

At a Council holden at Quebec,
ON WEDNESDAY THE 20th OF JANUARY, 1790.

P R E S E N T,

His Excellency LORD DORCHESTER, Governor,
The Honble. WILLIAM SMITH, Esquire, Chief Justice,

And the Honorable	{	HUGH FINLAY,	}	GEORGE POWNALL,
		EDWD. HARRISON,		HENRY CALDWELL,
		JOHN COLLINS,		WILLIAM GRANT,
		J. G. C. DELERY,		CHAS. DELANAUDIERE,
		LE. CTE. DUPRE,		ESQUIRES.

WHEREAS there was this day read at the Board the following Extract from a Report of a Committee of the whole Council, respecting the Schedules of Locations in Lunenburg and Mecklenburg, viz.

Read a Letter from His LORDSHIP, by Mr. Secretary MOTZ, with its Inclosures, in these words.

QUEBEC, 9th. JAN. 1790.

SIR,

THE 42d. article of the Royal instructions of the 23d. of August 1786, requiring that all persons applying for lands, shall take the oaths directed by Law, and subscribe the declaration mentioned in the said article, I have it in command to signify Lord Dorchester's desire, that the Committee of the whole Council, to whom was referred the report of the Land Committee on the Schedules of Locations exhibited by the Surveyor-general's Office, cause enquiry to be made, whether the proper records be extant, of all or any of the persons therein mentioned, having taken and subscribed the said oaths and declaration, and that they report to his Lordship, whether it may not be advisable, on transmitting the said schedules to the respective Boards, to direct them to take course for completing the record of the signatures of all land-holders in the respective districts; if it shall be found defective, that nothing may be neglected to clear the way for the Loyalists being put into possession of legal titles for their lands, agreeable to his Majesty's expected instructions, as soon as they shall arrive.

His Lordship also commands me to transmit to you divers extracts from public letters, as connected with the general subject of your deliberations upon the present reference; and to signify his desire, that the Committee make it a part of their report, in what way their contents may best serve the end of giving comfort and tranquility to the Loyalists, and encouraging and strengthening the western settlements and frontiers.

"I am, SIR,

"Your most obedt."

"humble Servant,

To the Honble. WILLIAM SMITH, Esq. } "HENRY MOTZ.
President of the Honorable his Majesty's
Council for the Province of Quebec.

EXTRACT of a Letter from the Right Honorable LORD NORTH, one of his Majesty's Principal Secretaries of State, to his Excellency Governor HALDIMAND, dated Whitehall, 24th. July, 1783.

And as a part of that instruction directs that all persons whatever, upon their application for lands, besides taking the usual oaths as directed by law, shall make and subscribe a declaration, acknowledging his Majesty in Parliament to be the supreme legislature of the Province, I think it necessary to observe to you that the declaration however general, cannot extend to taxation; Parliament having by the Act of the 18th. of His present Majesty, intitled, "An Act for removing all doubts and apprehensions concerning taxations by the Parliament of Great Britain, in the colonies;

"provinces

"provinces and plantations, in North America, and the West Indies, &c. in the most express terms, restrained itself from ever imposing any taxes or duties, in the Colonies, except for the regulation of trade; the produce of which taxes or duties, to be disposed of by the provincial assemblies; such being the case, it was judged not only unnecessary, but implying some doubt of the sincerity of Parliament, to make any exception in the declaration; the exception being already made by Parliament itself, in a manner so solemn and effectual, that nothing can add to the security, the subjects in the Colonies derive under it: these observations you will naturally make a proper use of, should any objection be made to the declaration or the construction of it; and I doubt not but the necessity of guarding against disaffected persons becoming settlers in Quebec, will convince His Majesty's loyal subjects, of the propriety of that test, by which they cannot be affected or deprived of any indulgence, or encouragement, to which they are so justly intitled."

"A true Extract, — (Signed) F. H."

"A true Copy, — HENRY MOTZ."

EXTRACT of a letter from the Right Honorable LORD SYDNEY, one of His Majesty's principal Secretaries of State, to the Right Honorable LORD DORCHESTER, dated Whitehall, 3d. September, 1788.

Your Lordship will however understand, that it is the King's intention, that the new settlers in that part of the province, who now hold their lands upon certificates of occupation, shall at all events, be placed upon the same footing in all respects, as their brethren in Nova-Scotia and New-Brunswick, by having their lands granted to them in free and common soccage, with a remission of quit rents for the first ten years."

"A true Extract, — HENRY MOTZ."

ON the communication from his Lordship in the letter to the Chairman, the Committee put several questions to the Deputy Surveyor General, who reported,

THAT he believes all persons holding under occupation certificates issued prior to November 1787, did subscribe the declaration, as well as take the oaths, by His Majesty's instructions required; but as to what has been done since that period, under the conduct of the Land-Boards and his country agents and deputies, he can give the Committee no certain information; but he supposes it may be obtained by the aid of those boards. Resolved thereon to be the opinion of the Committee,

I. That the several Land-Boards be desired to make the proper enquiries, and to take course for exacting a compliance with the Royal instructions, from all persons holding, or to hold in future, under occupation certificates, and that they return a list into the office of the Clerk of the Council, of such as have neglected or shall refuse such compliance, that the grants of title may be suspended, as to such as shall wilfully make default.

II. To the intent of informing the settlers of the benevolent design and true use of the Royal requisitions, as well as to convince them of the solidity of the plighted faith of Government, and the manner of preserving the evidence of it, it is expedient, that there be transmitted to each of the Land-Boards (to be made known in their districts) a copy, not only of the report of the Land-Committee, but of the present report thereon. — Signed by order, 12th. January, 1790

"WM. SMITH, Chairman."

HIS LORDSHIP, taking the said Extract into consideration, was pleased, with the advice of the Council, to approve of the Resolves of the Committee of the whole Council therein contained, and to order, as it is hereby ordered, that the same be duly and punctually complied with, and carried into execution; whereof the different Land Office Boards, and all other persons, whom it may concern, are to take notice, and govern themselves accordingly.

* Meaning the Districts west of Point au Baudet.



Williams & C.