for their attention were to secure the faith of Government from merited reproach, and the conduct of the Executive Council from the charge of disobedience.

The third general topic of complaint against the Executive Council regards their conduct with respect to the requisite of taking the Oaths.

On this head the Committee humbly persuade themselves they are exempt from reproach, and that their conduct is justifiable on the clearest Grounds, not only because it was regulated by a sense of duty, but because it was their peculiar Duty to exert their vigilance at that particular time. As a point of Duty they are ordered by the King's Instructions to take pledges for the Allegiance of the Applicants before the issuing of any Warrant of Surrender; they were therefore bound upon a principle of obedience to exact the Oaths at all times. But by those who can recollect the condition of this Province from the beginning of the year 1794, to the final ratification of the Treaty with the United-States of America, the period complained of, when apprehensions of the most serious nature were excited in the minds of the truly Loyal among His Majesty's subjects at the probable effects to be expected from this "*abundant population*" of questionable characters who were to occupy one hundred and fifty Townships of ten miles square, and who were all to come from a Government with whom there were daily expectations of hostility, it will be admitted that that was not precisely the period for His Majesty's Government in Canada to relax those restrictions so wisely established to prevent them from being overwhelmed by a torrent of disaffection.

On the contrary it was their peculiar duty to hold out every species of discouragement, consistent with Public Justice and good faith against the inroads of such enterprising neighbours, and the Committee are disposed to flatter themselves that their perseverance in this respect by their constant admonitions was not altogether without a beneficial consequence, although they are ready to admit that in some cases this vigilance has been eluded.

But although the Committee feel no difficulty in thus explaining their motives to Your Excellency for the information of the Lords of His Majesty's Council, yet they are by no means disposed to allow that in the application of the said Orders of Council, they have dealt harshly or rigorously in any case where the party had equitable merits to disclose.

On the contrary, although they have had recourse to those Orders, as they necessarily must, in discussing the many hundred unsupported claims and groundless pretensions that have been laid before them, and were well content to have such general rules to resort to, in their decision upon matters involving interests and expectations, which would be supported by much eagerness and anxiety, yet they held themselves at liberty to pass, and actually have passed an equitable construction in all cases, when the party had claim to produce either of known personal loyalty, or real improvement on the Lands.

The specific cases of the Townships of Stukely and Orford are mentioned under this head, and the hardships sustained by the respective Leaders enlarged upon: the Committee have good reasons to assign, to excuse themselves from the imputations of having inflicted those hardships; but the detail were now useless, as the original

Leaders and Associates of those Townships, and numbers of others, are now in actual possession under legal Grants, or may obtain possession under the Orders passed in Council, since the commencement of Your Excellency's administration, to the amount of nearly one million eight hundred thousand Acres.

Having submitted these remarks to Your Excellency, in the order and manner proposed, the Committee humbly hope that they now stand justified from the charges adduced against them.

They do not understand themselves as called upon to offer any opinion on the several prayers contained in the said Memorial, as the same are addressed to His Majesty's Royal Munificence, further than to submit to Your Excellency's serious consideration the great inconvenience and confusion which must unavoidably follow from the adoption of any new regulations.

They will only take occasion to mention, that as the sixth prayer contains the specific cases of the Townships of Shipton and Brompton, that Orders of Council have already passed for the same, and that the parties are in actual possession of the said Townships as stated in the said prayer.

The only remaining observation with which the Committee propose to trouble Your Excellency, is, that having already in permanent Committee considered the whole mass of cases, both for Townships and of Individual applications, which stood referred to them, and having according to the best of their Judgement reported thereon, conformably to the late regulations transmitted by His Majesty's Secretary of State, before the receipt of the Memorial now under consideration, which several Reports have been approved of by Your Excellency in Council; and should such their proceedings meet with the gracious and final confirmation of His Majesty, the whole business will of course be so far understood to be settled and adjusted, and the Lords of His Majesty's Most Honourable Privy Council will thereby be exempted from the trouble of reporting on the expediency of granting the several prayers of the said Memorial, in so far as they may interfere with the arrangements already made, and now acting upon in this Province.

All which is humbly submitted to Your Excellency's wisdom.

By Order,

(Signed) Wm. OSGOOD, *Chairman.*

Council Chambers, }  
Quebec, 26 May 1801. }

Certified.

HERMAN W. RYLAND.

## APPENDIX A.

Newport:—On Inspection of the Diagram returned with the papers relating to this Township, it was suggested by a Member, that the said Diagram was signed by a person not duly qualified, and it being also remarked that Exhibits of the sort now produced were most easily fabricated and afforded no satisfactory evidence that any actual subdivision had really been made in the Field, it was thought expedient to endeavour to obtain further information on the subject, and was therefore

Resolved, That Mr. Vondenvelden, Assistant to the Surveyor-General, be requested to attend.

Mr. Vondenvelden attended accordingly.

Q. Please to look at the Exhibit now produced marked No. 5, purporting to be a Diagram of the outlines and subdivision of the Township of Newport, and signed by Christopher S. Bailey, Deputy Provincial Surveyor—has the said Bailey a Provincial Commission?

A. He has not.

Q. Can you from inspection of this paper, which purports to be a Diagram, undertake to determine whether it was made from actual Field work or drawn up in the Closet?

A. It is impossible to judge.

Q. Is it not necessary that a Field-Book should be returned with the Diagram into the Surveyor General's Office?

A. It is—but as no Warrant of subdivision has issued from the Surveyor General's Office, he has refused to receive any such Field-Book, should it be made.

Q. Has any Patent issued for Lands in the Township of Farnham?

A. There has.

Q. Did such Patent issue in consequence of actual Survey or otherwise?

A. I cannot tell.

Q. Is it not a direction in the Warrant of Survey that an actual Survey should be made?

A. It is.

Q. How then did you make your Return respecting Farnham?

A. The Return of Survey and Diagram were delivered to me by Mr. Gale, so worded as if Instructions had been given to somebody to make the Return—I can produce it.

Do so.

Q. Whose hand writing is the Paper you now produce?

A. Mr. Gale's.

Q. Is there any Signature to it?

A. There is none.

Q. Was it in consequence of this Return his Patent was made out?

A. It was—there is no other in the Office but the one now produced.

Q. Can you say, whether that Diagram was or was not made in consequence of an actual Survey?

A. I cannot.

Q. Did a Warrant of subdivision issue for the Township of Farnham?

A. Yes.

Q. Did any Field-Book accompany the Return?

A. No.

Q. If any Field-Book had been offered should you have held yourself bound to accept it?

A. Yes, after a Warrant of Survey had regularly passed.

Q. Have you any means of knowing whether Diagrams such as are now returned and lie upon the Table were or were not made in consequence of an actual Survey.

A. No—it is impossible to tell.

Q. Ought not Field-Books to have been returned with those Diagrams?

A. There regularly ought.

Q. When a Diagram is returned without a Field-Book, is it or not presumptive evidence, that the Diagram was not made in consequence of an actual Survey?

A. It is. I would not have returned the Diagram of an actual Survey, without a Field-Book.

Mr. Vondenvelden withdrew.

The Committee deliberate.

Resolved, That the Committee will suspend their determination on this case, until more satisfactory evidence be produced to them, that an actual Survey of Subdivision has been made of the Township of Newport, and the Clerk of the Council be directed forthwith to give notice to the parties concerned.

On considering the testimony given by Mr. Vondenvelden, Assistant to the Surveyor General, at the last Meeting, respecting the Diagram annexed to the Patent for Lands in Farnham, and reflecting on the facility of the transaction, the Committee have great reason to suspect that many of the Diagrams produced, purporting to set forth the subdivisions of Townships as from real admeasurement, have not been projected from actual Survey in the Field, in which case they are altogether useless and illusory; and foreseeing that unless proper measures be adopted, to ascertain and distinguish by lasting tokens, the whole of the allotments reserved for the Church and Crown in every Township, conformably to His Majesty's instructions, much strife, confusion and fraud will unavoidably take place in time to come.

The Committee do therefore

Resolve, That it is highly expedient to represent to His Excellency the necessity of giving specific Instructions to the Surveyor General, that he do in no case whatever certify any Diagram, to be annexed to a Patent for granting any part of the Waste Lands of



the Crown, until he be duly satisfied that a Survey of the Lands to be granted has been really made by a Deputy Provincial Surveyor, by actual admeasurement in the Field, and that he do accept of no Return of Survey unless the same be accompanied by a Field-Book, setting forth that the Allotments reserved for the Church and Crown, have been duly made and ascertained, and specifying the spots where, and the particular Marks and Tokens by which such Reserves have been distinguished, in order that the same may remain of Record in his Office, for the security and protection of the Lands so reserved, in case of future litigation.

## APPENDIX B.

On inspecting the Diagram annexed to the Return of the Warrant of Survey of the Township of Orford, it was suggested that the Diagram was not conformable to His Majesty's Royal Instructions, or the Warrant of Survey. It was proposed to call in Mr. Vondenvelden, acting for the Surveyor General, who attended accordingly, and the following examination took place :

Q. Is Mr. Holland, the Surveyor General, in a capacity to act for himself ?

A. No.

Q. Who acts for him ?

A. I do.

Q. Has this Warrant of Survey come regularly into your Office ?

A. Yes.

Q. Who made the Return to it ?

A. I did.

Q. Are the Return and Diagram now shewn to you of the Township of Orford conformable to the directions given in the Warrant of Survey ?

A. No.

Q. Can you assign the reason why ?

A. I suppose because the Surveyor has not applied to our Office.

Q. Would he have been supplied with proper instructions, had he made such application ?

A. He would.

Q. Do you know of any other Townships in the same predicament ?

A. Almost every one.

Q. How comes it to pass that the Surveyor General uniformly has certified both by his Return and Diagram, that they were conformable to the Warrant of Survey ?

A. Because there were a great many Townships already surveyed, and there was no other means of proceeding.

Upon further examination it appears that, as the generality of Surveys that have already been made, have been of detached Townships, no very serious inconvenience will arise, but the Examinee apprehends that, if the practice of surveying without receiving proper

Instructions from the Surveyor General's Office be continued, and every Surveyor be allowed to run his Lines without specific Instructions, the utmost confusion and litigation must necessarily ensue, and whereas there is good reason to apprehend that many Surveys are now carrying on in the like irregular manner, the Committee apprehend it to be their duty to take the earliest means of representing the matter to Your Excellency, and humbly submit the expediency of issuing forthwith a Public Advertisement to the following effect :

#### EXECUTIVE COUNCIL OFFICE.

Whereas inconvenience has arisen from the negligence of Surveyors in not applying to the Surveyor General's Office for general or specific Instructions, as the case may require, previously to their proceeding on the Survey of Townships or any part thereof. And whereas much confusion and strife may hereafter ensue from such neglect : it is hereby ordered, that every Surveyor shall, before he enters upon the execution of any Warrant of Survey, apply to the said Office for such Instructions as shall at the said Office be deemed requisite to be given in such behalf, and that from and after the date of this Order, no Return or Diagram of Survey shall be certified by the said Surveyor General or any other person acting in such capacity, unless it shall appear that such Survey has been made in consequence of Instructions received from the said Office, and that the Return and Diagram are conformable thereto.

#### APPENDIX C.

It appears by an Entry in the Council Book, (marked C.) of the 20th February 1792, that a Land Committee was on that day named in Council.

On the 17th March 1792, a Report of a Committee of the whole Council upon certain doubts suggested by the Land Committee, is entered.

In this Report, after observing that " An abundant Population of these Countries seem to be the main object of the Royal Instructions," the Chairman of the Committee proposes a plan for the ordinary progress of the business of the Land Office Department, as follows :

1st. A Petition to the Governor for the vacancy desired, under a description to be accurately ascertained by a future Survey.

2d. The reference of it to a Committee of the Council for their Report.

3d. Judgement in Council thereon ; and, when for the Grant, an Order for issuing a Warrant to the Surveyor General's Office, for the Return of a Survey agreeable to the Royal Instructions ; this Warrant to be under the Governor's Hand and Seal at Arms.

4th. Then the adjustment in Council of the shares of each of the Patentees.

5th. A transmission of the List by the Clerk of the Council to the Commissioners for taking their qualifications, understanding Instructions for that purpose, within the time limited by an Act or Minute of Council.

6th. A Report from the Commissioners to the Council Office, whence those papers are to go into the hands of the Attorney General for his Report to the Secretary's Office of the draft of a Patent.

7th. The Patent to be there engrossed and issued under the Great Seal, upon payment of the Fees due to all the Officers concerned, and to be accordingly distributed by the Secretary, who is to record the Patent, and preserve all the detached papers in due files.

After which it is recorded, that the Committee concur in the mode of proceeding aforementioned, suggested by the Chair.

And that this Report was finally concurred in Council.

From some cause which it were now useless to enquire into, it so happened that the progress proposed by the Chairman of that day, directly inverted the course commanded by His Majesty's Instructions: for it appears that by the progress proposed, the Order for issuing a Warrant for the Return of a Survey, precedes the transmission of the List for taking the qualifications: Whereas by His Majesty's Royal Instructions, No. 35, it is expressly directed that, "In order to prevent any persons disaffected to us and our Government from becoming Settlers in our said Province of Lower-Canada, it is our will and pleasure, that no Warrants for surveying Lands be granted by you or the Lieutenant-Governor, or the person administering the Government for the time being, unless the person or persons applying do, at the time of making such application, besides taking the usual Oaths directed by Law, also make and subscribe the following Declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed, &c."

In consequence of the mode thus adopted, upwards of 150 Warrants of Survey for Townships were issued, even before any Commissioners were appointed to administer the solemnities previously required by the said Instructions; but notwithstanding the number of Warrants thus issued, the business of settlement went on very tardily, even at the time when it was understood that Government was to discharge half the expense of running the outlines, which delay, as appears by Reports from the Land Committee and the Surveyor General's Office, arose from the uncertainty of the Settlers with respect to three material points.

First,—With regard to the position of the Reserves intended for the benefit of the Crown and the support of the Protestant Clergy; Secondly, the amount of the Fees to be paid on obtaining a Patent, and thirdly, the quantity of Land which the Petitioners and their Associates may expect: A considerable portion of time elapsed be-

fore these points were settled. However, towards the close of the year seventeen hundred and ninety-four, the objects of the Reserves and Fees being brought forward by His Excellency Lord Dorchester were ascertained and determined by His Lordship in Council, and afterwards were made known to the Public.

At this period the former Chairman of the Committee of the whole Council was no more, and within a short time afterwards every Member of the present Council had a Seat at the Board.

The business of the Land granting began seriously to be resumed, and Commissioners for giving effect to His Majesty's Instructions were duly appointed.

Upon a view of former proceedings the error that had heretofore occurred was noticed, and immediate course was taken to repair it, and this in the opinion of the Committee, is the true period at which an effective commencement of the Land Granting Department ought to be fixed, not only because the former proceedings being contrary to the express Instructions of Government (although Government with becoming dignity did not mean to vacate them) were null, but also because the essential powers to put the business into motion were not till this juncture combined or even created. From this time the Executive Council being aware of the mischiefs arising from actual settlement without a compliance with the previous formalities, have uniformly endeavoured to inhibit it, and have employed themselves to carry His Majesty's Instructions into execution, with respect to past proceeding, if not in the order in which they had been directed, at least to their full extent ; and with respect to the future proceedings duly to observe the order prescribed by His Majesty to prevent actual Settlement till all previous requisites should be faithfully observed, and as evidence that such was both their resolve and practice, they beg leave to refer Your Excellency to a Public Notice, bearing date the tenth October seventeen hundred and ninety-four, recorded in the Council Book (C), page 367, in which the distinction before alluded to is plainly made ; namely, that those who had obtained Warrants of Survey should comply with the directions therein stated, prior to the issuing of any Grant of Land : and that they who meant to apply for any such Warrant should also conform thereto, and this was published with a direct view of preventing the unauthorized Settlement of any person in future, as no Warrant of Survey would be issued or has since been issued without a previous compliance with such directions ; and with a view to quicken the attention of those who, having taken possession under their Warrant of Survey, were contented with their occupancy and did not seem disposed to give themselves any further trouble, Public Notice was given from the Executive Council Office, on the seventeenth January seventeen hundred and ninety-five, to all persons who have obtained Warrants of Survey or Orders of His Excellency the Governor in Council, for any part of His Majesty's ungranted Lands in this Province, to comply with the requirements contained in the said Adver-

tisement, on or before the first day of August next, and that in default of such compliance they will be considered by Government to have relinquished their pretensions under any Order of Council or Warrant of Survey, that may have been directed in consequence.

At the expiration of this period it appeared by the Schedules annexed and the Returns of the Commissioners, that of upwards of 300 Leaders and ten thousand proposed Associates, the number of those who had complied with the directions did not exceed 550; so that the number of persons who had duly qualified themselves bore a very small proportion, not only to the amount of the applicants, but even to those who were supposed to have made actual Settlement on the Land, who having neglected to comply with the terms of the notice were clearly subject to the penalty thereby announced. After these forfeitures had accrued it was generally understood that in addition to these persons who had satisfied themselves with a bare Warrant of Survey of the outlines of a Township, a number of others, under various pretexts, some from having purchased pretensions and others because it suited their interest, had made actual Settlement in various quarters, and many upon Lands reserved for the Support of a Protestant Clergy and the future disposition of the Crown.

To check this propensity it was thought expedient to issue a Proclamation as mentioned in the former Report, but this Proclamation never was intended by the Executive Council, nor could upon any principle of sound construction, be supposed to affect the parties alluded to in Your Excellency's Order of reference, who might have an equitable claim upon Government, but those only who having forfeited their claim, or having no claim at all, had made actual settlement without sufficient authority.

These successive measures would be alone sufficient to evince the anxiety of the Executive Council to resist actual Settlement without authority from the first moment that the necessary powers to carry the Granting of Lands into effect were in existence; but the most convincing proof of their disposition as well as of the influence of that disposition upon the public opinion, arises from the conduct and forbearance of a numerous body of applicants who, possessed of that operative Instrument, a Warrant of Survey, have, from a principle of decency, refrained from taking possession. This is a fact which added to their Public Notices affords in the opinion of the Committee the strongest proof of the position they have asserted,

#### APPENDIX D.

Whereas several Warrants of Survey of the ungranted Lands of the Crown have been directed to be made out on behalf of divers persons who have applied for the same and their Associates; and whereas it is expedient, that prior to the issuing of any Grant of Land, enquiry should be made into the principles and character of such persons as may be desirous of becoming Settlers in this Pro-



vince, before they are admitted to take the Oaths and subscribe the Declaration by His Majesty's Instructions directed to be required, Public Notice is hereby given that for the purpose aforesaid His Excellency Guy Lord Dorchester the Governor in Council has been pleased to nominate and appoint the following persons to be Commissioners :

|                             |   |                     |
|-----------------------------|---|---------------------|
| William Lindsay, Sen.       | } | at Quebec.          |
| Louis Deschenaux, Esquires, |   |                     |
| Le Chevalier Tonnancour,    | } | at Three Rivers.    |
| George Dame, Esquires,      |   |                     |
| James Sawyers,              | } | at William Henry.   |
| François Corbin, Esquires,  |   |                     |
| James M'Gill,               | } | at Montreal.        |
| Pierre Guy, Esquires,       |   |                     |
| Patrick Conroy, Esquire,    | } | at St. Johns.       |
| René Boileau, Esquire,      |   |                     |
| Henry Ruiter,               | } | at Chambly.         |
| John Ruiter,                |   |                     |
| Philip Luke,                | } | at Missisquoui Bay. |
| Mr. Jesse Pennoyer,         |   |                     |

and Public Notice is hereby further given, that all persons having obtained a Warrant of Survey as herein before mentioned, or meaning to apply for any such Warrant of Survey, do give unto one of the Commissioners herein before mentioned, a List containing the following particulars respecting them and each of them, and also respecting each and every Associate connected with them, that is to say ; the name, place of abode, and occupation, the religious denomination, the number of persons contained in the family, distinguishing the Males from the Females, and also the number of those who are under the age of fourteen from that of those who are above, and the Township and place wherein he proposes to settle ; and likewise that the said parties do transmit a Duplicate of the said List, containing such particulars as aforesaid, to the Clerk of the Executive Council, and due consideration being had thereof, the said Commissioners shall with all convenient dispatch receive Instructions, specifying the names of the parties whom they shall be authorized to admit to take and make the Oaths and Subscription aforesaid, in order to their becoming Settlers in this Province. And Public Notice is hereby further given, that no person shall be deemed qualified to partake of His Majesty's Bounty, whose name together with the particulars herein before required, shall not be included in a List to be delivered in as aforesaid, or to receive any Grant of Lands within this Province, who shall not have given in or caused to be given in a statement of the particulars herein before set forth.

Whereas divers persons have heretofore petitioned His Excellency the Governor in Council for Grants of various parcels of the vacant Lands of the Crown in this Province, stating that they with their several Associates were desirous of becoming Settlers therein, upon which Warrants of Survey have been issued, for running the outlines of several Townships as specified in various Petitions;

And whereas by an Advertisement bearing date the 10th October last, inserted in the Quebec Gazette, Public Notice was given that all persons having obtained Warrants of Survey as therein mentioned, or meaning to apply for any such Warrant, should give in to one of the Commissioners therein named, a List containing the particulars therein set forth;

And Whereas by an Advertisement bearing date the twentieth of the same month, inserted in the Quebec Gazette, Public Notice was given that certain parts of the particulars required to be stated in such lists would be dispensed with; and Whereas a few only of the applicants have hitherto complied with the tenor of the said Advertisement, and several other persons have lately petitioned His Excellency the Governor in Council, for Grants of some of the Townships for which Warrants of Survey have been ordered;

Public Notice is therefore now given to all persons who have obtained Warrants of Survey or Orders of His Excellency the Governor in Council, for any part of His Majesty's ungranted Lands in this Province, to comply with the requirement contained in the said Advertisements, on or before the first day of August next, and that in the default of such compliance they will be considered by Government to have relinquished their pretensions under any Order of Council or Warrant of Survey that may have been directed in consequence, and that His Excellency the Governor in Council will thereupon proceed upon such subsequent Petitions as may have been presented for Grants of the same Township.

By Order of His Excellency the Governor in Council.

(Signed) J. WILLIAMS,

C. Ex. C.

Certified,

HERMAN W. RYLAND.

( C. )

GENERAL STATEMENT of the Lands granted in free and common Soccage in the Province of Lower-Canada, within the undermentioned Townships, which have been laid out and subdivided since the year 1795, shewing also the Proportional Reservations for Crown and Clergy.

| No. of Grants. | Townships.         | By whom granted.  | Leaders of Townships.                 | Date of the Patent. | Number of Acres granted. | Reservations for the Crown. | Reservations for the Clergy. |
|----------------|--------------------|-------------------|---------------------------------------|---------------------|--------------------------|-----------------------------|------------------------------|
| 1              | Dunham .....       | Lord Dorchester.  | Thomas Dunn, Esq. .                   | Feb. 2, 1796. . .   | 40895                    | 8400                        | 8400                         |
| 2              | Brome. ....        | General Prescott  | Asa Porter, Esq. . .                  | Aug. 18, 1797.      | 46200                    | 9030                        | 9030                         |
| 3              | Bolton .....       | Ditto .....       | Nicholas Austin, . . .                | Ditto. ....         | 62621                    | 12190                       | 12400                        |
| 4              | Potton .....       | Ditto .....       | Lauchlan M'Lean. . .                  | Oct. 31. ....       | 6000                     | 1260                        | 1260                         |
| 5              | Farnham .....      | Ditto .....       | Samuel Gale, &c. . .                  | Oct. 22, 1798. .    | 23000                    | 4830                        | 4830                         |
| 6              | Hinchinbrook. .... | Ditto .....       | Gilbert Miller. ....                  | Jan. 3, 1799. .     | 5200                     | 1040                        | 1040                         |
| 7              | Hemmingford. ....  | Ditto .....       | Robert Gordon. . . .                  | March 18. ....      | 20800                    | 4160                        | 4160                         |
| 8              | Clifton. ....      | Ditto .....       | David Stewart. . . .                  | June 13. ....       | 12600                    | 2520                        | 2520                         |
| 9              | Armagh .....       | Ditto .....       | Thompson and Blais. .                 | July 13. ....       | 2400                     | 410                         | 630                          |
| 10             | Rawdon .....       | Ditto .....       | James Sawyer. ....                    | Do. ....            | 1900                     | 400                         | 400                          |
| 11             | Chatham .....      | Ditto .....       | {P.L. Panet & Wm.}<br>{Fortune. ....} | Do. ....            | 2200                     | 410                         | 410                          |
| 12             | Buckingham .....   | Sir R. S. Milnes. | Capt. Robertson. . .                  | Nov. 27. ....       | 2000                     | 420                         | 420                          |
| 13             | Dorset .....       | Ditto .....       | John Black. ....                      | Dec. 30. ....       | 53000                    | 10710                       | 10710                        |
| 14             | Hunterstown .....  | Ditto .....       | John Jones. ....                      | April 29, 1800.     | 24620                    | 4600                        | 4600                         |
| 15             | Stoneham .....     | Ditto .....       | Kenelm Chandler. . .                  | May 14. ....        | 24000                    | 3428                        | 3428                         |
| 16             | Tewkesbury .....   | Ditto .....       | Capt. Wulf. ....                      | Sept. 18. ....      | 2000                     | 400                         | 400                          |

|    |                 |             |                                                           |                  |        |        |        |
|----|-----------------|-------------|-----------------------------------------------------------|------------------|--------|--------|--------|
| 17 | Stanbridge..... | Ditto ..... | Hugh Finlay, Esqr....                                     | Sept. 1. ....    | 41790  | 8820   | 8610   |
| 18 | Grantham.....   | Ditto ..... | William Grant. ....                                       | May 14. ....     | 27000  | 5250   | 5250   |
| 19 | Upton.....      | Ditto ..... | Dd. Alex. Grant....                                       | May 21. ....     | 25200  | 5210   | 5000   |
| 20 | Tewkesbury..... | Ditto ..... | Denis Létourneau. ...                                     | May 14. ....     | 24000  | 4610   | 4620   |
| 21 | Stanstead.....  | Ditto ..... | Isaac Ogden. ....                                         | Sept. 27. ....   | 27720  | 5250   | 5040   |
| 22 | Broughton.....  | Ditto ..... | H. Jenkin & W. Hall.                                      | Oct. 20. ....    | 23100  | 5140   | 5340   |
| 23 | Stukeley.....   | Ditto ..... | Samuel Willard. ....                                      | Nov. 3. ....     | 23625  | 4200   | 4650   |
| 24 | Hereford.....   | Ditto ..... | James Rankin. ....                                        | Nov. 6. ....     | 23100  | 4620   | 4410   |
| 25 | Eaton.....      | Ditto ..... | Josia Sawyer. ....                                        | Dec. 4. ....     | 25620  | 5250   | 4620   |
| 26 | Shefford.....   | Ditto ..... | John Savage. ....                                         | Feb. 10, 1801.   | 35490  | 7098   | 7098   |
| 27 | Barnston.....   | Ditto ..... | Lester and Morrogh..                                      | April 11. ....   | 23100  | 4735   | 4693   |
| 28 | Orford.....     | Ditto ..... | Luke Knoulton. ....                                       | May 5. ....      | 14280  | 2899   | 2487   |
| 29 | Newport.....    | Ditto ..... | Edmund Heard. ....                                        | July 4. ....     | 11550  | 2310   | 2310   |
| 30 | Stoke.....      | Ditto ..... | James Cowan. ....                                         | Feb. 13, 1802.   | 43620  | 10542  | 8912   |
| 31 | Barford.....    | Ditto ..... | I. W. Clarke, Esq....                                     | April 15. ....   | 27720  | 5880   | 5670   |
| 32 | Windsor.....    | Ditto ..... | { Officers and Pri-<br>vates, Canadian<br>Militia. .... } | July 14. ....    | 50900  | 10641  | 10665  |
| 33 | Chester.....    | Ditto ..... | Simon M'Tavish, Esq.                                      | July 17. ....    | 11550  | 2310   | 2310   |
| 34 | Simpson.....    | Ditto ..... | { Officers and Pri-<br>vates, Canadian<br>Militia. .... } | Do. ....         | 42135  | 9326   | 8387   |
| 35 | Halifax.....    | Ditto ..... | Benjamin Jobert. ....                                     | August 7. ....   | 11550  | 2310   | 2310   |
| 36 | Inverness.....  | Ditto ..... | Wm. M'Gillivray. ....                                     | August 9. ....   | 11550  | 2310   | 2310   |
| 37 | Wolfstown.....  | Ditto ..... | Nicholas Montour. ...                                     | August. 14. .... | 11550  | 2310   | 2310   |
|    |                 |             |                                                           |                  | 865586 | 175225 | 171640 |

| No. of Grants. | Townships.       | By whom granted.  | Leaders of Townships.                                        | Date of the Patent. | Number of Acres granted. | Reservations for the Crown. | Reservations for the Clergy. |
|----------------|------------------|-------------------|--------------------------------------------------------------|---------------------|--------------------------|-----------------------------|------------------------------|
|                |                  |                   | Amount brought over..                                        |                     | 865586                   | 175225                      | 171640                       |
| 38             | Leeds .....      | Sir R. S. Milnes. | Isaac Todd .....                                             | August 14....       | 11760                    | 2420                        | 2630                         |
| 39             | Stoke .....      | Ditto .....       | { Minor Children of }<br>Wm. Boutillier. }                   | August 28....       | 1890                     | 378                         | 378                          |
| 40             | Ireland .....    | Ditto .....       | Joseph Frobisher. . .                                        | August 20....       | 11550                    | 2310                        | 2310                         |
| 41             | Durham .....     | Ditto .....       | Thomas Scott. ....                                           | August 30....       | 21991                    | 4410                        | 4410                         |
| 42             | Sutton .....     | Ditto .....       | Sundry persons. ....                                         | August 31....       | 39900                    | 8000                        | 7800                         |
| 43             | Compton .....    | Ditto .....       | Jesse Pennoyer. ....                                         | August 31....       | 26460                    | 5250                        | 5250                         |
| 44             | Wickham .....    | Ditto .....       | William Lindsay. ....                                        | August 31....       | 23753                    | 5364                        | 4489                         |
| 45             | Arthabaska ..... | Ditto .....       | John Gregory. ....                                           | September 30..      | 11550                    | 2730                        | 2100                         |
| 46             | Thetford .....   | Ditto .....       | John Mervin Nooth. .                                         | November 10..       | 23100                    | 4620                        | 4410                         |
| 47             | Ely .....        | Ditto .....       | Amos Lay, junior. . .                                        | November 13..       | 11550                    | 2310                        | 2310                         |
| 48             | Roxton .....     | Ditto .....       | Sundry Persons. ....                                         | Jan. 8, 1803..      | 24784                    | 4620                        | 4620                         |
| 49             | Ixworth .....    | Ditto .....       | Mathew O'Mara. ....                                          | Nov. 22, 1802.      | 1260                     | 210                         | 420                          |
| 50             | Buckingham ..... | Ditto .....       | Fortune and Hawley. .                                        | Jan. 22, 1803..     | 14910                    | 3570                        | 3360                         |
| 51             | Granby .....     | Ditto .....       | { Officers and Pri- }<br>vates, British }<br>Militia. .... } | Jan. 8, 1803..      | 38152                    | 7908                        | 7977                         |
| 52             | Milton .....     | Ditto .....       | Ditto. ....                                                  | Jan. 29. ....       | 24518                    | 6090                        | 6273                         |
| 53             | Clifton .....    | Ditto .....       | Sundry Persons. ....                                         | March 5. ....       | 23546                    | 4914                        | 5064                         |
| 54             | Bury .....       | Ditto .....       | Calvin May. ....                                             | March 15. ....      | 11550                    | 2310                        | 2310                         |
| 55             | Hatley .....     | Ditto .....       | Henry Cull. ....                                             | March 25. ....      | 23493                    | 4890                        | 4910                         |
| 56             | Ascot .....      | Ditto .....       | Gilbert Hyatt. ....                                          | April 21. ....      | 20188                    | 4200                        | 4200                         |



|    |             |       |                                                               |               |         |        |        |
|----|-------------|-------|---------------------------------------------------------------|---------------|---------|--------|--------|
| 57 | Ditton      | Ditto | M. H. Yeomans                                                 | May 13        | 11550   | 2310   | 2310   |
| 58 | Clinton     | Ditto | J. F. Holland                                                 | May 24        | 11550   | 2510   | 2100   |
| 59 | Bulstrode   | Ditto | Patrick Langan                                                | May 27        | 24463   | 4894   | 4894   |
| 60 | Kingsey     | Ditto | George Longmore                                               | June 7        | 11478   | 2448   | 2422   |
| 61 | Hemmingford | Ditto | Sundry Persons                                                | June 17       | 8536    | 1707   | 1707   |
| 62 | Kildare     | Ditto | P. M. De La Valtrie                                           | June 24       | 11486   | 1990   | 2520   |
| 63 | Clifton     | Ditto | Mary Barnet                                                   | July 23       | 7035    | 1594   | 1680   |
| 64 | Potton      | Ditto | Henry Ruiter                                                  | July 27       | 27580   | 5516   | 5516   |
| 65 | Newport     | Ditto | N. Taylor                                                     | August 4      | 12600   | 2400   | 2400   |
| 66 | Brompton    | Ditto | William Barnard                                               | November 27   | 40753   | 7800   | 8000   |
| 67 | Shipton     | Ditto | Elmer Cushing                                                 | December 4    | 58692   | 11725  | 11739  |
| 68 | Stanstead   | Ditto | Richard Adams                                                 | December 6    | 1276    | 210    | 173    |
| 69 | Tingwick    | Ditto | Sundry Persons                                                | Jan. 23, 1804 | 23730   | 5040   | 4620   |
| 70 | Warwick     | Ditto | Ditto                                                         | Ditto         | 23940   | 4830   | 4830   |
| 71 | Eaton       | Ditto | Isaac Ogden                                                   | March 1       | 6300    | 1680   | 1890   |
| 72 | Westbury    | Ditto | Henry Caldwell                                                | March 13      | 12262   | 2701   | 2462   |
| 73 | Hemmingford | Ditto | Dn. M'Naught                                                  | March 27      | 420     | 84     | 84     |
| 74 | Nelson      | Ditto | { Officers and Pri-<br>vates of the Ca-<br>nadian Militia.. } | April 21      | 38326   | 7561   | 7743   |
| 75 | Somerset    | Ditto | Ditto                                                         | Ditto         | 38790   | 7483   | 7619   |
| 76 | Windsor     | Ditto | { Mary Charlotte de<br>Castelle }                             | May 17        | 420     | 84     | 84     |
| 77 | Tring       | Ditto | Sundry Persons                                                | July 20       | 22995   | 4400   | 4400   |
| 78 | Hemmingford | Ditto | Mathew Scott                                                  | December 24   | 2520    | 504    | 504    |
|    |             |       |                                                               |               | 1628193 | 331200 | 326558 |

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|----------------|-----------------|------------------------------------|---------------------------------------------|---------------------|--------------------------|-----------------------------|------------------------------|
|                |                 |                                    | Amount                                      | brought over ..     | 1628193                  | 331200                      | 326558                       |
| 79             | Barnston .....  | Sir R. S. Milnes.                  | Sundry Persons. ....                        | Jan. 7, 1805 ..     | 2310                     | 152                         | 152                          |
| 80             | Rawdon .....    | Ditto .....                        | { R. Henry Bruyere }<br>{ and Selby. .... } | January 14 ...      | 3150                     | 630                         | 420                          |
| 81             | Kingsey .....   | Ditto .....                        | { Major Holland's }<br>{ family, &c. }      | January 28 ...      | 11198                    | 2132                        | 1998                         |
| 82             | Hatley .....    | Ditto .....                        | Moses Holt's family..                       | February 21 ..      | 2304                     | 374                         | 384                          |
| 83             | Newton .....    | Ditto .....                        | C. De Lotbinière. ....                      | March 6 .....       | 12961                    | 2331                        | 2526                         |
| 84             | Onslow .....    | Ditto .....                        | Forsyth & Richardson.                       | March 9 .....       | 1073                     | 210                         | 210                          |
| 85             | Melborne .....  | Ditto .....                        | Henry Caldwell. ....                        | April 3 .....       | 26153                    | 5932                        | 6184                         |
| 86             | Chester .....   | Ditto .....                        | Sundry Persons. ....                        | April 11 .....      | 11707                    | 2320                        | 2320                         |
| 87             | Dudswell .....  | Ditto .....                        | John Bishop. ....                           | May 13 .....        | 11632                    | 2247                        | 2483                         |
| 88             | Wendover .....  | Ditto .....                        | Sundry Persons. ....                        | June 24 .....       | 12558                    | 2739                        | 2266                         |
| 89             | Halifax .....   | Ditto .....                        | Mathew Scott .....                          | June 25 .....       | 11243                    | 2310                        | 2520                         |
| 90             | Durham .....    | Ditto .....                        | St. François Indians. .                     | June 26 .....       | 8150                     | 1620                        | 1365                         |
| 91             | Stanstead ..... | Ditto .....                        | Sundry Persons. ....                        | August 2 .....      | 3578                     | 511                         | 511                          |
| 92             | Farnham .....   | { Hon. J. Dunn }<br>{ President. } | Jane Cuyler, &c. ....                       | September 9 ..      | 5040                     | 600                         | 802                          |
| 93             | Hull .....      | Ditto .....                        | Philemon Wright. ....                       | Jan. 3, 1806. .     | 13701                    | 2482                        | 2243                         |
| 94             | Aston .....     | Ditto .....                        | Sundry Persons. ....                        | February 17 ..      | 27127                    | 5454                        | 4847                         |
| 95             | Auckland .....  | Ditto .....                        | { Fleury Descham- }<br>{ bault & others. }  | April 3 .....       | 23100                    | 4400                        | 4400                         |
| 96             | Aston .....     | Ditto .....                        | John Neilson. ....                          | June 27 .....       | 1260                     |                             |                              |

|     |                                    |                                                                   |                                                           |                  |         |        |        |
|-----|------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------|------------------|---------|--------|--------|
| 97  | Frampton .....                     | Ditto .....                                                       | P. E. Desbarats, &c.                                      | July 10 .....    | 11569   | 2212   | 2200   |
| 98  | Granby .....                       | Ditto .....                                                       | { Jn. Margaret Isa-<br>bella Simpson. }                   | July 3 .....     | 420     |        |        |
| 99  | Acton .....                        | Ditto .....                                                       | Gother Mann, &c.                                          | July 22 .....    | 22859   | 4800   | 4842   |
| 100 | Eardley .....                      | Ditto .....                                                       | Sundry Persons. ....                                      | August 22 .....  | 5250    | 1390   | 1275   |
| 101 | Buckland .....                     | Ditto .....                                                       | Sundry Persons. ....                                      | November 26 ..   | 12182   | 2433   | 2367   |
| 102 | Charham .....                      | Ditto .....                                                       | { Col. Dl. Robert-<br>son and Dr. S. S.<br>Fraser. .... } | December 31 ..   | 5250    | 800    | 800    |
| 103 | Lingwick .....                     | Ditto .....                                                       | Sundry Grantees. ....                                     | March 7, 1807.   | 13650   | 2600   | 2400   |
| 104 | Lochaber .....                     | Sir R. S. Milnes.                                                 | Archd. M. Millan, &c.                                     | March 26 ...     | 13261   | 3213   | 3291   |
| 105 | Templeton .....                    | Ditto .....                                                       | Ditto .....                                               | Ditto .....      | 8949    | 2052   | 1829   |
| 106 | Grenville .....                    | { His Excel-<br>lency Sir J. H.<br>Craig, K. B.<br>G. Genl. &c. } | Ditto .....                                               | Jan. 28, 1808. . | 1260    | 211    | 400    |
| 107 | Ham .....                          | Ditto .....                                                       | Partial Grant. ....                                       | February 6 ...   | 1260    | 20)    | 200    |
| 108 | Stanfold .....                     | Ditto .....                                                       | Jenkin Williams, &c.                                      | July 8, 1807 ..  | 26810   |        |        |
| 109 | Maddington .....                   | Ditto .....                                                       | G. W. Allsopp. ....                                       | Dec. 24, 1808.   | 6005    |        |        |
| 110 | Ditto .....                        | Ditto .....                                                       | Sundry Persons. ....                                      | December 1 ...   | 6033    |        |        |
| 111 | Acton .....                        | Thomas Dunn ..                                                    | G. Waters Allsopp. .                                      | July 22, 1806.   | 24004   |        |        |
| 112 | Granby, Milton, &<br>Simpson ..... | Ditto .....                                                       | Sundry Persons. ....                                      | July 29 .....    | 2520    |        |        |
| 113 | Hull .....                         | Ditto .....                                                       | Robert Randall. ....                                      | Sept. 21, 1807.  | 630     |        |        |
| 114 | Frampton .....                     | Sir J. H. Craig .                                                 | Sundry Grantees. ....                                     | Sept. 9, 1808 .  | 12380   |        |        |
|     |                                    |                                                                   |                                                           |                  | 1990730 | 387555 | 381793 |

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|----------------|-------------------------------------------------------|------------------|------------------------|---------------------|--------------------------|-----------------------------|------------------------------|
|                |                                                       |                  | Amount brought over .. |                     | 1990730                  | 387555                      | 381793                       |
| 115            | Wendover.....                                         | Sir J. H. Craig. | Benj. & Alex. Hart.    | September 26 ..     | 200                      |                             |                              |
| 116            | Onslow.....                                           | Ditto .....      | Roswell Minor, &c.     | November 12..       | 12667 $\frac{1}{4}$      |                             |                              |
| 117            | { Windsor, Simp-<br>son, Somerset, &<br>Nelson..... } | Ditto .....      | Sundry Persons. ....   | December 27..       | 3780                     |                             |                              |
| 118            | Farnham.....                                          | Ditto .....      | John Allsopp, &c. ..   | Feb. 11, 1809.      | 10176                    |                             |                              |
| 119            | Sherrington.....                                      | Ditto .....      | Frs. Baby and others.  | February 22..       | 19278                    |                             |                              |
| 120            | Upton.....                                            | Ditto .....      | L. Schmidt and family. | May 27.....         | 678                      |                             |                              |
| 121            | Sherrington.....                                      | Ditto .....      | Susan and Mgt. Finlay. | May 29.....         | 8395                     |                             |                              |
| 122            | Wentworth.....                                        | Ditto .....      | J. de Montmoulin, &c.  | June 3.....         | 12390                    |                             |                              |
| 123            | Templeton.....                                        | Ditto .....      | Sundry Grantees....    | November 29..       | 8620                     |                             |                              |
| 124            | Stanstead.....                                        | Ditto .....      | Sir R. S. Milnes....   | March 12, 1810.     | 21406                    |                             |                              |
| 125            | Compton.....                                          | Ditto .....      | Ditto.....             | Ditto.....          | 13110                    |                             |                              |
| 126            | Barnston.....                                         | Ditto .....      | Ditto.....             | Ditto.....          | 13546                    |                             |                              |
| 127            | Shenley.....                                          | Ditto .....      | James Glenny. ....     | May 1.....          | 10298                    |                             |                              |
| 128            | Shipton.....                                          | Ditto.....       | James Barnard.....     | July 10.....        | 210                      |                             |                              |
| 129            | Potton.....                                           | Ditto .....      | Thomas Shepherd....    | July 18.....        | 210                      | 58512                       | 58512                        |
| 130            | Grenville .....                                       | Ditto .....      | Archibald Campbell..   | December 12..       | 616                      |                             |                              |
| 131            | Ely .....                                             | Ditto .....      | Doceas Higgins....     | Jan. 21, 1811 ..    | 630                      |                             |                              |
| 132            | Newton.....                                           | Ditto .....      | Saveuse de Beaujeu, &c | April 25.....       | 1137                     |                             |                              |
| 133            | Godmanchester.....                                    | Ditto .....      | Robert Ellice, &c....  | May 10.....         | 25592                    |                             |                              |
| 134            | Barnston.....                                         | Ditto .....      | William Somerville..   | June 18.....        | 3200                     |                             |                              |

|                        |                   |                         |                 |         |        |        |
|------------------------|-------------------|-------------------------|-----------------|---------|--------|--------|
| 135 Inverness.....     | Ditto .....       | Robert Skinner.....     | Ditto.....      | 600     |        |        |
| 136 Kingsey . . . . .  | Ditto .....       | Edward Baynes .....     | Ditto.....      | 600     |        |        |
| 137 Hemmingford .....  | Thos. Dunn, gent  | Stephen Sewell....      | September 18..  | 3200    |        |        |
| 138 Hinchinbrook.....  | Sir Geo. Prevost. | Lt. Col. R. Ellice, &c. | December 30 .   | 3719    |        |        |
| 139 Ham .....          | Ditto .....       | Martha Mitchell....     | December 31..   | 1200    |        |        |
| 140 Chatham.....       | Ditto .....       | Sundry Persons.....     | Jan. 10, 1812.. | 13319   |        |        |
| 141 Leeds.....         | Ditto .....       | George Hamilton....     | December 7. .   | 8002    |        |        |
| 142 Eaton . . . . .    | Ditto .....       | Joseph Cummings...      | December 17..   | 200     |        |        |
| 143 Sherrington.....   | Ditto .....       | Hon. J Young.. .        | December 30..   |         |        |        |
| 144 Godmanchester..... | Ditto .....       | { John M'Kindlay }      | Jan. 4, 1814..  |         |        |        |
|                        |                   | { and others . . . }    |                 |         |        |        |
| 145 Kingsey.....       | Ditto .....       | { Donald M'Lean }       | January 11....  |         |        |        |
|                        |                   | { and family . . }      |                 |         |        |        |
| 146 Durham .....       | Ditto .....       | Ditto .....             | Ditto.....      |         |        |        |
| 147 Leeds . . . . .    | Ditto .....       | { John Palmer and }     | March 3.....    |         |        |        |
|                        |                   | { Rich. Sheppard. }     |                 |         |        |        |
| 148 Hemmingford.....   | Ditto .....       | John Graves & others.   | March 16 ....   |         |        |        |
| 149 Lingwick .....     | Ditto .....       | Hon. John Young....     | March 21 .....  | 17000   |        |        |
| 150 Ascot . . . . .    | Ditto .....       | James Bangs.....        | March 26 .....  | 200     |        |        |
| TOTAL                  |                   |                         |                 | 2203709 | 445660 | 439705 |



(D.)

LOUIS MONTIZAMBERT. Esquire, Acting Secretary of the Province,  
appeared before your Committee :

Q. How long have you acted as Provincial Secretary ?

A. Since the beginning of June last.

Q. Are there any other or further charges upon applications for Lands, either in respect of certificates, or stationery or enrollments, or in any other manner or way than the Fees established in December 1797, taken in your Office ?

A. The Fees established in the year 1797 relate to the passing of the Patent. There are two sorts of certificates relating to Lands delivered in my Office : the one is to certify whether particular Lots have been granted or not, the other is to certify that certain Lots have been granted, that is to say, after the passing of the Patent.

The Fees charged upon this, are regulated by a Tariff which I found hung up in the Office and of which I will send the Committee an extract, these Fees were exacted by my predecessors in Office. The three last items in this Tariff, I consider to relate to Certificates granted after the passing of the Patent. I do not recollect having granted any Certificates under these last mentioned Items.

Q. Are these certificates required in all cases where application is made for Waste Lands of the Crown ?

A. Yes, where Grants have already been made ; the object of the Certificate being to prevent other persons from obtaining Grants of the same Lot from the Crown. There is a third kind of Certificate granted in my Office, to certify that no Patent has issued for a particular Township. The Fee of Enrollment is established by an Act of the Provincial Legislature : it was originally established, by an old Act of the Provincial Parliament, that the Secretary of the Province should enroll all Patents, at the rate of Ten Shillings per Patent. By the Act passed two or three years ago, the Legislature augmented the Fees of the Secretary of the Province, by allowing him for every Patent containing more than two thousand words, six pence for every hundred words. Previous to the passing of the latter Statute, the Secretary of the Province, had been in the habit of requiring and receiving Six Shillings and eight pence for each Skin of Parchment used in the Enrollment ; altho' nothing is said of the expense of Parchment, in either of the above-mentioned Statutes, I have continued like my predecessors in office, to require and receive Six Shillings and eight pence, conceiving that the Fee allowed by law was not intended to comprise the expenses of Parchment, as in some cases the expense of Parchment would swallow up a very considerable part of the Fees.

Q. Are these Certificates required for each applicant, or may they comprise Lots applied for by many ?

A. They may comprise any number of Lots in the same Township,

without producing any augmentation in the Fees. If the Lands are in many Townships, the Fee is higher, as regulated by the before-mentioned Tariff.

Q. At what time, and by what authority was the said Tariff established ?

A. I do not know under what authority, but this will appear by the Tariff itself, of which a copy will be sent.

*The Tariff mentioned above is as follows :*

Extract from a Table of Fees taken in the Provincial Secretary's Office, and posted up therein.

For a Land Certificate, for one or two persons in one Township—Two Shillings and Six pence.

In two Townships—Five Shillings.

For more than two persons in one Township—Five Shillings.

And in two Townships—Ten Shillings.

A true Extract,

LS. MONTIZAMBERT.

Quebec, 10th March 1823.

The Honourable HERMAN WITSIUS RYLAND, appeared before your Committee :

Q. How long have you been Clerk of the Executive Council, and what are the duties of that Office ?

A. It was about the month of June or July, shortly before Lord Dorchester went home, that I was commissioned by him as Clerk of the Executive Council. The Duties of this Office are divided into two Branches, the one relating to Waste and reserved Lands of the Crown, and the other relating to matters of State.

Q. What was the Salary of that Office when you entered upon it, have there been any and what changes therein, and what is the expense of the existing establishment of the Executive Council Office ?

A. The Salary when I entered the Office was One Hundred Pounds *per Annum*, with an allowance of Fifty Pounds for Stationery, Firewood and Printing ; the Clerks were provided by Government, sometimes one, sometimes two or three, as the duties of the Office required, some changes were made about the year 1799, when I was in England ; at that time a letter was written by the Secretary of State, the Duke of Portland, directing an allowance of Four Hundred Pounds sterling a year, in lieu of the former Salary and allowance. A second change took place in the year 1813, on my resigning the situation of Governor's Secretary, when a letter afterwards was received from the Secretary of State, directing that a

Salary of five hundred Pounds sterling a year should be given to me, fifty pounds sterling a year allowance for contingent expenses; one hundred pounds a year, for an Assistant Clerk. A subsequent change took place in the time of the Duke of Richmond, in consequence of a Report made by the Council, without any application from me, recommending that a Salary of Ten Shillings a day should be granted to the Assistant Clerk.

Q. Were there any and what Fees received in the said Office during the time that the Honourable W. Osgoode was Chief Justice of this Province?

A. In consequence of an application from me, about the year 1797, an Order of the Governor in Council was made, renewing, in my favour, the Fees that were established by the Ordinance of the year 1780, more particularly with respect to applications for Waste Lands of the Crown. This application was made on my part, in consequence of the excessive number of Petitions that were presented, when, comparatively speaking, few of the applicants had a chance of obtaining Grants of the Waste Lands of the Crown, which occasioned me an overwhelming accumulation of business without any remuneration. The only other Fee was two shillings and six pence for each Money Warrant, which had been received from the earliest establishment of the Council. There was also a Fee of six pence for every hundred words for transcripts of proceedings had on applications from Individuals. Since that period, transcripts of Reports have always been furnished without any additional charge, the fifteen shillings and six pence having always been considered as a remuneration for such service.

Q. Were there any changes made in the said Fees during the times that the Honourable Mr. Elmsley and the Honourable Mr. Allcock were severally Chief Justices of this Province?

A. None that I recollect.

Q. Were the matters concerning Lands originally enregistered in Books exclusively appropriated to that purpose?

A. Only subsequently to the year 1791.

Q. Have they continued to be so, and are the said Books open and public, and were they so at any previous time, and when did they cease to be so?

A. Previous to my being Clerk of the Council, the Land proceedings were open for general inspection, but for the last twenty years they have not been so; but I consider it as part of my duty to give the fullest information of all proceedings relative to applications of Individuals.

Q. Do the said Books contain copies of all such parts of His Majesty's Instructions as relate to the Waste Lands of the Crown?

A. I believe they do, as it has been usual with Governors on their entering upon their Office to communicate to the Council their Instructions relative to the granting of the Waste Lands of the Crown, as by those Instructions no Grant can be made without the advice of the Council.

**Q.** Do they contain His Majesty's Instructions of the fifteenth of August 1797, and is there any subsequent Instruction contained therein revoking or setting aside the said Instructions of the fifteenth of August 1797?

**A.** There are Copies or Extracts of Letters from the Secretary of State, changing, in a certain degree, the Orders contained in what is called the Royal Instructions with regard to the Waste Lands of the Crown?

**Q.** Are there any such Letters cancelling or setting aside the particular Instructions in question?

**A.** I cannot say.

**Q.** Have any and what measures been taken to render public as well the Royal Instructions relative to the Waste Lands of the Crown as any changes or modifications thereof which may have been made by any Letter or Letters from His Majesty's Secretary of State, for the time being?

**A.** I do not recollect any publication of the Royal Instructions since I came into Office.

**Q.** Do the Royal Instructions to His Excellency the late Lord Dorchester, after the passing of the Constitutional Act, correspond with the Instructions to His Excellency the Earl of Dalhousie; and have the Royal Instructions to each successive Governor since that period corresponded with the said Instructions to His Excellency the Earl of Dalhousie?

**A.** I believe they are all word for word the same.

**Q.** Have the Letters from His Majesty's Secretary of State, changing or modifying the Royal Instructions been kept private, or have the same, in any manner and how, been published; and in what particulars do they change or modify the said Royal Instructions?

**A.** I consider them as communicated for the information and guidance of the Executive Council in their proceedings upon applications for Grants of Waste Lands of the Crown, and not intended to be published, unless specially ordered by the advice of the Council. I cannot take upon myself to say how far and in what manner they change or modify the Royal Instructions.

**Q.** Are they Orders in particular cases, or general Orders intended to apply to all cases and to modify or change the Royal Instructions generally?

**A.** I think that any changes directed in them apply generally.

**Q.** Are the Instructions and Orders sent by His Excellency the Earl of Dalhousie, relative to the Waste Lands of the Crown, at the prayer of the House of Assembly, as well in the last as in the present Session of the Provincial Parliament, and certified by you as Clerk of the Executive Council and by the Secretary of His Excellency the Governor in Chief, all His Majesty's Instructions and Orders in that behalf?

**A.** I cannot take upon myself to say whether they are or not.

**Q.** At what time were His Majesty's Instructions relative to the

**Grant of Lands to discharged Soldiers and Militia Men who served during the last war with the United States received, and did the same contain any Order that the Lands should be granted as a reward for services and without Fees or not ?**

**A.** I cannot say.

**Q.** Have you required and received fifteen shillings and six pence upon applications for Land by the said discharged Soldiers and Militia Men at any time and when ?

**A.** I should have thought myself authorized to have taken fifteen shillings and six pence upon the Petitions of such persons, until an Order was made by the Governor in Council reducing the Fee to five shillings ; but if that Fee has been demanded previous to that Order it has been in very few instances indeed.

**Q.** Was there at any time, and when, and by whom presented to His Excellency the Governor in Chief, a Petition of divers Militia Men relative to this claim of fifteen shillings and six pence, and what was done thereupon ?

**A.** A Petition was presented, to the best of my recollection, in the month of June 1821, by Mr. Vallières de St. Réal, on behalf of sundry Officers, non-commissioned Officers and Privates of Militia, stating their inability to pay the Fee of fifteen shillings and six pence each on their applications for Grants of Waste Lands, which Petition was reported on by a Committee of the whole Council, and with my entire consent the Fee was reduced to five shillings each.

**Q.** Were there any and what measures taken to render the said change public, and how and when was the same communicated to the said Petitioners ?

**A.** None ; but since that time, I have confined myself to that Report in all Fees taken from non-commissioned Officers and Privates of Militia. A copy of that Report was not applied for 'till about a few weeks ago, and upon my hearing that it was applied for, I immediately furnished Mr. Vallières de St. Réal, as Agent for the Petitioners, with an attested copy of that Report.

**Q.** Were the contents of the said Report made known to the parties in any manner, and how, or to any and what Officer or Officers of Government ?

**A.** It has been the invariable practice in the Office not to furnish copies of Reports unless by special Order of the Governor, or on application from the parties interested.

**Q.** Is the charge of fifteen shillings and six pence inscribed upon the Table of Fees for Land or upon any other Table hung up in the Office as required by His Majesty's Instructions ?

**A.** Yes ; this charge is inscribed upon a Table of Fees relating to Land business as well as to other matter of Office which is hung up in the Office.

**Q.** Since the Order of His Excellency in Council, in June 1821, reducing the charge from fifteen shillings and six pence to five shillings in respect of Militia Men has any alteration been made in the



said public Table of Fees and any notice given of the said charges thereby or in any other manner ?

A. No ; except by communicating the Report to Mr. Vallières as above stated, but ever since, the Fees taken have corresponded with that Report ; the Table has been ever since stuck up in the Office with the former.

Q. Does the said Report in Council of June 1821, extend to Officers of Militia and to discharged Soldiers ?

A. I have not considered it to extend to Officers when they apply separately, but when petitioning *en Corps* with non-commissioned Officers and Privates it has invariably been extended to them also.

Q. Has there been any, and what number of Petitions for Lands by Militia Men and discharged Soldiers ?

A. Very few have applied for Lands as discharged Soldiers to my knowledge, there have been Orders in favour of a considerable number of Militia Officers, within the last four years, but very few Orders in favour of Privates, indeed very few applications for Privates have been made with the exception of the above mentioned one, made by Mr. Vallières de St. Réal in behalf of a hundred and ten Officers, non-commissioned Officers and Privates of the Militia and the discharged corps of Voltigeurs.

Q. Do you think that the applications by Militia Men, with the exception of the aforesaid application of Mr. Vallières, amounted in number to twenty-eight ?

A. With respect to this question I cannot say ; but I think there cannot be more than seven since the late Order in Council.

Q. Are you now, and have you been for any, and what length of time, a Commissioner and Treasurer of the Board for managing the Estates heretofore belonging to the late Order of the Jesuits, and during any and what period of time also Chairman of that Board ?

A. I have been a Commissioner since the year 1807 or 1808. I have been Chairman of that Board about seven or eight years by seniority.

Q. Is there any, and what quantity of ungranted Land fit for cultivation within the Seigniories belonging to the said Estates, and are there any and what Fees required and received, and by whom, upon Grants of Land within the same ?

A. I believe there are very considerable quantities of ungranted Lands within those Seigniories ; no Fees are taken that I am acquainted with ; the conditions are the same with those of other Seigniories.

Q. Was there at any time and when made by the said Board an Order that no Petitions for Grants of Land within the said Seigniories would be received or any other Order of a like purport ?

A. As those Seigniories are in possession of the Crown and under the immediate direction of His Majesty, I do not feel myself authorized to enter into any particulars respecting them, without the express permission of His Majesty's Representative.

Q. Are not the said Seigniories held by His Majesty in trust to ap-

ply the rents, issues, and profits thereof to the purposes of Education.

A. I must return the same Answer to this question.

Q. Have the same been so applied, or have they been applied to any other and what purposes, and to what amount?

A. I return the same Answer.

Q. Have not portions of the said estates been latterly alienated and disposed of, and to what purposes were the prices for what the same were sold applied?

A. Same Answer.

Q. What is the average amount of the revenues of the said Estates?

A. Same Answer.

Q. Have the Commissioners for managing the said Estates taken charge of the College situate in this City, and do they receive any and what rent for the same as Barracks or use to which it is now applied?

A. Same Answer.

Q. Have the said Commissioners ever applied for or received from His Majesty's Government in England any Order or Instructions to apply the said rents, issues and profits to any other purpose than the purpose of education?

A. Same Answer.

Q. Is there not in the Office of His Majesty's Council an Order directing that the same shall be applied to the purpose of Education, and what is the date of the said Order, and why has the same been disobeyed?

A. Same Answer.

The Honourable JOSEPH REMY VALLIERES DE ST. REAL, Speaker of the House of Assembly, gave the following information:

In the course of 1820 I was charged by some Officers of the late Embodied Militia, to make application to Government for Lands for them and some Militia Men, and in fact obtained some for one Sergeant and two Militia Men upon a first Petition. I paid two shillings and six pence for each person to the Surveyor-General for the Certificate of Vacancy, fifteen shillings and six-pence to the Clerk of the Executive Council for his Fees, and seven shillings and six-pence to the Surveyor-General for the Location Certificate: finding those disbursements large, I resolved to present no new Petitions without first asking for a reduction in favour of the Officers & Militia Men, and I accordingly presented a Petition to his Excellency the Governor in Chief, about the month of May 1821, on behalf of several Officers of Militia and Militia Men, praying his Excellency would order that they should be exempted from the disbursement of any monies, for obtaining their Lands. I received no answer to that Petition until towards the early part of last week, when having presented a Petition to his Excellency the Governor in Chief, on behalf of several Officers of Militia for Lands in the Townships of Norton and Warwick and having carried that Petition to the Executive Council, to which it was referred by his Excellency, I received, on the part of the Clerk

of the Executive Council, the Paper Writing which I now produce, containing a Resolution of the Council, grounded as I believe on my Petition aforesaid, presented in May 1821, and approved so early as the 2d June 1821.

*The Paper Writing produced by Mr. Vallières de St. Réal is as follows :*

**EXTRACT** of a Report dated 8 May 1821, made by a Committee of the whole Council, and approved by his Excellency the Governor in Chief in Council 2d June 1821.

"The Committee have proceeded to the consideration of the Petition of the Officers and Privates of the Militia respecting the Fees to be paid upon their application for Land, as well as the representation of the Clerk of the Executive Council thereon."

"The Committee are humbly of opinion, that the Fee of Five shillings to the Clerk of the Council, for all his proceedings in each case, as proposed in his representation, is a very moderate and reasonable compensation for his trouble ; and they conceive that the same sum to the Surveyor General for his services, antecedent to the issuing of the Letters Patent, would be sufficient if in each of the Militia Townships an Agent was appointed as in Hull, Rawdon, Kildare, &c.

"With respect to the Patent Fees, the Committee are humbly of opinion, that as the Lands ordered to be granted to Militia are in reward of services rendered to the Crown, the Patent Fees cannot be charged against them."

Certified.

H. W. RYLAND.

**COPY** of the Representation from the Clerk of the Executive Council referred to in the foregoing Report.

"On the Petition of sundry Officers and Privates of the Militia, to be relieved from the payment of the usual Fees to the Clerk of the Executive Council on Petitions for Grants of the Waste Lands of the Crown, that Officer begs leave to observe:

"That he has always been disposed to wave a strict application of the Orders in Council, respecting his Fees of Office in cases of this nature.

"That in the year one thousand eight hundred, when the Colonels of the British and Canadian Militia came forward for the purpose of obtaining Grants of Land for the Officers, Non-Commissioned Officers and Privates who had served during the Siege of Quebec, he most willingly acceded to a proposal that the Fee to be paid to the Clerk of the Council should be commuted for five shillings for each individual included in the Petitions of the Commanding Officers, and he is disposed to acquiesce with cheerfulness in any

“ regulation which the Governor and Council may think proper to adopt on the present occasion.

“ He will only further remark that the business done in the Executive Council Office at the instance of Individuals, and with a view to their personal benefit, lays upon him a burthensome duty, and obliges him, at his own expense, to provide additional assistance beyond what the establishment of the Council Office affords.”

(Signed)

HERMAN W. RYLAND.

Executive Council Office, }  
Quebec, 19th Feb. 1821. }

Certified.

H. W. R.

MARCEL DIONNE, of Nicolet, Yeoman, appeared and stated, that he is married, and has a wife and three children, that he served during the late war in the Fourth Battalion of Embodied Militia, commanded by Colonel Voyer, during twenty months; he produced a discharge signed by Colonel Voyer, which certifies that he served from the month of May 1813 until the fourth of November 1814; he is proprietor of a Land at Nicolet by virtue of a Donation for an annuity made to him by one of his Uncles.

Q. Have you ever made any application for Lands as a Militia Man?

A. I made application about four years ago, being then a Bachelor, jointly with seventeen or eighteen other young men who had served in the Militia, for Lands in a Township in rear of Nicolet; I, and also the others went to inspect the Lands, we even paid the Surveyor thirty-three Dollars to point them out to us, and survey them if we should find that they suited us; but having heard that we should be obliged to make and keep up all the roads and make the clearings, ditches and works along Division lines between such of our Lands as might border on the Crown and Clergy Lands, we abandoned our project of settling there: this information we acquired of the Surveyor above-mentioned, who had in his hand a Diagram of the Township, and pointed out to us the Lands by referring to the Diagram: we moreover incurred other expenses to obtain those Lands; we paid a Notary for drawing up a Petition, we paid an Agent to repair to Quebec to solicit on our behalf, and obtain our Lands; he made several trips thither, for each of which we were obliged to pay him, I had besides, as well as several others, incurred some expense for procuring Instruments to work with in opening those Lands, and for Provisions, in the hope of soon commencing the settlement, and all those expenses became useless, and this project being abandoned by most of us, we sought to procure Lands else-

where in the neighbouring Seigniories, where they might be settled with greater facility, and the road labour and other works above-mentioned be so performed jointly with their neighbours and with the other Inhabitants thereabout.

The object of my present journey to Quebec, was to procure further information respecting the means of obtaining Lands as having served in the Militia, and I performed the journey at this season having heard that we have only until the month of May for coming forward: having heard since my arrival here that it was necessary to pay something further in order to obtain them, and having already expended much money, I think I shall be obliged to give the matter up—I now hold the discharge of another Militia Man who has requested me to act for him respecting the same object, in procuring Lands for him, but I shall not do so because he will not disburse any money, he has told me to sell his share if I could, and to get for it what I could. I know a great number of young men in the Parish of Nicolet, in which I live, and in the neighbouring Parishes, who are situated as I am and who have abandoned their endeavours to procure these Lands for the same reasons as mine; discouraged by the obstacles and expenses, many of them have gone to settle in the Seigniories in which they have been able to procure Grants of Land, and the others are endeavouring to procure some.

JEAN BAPTISTE DES ILETS, of Nicolet, Yeoman, appeared and says, that he is married and has a wife and one child, that he was a Serjeant in the First Battalion of Embodied Militia, commanded by Colonel Taschereau, during thirteen months, from the eleventh February 1814 to the eight March 1815, and he makes precisely the same statements, adding that he is the bearer of two discharges besides his own, that the persons to whom those discharges were given have also directed him to try to sell their claims if he could get a fair price, and to get for them as much as he could get for his own.

ALEXANDRE PINARD, of Nicolet, Yeoman, then appeared and stated that he is a Bachelor, and that he served as Militia Man in the First Battalion of Embodied Militia, from the twenty-fourth February 1814 to the eighth of March 1815, and he makes exactly the same statements as in the two foregoing depositions, adding that he is the bearer of another discharge besides his own, and especially of one from his brother, who was a Corporal in the Fifth Battalion of Embodied Militia, and who directed him not to sell his lot if it should be near the Parish of Nicolet, which is his place of residence, but otherwise to get for it the price at which he might sell his own.

JACQUES MORIN, of the Parish of St. Vallier, Yeoman, a Captain of Militia, appeared before your Committee, and being examined made answer as follows :

Q. Have you a knowledge of the quality of the Crown Lands in rear of the Seigniories of *St. Gervais* and *Ste. Anne du Sud* inclusive, and what is their quality ?



A. I know those Lands, having been in the habit of hunting there seven or eight days at a time, almost every year for the last twenty-five years: the Land in general is fine, it is mountainous in rear of L'Het, St. Thomas, and St. François, but it is level in rear of St. Valier, where the Lands at the distance of four Leagues are the finest I have seen in our parts; those which are mountainous, contain much good Land, very fit for cultivation. I have gone fourteen leagues into the Interior, and found the Lands good: were the Crown to grant to the Militia Men of each Parish the Lands along the rear of each Parish, it would be beneficial to the Militia Men, and the country would thereby be enlarged, for a removal to the Upper parts of the country is considered by the Militia Men to be a removal to too great a distance, and being in the neighbourhood of their relations would contribute more to their support, it would also do them an honour to keep those Lands as having been given them by the King for their services. The men of my Company wish to have their Lands at the extremity of the Seignior, to be enabled to settle them, and they would go thither immediately, and it is their intention soon to present a Petition to His Excellency the Governor in Chief for permission so to do.

JOSEPH BOUCHETTE, Esquire, Surveyor-General of Lower-Canada, appeared before your Committee.

Q. What is the entire quantity of Land required for the Militia who served during the last war with the United States, according to the proportions ordered by His Majesty?

A. Not knowing the exact number of men who served in the Six Battalions of Incorporated Militia and Voltigeurs, I cannot speak with certainty, it must however exceed seven hundred thousand Acres.

Q. What is the quantity of Land which has been laid out for this purpose, and the quantity under Location Certificate or Patent?

A. The quantity of Land surveyed and laid out in the Field for the Militia, amounts to two hundred and fifty-seven thousand acres, the quantity located, sixty-three thousand six hundred, the greater part thereof to Officers, some of whom having fulfilled the conditions of settlement, have obtained their Grants under Letters Patent.

Q. What proportion of Land is granted to Officers, and what to Non-Commissioned Officers and Privates?

A. The quantity of Land to be granted to Officers, Non-Commissioned Officers and Privates who have served in the late American War, in the Incorporated Corps of Militia is as follows:

|                             |                       |
|-----------------------------|-----------------------|
| Lieutenant Colonel.....     | Twelve hundred Acres. |
| Major.....                  | One thousand do.      |
| Captain.....                | Eight hundred do.     |
| Subaltern.....              | Five hundred do.      |
| Serjeant Major.....         | Three hundred do.     |
| Quarter Master Serjeant.... | Three hundred do.     |
| Serjeant.....               | Two hundred do.       |
| Private.....                | One hundred do.       |

**Q.** What Fees were originally required and received by the different Officers of Government on Grants of Land?

**A.** I cannot positively answer in respect to the Fees required and received by other Officers of Government, more especially as they may be called upon, and are the most fit to state the same, but with respect to my Fees as Surveyor General of this Province, I beg to refer to the following statement :

Fees received by the Surveyor General by virtue of several Orders in Council.

|                                                        |                                                              |
|--------------------------------------------------------|--------------------------------------------------------------|
| First order in Council dated Fourth December 1797.     | { On Patent Grants, per thousand acres £0 15                 |
|                                                        | { On Water Lots, per per hundred feet front 2 6 s            |
|                                                        | { Proportional encrease above that quantum.                  |
| Second order in Council, dated eleventh December 1805. | { Upon every Diagram ..... £0 10 0                           |
|                                                        | { Every Certificate of Vacancy ..... 0 2 6                   |
|                                                        | { Every Search ..... 0 1 3                                   |
|                                                        | { Every Description, per Lot ..... 0 1 3                     |
| Third order in Council, dated 7th November 1819.       | { Upon every Location Certificate ..... £ 6 8                |
|                                                        | { And for Printing and Stationery ..... 0 1 0                |
| Fourth order in Council, dated 8th May 1821.           | { For every Location Certificate to the Militia ..... £0 5 0 |

**Q.** Can you say what are the number of Applications made by the Militia for Lands?

**A.** I cannot state the number of Applications that have been made by the Militia for Lands, however upon an average calculation about one hundred and sixty thousand acres were certified to them, chiefly to Officers.

**Q.** Have the Militia obtained Lands in any other Townships than those specially set apart for that purpose?

**A.** Yes, in several other Townships, namely, Upton, Aston, Kingsey, Stukely, Kilkenny, Horton, Warwick and Dudswell.

**Q.** Have there been any and what changes taken place in the Fees, taken in the different Offices for Lands so applied for, when, and how?

**A.** The only changes which have to my knowledge taken place, is latterly in respect to the Militia, and that by an Order of Council of the eighth May 1821, by which the Fee allowed to the Clerk of the Executive Council is reduced from fifteen shillings and six pence per Application, to five shillings; and my Fee as Surveyor General is also reduced from seven shillings and eight pence to five shillings: with respect to other changes they have already been stated in my answer to the third question.

**Q.** What causes in your estimation have retarded the Grants to the Militia?

**A.** I cannot positively say; perhaps it may be attributed to the intricate forms which Militia Men must go through, previous to obtaining their Location, and the necessity of employing Notaries and others to draw up Petitions for them at considerable expense. Were it

possible to simplify the present system of granting Lands to the Militia, it would not only obviate those difficulties and delays, but be an inducement for them to come forward.

Q. Do you not apprehend that if Lands had been tendered to the Militia without Fees, and in the proximity of the respective Parishes where they reside, as much as possible, settlements of Militia Men might and would have been effected?

A. I do not conceive that a tender of Lands to the Militia without Fees would have materially promoted settlements of Militia Men in the proximity of the Parishes they reside in, nor do I conceive the Fees as now reduced can prevent them from coming forward for their Locations, especially when the Patent Fees are not to be charged them, therefore that compensation is as little as can be reasonably allowed to Officers of Government for additional Duties. With respect to laying out Lands in the proximity of the Parishes in which Militia Men reside, it is not practicable in many parts of this Province, especially in the Districts of Montreal and Three-Rivers, but might be carried into effect in this, on the South side of the Saint Lawrence, below Quebec; although the Lands may be found sufficiently good, they are not equal in quality to those appropriated for the Militia, in the vicinity of Craig's road; besides were Grants to the Militia made in the rear of the respective Seigniories, it might be attended with considerable expense; but admitting that Lands were tendered without Fees to the Militia, the greater part of them are destitute of the means of entering upon, and fulfilling the conditions of their Location, although moderate, and also a great majority thereof, who are not at all inclined to settle on new Lands; which induces me to observe that if Militia Establishments are to be encouraged, a distinction should be made between those who are desirous of *bonâ fide* settling, and those who (equally entitled to the King's bounty) after receiving their Location dispose of the same; if therefore a Township in each District was appropriated for the sole purpose of immediate settlement under superintendence, and that one year's provisions together with implements of Agriculture, &c. were allowed to such as would settle therein, I entertain no doubt of the most beneficial effect resulting therefrom.

Q. Do you think that the Militia Men of the District of Montreal could be induced to remove the distance from their homes that several Militia Townships stand in?

A. For the reason already stated, I do not conceive that Militia Men would be induced to move from the District of Montreal to the Townships already allotted for them in the Districts of Quebec and Three-Rivers, unless a provision were made to enable them to do so, nor even then would it be as convenient as if the Lands were situated in their District.

Mr. WILLIAM KEMBLE, Lieutenant on Half-Pay of the late Glengary Fencibles, then appeared before your Committee:

Q. Have you had any and what means of becoming acquainted

with the amount of Fees required and received upon the granting of Lands in the adjoining Province of Upper-Canada?

A. Yes, this paper produced by me contains the Table of Fees exacted in Upper-Canada.

*Fees on Land in Upper-Canada.*

|                         |                                      |  |
|-------------------------|--------------------------------------|--|
| Fifty Acres.....        | Gratis,                              |  |
| One hundred do.....     | Twelve pounds Sterling,              |  |
| Two hundred do.....     | Thirty do. do.                       |  |
| Three hundred do.....   | Sixty do. do.                        |  |
| Four hundred do.....    | Seventy-five do. do.                 |  |
| Five hundred do.....    | One hundred and twenty-five do. do.  |  |
| Six hundred do.....     | One hundred and fifty do. do.        |  |
| Seven hundred do.....   | One hundred and seventy-five do. do. |  |
| Eight hundred do.....   | Two hundred do. do.                  |  |
| Nine hundred do.....    | Two hundred and twenty-five do. do.  |  |
| One thousand do.....    | Two hundred and fifty do. do.        |  |
| Eleven hundred do.....  | Two hundred and seventy-five do. do. |  |
| *Twelve hundred do..... | Three hundred do. do.                |  |

Q. Are they the same Fees which were required and received previous to the last general pacification of Europe, or have they been augmented and to what extent?

A. Up to the year 1817, the Fee taken upon a Grant of twelve hundred Acres, was Fifty Pounds sterling, it is now encreased to Three Hundred Pounds sterling: these Fees do not apply to the Military settlements.

Lieutenant Colonel VASSAL DE MONVIEL, Adjutant General of the Militia of Lower Canada, appeared before your Committee:

Q. How long have you been Adjutant General?

A. Since the year 1812.

Q. When was His Majesty's Order to grant Lands to the Militia Men made public in this Province?

A. I do not recollect the date, but it was after the war.

Q. Has that Order been communicated to you officially?

A. I do not recollect that it has been communicated to me officially, there is in my Office an Order respecting discharged Soldiers to whom His Majesty has given and granted Lands.

Q. What is the Militia Force of Lower Canada for the year 1822?

A. Seventy thousand four hundred and forty-three men.

Q. Have any applications for Lands been made through you by Militia Men who served during the late war?

A. Very few since the last Proclamation, however a greater number of them have come forward, to whom I have given certificates of service.

Q. What course do the Militia Men follow for obtaining their Lands?

A. First, they must present a Petition to the Commander in Chief; Secondly, they must have a certificate of the Surveyor General de-

\* Before the Establishment of this Table, the Fees on twelve hundred Acres of Land were Fifty Pounds sterling, the new Tariff was not acted upon before 1817.

claring that such a Lot in such a Township is vacant ; Thirdly they must have a Certificate from the Secretary of the Province, that such a number in such a Township has not been granted by Patent ; Fourthly, a certificate from the Adjutant General, declaring that the statements in their Petition are true, and that they have in fact served as stated ; the whole ought to be annexed to the Petition and presented to the Commander in Chief who orders that a reference to the Council be indorsed upon the Petition by the Civil Secretary, upon which Petition the Committee of the Council make report, and then the Petitioner, laying before the Surveyor General that Report approved by His Excellency, receives from the said Surveyor General his Location Ticket.

D. Do you know the existing Fees which the Militia Men are liable to pay ?

A. Yes, they are as follows : I do not know how much the Notary has of them for preparing their Petition : for obtaining at the Surveyor General's a certificate of vacancy, two shillings and six pence : for a number whatever it may be at the Office of the Secretary of the Province, two shillings and six pence ; to the Clerk of the Executive Council when the Petition is presented by one ore more persons, five shillings for each person named in the Petition ; and at the Surveyor General's for the Location Ticket, five shillings each.

Q. Does the same rule with respect to Fees extend to the Officers of Militia ?

A. I paid for myself, and for several Officers who forwarded their Petitions to me, at the Office of the Executive Council, fifteen shillings and six pence on each Petition. It is true that I do not recollect whether in those several Petitions there were several persons interested or not, and I do not remember at what time I paid the Clerk of the Executive Council fifteen shillings and six pence for the said Petitions.

Q. Were those Petitions presented after the mouth of June 1821 ?

A. I believe they were, especially one, which I presented for Mr. E. N. L. Dumont.

Q. Is there any Office in the other Districts at which Militia Men may apply to obtain their Lands, or are they under the necessity of applying at Quebec personally or by their Agent ?

A. Yes, I believe they are under that necessity, for I do not believe there is any other Office at which they can apply to obtain their Lands.

Q. Has not that manner of granting Lands to the Militia Men occasioned delays and lessened the value of His Majesty's gift ?

A. Yes, and I am persuaded that is what has prevented most of the Militia Men from claiming their Lands, especially upon their learning that so many proceedings and the disbursement of so much money were necessary.

Q. What necessity is there for a certificate of service from each Militia Man, and what has prevented a General Return from each



Battalion of Militia which served in the late war from being made to His Excellency, in order to proceed and carry into effect His Majesty's Orders for granting Lands to the Militia ?

A. I conceive that the certificate of the Adjutant General was only required for ascertaining positively whether the Militia Men who come forward did actually serve, by examining their discharge and finding whether the description thereunto annexed corresponds perfectly with the person : such I conceive to be the reason why that has been required and is necessary.

Q. Is then the presence of each Militia Man at Quebec necessary for identifying his person by the description ?

A. No, because when he appoints an Attorney he ought on forwarding to him his discharge to annex thereto a certificate of the Officer commanding the Battalion of Militia in which he served.

Q. What difficulty do you perceive in there being a General Order passed in the Executive Council, after a General Return from each Battalion of Militia, directing the granting to each Militia Man therein named of the respective quantitles of Land which it has pleased His Majesty to order should be granted to them, such Order of Council being afterwards delivered to the Surveyor General, to be by him carried into effect, under such regulation as it might be found expedient to make ?

A. The Militia Men having been embodied and called out in turn for actual service, I think it would be difficult to make a perfectly correct Return of all those who have served. The Officers commanding the several Corps of Embodied Militia never having returned to me a Return of the names of the Militia Men who composed their respective Corps, application should be made to them for such Returns which I think they would find it very difficult to do, whereas on producing their discharge or causing it to be produced by their Attorney no mistake can occur : and the General Order which you speak of might equally be forwarded to the Surveyor General, and to the Adjutant General who might then carry it into effect.

Q. Is there any particular allowance for the additional service rendered in the Office of the Adjutant General in comparing the Militia Men with their description, and in giving them certificates ?

A. No, there is no Fee for that.

Q. Do you know at what price the right of the Militia Men to two hundred acres has generally been sold ?

A. No, I do not know positively, but I have heard several persons say, that from six to ten dollars had been given for the Lots of the Militia Men ?

FRANCIS KAIN, a discharged Soldier in the Welch Fusileers, Twenty-third Regiment, discharged at Chelsea after having passed a Board, being disabled by wounds, appeared before your Committee and says, that he joined his Regiment at Colchester and was at the Battle of Copenhagen in 1807. They then proceeded to Halifax and went on the Expedition, under Sir George Prevost, against the Island of Martinique, from that he returned to Halifax, and then went to

Portugal. Our Regiment there was a flank Regiment, we fought our way through Portugal up to Spain ; we were at Ciudad Rodrigo, at Salarica, Salamanca, the Plains of Albuera, where I received nine wounds, two sabre cuts in the head, and one through the shoulder blade, one gun shot in the thigh, and a tramp of a horse on the breast, the others were trifling hurts. My instructions from Chelsea are that "Francis Kain is totally disabled by wounds." I landed here on the first of July, in the year that the Duke of Richmond died, with a wife and three children, the youngest of whom was at the breast, and the oldest a girl of thirteen or fourteen years of age. I had a free passage from His Royal Highness the Duke of York. They told me at the Office that I should get Lands and Rations from the Duke of Richmond, and that a letter to that effect had been written to him.— Upon my arrival here I was sent by the assistance of Captain Browne who served in the same Regiment, and Captain Fowler, to the settlement of Drummondville, with a letter to a gentleman there, to place me on some Lands until His Grace the Duke of Richmond should be down from Upper Canada whither he had gone. I remained there about two months and then returned to Quebec, my wife washed for three or four gentlemen of the Commissariat, and I was Coachman to a gentleman during winter, and worked at the King's works during Summer. I have since lost my wife and eldest child, and purpose to go home next Spring. About the middle of June last when my wife got very bad, I applied to Colonel Bouchette for Land and he made me present of a certificate for nothing ; the Petition was then given to the Governor, the Duke's letter was also enclosed with Colonel Bouchette's certificate in my Petition, I was answered at Mr. Montizambert's office, that the Land was granted to me. I was then sent to Mr. Lane's Office to get a certificate which cost half a Dollar, Mr. Campbell the Notary paid it for me ; I then came back to Mr. Montizambert's Office who signed it, and told me to leave it at Mr. Ryland's Office up stairs ; I called there three or four times, but I could never get any satisfaction. The gentlemen in that Office told me that the Council had not sat on it ; I have not called there for the last eight or ten days, and I give it up. The Clerk in the Office told me that I should get a certificate from my Captain, I got this from Captain Browne who knew that I was a wounded and disabled Soldier, and I returned it to the Clerk in the Office who pinned it to the other papers. I asked the Clerk in the Office what there was to pay, he said fifteen shillings : I told him that I was not able to pay unless I got somebody to pay it for me, and how much I had suffered during last summer from the illness of my wife ; he said that if I would let the Committee know of my distress and that I had had no employment during the summer, they might perhaps, forgive it me.— I never looked about it since.

Mr. WILLIAM MEIKLEJOHN then appeared before your Committee, and stated that he had been reared to the Mercantile Pro-

session, and resided upwards of twenty years at Quebec, bestowing his time during a large part of that period upon Trade and Mercantile Affairs.

Q. What has been the Surplus Agricultural Produce annually exported from Lower-Canada, and supplied by its own resources from the year 1774 downward, so far as you have had any means of information upon this subject?

A. In the years 1779, 1780, 1781 and 1782, so great was the scarcity occasioned by bad Crops, and the troubles in Canada by the Revolutionary War, that Exportation was prohibited, and Supplies of Bread, Flour and Provisions sent from England.

From 1788 to 1792, the Crops were considered a fair average, and considerable Exportations made of Wheat and Flour, but I have no account of the quantities. The ten years from 1793 to 1803, without Foreign Supplies, exported as follows :

|                | 1794   | 1794   | 1795   | 1796 | 1797  | 1798  | 1799   | 1800   | 1801   | 1802    |
|----------------|--------|--------|--------|------|-------|-------|--------|--------|--------|---------|
| WHEAT,         | 487000 | 414000 | 395000 | 3106 | 31000 | 92000 | 129000 | 217000 | 473000 | 1010043 |
| Flour, (Bbls.) | 10900  | 13700  | 18000  | 4300 | 14000 | 9500  | 14400  | 20000  | 38000  | 28300   |
| Biscuit, (cwt) | 9800   | 15000  | 20000  | 3800 | 9000  | 12000 | 21500  | 28000  | 32300  | 22051   |

|                   |                                                              |              |              |
|-------------------|--------------------------------------------------------------|--------------|--------------|
|                   | Bush. Wheat,                                                 | Bbls. Flour, | cwt Biscuit, |
| Amounting to      | 3,251,139                                                    | 171,100      | 169,451      |
| Annual Average    | 325,114                                                      | 17,100       | 16,945       |
| Do. of Flax-seed, | 7,500 bushels, and of Pease, Oats and Barley, 4,000 bushels. |              |              |

From 1802 forward, Crops were favourable, and the American Embargo following, Exportations, in consequence of United-States Flour and Provisions passing through Canada to a Market, were large ; but I cannot at present lay my hand on the Account of the Amounts, nor of the quantity from the United-States passing through Canada. During the late War, Supplies from the United-States were but trifling, and Exportations small.

In June 1815, the Governor and Council permitted the free Importation of Flour and Provisions from the United-States. Previous to the American Embargo, the Genessee (that is the Western Section of the State of New-York,) was not well settled, and the quantity of United-States Flour, &c. passing down the Saint Lawrence was not considerable ; but I think (indeed it is certain,) the Embargo produced a great annual encrease of the Trade in Flour and Provisions up to the commencement of the War.

The Agriculture of Upper-Canada was unavoidably much neglected during the War, and that Country was so much wasted, that the Distillers were, by the authority of the Government, not permitted to work until or after the year 1818 ; then Upper-Canada reviving, began sending down a little Flour, and notwithstanding the great influx of Emigrants last year, exported about 20,000 barrels of Flour.

The Exports of Bread Stuffs from the Port of Quebec for the last seven years 1816 to 1822 inclusive, in something near round numbers, is as follows :

|                   | 1816 | 1817 &<br>1818 | 1819  | 1820   | 1821   | 1822   |
|-------------------|------|----------------|-------|--------|--------|--------|
| WHEAT, (Bushels.) |      | 546500         | 37800 | 320000 | 318400 | 145000 |
| FLOUR, (Bbls.)    | 1137 | 69100          | 12100 | 45000  | 22600  | 47700  |
| BISCUIT, (Cwt.)   | 456  | 22700          | 11200 | 8800   | 11200  | 13500  |

|                 |              |              |               |
|-----------------|--------------|--------------|---------------|
|                 | Bush. Wheat, | Bbls. Flour, | Cwt. Biscuit, |
| Amounting to    | 1,367,700    | 197,637      | 67,856        |
| Annual Average, | 195,386      | 28,233       | 9,694         |

Barley, Oats and Peas near the Average of the ten years, ending in 1802, Flaxseed less : the previous ten years give an average on seven years of Two Million Two Hundred and Seventy-five Thousand Bushels of Wheat, and Two Hundred and twenty-seven Thousand Barrels of Flour. I consider from the resources of Canada alone. The difference now I ascribe to the great encrease of Population and the stationary state of Cultivation. Biscuit first ten years is nearly doubled to that of last seven years in proportion.

The Importations during the last seven years (mostly from the United States) are in Flour and Grain, to my conviction equal to the Exportations, and Provisions, Live Stock, &c. far exceeding, and unless the encouragement and stimulus afforded by the Agricultural Societies promote improvement, things will continue getting worse. As the Habitans go on with a Succession of *Scourging Crops* exhausting the Soil, that is White Crops, Wheat, Oats and Weeds, without a Succession of Green Crops, and not *bare Summer fallowing* or drillings, and laying down with sown or artificial Grasses.

It has been reported (I hope erroneously) that a reverend and most respectable Body discourage the introduction of Green Crops : mistaken views of immediate private interest ought not to stand in the way of Patriotism and the general good, as Green Crops refresh and prepare the Soil for yielding more abundant Wheat Crops. I doubt not but those enlightened Gentlemen have discrimination to see, and Public spirit to encourage all substantial improvements.

The Soil and Climate of Canada come the nearest of any part of the World we are acquainted with, those of the Hemp Countries of to Europe : the judicious and extensive introduction of that article would be a mine of Wealth to this Country, and there would be a certainty, under the fostering assistance of the most beneficent of all Governments, of a constant demand and liberal prices.

The honest and innocent Peasantry of this Country most unfortunately have a dislike to Corn Spirits: until the Manufacturing and Consumption of this is generally introduced, there will be a want of demand for the native Grain; this Branch of Business would afford employment to many hands, and the offals is the best Feed for Bestial: let us look to the United-States, to Great-Britain or Ireland, and the other Eastern or Corn Countries in Europe, and there we see how this Branch aids the operations of the Cultivator of the Ground, and in Upper-Canada the People may now be said to deny themselves the use of Foreign Spirits, not by legal enactment, but by their patriotism and good sense, in finding a Home Market for their Grain by distillation and brewing. If five thousand puncheons of good Whiskey were annually made in Lower-Canada, the Country would be independent of Foreign Demand for Grain, which is at the best precarious, and this quantity is not half of our yearly Supply of Rum now a days. The Manufacture of Barley into Beer and Spirits, of late years, I estimate from forty to fifty thousand minots, and did not, at any period, reach one hundred thousand minots.

The Census taken in 1784 is as follows:

| No. of Souls. | Bush. of Grain sown yearly. | Land in Cultivation. | Horses | Oxen.  | Cows   | young Cattle | Sheep  | Hogs.  |
|---------------|-----------------------------|----------------------|--------|--------|--------|--------------|--------|--------|
| 118,012       | 983,349                     | 1,569,818            | 90,096 | 22,094 | 44,291 | 32,206       | 84,666 | 70,466 |

I consider the Population now quadrupled, the encrease of Bestial not doubled, and the encrease of cultivated Land about one-third. If this view is near the truth, and I think it will be so found, it establishes what appears from the Amount of Exports and Imports, that the Country does not produce subsistence, in the way of Production, to its native Population; but computing on this datum, the Amount will be found as follows:

452,018 511,132 2,093,091 60,192 44,188 88,582 64,412 169,332 140,932

Of the above gross Population suppose 400,000 are Bread Eaters, and allowing one with another one pound per day; it is known to intelligent Millers and Bakers that a pound of good clean Canada Wheat yields just one pound of good Household Bread: hence the consumption of 400,000 times 365, making 146,000,000, divided by 60, as the number of good clean pounds of Wheat in the minot, (allowing for Mill Waste, &c.) gives 2,433,333 minots of Wheat consumed by the resident Inhabitants in Bread.

The quantity of Pease used in Soup, is also very considerable, as also Pease, Barley and Oats milled (broke down,) into *Goudriole*, and Potatoes for fattening 140,000 Pigs, and the Oats as part of the feed of 60,000 Horses is very great, with Offals of Wheat, Bran, &c. It appears to me of importance to ascertain this nearly, which



can be explained with the assistance of some of the Country Members, (perhaps named of this Committee,) so as to shew as nearly as possible the actual Produce of the Soil, and hence to estimate the loss by the injudicious system of cropping the Lands.

By Acres in cultivation I understand the Pasture as well as Tillage Lands, as they are *white* cropped and pastured in alternate succession, and in many parts of the Country in nearly equal portions. The following Table will give a general *Vidimus* :

|                                                                                         |                          |
|-----------------------------------------------------------------------------------------|--------------------------|
| Acres in Cultivation.....                                                               | 2,093,091                |
| Deduct Acres of Pasture Lands.....                                                      | 1,046,545                |
| Roots, (Potatoes, &c.).....                                                             | 240,000                  |
|                                                                                         | <hr/> 1,286,345          |
|                                                                                         | <hr/> In Crop... 806,546 |
|                                                                                         | <hr/>                    |
|                                                                                         | minots.                  |
| Sown yearly.....                                                                        | 511,132                  |
| Barley made into Beer, &c.....                                                          | 50,000                   |
| Wheat made into Bread, &c.....                                                          | 2,433,333                |
| Oats to Horses, &c.....                                                                 | 1,080,000                |
| Pease in Families for Soup, &c.....                                                     | 400,000                  |
| Pease, Barley and Oats made into <i>Goudriole</i> , for<br>feeding Pigs, Fowls, &c..... | 420,000                  |
| Exportation, allow.....                                                                 | 105,535                  |
|                                                                                         | <hr/> 5,000,000          |
|                                                                                         | <hr/>                    |

Amount, 5,000,000 minots, as the Produce of 806,000 Acres under Tillage, (not including Potatoes, Turnips and other Roots, and Flax.) On the general average, six minots per Acre.

Want of Roads I consider the greatest obstacle to improvement in any Country ; nothing exemplifies this more forcibly, even in old Countries, than the present state of France and England. In the former there are only four great Public Roads, and from want of intersecting Roads, Grain and other bulky Articles are often dearer in one place than in another, twenty or thirty per cent, at a distance of only so many miles ; whereas in England there are great Roads and Canals in all directions, and a good Road to every Farm ; hence in a great measure arises the wealth and prosperity of that Country ; nor do I see how this *stop* can be obviated while the Clergy Reserves remain in the way as they are at present, and for time past have been, and large Grants of Land without intermediate and successive annual clearing, and cultivating and settling : until these contribute their just and equal proportion, the best and most beneficent intentions for the prosperity of Lower-Canada are defeated, and settling and improving the Country much retarded, if not entirely put a stop to.

PETER BURNETT, Esquire, Merchant, appeared before your Committee, and stated that he had been reared to the Mercantile Profession, and resided since 1810 at Quebec, bestowing his time during that period upon Mercantile Affairs.

Q. What has been the surplus Agricultural produce annually exported from Lower-Canada, and supplied from its own resources from 1810 downward, so far as you have had any means of information upon this subject?

A. I have only made calculations for the last five years, which are as followeth:

Statement of Imports and Exports since 1818.

|                                                                                                                                     | Barrels      |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Exported in 1818—401,791 Minots of Wheat, 5 Minots of which equal to 1 Barrel of fine Flour, is.....                                | 80358        |
| 8461 Quintals Bread, each Quintal equal to $2\frac{2}{3}$ Minots of Wheat is 20,306 Minots and 5 of which is equal to 1 Barrel..... | 4061         |
| 30,543 Barrels Flour exported in 1818,.....                                                                                         | 30543        |
| The total Exports of 1818, equal to Bbls..                                                                                          | 114962       |
| (Deduct) Imported in 1818, Bbls.....                                                                                                | 45236        |
|                                                                                                                                     | <hr/> 69726  |
| Exported in 1819—37,895 Minots of Wheat, 5 Minots equal to 1 Barrel .....                                                           | 7579         |
| 11,256 Quintals of Bread, each Quintal equal to $2\frac{2}{3}$ Minots of Wheat is 27014 Minots of which 5 equal to 1 Barrel.....    | 5403         |
| 12,086 Barrels of Flour exported in 1819.                                                                                           | 12086        |
| Total Exportation of 1819, equal to, bbls..                                                                                         | 25068        |
| Imported in 1819.....                                                                                                               | 21733        |
|                                                                                                                                     | <hr/> 3335   |
| 1820—319048 Minots of Wheat, 8732 quintals of Bread, 45369 barrels of Flour, equal to, bbl's,                                       | 113369       |
| Imported in 1820.....                                                                                                               | 45252        |
|                                                                                                                                     | <hr/> 68117  |
| 1821—Exported, 318483 Minots Wheat, 11281 quintals Bread, 22635 Barrels of Flour, equal to.....                                     | bbls.. 91745 |
| Imported in 1821.....                                                                                                               | 66956        |
|                                                                                                                                     | <hr/> 24789  |
| 1822—Exported, 147285 Minots Wheat, 11492 quintals of Bread, and 47247 barrels of Flour, equal to.....                              | 82220        |
| Imported in 1822.....                                                                                                               | 62571        |
|                                                                                                                                     | <hr/> 19649  |
| Barrels of fine Flour.....                                                                                                          | <hr/> 185616 |

Brought over,

185,616

The above Statements are partly taken from the Custom House Returns here and in Montreal, but a considerable quantity of Flour and Wheat has been imported without being entered at the Custom House ; this quantity is variously estimated at from 4,000 to 8,000 Barrels, I shall therefore allow it to be equal to 6,000 Barrels annually, which for five years will Amount to

30,000

|                         |         |
|-------------------------|---------|
| Barrels fine Flour..... | 155,616 |
|-------------------------|---------|

It thus appears that the Exportation of Flour, Bread and Wheat for the last five years has exceeded the Importation equal to One Hundred and Fifty-five Thousand Six Hundred and Sixteen Barrels of fine Flour or Thirty-one Thousand One Hundred and Twenty-three Barrels annually.

In making these calculations I have endeavoured to follow the rules acted on by most practical Men who are in the habit of Manufacturing, Baking, &c. and I believe also the usual mode of ascertaining the quantity of Agricultural produce furnished for Exportation by Lower-Canada : I must however state, that I doubt the principle being a fair one on which these calculations are founded, as it appears to me that in place of bringing the Wheat into its comparative value in fine Flour, it ought to be brought into such a quantity of Flour as is generally brought to market, and in fact such as is in use all over the Country by the Inhabitants : I shall therefore go on to show what the surplus produce would be in that way ; but as the Importation of fine Flour has considerably exceeded the Exportation, I allow that an equal quantity of fine Flour might reasonably be supposed to be manufactured for the consumption of the Country if the Wheat was not exported or that the Importations of fine Flour did not exceed the Exports.

I therefore calculate a sufficient quantity of Wheat to make up the difference in the Importation of fine Flour (at the rate of five Minots of Wheat to one Barrel fine Flour) and the remainder of the Wheat exported : I calculate as one Minot to produce forty-seven pounds of good Flour, and that two and two fifth parts Minots Wheat could be manufactured into one Quintal of Bread equal to what is generally exported.

The Importation of Flour into Lower-Canada during the last five years.

1818—45236

1819—21733

1820—45252

1821—66956

1822—62571

————241748 Barrels of Flour per Custom House Returns.

6000 Barrels} annually. } 30000 { Barrels—the quantity not entered  
supposed equal to this.

Total, 271748 Barrels.

Exported Flour.

1818—30543

1819—12086

1820—45369

1821—22635

1822—47247,

————157880,

————113868.

The Importation exceeding  
the Exportation 113868 bbls.  
fine Flour, the difference is  
of course consumed in the  
Country.

Wheat exported.

1818—401791

1819—37895

1820—319048

1821—318483

1822—147285,

1224502 quantity of Wheat exported

Of which is calculated }  
at 5 minots equal to one } 569340—113868  
Barrel of Flour, }

Leaving of wheat, Bbls.

655162

Which at 47lbs. of Flour

each minot, is

157105.

Consequently it requires 569340 minots Wheat to make the Imports and Exports of Flour exactly the same, and this quantity of wheat being deducted from the whole Exportation ; what remains added to the bread exported and brought to their comparative value, wheat at 47 lbs. to one minot, and bread at  $2\frac{2}{3}$  minots to one quintal will shew how much the Exports exceeds the Importation in good *Farine entière*.

It thus appears that if the surplus quantity of wheat and bread exported during the last five years be reduced to its comparative value in Flour, the result will be one hundred and eighty-six thousand five hundred and eighty-three barrels or thirty-seven thousand three hundred and twelve barrels, of good *Farine entière* annually exported, and which is the produce of Lower-Canada. In the above calculation, not having the Returns by me, I have not included the quantities of Bread and Flour which have been exported for the Fisheries and to several small Ports within the Province ; and satisfied that the results in so far as regards mercantile purposes are sufficiently established on the principle that the state of Agriculture will be shewn by the average exportation, I have not taken the encrease of population at all into consideration, nor entered into further detail.

JOHN MACNIDER, Esquire, Seigneur of Mitis, in the District of Quebec, then appeared before your Committee.

Q. How long have you been Seigneur of Mitis, what are its dimensions and where is it situated ?

A. I have been Seigneur of Mitis sixteen years—it is situated in the county of Cornwallis, it has two leagues in front on the River Saint Lawrence by two leagues in depth.

Q. At what distance are the nearest Settlements from the Seignior of Mitis?

A. Mitis joins Rimousky to the Westward, Rimousky is thinly settled to within three Leagues of Mitis with about One Hundred Families : to the Eastward is the Settlement of Matane at the distance of Eight Leagues, but thinly settled with about thirty Families : in the rear of Mitis there is a tract of ungranted Lands of about one hundred Miles, some Seigniories however have been granted but not occupied.

Q. Have any Settlements been effected in your Seignior, by what Class of Persons, when were the same commenced, and what is the actual number therein?

A. Forty Families are settled there, consisting of English, Scotch and Canadians, but principally Scotch ; the settlement commenced in the year Eighteen hundred and eighteen.

Q. Were the first Settlers on your Seignior persons with or without Capital?

A. Without Capital.

Q. In what way did these Settlers surmount their difficulties without Capital, and what are those difficulties to which Settlers so circumstanced are liable, so far as you have had occasion to observe?

A. These Settlers were supplied by myself with Provisions and so forth, for the two first years, after which the produce of the Soil fully supported them, and the industrious part of them have produce for Sale : many of these Settlers (the most industrious of them) refused aid after the first year.

Q. To what Amount was assistance afforded to these Settlers, in what Articles, and in what manner?

A. Each Family consisting of five in number had one Barrel and a half of Pork, Six Quintals of Flour, two Quintals of Biscuit, ten Bushels of Potatoes, ten pounds of Butter, one pound of Green Tea, six pounds of Sugar, a hundred weight of dried Cod Fish and one Carron Stove and Pipe, as also each Man had one Axe, one Hoe and one Spade, and one Grindstone to each four Families ; three pair of Blankets, one Counterpane and two pair of Mocassins for each Family—Such coarse Clothing as was necessary for each Family was furnished by me, and paid for in Labour.

Q. What might have been the value of the said Articles for each Family?

A. On opening the Seignior, I was not so attentive until that object was acquired ; the expenses upon an average may amount to from fifteen to twenty Pounds for each Family including therein the expense of Clothing which was paid for in work, and every thing else. The advance made to Settlers, five Scotch Families that went



down last year, amounted to Ten Pounds each *per Annum* for two years—I left a Plan of the Seigniorie at Mr. Deguise, Notary at Kamouraska, who writes to me that he can procure a number of Canadians willing to settle on my Seigniorie if I should advance Ten Pounds *per Annum* to each for two years.

Q. What are the Rents charged?

A. A money Rent of Twelve Shillings and six pence for each Lot of One Hundred and forty to Two Hundred Acres; the first two years free of Rent.

Q. What arrangements did you make for the distribution of these advances and the general superintendence of the Settlements, you residing generally at Quebec?

A. By my Agent upon the Spot.

Q. Did you lay out any and what amount in improvements within the Seigniorie, and labour for yourself?

A. I held two Farms in my own hands of which I cleared about Seventy Acres, I built two Dwelling Houses, two Barns, two Stables, one Cooperage, one Salt House, one large Cooking House for the Fisheries, one Grist Mill and one Saw Mill.

Q. Was the labour employed in these Works paid for in Money or Goods?

A. I paid it, both, half and half.

Q. What was the common rate of Labour at which these buildings were erected?

A. Three Shillings per day, the Workmen feeding themselves and payable as aforesaid.

Q. What was the rate at which you paid for the Clearing of the Land?

A. Three Dollars for cutting and burning, then for rooting and making it fit for the Plough, twelve Dollars; fencing we did ourselves.

Q. What was the amount expended in buildings?

A. About twelve hundred Pounds.

Q. During what period were these Monies expended?

A. They were expended from the first beginning of the Settlement at the rate of three hundred Pounds *per Annum*.

Q. At what rate were the Goods sold?

A. At five *per Cent* Commission upon selling prices, provisions at first cost and charges without commission: there was no other advance upon the original price, freight and charges, than the above five *per Cent*.

Q. Have you travelled through the country between Cacona and Mitis, what is the quality of the Land, the course of Rivers and the susceptibility of the settlement of that country?

A. I have travelled frequently between Cacona and Mitis, the land from Cacona to the end of Trois-Pistoles appears very fine, and they report favourably of the rear Concession, particularly that of Trois-Pistoles. The Seigniorie of *Ha Ha* which is between Trois-

Pistoles and Bic is thinly settled, there appears to be a good Soil between the Mountains which appear to me to be distant only about thirty or forty *Arpents*, Grants are principally situated upon this new Road; Bic has a few Settlers on the Coast only, none on the above Road. The Rivers are two in number about twenty feet wide, Bic River is but small and well bridged, neither of them is navigable for Boats and Canoes, and the Falls prevent Timber from being floated down, the Road is pretty good from this Road to Rimousky: the Seigniory of River Oty is thinly settled, mountainous with very light sandy Soil. Rimousky River is navigable for small Craft up to Mr. Trudel, this last Seigniory is well settled on the front and second Concession: the Roads on the River side are very good to *Anse du Coq*, the distance of five Leagues, where they become heavy until Mitis; the Soil is excellent but more so in the Concession. From *l'Anse du Coq* to Mitis, the distance of two Leagues, it is thinly settled, the remaining three Leagues are granted to Grand Mitis River, which River is navigable for Vessels of One Hundred and forty Tons up to my House, the River will admit of Timber being floated down; from Grand Mitis to Little Mitis, a distance of five Miles, the Roads are passable on the Beach; from Little Mitis to Matane they are very difficult, no Road having been traced.

Q. What from your own observations or from general report is the quality of the Land from Mitis to Ristigouche, and from Mitis to Matane?

A. Having travelled over the Settlement of Mitis, I found the Soil of an excellent quality, and from what I have collected from several travellers between Ristigouche and Mitis, they report favourably of the Soil: the latter Soil is reported fit for any Cultivation, there are a few Rivers that can be bridged easily and one that will admit of a ferry Boat: the distance from Mitis to Ristigouche is estimated at Eighty-six or Ninety Miles; my information was derived from a number of Canadian Hunters and Indians whom I was in the habit of interrogating whenever opportunities were afforded me in my several visits to Mitis, and whose statements generally corresponded with each other.

Q. What are the different kinds of Vegetables and Grain cultivated in Mitis and what has been the average produce per Acre?

A. I am in daily expectation of a return from the Seigniory regarding the quantity of produce, which will be laid before the Committee on its arrival. The samples of Grain and Green Crop sent up this Fall were very fine, Fall Wheat weighed Sixty-eight pounds per Minot, Fall Rye Sixty-two pounds, Oats Forty-six pounds, bald Barley Sixty pounds, Barley Forty-five pounds, Turnips measured Thirty-five Inches round, Carrots, Onions, Cabbages and Potatoes of an excellent quality and size.

Q. Have the Settlers yet paid off the advances made them in money or produce, and what proportion have done so?

A. Four Families, settled three years, paid in produce, last year, the whole of the advances made to them, the remainder being settled only two years have not paid any part thereof.

Q. Are there any Fisheries carried on at Mitis, what number of Boats, Vessels, and Men are employed therein, and did the said Fisheries contribute in any manner and how to facilitate the obtaining any means of subsistence to the actual Settlers directly or indirectly?

A. There is a Fishing Ground about a Mile from the Shore for Cod Fish, Hollibut and Ling. I have made a trial of fishing and found it very beneficial to the Settlement, and I am of opinion, from this trial, a quantity of Cod Fish may be taken from the first May to the first October. Herring is in great abundance, Salmon and Eel plenty, but from the want of Men of experience little has been done. The Inhabitants I wish to prevent from fishing, because, the Season for fishing is the Season for Agriculture, and encourages habits of Idleness.

Q. Could the Fisheries be made in any way conducive to the settlement of the Seigniories and Lands contiguous to the fishing ground?

A. I am of opinion that a small bounty on Herring and Cod-fish would encourage Fishermen to adopt their whole time to that branch and afford a cheap and steady supply of Fish to the Farmer, whilst on the other hand the Farmer would supply the Fisherman with Agricultural produce in return for himself and family.

EDWARD ISAAC MAN, Esquire, of Ristigouche, in the District of Gaspé, Merchant, appeared before your Committee and answered the following questions :

Q. Did your Father and your Family reside in any and which of the old British Colonies in North America, and when did he leave the same and for what cause?

A. My Father and his Family were natives of the State of New-York : at the breaking out of the American Revolutionary War he was a Colonel of Militia, and held other appointments under the Crown ; he was the first in the State of New-York who was brought before a Rebel Committee at Albany, and upon his declaring his sentiments was sent as a Prisoner into the State of Connecticut, with a married brother of mine named John, he was there kept thirteen months and then sent into Canada, under an Act of Banishment ; my brother John was liberated at the end of six months and joined Burgoyne's Army as Lieutenant of a Provincial Corps shortly before it surrendered : in the same army I had two other brothers, Thomas a Captain of Guides and Isaac a Lieutenant in a Provincial Corps ; myself and my brother William did duty as Volunteers in Sir John Johnson's First Battalion of the Royal Regiment of New-York. In the Autumn of 1784 and Spring 1785, my father, two married brothers and myself, with their wives and families and with my other two brothers unmarried, amounting altogether to about eighteen persons, went to Chaleurs Bay, and settled at New-Carlisle.

**Q.** What was the number of Loyalists and others settled in the District of Gaspé about that time, exclusive of the old settlers, what allowances in Land and otherwise was made to them by His Majesty's Government and what was the fate of the said settlement ?

**A.** There were about two hundred and fifty families and loyalists settled at New-Carlisle, in Chaleurs Bay, and Douglas Town in the Bay of Gaspé, and there were besides these, sixty or eighty disbanded Soldiers, mostly unmarried, of the Eighty-fourth Regiment, and some few of the Thirty-fourth and other Regiments. There was allowed to each head of a family and full grown person of the family, two hundred acres, and to the females and minor children fifty acres each ; at New-Carlisle, whither we went, a Town was laid out in Acre Lots, which were distributed amongst the heads of families and grown male settlers, under which last denomination, boys of sixteen years and upwards were included, upon them the Loyalists built houses for their residence. The survey of the Country Lots commenced in the Autumn of 1784 and was continued through 1785 and 1786, when the same was chiefly completed, and a Land Board composed of the Lieutenant Governor Mr. Cox, Mr. Charles Robin, Isaac Man, Jr. and one or two others, was in 1786 or 1787 appointed, by which said Board, Location Tickets for Lots in Town and Country were given : It was not till 1786 and 1787 that the Country Lots were allotted.

**Q.** How were the Loyalist Families in the interval of time which elapsed from 1784 to 1786 supported ?

**A.** There were allowed from His Majesty, Rations to each Man and his Family, for three years, besides which a very liberal supply was given by their Majesties the King and Queen of the Materials for necessary Raiment, Bedding &c. also Farming Utensils and every thing that was necessary for building and clearing Lands, which were distributed among the Loyalists by Commissaries and Commissioners for which they rendered Accounts to the Government at Quebec.

**Q.** What was the value in your estimation of the said Rations, and other donations ?

**A.** It was very great. I have been after informed, and it was generally said and believed that it exceeded Eighty-two thousand Pounds, but from want of proper management in the Commissioners that bountiful donation was far from producing the good which was intended. It certainly did not give general satisfaction, but we had no right to complain of Government.

**Q.** What was the fate of the said Settlements, and what were the circumstances which in their infancy served to advance or retard their Prosperity ?

**A.** Immediately upon the arrival of the Loyalists in Chaleurs Bay to the number of about Two Hundred Families, they expressed their wish to be immediately settled upon their Country Lots, which they were not allowed to do.

**Q.** Why ?

**A.** It was thought proper by Lieutenant Governor Cox and others who had the management of the Settlement of Loyalists to

confine them to the Cultivation of their Town Lots during the whole period that we were supported by His Majesty's Government, this, however, with the exception of a very few, perhaps half a dozen Families, who were indulged with the privilege of settling upon their Country Lots. These last had the advantage of making great progress in improving their Lands during the period they were supported : and at the end of three years, some of them had from thirty to fifty Acres in a cleared and productive state, with comfortable buildings, whilst the other Loyalists were afterwards obliged to commence the clearing and settling of their Country Lots without any aid and under great privations and difficulties, abandoning the Houses which they had built at New-Carlisle, and the greater and most industrious and enterprising part leaving the Country and going, some to Upper-Canada, and others to Nova-Scotia and New-Brunswick. I do not think that one half of the Men who participated in the Bounty of the Government, effected Settlements in the Country Lots, and this principally from the delay which occurred in obtaining allotments and anticipations of other and greater delays on obtaining the Patents.

**Q.** When were the Patents, in point of fact, obtained for those Lands ?

**A.** Not yet, with the exception of that portion of the District of Gaspé lying in the Vicinity of Gaspé Bay. A Statute was lately passed in the Provincial Legislature under which the claims of the occupiers and possessors of Lands in the District of Gaspé will be adjusted and Patents issue.

**Q.** Have you had any and what means of becoming acquainted with the Amount of the Fees upon Land Patents taken in the adjoining Province of New Brunswick ?

**A.** I have, these thirty-four years past, been an Inhabitant of Ristigouche which divides the Provinces of Lower-Canada and New-Brunswick, and have traded extensively in that Province, in the course of which Trade I have been employed to apply for and take out Grants for a great number of two hundred Acres Lots of Land in the Province of New-Brunswick, for persons who declared to me their intentions of settling there, which Grants I have with great facility obtained by making application only to the Surveyor General of that Province, stating the character and intention of the applicants of making actual settlement : these Grants were issued some twelve years ago in block to twelve or forty applicants which cost them from six to seven Dollars for each Lot of two hundred Acres.

**Q.** What are the said Fees now, and have there been any and what changes in them, and if so, at what time did those changes take place ?

**A.** I do not know exactly what are the present Fees, but I am credibly informed that they have been very much encreased since the Death of that worthy and respectable Officer, George Sprowl, Surveyor General, as the system since his Death has altered (as I am

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informed) and each Lot of two hundred Acres is now granted separately at the rate of twelve to fourteen Pounds. This charge has taken place recently, I should think within the last five or six years.

Q. Have you had any and what means of becoming acquainted with the quality of the Land lying between the hither boundary line of New-Brunswick and the old Settlements of this Colony?

A. Yes, I have, in the pursuit of my private concerns, travelled since the year 1787 fourteen journies from Chaleurs Bay to Quebec, through the interior of the Country lying between the Saint Lawrence and Ristigouche, passing by the Route of Matapedia out to Mitis, and by another Route up the Ristigouche to its source, thence to the River Saint John, coming out to the Saint Lawrence over the Temiscouata Portage. I have also had another opportunity of becoming acquainted with that part of the Country, from having explored several hundred Miles as Surveyor of the King's Forests under Commission dated in Halifax, (Nova-Scotia) in the year 1813, from Sir John Wentworth, Baronet.

Q. What is the quality of the said Lands, are there any and what Navigable Streams therein, and any and what means of Communication?

A. The Lands in that part of the Country is broken and mountainous in many places, but there are many extensive tracts of level Land fit for actual settlement and the Soil of excellent quality; the Ristigouche which divides this Province from New Brunswick has a close communication with a branch of the River Saint John, say a *portage*, over a level tract of about two and a half Leagues to the Green River, which discharges in the Saint John six Leagues below the Madawaska Church: there is also a more direct and shorter communication by the Matapedia River, which discharges in the Ristigouche about three Leagues above the Indian Village called New Mission Point which is six Leagues up the River Ristigouche, at the head of the Ship Navigation; the said River takes its source in the Lake Matapedia which is about five Leagues long and one League broad, and is about twenty-one Miles from the Saint Lawrence, South South East of Mitis Seigniory, the *portage* to which will admit of a Road; the distance to Mitis from Ristigouche Settlement is about ninety-eight Miles and a half, and from the Report of an exploring party fitted out last Winter it appears that that Route is the most convenient from this to Chaleurs Bay.

Q. Do the Settlements advance with more or less rapidity on this side of the New-Brunswick Boundary Line, or on the other, and upon what causes in your estimation does this depend?

A. With much greater rapidity on the other side, and this for causes which are very obvious; the chief has been the people of the District of Gaspé having been so long destitute of any secure Title to their Lands; that alone has been the means of driving away a great many of our best Settlers: the administration of Justice and the want of proper regulations of our Fisheries have also retarded

the progress of the Country ; in all these matters they are vastly better off in the Province of New Brunswick, though our Climate and Soil are superior to theirs.

Lieutenant Colonel COCKBURN, Deputy Quarter Master General, appeared and answered the following questions :

Q. Have you had any and what means of becoming acquainted with the formation of new settlements in these Provinces by Emigrants from Great Britain or others ?

A. The entire superintendence of the Military Settlements from December 1817 to Christmas 1822, besides an occasional superintendence in 1816 whilst the late Colonel Myers who was then Deputy Quarter Master General was absent from the Province.

Q. Have the Settlers whom you have had occasion to observe, been persons with or without capital ?

A. Both the one and the other.

Q. What are the difficulties to which new Settlers either without any capital or with very small funds are exposed, and in what way are those difficulties surmounted ?

A. Settlers placed on Land without any capital, or with very small ones, cannot in my opinion by any exertion of *their own*, succeed in obtaining the means of existence.

Q. What in your estimation is the minimum of capital upon which a settlement may be attempted with a fair chance of success by a labouring man with a family ?

A. This must depend very much on the price of provisions, for a Settler must have the means of supplying himself and family with food for at least one year after he has actually arrived on his Land : implements, clothing, the coarser articles of Bedding, and some articles to be used in fitting up his Hut, such as glass, nails and hinges, I also consider as absolutely necessary. I have generally considered twenty to twenty-five pounds for each individual of a family as the minimum a settler ought to be possessed of in money on his leaving Quebec to proceed to place himself on Land in the neighbourhood of Perth.

Q. To what amount was assistance afforded to the discharged Soldiers composing the Military Settlements upon the Ottawa and the Rideau, and was the same in money or provisions or other necessary articles, and which of these two modes is most advantageous in your estimation to the actual settler ?

A. In the first instance Government supplied the means of transport to the Settlement : Officers and Non-Commissioned Officers had an extension in the number of Acres granted to them according to their Rank ; one hundred Acres of Land, one year's Rations for himself and family (the same as a discharged Soldier with the exception of Rum) Implements of Husbandry and some articles for fitting up the Huts to each Head of a family—Emigrants were received at the time of commencing the Perth Settlement on the same terms as Military Settlers, but by subsequent regulations this indulgence was done away with, and Land was then granted to Emigrants only who

were possessed of funds, and the extent regulated by their means of bringing the same into cultivation. Two years ago however a number of Emigrants were sent out from the County of Lanarkshire under Instructions to receive Eight Pounds Sterling for each Individual of their families. The first Instalment of which was Three Pounds and to be paid on their reaching the place of Settlement; a second Instalment of Three Pounds was to be paid at the expiration of three months, and the third Instalment of Two Pounds at the expiration of another three months: they were also to receive Corn, Implements and Transport from the place of landing to the Settlement; the sum of Two Pounds was however to be charged against each of them for the latter *Item*, making the total advanced to them by Government, Ten Pounds, and which sum they are bound to repay in ten years—I am of opinion it would in all cases be better to supply Provisions than to advance money.

Q. What were the arrangements made for the distribution of the advances?

A. Answered in the fifth Answer.

Q. Were there any and what measures taken to locate the Settler upon his particular Lot with the least possible delay and of summarily enforcing the condition of Settlement?

A. Occasional assistance was afforded to the Settlers to find out the situation and boundary of their Lots by an experienced Woodman employed for that purpose, this was however seldom found to be necessary. The conditions of Settlement were read to each Settler previous to being located, when it was fully explained to him that any deviation from the established regulations or misconduct on his part would be the means of rendering null and void his Location Ticket, and of expelling him from the Settlement.

Q. What is the common rate of Wages in those Settlements?

A. Payment for Labour in the Settlements is seldom made in Money.—Food, Cattle, Goods, or a return of Labour are the more general means of remuneration, but I am of opinion a person placed on Land will never succeed unless he devotes his undivided Labour and attention to his own Lot, the system of earning wherewithal to exist by working occasionally for others experience has proved to be bad.

Q. What is the number of Military Settlers and of Emigrants respectively provided for in these Settlements?

|                                |      |
|--------------------------------|------|
| A. Military Settlers, Men..... | 1307 |
| Women.....                     | 509  |
| Children.....                  | 1001 |

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Total, 2817

|                     |      |
|---------------------|------|
| Emigrants, Men..... | 2263 |
| Women.....          | 1346 |
| Children.....       | 4297 |

|                  |      |
|------------------|------|
| Total Emigrants, | 7906 |
| Total Soldiers,  | 2817 |

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Grand Total, 10723

**Q.** What was the Amount of Patent Fees paid to the Colonial Government?

**A.** Six Hundred and Thirty Pounds, Thirteen Shillings and Four Pence Sterling, Settlements in Upper-Canada.

Eighty Pounds and Five pence Currency, Drummondville Settlement, Lower-Canada.

Some additional information having been requested as concerns the seventh Question, I consider the most satisfactory mode will be to lay before the Committee a brief Account of the course established for the Location of Settlers at the Military Settlements, adding thereto such general remarks as may appear to bear on the point upon which information is required.

Immediately after landing, the Emigrants were in the habit of applying at my Office in Quebec, where, provided they had sufficient means to defray the expense of their conveyance to the Military Settlements and to supply them with the requisites of existence for one year after their arrival there, they received from me a Location Ticket on producing which at the Office of the Settlement to which they had proceeded, the Diagrams of the Townships were shewn to them, from which they had an unrestricted choice of all the vacant Lots. In forming new Settlements however, where large Tracts are laid out and numerous Applicants appear at the same time, some other mode of distribution must be had recourse to, as were if left to choice many might fix on the same Lot: these Diagrams were by express order considered as public Documents and open to the inspection of all those belonging to the Settlement, thus excluding the possibility of any favour or partiality being ever suspected in the distribution of the Lands, the Settlers having decided in what part of the Township he would prefer having his Land, was furnished with the numbers of the vacant Lots in that neighbourhood, and was then directed to proceed there for the purpose of ascertaining both from his own observations and the best enquiries he could make, whether he could find a Lot there, the Land of which was good, and with the possession of which he should be fully satisfied, it being clearly explained that tho' in the first instance, the choice of the Lot was left to himself, yet that having once made his election, no exchange could be permitted.

In the commencement of the Settlement, the exchange of Lots was sometimes admitted, but subsequent experience proved the necessity of this species of indulgence being entirely done away with.

It was a rule of the Military Settlements not to reserve Lots for persons who had not arrived there, which rule was persisted in, though the Settlers and others often asked this indulgence in behalf of friends whom they stated had made known their intentions of coming to the Settlement.

A Settler once placed on his Land was not authorized on any account or pretence to absent himself therefrom without the sanction of the Settling Department. It having been previously explained to him that if he did so, his Lot would be appropriated to some one else. —It sometimes however happened that Individuals did act in opposition to this rule, and on such occasions, if any improvement had been made on the Lots, the same was valued by two uninterested Settlers, and the person succeeding to the Lot was bound to pay the Amount to the former possessor, in the event of his returning to the Settlement ; care was however taken that previous to relocating a Lot, every possible enquiry should be made respecting the person who had left it, and in no instance were Lots regranted unless they had been left for at least a year.

I am however of opinion that the less indulgence which is shewn to Absentees the better, both as concerns the Individuals and the Settlement. The first object of every rule and regulation should be to convince the Settler that his prospects of success depend upon his giving his sole and undivided attention to the Lot upon which he has been placed : in this respect the enforcing residence is of more importance than specifying any particular extent of clearance as entitling the Settler to his deed, for I have always found the improvement of the Lot progressively going on, when occupied by its owner, nor can a Settler continue for any time to reside on and improve a spot of Land which he knows must ultimately become his own without acquiring an habitual and encreasing attachment for it—Settlers should on no account receive from the Settling Department any written authority for the Land they are to occupy, such Tickets sometimes leading to a belief on the part of a person located that he has a possession of his Lot which puts him beyond the control of the Rules and Regulations of the Settlement, and I have moreover known instances where the Tickets have been used for fraudulent purposes : in lieu therefore of what is commonly called a Location Ticket I would recommend a Book being kept as a public document accessible to the Settlers, in which the names of the party Located, a description of himself and family the date of his Location, the period of his arrival in the Canadas and the Lot upon which he has been placed should be specified, such rules and regulations as it may be deemed necessary to establish for any new Settlement should in my opinion be printed and the Settler previous to being placed on his Land should sign his name as having heard and understood them and in testimony of his willingness to abide by them, after which not the slightest deviation from them should in any case be admitted.



No Settler should receive his Deed until he has opened the Road along the front of his Lot, and this should be made one of the Rules of the Settlement.

No part of the Settling Department should ever receive Land in the Settlement over which their superintendence extends.

The period generally fixed for residence previous to putting a Settler in possession of his Deed is three years, if during this time he has continued to fulfil the conditions of Settlement, the same should be given to him at once ; it is to the possession of it that he looks as a reward for all his exertions and privations, and the withholding it unnecessarily would be an act of cruelty and injustice.

Should any of the foregoing regulations appear harsh, it should be remembered that their continuance is but for three years, at the end of which time a compliance with them puts the Settler in full and uncontrolled possession of his Lot, which they in all probability will have been the means of rendering tenfold more valuable.

EDWARD HALE, Esquire, gave answer to the following questions :

Q. Have you had any, and what means of becoming acquainted with the formation of new Settlements in these Provinces by Emigrants from Great Britain or others ?

A. I have had some means of becoming acquainted with the formation of new Settlements in this Province, in consequence of having lately opened some new concessions in the rear of the Seignior of Port-Neuf which I have granted to Emigrants.

Q. To what distance from the Saint Lawrence do the old Settlements within those Seigniories extend, have any new Settlements been effected in the said Seigniories latterly and by what class of persons, when were the same commenced, and what is the number of Grantees and of actual Settlers therein ?

A. The Parish of Cap-Santé comprehends the Barony of Port-Neuf, the Seignior of D'Auteuil and part of Jacques-Cartier and Neuville, the three latter have old (or French) Settlements to a distance of about three Leagues from the River Saint Lawrence, but as yet, there are no European Settlers in those Seigniories ; on the East side of the Barony of Port-Neuf the old Settlements extend two Leagues from the Saint Lawrence, but on the West side little exceeding one League : It is in the rear of the last that I commenced my new Settlement of Emigrants from Great Britain in the Fall of 1821 : the class of persons are principally Farmers from Ireland, the number of Grantees are twenty, of whom with the exception of two or three all are now actual Settlers on their respective Lots.

Q. Were the persons who effected the said new Settlements with or without Capital ?

A. Of all the Settlers, one only, to my knowledge, was possessed of any Capital.

Q. In what way did the said Settlers surmount the difficulties incident to new Settlements and the want of Capital, and what are those difficulties so far as you have had occasion to observe them :

had the said Settlers any means of obtaining employment as Labourers or otherwise, and where and for what employments and at what rate of Wages and for what length of time?

A. In the Summer Season some of the Settlers (leaving their Families on their Lands) have gone to Quebec, where as Labourers they have earned from Two Shillings and Six Pence to Three Shillings and Six Pence per day, which has enabled them to maintain their Families and save sufficient for the purchase of Provisions for the Winter, others having their Sons or Daughters in Service in Quebec have received some assistance from them, which together with occasional work obtained in the immediate neighbourhood of the Settlement has enabled them to subsist and proceed in clearing their Lands without leaving the spot. Even without Capital I apprehend no impediment to a certain annual progress being made in clearing and cultivating the Lands which will eventually enable the Settler to subsist altogether on the produce of the Soil. A Road is now nearly completed to the very heart of the Settlement, the greatest difficulty therefore to be apprehended is from the Climate.

Q. Was any and what assistance afforded to the said Settlers in Provisions, or Seed, or Clothing, or Instruments of Agriculture?

A. There has not to my knowledge been any assistance afforded to my Settlers either in Provisions, Seed, Clothing or Instruments of Agriculture.

Q. What might have been the value of the advances made to the various Settlers either by yourself or by the Emigrant Society?

A. I have occasionally made some small advances of Provisions to the Settlers, but they have hitherto always reimbursed me in Labour or otherwise. I am not aware that any of them have received assistance from the Emigrant Society.

Q. What are the Rents charged?

A. The Annual Rent of the Lands is one Penny *per* superficial *Arpent*, each Lot containing one Hundred *Arpents*; and I oblige the Settler to reimburse me the expense of Survey.

Q. What quantity of Land has been cleared in the said new Settlement, and what has been the rate or price of clearing as well where the stumps of the Trees have been taken as where they have been left standing?

A. I cannot state very correctly the quantity of Land which has been cleared, but from the progress and preparations I observed making in the early part of the Winter, I may compute the quantity which may be cleared by the Month of June next at not less than Two Hundred *Arpents*: the price which had been paid for clearing (leaving the stumps) is Ten Dollars *per Arpent*; I do not know the value of taking out the stumps, no job of that nature having been undertaken in the Settlement.

Q. Are the Settlers generally satisfied with their situation?

A. The Settlers have generally expressed themselves to me as well satisfied with their situation.

**Q.** Would there be any difficulty in obtaining more Settlers if you had Land similarly situated to give them at the same rates ?

**A.** There are from Two to Three Thousand *Arpents* of Land in the Seignior of Port-Neuf yet unconceded for which I do not apprehend there can be any difficulty in obtaining Settlers. I have indeed refused several applications of late, being desirous of suspending further Grants till I can become fully convinced of the success of those who have now commenced a trial of the Soil and Climate, and the result will be proved the ensuing Summer.

**Q.** Have you had occasion to explore any part of the unsettled Country in the neighbourhood of Quebec; what was the face of the Country, was it susceptible of Cultivation ?

**A.** I have had no means of becoming acquainted by observation with the quality of any of the Lands in the rear of the Seigniories on the North Shore of the Saint Lawrence, except the Barony of Port-Neuf, those I have explored to the depth of the Barony, which is three Leagues from the Saint Lawrence and extends at one point to the River Saint Ann's; the Lands to the extent of about three quarters of a League approaching the said River are remarkably fine, I believe superior to any of the old conceded Lands in the Barony.

The Honourable W. B. FELTON made answer to the following Questions :

**Q.** Have you had any and what means of becoming acquainted with the formation of new Settlements in these Provinces by Emigrants from Great Britain or others ?

**A.** I have had all the means of becoming acquainted with the formation of new Settlements that can be acquired by a residence of seven years in a new Country.

**Q.** Have the Settlers whom you have had occasion to observe been Persons with or without Capital ?

**A.** The Settlers that have engaged my attention have for the most part been Persons without Capital : some few of superior means have fallen under my observation.

**Q.** What are the difficulties to which new Settlers either without any Capital or with very small Funds are exposed, and in what way are those difficulties surmounted ?

**A.** The difficulties to which new Settlers with or without means are exposed, depend entirely on the local position of the Land they purpose improving. To have a distinct comprehension of the varying nature of these difficulties it is necessary to keep in view the different circumstances under which Settlements are undertaken. In cases where Establishments are commenced in the Wilderness in places remote from the settled Country it may be assumed with safety that no European Settler can entertain hopes of success unless supported by the funds of a large Capitalist or by the means of Government : in either case the advantages resulting from the undertaking are rarely, if ever, sufficient to compensate for the outlay, and

should be considered as only useful in so far as they may effect some other object : under these circumstances all difficulties are resolved into expense, and the measure of this expense will be the cost of Provision and Tools and the freight or transport from the nearest Settlement, influenced of course by the economy or negligence of the conductor. In the more usual and practicable mode of settling, and that by which the labouring Man can expect to succeed, it is customary to commence on Lands adjoining to others already established : when the Soil is good and the continuity of the Settlement is not interrupted by reserved Lands, very few difficulties are found ; but as these circumstances are rarely united, and as the obstructions opposed by the reserves and by Land of inferior quality exist more or less in every part of the country, they form difficulties that are always serious and frequently insuperable. As however all these obstructions and difficulties are to be overcome by the application of labour, it may be assumed that the expense of Labour by which any Settler can establish himself on any given Lot of Land, is to be estimated by the outlay (in money or labour) required to open his communication with the nearest neighbour, added to the usual expense of settling under more favourable circumstances. The necessity of this communication with his neighbour will be apparent when it is considered that the new Settler without Funds can only gain his bread by working for his neighbour. This in truth is the only way of surmounting difficulties in the new Settlements : every new Settler accustomed to labour can gain sufficient Provision to support himself by working, at the utmost, for one half of his time for his neighbour ; if encumbered with a Family, he is yet aided by the care or labour of his wife, and the saving of time compensates for the additional expense of Provision.

It is always to be observed that some priority of establishment and residence is understood to exist between the Settlers, as it is evident that some must possess a surplus of food beyond their immediate wants, to enable them to hire and pay the needy new comer.

Q. What in your estimation is the minimum of capital upon which a Settlement may be attempted with a fair chance of success by a labouring man with a family ?

A. The smallest capital required for a labouring man with a family must depend on the foregoing circumstances ; when most favourably situated in the vicinity of a settlement, and having a market for his labour, the practical necessity for capital disappears : the comfort of the Settler will be increased, and his progress accelerated by the possession of capital, but numbers are daily establishing themselves without other property than steady habits of labour. To afford a prospect of certain success to the Settler under ordinary circumstances (always meaning the European Settler) the possession of a sum sufficient to purchase six months provision, including a Cow, is fully adequate : the purchase of Seed Grain and Potatoes is included in the estimate which gives from eighteen to twenty-two pounds for Provision and Cow, viz :

Estimate of Food required for one man, one woman and one child for six months,

18 Bushels Wheat at 5s.....£4 10

270 Lbs. Pork at 6d..... 6 15

100 Bushels Potatoes at 1s. 3d.. 6 5

A Cow..... 3 15

—————£21 5

Q. What is the common rate of Wages in those Settlements?

A. The usual Wages given in the Townships to good men acquainted with country work and chopping, is from twelve to fourteen dollars per month with provision, washing and mending for the six Summer months: such men are rarely engaged by the year, being principally young men occupied in establishing themselves, they employ the Winter months in clearing their Farms, or rather in making *Salts* from the Ashes of the Timber felled at that season: many pass their Winters at School. To the Europeans who engage themselves by the year, from seven to ten dollars a month with provision, washing, mending and lodging are usually given: after the first year many of these people gain as much as the native Labourers.

Q. What in your estimation would be the best means of settling and providing for the poorer class of Emigrants coming to this country, and of remedying or diminishing the inconveniences and hardships to which they are exposed?

A. The best but most expensive system of settling and establishing the poorer class of Emigrants in a body, or located together on entirely new Lands, is undoubtedly that of placing them under the control of a person of competent skill and judgement, and providing for them at the public expense by the advance of Rations and Tools, in the understanding that the amount advanced remains a debt upon the property until liquidated. It is impossible to throw a numerous and needy population of Emigrants into an isolated Settlement by any other means. The most judicious measures that could be adopted for establishing the Waste Lands, not remote from Settlements, would be granting extensive tracts of Land to individuals possessing capital on condition of *Residence* and the *bonâ fide* amelioration of a specified quantity of Land by a determinate number of families thereon located.

The Honourable ANTOINE LOUIS JUCHEREAU DUCHESNAY made answer as follows:

Q. How long have you been Seigneur of Beauport, what is the extent of that Seigniori and where is it situated?

A. I have been Seigneur of Beauport since the Fall of 1806. The Seigniori is of the extent of one league by four.

Q. How far from the River Saint Lawrence do the old Settlements in that Seigniori extend?

A. The old Settlements extend from the River about a League and a half, beyond which lie Lands which have been conceded to the extent of about half a League, but which are not under Cultivation.



Q. Have there been any new Settlements of late in that Seignior and by what class of persons, is it long since they were commenced and how many Tenants and persons are settled there ?

A. In the fall of 1821 I commenced a Settlement immediately beyond the Lands above mentioned, below the Lake called the Lake of Beauport: the said Lake is included in the first concession of the new Settlement; there are four concessions taken beyond that. I cannot exactly state the number of Tenants composing that Settlement, I refer the Committee to Mr. Shadgett my Agent.

Q. Had the persons who made those new Settlements some Capital or not ?

A. Some of the Tenants had some little pecuniary means.

Q. How did the said Inhabitants surmount the difficulties incident to new Settlements, and without any command of Capital, and what were those difficulties so far as you have had an opportunity of remarking them ?

A. By referring the Committee to Mr. Shadgett my Agent on this question, more satisfactory information may be obtained.

Q. Were the said Settlers able to procure work as Labourers or otherwise, and where, and what work, and at how much per day, and for what space of time ?

A. The Gentleman above mentioned can give the best information. I know, however, that some of the Tenants have procured work as Tradesmen or as Labourers in the City of Quebec, that others have earned as much as ten or twelve Dollars of the other Settlers for each Acre they have cleared without extracting the large stumps.

Q. Has any and what aid been granted to the said Settlers either in Provisions or Seed Grain, Clothing or Instruments of Agriculture ?

A. To my knowledge no aid has been granted to those Settlers by the Emigrant Society, they have had no other aid than what I have chosen to advance them this Winter, according to their wants, which was in Provisions.

Q. What may have been the value of the advances made to the several classes of Settlers by yourself or the Emigrant Society ?

A. Refer to the foregoing answer.

Q. What is the amount of the Rents ?

A. Each lot of three *Arpents* by twenty in depth, pays about twenty-five shillings Rent, three pence *Cens* and a *Corvée*, the Tenants hold those Lands without any payment until November 1824.

Q. At how much do you estimate the quantity of Land cleared in the said new Settlements, and what is the rate or price of clearing an *Arpent*, whether the stumps have been extracted or not ?

A. I request the Gentlemen of the Committee to send for Mr. Shadgett, he could give the best information on this question, I am however well assured that more than one hundred Lots are taken either by grant or ticket of grant: Mr. Shadgett could also give

with accuracy the number of resident Settlers as also the quantity of Land already cleared ?

Q. Are the Settlers in general satisfied with their situation ?

A. All the Settlers appear to me quite satisfied with their situation, what they have to regret is the very great difficulty of communication, which forms a very serious impediment, especially to that large portion of them who have not the pecuniary means necessary to meet the expense of procuring the attendance of the *Grand-Voyer* and of defraying his travelling charges, to lay out front Roads and the bye Roads necessary in that Settlement. Your Committee must well know that the Fees claimed by the *Grand-Voyers* and their travelling charges are very high, nevertheless in order to oblige all Tenants to labour on their Highways and bye Roads they are by Law obliged to require the ministry of the *Grand-Voyer* of the District, whereby they necessarily incur expenses beyond the means of a great part of them, especially as they have been obliged, in order to have access to this Settlement, to have a Road traced by that Gentleman across the Seigniorie *Notre Dame des Anges*, now belonging to the King, and heretofore to the Jesuits, which they have been obliged to pay for and to have it made.

Q. Would it be difficult to procure a larger number of Settlers if you had Lands similarly situated, to give and grant them under the same rates and conditions ?

A. I should find it easy to encrease that Settlement for I have refused many applications because the persons who came forward, were not known and did not appear to have the necessary means of fulfilling the obligations imposed by the Ticket of Grant, such as that of actual residence, my intention being to have actual Tenants and not speculators of Land. All the Proprietors in that new Settlement are English, Scotch and Irish, there is but one Canadian Merchant and Proprietor in Quebec, among the others, some of them also are Proprietors and Merchants, others Merchants only, Artificers and Labourers, several of the latter are employed in the King's Works.

MR. SHADGETT made answer to the following Questions :

Q. How long have you been Agent to the Honourable A. L. J. Duchesnay, Seignior of Beauport ?

A. I have been Agent to the Honble. A. L. J. Duchesnay since the Spring of 1821, the circumstance of my acting as such originated out of an application on my part to be permitted, in the first instance, to form an English Village near the Lake Beauport, now Lake Duchesnay, and afterwards to settle the unconceded parts of the Seigniorie with British Emigrants ; and I derive much satisfaction in stating that my proposal was received by the Honble. Mr. Duchesnay in the most friendly manner, and every advice and information promptly rendered.

Q. Have any new Settlements been effected in the said Seigniorie latterly, and by what class of persons ; when were the same com-

menced, and what is the number of Grantees and of actual Settlers therein?

A. Settlements have been effected, and chiefly by a superior class of persons viz. of Merchants, of Professional Men, of Individuals employed in the King's Works and of Emigrant Farmers, the same was not commenced till the Winter of 1821. The number of Grantees one hundred and sixty-eight, and of actual Settlers from sixty to eighty.

Q. Were the persons who effected the said new Settlements with or without Capital?

A. About three fourths of the said Settlers were possessed of Capital, the remaining part were so poor as to be unable to provide further than their Tools, Provisions for six Months and pay their Location Ticket, and indeed in some cases the latter was never paid.

Q. In what way did the said Settlers surmount the difficulties incident to new Settlements and the want of Capital, and what are those difficulties so far as you have had occasion to observe them?

A. The difficulties in this Settlement appear to me entirely to rest upon the want of Roads, which alone has deterred those that are not at present actual Settlers from becoming such, added to the expense, time and formalities necessary to be gone through in applying for *Procès verbaux* with the almost certainty of opposition on the part of the old Inhabitants situated on the Route of the said Roads. One Road of twenty *Arpents* only, applied for to bring the Settlers in communication with the Seigniorial Line, was obtained after much opposition by Inhabitants holding of Wood and Waste Lands, at an expense to the Settlers of Eleven Pounds two Shillings and six Pence for Fees to the *Grand Voyeur* and his Deputy.

Q. Have the said Settlers any means of obtaining employment as Labourers or otherwise, and where, and for what employments, and at what rate of Wages, and for what length of time?

A. Settlers that could handle the axe and were industrious, had sufficient employment as Labourers, and were paid by the acre at the rate of ten dollars, if clearing for Crops, and five dollars for branching, felling and logging only; other Settlers not possessed of capital and who could not handle the axe resorted to Town for employ, but the nature of that employ, the rate of each and length of time I cannot take upon me to say.

Q. Was any and what assistance afforded to the said Settlers in Provisions, or Seed, or Clothing, or Instruments of Agriculture?

A. I know of no Assistance of Provisions or of Seed, or Clothing, or Instruments of Agriculture, that have been found this Settlement.

Q. What might have been the value of the advances made to the various Settlers either by yourself or by the Emigrant Society?

A. Some advances have been made by the Seignior, but I believe of no great value, my services having been of that nature as to free him from almost all and every expense incidental to the establishing

of new Settlements. I am not aware of any assistance received from the Emigrant Society.

Q. What are the Rents charged?

A. The Rental price is five Dollars upon every Lot of Sixty *Arpents* with three pence of *Cens* and one *Corvée* day, with a remission altogether of Rent for three years; there are a few Lots upon the Lake that are far short of sixty Acres but being considered as *Emplacements* they pay the above Rent of five Dollars &c.

Q. What quantity of Land has been cleared in the said new Settlements, and what has been the rate or price of clearing, as well where the stumps of the Trees have been taken, as where they have been left standing?

A. The quantity of Land cleared is from two to three Hundred *Arpents*, the rate or price, as before stated in my reply to the fifth Question, is ten Dollars each *Arpent* without the removal of stumps; indeed I know of no Land, or Lot of Land, where the stumps have been removed with us, an opinion being prevalent that such removals tend to impoverish the spot, they are therefore suffered to remain and decay of themselves.

Q. Are the Settlers generally satisfied with their situation?

A. I have in general found the Settlers satisfied, looking forward with anxious solicitude for Crops to attend the Quebec Markets, and for some assistance as relates to the Roads and the removing of existing impediments as respects Individuals obstructing them in passing through the *Habitants'* Waste Lands, they not suffering the removal of a Tree though upon their Wood Lands for the passage of Carts during the Summer Months except in every case a *Procès verbal* be obtained and regularly homologated.

Q. Would there be any difficulty in obtaining more Settlers if you had Land similarly situated to give them at the same rates?

A. Admitting Roads to be opened to communicate with every Range, there would be no difficulty in settling any quantity of Land similarly situated at the same rate, the Emigrants being no longer averse to the Seigniorial Tenure, perceiving they can become possessed of Land without purchase, and thus have their ready money at liberty to clear and improve the same. I have only to add that an excellent Saw-Mill is now nearly erected on this Settlement, and will work two straight and two circular Saws in May next.

L. JUCHEREAU DUCHESNAY, Esquire, made answer to the following Questions:

Q. How long have you been Seigneur of Gaudarville and Fossambault: what are their dimensions, and where are they situated?

A. I have been the Seigneur of Fossambault and Gaudarville since December 1806, the dimensions of Gaudarville are forty-five *Arpents* in front along the River Saint Lawrence by four Leagues in depth. Fossambault is irregular both in its front and depth, I believe its superficial contents to be about twelve Leagues, out of which one third is taken up by Lakes, Rivers and Mountains.

Q. To what distance from the Saint Lawrence do the old Settlements within those Seigniories extend?

A. Nearly three Leagues in Gaudarville, beginning immediately at the Saint Lawrence. Fossambault is three Leagues distance from the River, its two first ranges settled by natives of the Country and a third is conceded also to natives but is unoccupied or unsettled.

Q. Have any new Settlements been effected in the said Seigniories latterly, and by what class of persons: when were the same commenced, and what is the number of Grantees and of actual Settlers therein?

A. Yes in both, mostly all of Irish Emigrants, begun in October 1820, the number of Grants amount to two hundred and thirty-two, there are about two hundred and twenty-five actual residing Proprietors of Lots, about eighty children or more, and about seventy or eighty Labourers employed.

Q. Were the persons who effected the said new Settlements with or without Capital?

A. Very few indeed had any Capital, the most of them hardly any thing.

Q. In what way did the said Settlers surmount the difficulties incident to new Settlements and the want of Capital, and what are those difficulties so far as you have had occasion to observe them?

A. By great privation, living with extreme economy, from time to time labouring for money to provide Provisions, working industriously while provided, and when unprovided repeating the same means. As to the difficulties incident to new Settlements under similar disadvantages of having no Capital, they are innumerable, but would all be got over with the assistance of Laws, &c. by the Legislature. The first and the greatest difficulty is the means of communication between ranges and ranges, Seigniories and Seigniories, Townships and Seigniories &c. Second, the immediate expenses attending on asking for Roads, such as Fees to the *Grand Voyeur* or his Deputy, *Sous-Voyers*, Inspectors, Clerks of the Peace, Courts of Homologation, &c. Roads are generally wanted by the people in the out or back ranges, who are always the poorer class, in which case poverty effectually either puts a stop to a new Settlement or keeps it in a state of misery a very long time. This is felt to a discouraging degree in a new Settlement were several Settlers together come on Land to reside immediately much more than when one or two persons take Lots several years previous to their residing thereon, as usual hitherto in this Country; for when two, three or four ranges and more are conceded in one or two years time (which is my case) they labour under great hardships, for they are at an immense distance from Roads for a long time, what little money they have is employed in getting the urgent wants or necessities of Life, by which most of their time is taken up in carrying the same on their backs through Forests, so discouraging particularly to strangers of our Climate. Other difficulties are the want of places of Worship



and Schools, and the want of public institutions in the Country for bringing up children, who are expensive to the industrious parents, to trades or professions.

Q. Had the said Settlers any means of obtaining employment as Labourers or otherwise, and where and for what employment, and at what rate of wages, and for what length of time?

A. During the Summer season numbers of Settlers have obtained employment as Tradesmen or Labourers in the King's works in Quebec, others could not, from the number of people wanted being filled up; the rates of wages to Tradesmen were I believe from four to five shillings *per diem*, and to Labourers, from two to two and six pence.

Q. Was any and what assistance afforded to the said Settlers in Provisions, or Seed, or Clothing, or Instruments of Agriculture?

A. The Quebec Society of Emigrants has, through me, given to the Emigrant Settlers of my Seigniories of Fossambault and Gaudarville, Five Pounds Currency for provisions to those in urgent necessity, and lent others Ten Pounds Currency, for the purchase of Seed. Provisions were besides given to four or five Families, some of the women were also assisted by the Quebec Benevolent Society: some clothing were charitably given by Mr. Le François, Curate of Saint Augustin, to some of the men, women and children of the Settlement; as to Instruments of Agriculture, none.

Q. What might have been the value of the advances made to the various Settlers, either by yourself or by the Emigrant Society?

A. The assistance I have been happy to give them has been in advancing them Provisions, Seed, opening Roads for them, procuring them work and employing them. Here I must observe that Twenty-five Pounds currency have been laid out by the Commissioners for the Internal Communications to assist in cutting a road to the Settlement.

Q. What are the Rents charged?

A. The Rents are thirty shillings currency per Lot of ninety *Arpents*, having deducted the usual charges of the difference of money, (*Argent tournois*,) Wheat, *Chapons*, *Corvées*, &c. and further giving nearly four years without any Rent at all.

Q. What quantity of Land has been cleared in the said new Settlements, and what has been the rate or price of clearing as well where the stumps of the trees have been taken, as where they have been left standing?

A. I am nearly certain that six hundred and seventy *Arpents* of Land have been cleared in Saint Patrick Settlement and upwards, the stumps have not been rooted out as yet, and for such clearing Two Pounds ten Shillings are generally paid.

Q. Are the Settlers generally satisfied with their situation?

A. I have often asked the question, and have always had the extreme pleasure to hear they were highly pleased, both with their Lands and its Tenure, from the circumstance of the great advantage of no Capital being requisite to obtain Lands for themselves and

children, and having no Rents for three or four years to pay, &c. &c.

Q. Would there be any difficulty in obtaining more Settlers if you had Land similarly situated to give them at the same rates?

A. No difficulty whatever. As I observed before, the only difficulty now is that the Lands to be conceded are at a greater distance, which still would be no impediment if Roads were made, &c.

Lieutenant SKEENE, of the Royal Engineers, appeared before your Committee.—

Q. Have you had occasion to explore any part of the unsettled Country in the neighbourhood of Quebec, and for what purpose?

A. Twelve months ago I went from the Settlement of *Petit Bois de l'Ail*, in Mr. Allsopp's Seignior, Hampshire County, through about twenty-eight miles of unsettled country, in a direction nearly North, for the purpose of examining a Bridge, which was described as being built of Masonry, across the *décharge* of a small Lake; also last Autumn I went up a stream called *Rivière Blanche*, through about eighteen miles of unsettled country, in a Northerly direction from Mr. Burnett's Mill, in the Seignior of Grouldines.

Q. What was the face of the Country, was it susceptible of cultivation, and did you in fact find the said Bridge?

A. In both instances I found the face of the Country hilly, with occasional level places of no great extent, through which the natural drains of various small Lakes wind their way towards the Sainte Anne River. To judge of the Land from the Timber every where covering it, it seemed, with very little exception, capable of cultivation. The said Bridge is a rock of *Gneiss*, which once probably formed an obstruction to the course of a stream twelve feet wide, and having been undermined now exhibits the appearance of an arch of twenty-six feet span, seven feet above the water, eight feet thick at the top, including a covering of soil, and nearly eight feet wide.

Q. Have you had any means of becoming acquainted with the situation and the wants of the poorer classes of labouring Emigrants who have come to this Country these latter years?

A. I was the Senior Officer of the Royal Engineer Department in the District of Quebec for two years, ending November one thousand eight hundred and twenty-two, and a Member of the Society for the relief of distressed Emigrants.

Q. To what extent and in what numbers have they derived the means of subsistence by labouring at the King's works, and have these afforded them temporary or permanent means of living, and what have become of them, as far as you have had any means of knowing, after they have left the said works?

A. Between November 1821 and November 1822 about seven hundred persons applied to me for employment on the King's works, of that number about three hundred had arrived at Quebec, chiefly from Ireland, in the Summer of 1822.

Finding that a little employment was a great object with them on

their first landing, it was arranged to give one month's employment to the same individual, which was done from the twenty-fourth July: this measure could not be extended to the Artificers. As the applicants were mostly mere labourers, this changing about one hundred of them once a month answered the purpose intended; the rate of wages for mere labour was 2s. 3d. Halifax currency, per day, during the last Summer. I have reason to say that few of the people who arrived here from Europe last Summer were even landed at Quebec, for instance the Brig *Brilliant*, of London, Capt. Scott, arrived at Quebec the seventh June last, with above two hundred Emigrants, from ——— about five of whom only landed, and the rest were transhipped on board a Steam Boat to go to Upper-Canada.

Many of those who obtained a few weeks employment on the King's works were enabled to move up the country, and those who from unthriftiness or misfortune have not done so, are no better off, after being employed even for a twelvemonth, than they were when they landed. The establishment of a Savings Bank has contributed to induce and enable poor Emigrants to accumulate enough in some instances to leave Quebec, and settle upon Lands in the neighbourhood.

**Q.** What in your estimation would be the best means of providing for the Emigrants coming to this Country, and of remedying or diminishing the inconveniences and hardships to which they are now exposed?

**A.** The readiest mode which suggests itself to me of assisting the poorer Emigrants, and of diminishing the hardships to which they are now exposed, is contained in the following remarks:

Information and immediate employment seem to be the first things requisite on the poor Emigrants landing. An Office might be opened in a convenient part of the City, where on landing the Emigrant might get information as to the demand for Labour, &c. in various parts of the Country, and as to the easiest method of obtaining a Concession of Land, to which object his attention requires to be effectually and constantly pointed.

It is well known how much the poorer Emigrants have been assisted during the last three years by a Society composed of Gentlemen who voluntarily and gratuitously undertook to raise and distribute a charitable fund for their relief.

It seems to me that the business of assisting the sort of Emigrants in question would be best conducted by such a Society: that if its Funds enabled it to establish the Office above alluded to, there would be little opportunity for introducing imposition into the nature of the information to be conveyed or for making the thing a Job for the interest of Individuals; that if its Funds enabled it to pay good wages for work done either on public Roads, or on the neighbouring Government Lands, enough would be done in the way of assisting that particular description of Emigrants we speak of. It is not for me to consider, but simply to hint, how far its funds might be aided

and how far it could be trusted with the application of a Grant in aid of them from the Legislature, and for the express purpose above mentioned under such regulations as might seem necessary.

Captain FENWICK, Assistant Harbour Master, appeared before your Committee and stated that the number of Emigrants arrived from Great Britain and Ireland, were

In 1821.... 8056

1822.... 10470

18526 Emigrants.

He cannot say whether these persons were wealthy or otherwise. They proceeded mostly in the Steam Boats to the Upper Country.

## No. 1.

*Extract of a Dispatch from the Right Honourable the Earl Bathurst to His Excellency Lieutenant-General Sir George Prevost, Baronet, &c. &c. &c. dated Downing-street, 12th July 1814.*

“ When I stated in my Dispatch No. 58, the objection which I  
 “ felt in making Grants of Land to the Glengary Fencibles and  
 “ the Canadian Voltigeurs, out of the Crown Reserves, I was in-  
 “ duced to do so from an apprehension that if a precedent were  
 “ once formed, on light grounds, for the abandonment of those Re-  
 “ serves on the part of the Crown, it would be difficult to resist  
 “ other applications for similar indulgence when the Reserves might  
 “ be more valuable than they appear to be in the Township of Sher-  
 “ rington. The reasons however, which you have stated in your  
 “ Dispatch No. 152, for wishing to establish on that part of the  
 “ Canadian frontier the men who compose the Corps in question,  
 “ appear to me so forcible, that I no longer feel any difficulty in  
 “ acceding to your request on this subject; trusting, however, that  
 “ you will not consider this deviation from the general practice of  
 “ maintaining the Reserves inviolate, as encouraging any similar de-  
 “ viations in other cases. With reference to the subject of granting  
 “ Lands, I have to communicate to you the intention of His Ma-  
 “ jesty's Government to grant, at the close of the War, to the Of-  
 “ ficers and Men of Meuron's and Watteville's Regiments, pro-  
 “ portionate quantities of Lands on those parts of the Frontiers of  
 “ Lower-Canada which may be most exposed to attack.”

Certified.

A. W. COCHRAN,  
 Secretary.

No. 2.

*Extract of a Dispatch from the Right Honourable the Earl Bathurst to His Excellency Lieutenant-General Sir George Prevost, dated Downing-street, 8th September 1814.*

“ In my Dispatch No. 72, of the 12th July, I stated to you the intention of Government to grant to the Officers and Men of Meuron’s and Watteville’s Regiments, Grants of Land in Canada, at the close of the War. The prospect of a similar advantage, it is conceived, may produce a good effect amongst the regular Troops under your command, and you are therefore authorized to signify to them that a certain proportion of each Regiment, in which number those who have families shall be first reckoned, shall, if desirous of settling in Canada after the termination of hostilities, obtain Grants in eligible situations, and their families, if in this Country, shall be sent to join them.”

Certified.

A. W. COCHRAN,  
Secretary.

No. 3.

G. O.

*Adjutant General’s Office,  
Montreal, 6th December 1814.*

“ The Commander of the Forces has received Instructions from the Right Honourable the Earl of Bathurst, one of His Majesty’s principal Secretaries of State, to announce to the Troops serving under his Command, the gracious intentions of His Royal Highness the Prince Regent, after the cessation of hostilities in consequence of a definitive Treaty of Peace, to grant to a certain portion of each Regiment, in which number those who have families are to be first reckoned, and who are desirous of settling in the Canadas, Grants of Land not exceeding one hundred acres to each person in eligible situations, and that those whose families are in Europe will be sent to join them in this Country at the expense of the public.

“ His Royal Highness has been further graciously pleased to signify his munificent intention to continue, for a period, the issue of Rations, and moreover to supply Implements of Husbandry, either gratis or at a reduced price, as the circumstances and necessities of the Settlers may require.”

(Signed) EDWARD BAYNES,  
Adj. Genl. N.A.

Certified.

A. W. COCHRAN,  
Secretary.



## No. 4.

*Extract of a Dispatch from the Right Honourable the Earl Bathurst to Lieutenant-General Sir Gordon Drummond, K. C. B. dated Downing-street, 31st May 1815.*

“ With respect to the encouragement you propose giving to discharged Soldiers, who prefer a Settlement in the Province, your views are perfectly in unison with those of His Majesty's Government, and I have much pleasure in conveying to you authority to give them such Grants of Land as have been usually made to persons in a similar situation, and to give them such other advantages as it was, previous to the change of affairs in Europe, proposed to give to Settlers proceeding to Canada, from the United Kingdom.”

Certified.

A. W. COCHRAN.

Secretary.

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HOUSE OF ASSEMBLY,

*Monday, 17th March 1823.*

Mr. Stuart, from the Special Committee to whom was referred that part of His Excellency the Governor in Chief's Speech, at the opening of the Session of the Legislature of one thousand eight hundred and twenty, relating to the Waste Lands of the Crown, reported that he was directed by the Committee to submit to the consideration of the House certain Questions proposed by the said Committee to the Honourable Mr. Ryland, and to which he had refused to give any Answer; and he read the said Questions in his place, and afterwards delivered the same in at the Clerk's Table, where they were again read, as followeth:—

Q. Are you now, and have you been for any and what length of time a Commissioner and Treasurer of the Board for managing the Estates heretofore belonging to the late Order of the Jesuits, and during any and what period of time also Chairman of that Board?

A. I have been a Commissioner since the year 1807 or 1808. I have been Chairman of that Board about seven or eight years by seniority.

Q. Is there any and what quantity of ungranted Land fit for cultivation within the Seigniories belonging to the said Estates, and are there any and what Fees required and received, and by whom, upon Grants of Land within the same?

A. I believe there are very considerable quantities of ungranted Lands within those Seigniories—No fees are taken that I am acquainted with—The conditions are the same with those of other Seigniories.

Q. Was there at any time, and when, made by the said Board,

an Order that no Petitions for Grants of Land within the said Seigniories would be received, or any other Order of a like purport ?

A. As those Seigniories are in possession of the Crown and under the immediate direction of His Majesty, I do not feel myself authorized to enter into any particulars respecting them without the express permission of His Majesty's Representative.

Q. Are not the said Seigniories held by His Majesty in trust, to apply the Rents, Issues and Profits thereof to the purposes of Education ?

A. I must return the same answer to this Question.

Q. Have the same been so applied or have they been applied to any other and what purposes, and to what amount ?

A. I return the same Answer.

Q. Have not portions of the said Estates been latterly alienated and disposed of, and to what purposes were the prices for what the same were sold applied ?

A. Same Answer.

Q. What is the average amount of the Revenues of the said Estates ?

A. Same Answer.

Q. Have the Commissioners for managing the said Estates taken charge of the College situate in this City, and do they receive any and what Rent for the same as Barracks, or use to which it is now applied ?

A. Same Answer.

Q. Have the said Commissioners ever applied for or received from His Majesty's Government in England, any Order or Instructions to apply the said Rents, Issues and Profits to any other purpose than the purpose of Education ?

A. Same Answer.

Q. Is there not, in the Office of His Majesty's Council, an Order directing that the same shall be applied to the purposes of Education, and what is the date of the said Order, and why has the same been disobeyed ?

A. Same Answer.

On motion of Mr. Stuart, seconded by Mr. Desaulles,

ORDERED, That the subject matter contained in the information now given to this House be referred to the Committee of Privileges.

## HOUSE OF ASSEMBLY,

*Thursday, 6th March 1823.*

**RESOLVED**, That the Settlement of the waste and uncultivated Lands, the promotion of Education, the due administration of Justice and a prudent and constitutional management of the Revenue and Financial Resources of this Province, thereby encouraging industry, diffusing knowledge and wealth, and securing the just Rights of all classes of His Majesty's Subjects in this Province, are the surest means of augmenting the numbers and encreasing the happiness and well being of His Majesty's said Subjects.

**RESOLVED**, That Grants have been heretofore, from time to time, made by the Provincial Administration of excessive quantities of the Waste Lands of the Crown to particular individuals who have never cultivated or settled them, and have prevented others, more industrious, from improving as well the said Lands as other Lands adjoining such excessive Grants, or accessible only through the same, and that therein the wise and gracious Instructions of His Majesty on that behalf have been disobeyed, and the Settlement of the said Waste Lands hath been retarded.

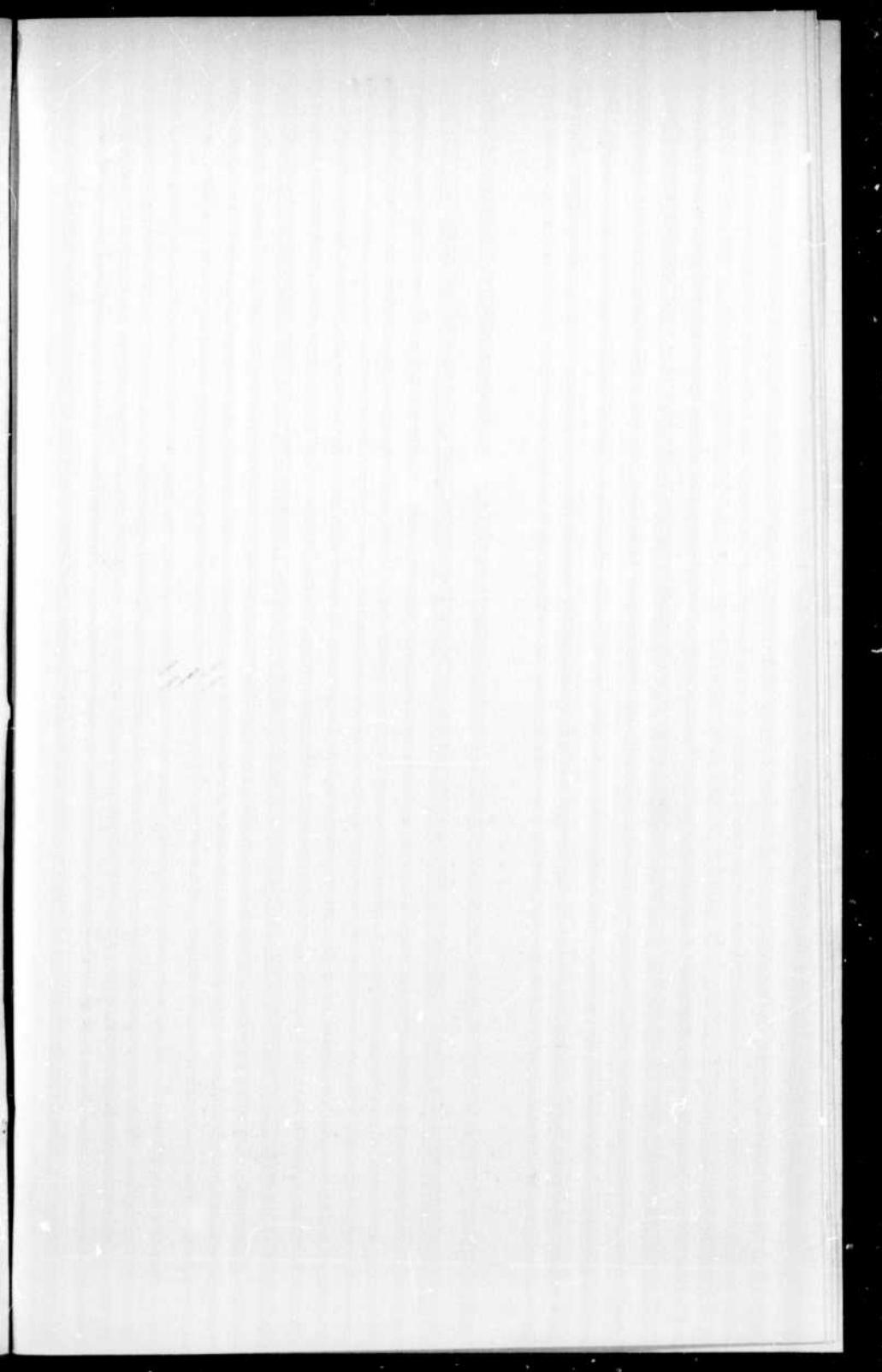
**RESOLVED**, That the Provincial Administration hath not enforced the condition of actual Settlement contained in all Grants made of the said Waste Lands by His Majesty, and, upon breach of the said condition, no legal measures have been taken for the escheating of the said Lands, whereby the gracious intentions of His Majesty, in this behalf, have been frustrated, the Grantees of the Crown openly encouraged in their neglect to fulfil the said condition, and the Settlement of the said Waste Lands retarded.

**RESOLVED**, That large sums of money have been, with the sanction of the Provincial Administration, exacted and received as Fees from Applicants for the said Waste Lands, before that their Petitions for Grants of the same would be received or taken into consideration; and other sums of money with the like sanction also exacted and paid, also as Fees, before that a Location Certificate could be had or obtained, without that the said pretended Fees had been established by His Majesty under his Signet and Sign Manual or by his Order on that behalf, signified by one of His principal Secretaries of State, whereby the gracious Instructions of His Majesty in that behalf, bearing date at Saint James, the fifteenth day of August one thousand seven hundred and ninety seven, have been disobeyed, His Majesty's Subjects in many instances deterred from applying to His Majesty for Grants of Lands, and the Settlement of the said Waste Lands retarded.

**RESOLVED**, That His Excellency the Governor in Chief has given his serious attention to this important subject by referring the same to the consideration of the Legislature in his Speech of the sixteenth December one thousand eight hundred and twenty, delivered from the Throne to both Houses, and that this House are assured that His Excellency is disposed to fulfil His Majesty's gracious views in that behalf.

*Wednesday, 19th March 1823.*

**RESOLVED**, That this House will, at an early period in the ensuing Session, continue the enquiry into the state of the Province, and will also take into their most serious consideration the commonly called the "*Canada Trade Act*."



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