

MADE TO

HIS EXCELLENCY SIR JOHN COLBORNE,

LIEUTENANT GOVERNOR OF UPPER CANADA,

BY THE

INSPECTOR GENERAL,

ON THE

SUBJECT OF LANDS GRANTED TO U. E. LOYALISTS,

&c. &c. &c.

TORONTO.

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1834.

GOVERNMENT HOUSE, }
Toronto, 17th May, 1834. }

SIR,

I am directed to transmit to you the accompanying report of the Inspector-General of Accounts, on the subject of U. E. Loyalist's claims ; and to acquaint you that the Lieut. Governor desires that this document may be made public and communicated to the Agents of U. E. Loyalists applying at your Office for Location Tickets, as it may be convenient to them to be informed that all Grants sanctioned under the Proclamation of 1789 will probably, in future, be unconditional.

I am also to state that, in conformity to the order of the 14th February last, no Locations are to be granted to the Agents of U. E. Loyalists in the Townships in which 10,000 Acres have been already granted on U. E. Loyalist Rights ; but that U. E. Loyalists who intend to settle on their Lots, are to be Located in any of the Townships open for Location.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

WM. ROWAN.

S. P. HURD, ESQ.

Surveyor General.

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REPORT, &c.



*To His Excellency SIR JOHN COLBORNE, K. C. B.
Lieutenant Governor of the Province of
Upper Canada, and Major-General Com-
manding His Majesty's Forces therein,
&c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY.

A report having already been made to Your Excellency, of the regulations by which the Inspector General is governed in investigating the claims of U. E. Loyalists, I consider it my duty, from the references that have been made to me relative to the changes in the conditions of those Grants established by different Orders in Council, to lay before Your Excellency a full statement of the proceedings connected with this subject since the settlement of the Province.

In a Council held at Quebec on Monday the 9th November, 1789. in presence of the Right Honorable Lord Dorchester, "His Excellency intimated to the Council, that it remained a question, upon the late regulation for the disposition of the waste Lands of the Crown, whether Boards, constituted for that purpose, were authorised to make Locations to the sons of U. E. Loyalists on their coming to full age, and that it was his wish to put a mark of honor upon the families who had adhered to the unity of the Empire, and joined the Royal Standard in America before the Treaty of separation in the year 1783." It was accordingly ordered, "that the several Land Boards should take course for preserving the registry of the names of such persons, as proper objects for distinguished benefits and privileges, and that they should provide not only for the sons of those Loyalists as they arrive at full age, but for their daughters also, of that age, or, on their marriage, assigning to each a lot of two hun-

“dred Acres : provided, nevertheless, that they respectively
 “comply with the general regulations, and that it shall satis-
 “factorily appear that there has been no default in the due
 “cultivation and improvement of the Lands already assigned
 “to the head of the family of which they are members.”

In consequence of the above order, the Form of a Certificate to be given to U. E. Claimants was prepared for each Land Board, of which the following extract formed a part :—
 “The U. E. is hereby authorised to occupy and improve the
 “said Lands, *and having improved the same*, shall receive a
 “Grant thereof to him or her, and his or her Heirs or De-
 “vises in due form, on such terms and conditions as it shall
 “please His Majesty to ordain ; and all persons are desired to
 “take notice, that this assignment, and all others of a similar
 “nature, are not transferable by purchase, donation or other-
 “wise, on any pretence whatever, except by an Act under
 “the signature of the Board for the District in which the
 “Lands are situated, which is to be endorsed upon this
 “Certificate.”

Thus it will appear that however much it was desired to distinguish the U. E. Loyalists, by giving free Grants of Land to their children and having their own names enrolled for future remembrance, it was plainly stipulated that the Lands so granted should be improved, to prevent injury to the Colony, or inconvenience and disadvantage to other valuable Settlers who, with equal loyalty, from circumstances not within their control, might not have had similar opportunities of evincing their adherence to His Majesty, and would be seriously incommoded by having in their neighbourhood quantities of Land, belonging to U. E. Loyalists, without cultivation. They were all therefore put upon an equal footing with respect to the settlement and improvement of their Grants under the then regulations.

In 1795, a Proclamation was issued by His Excellency Lieutenant Governor Simcoe, declaring under various rules, the Royal intention respecting the terms of Grants of Lands in Upper Canada, and the issuing of Patents for the same. In the fourth rule it is expressly stated—that every Petitioner for Lands shall make it appear that he or she is in a condition

to cultivate the same, without any exception relative to U. E. Loyalists; while in the Table of Fees then established, they are not only exempt from all pecuniary charge, as was originally intended, but the different Officers concerned in passing their Patents received half fees from the Crown as a reward for the duties performed by them for U. E. Claimants.

It will, no doubt, appear to Your Excellency from the foregoing extracts, that if it has been supposed, or intended to be asserted, that Grants of Land to the children of U. E. Loyalists were originally designed to be without condition, the facts of the case do not warrant any such conclusion, as, on the contrary, the conditions are express and positive.

From the period when those Regulations were adopted until the year 1818, no change was made in their tenor. It is true, that owing to the circumstances of the Colony they were by no means rigidly enforced. It was found that persons having Lots assigned them under those rights, would be much inconvenienced by removing to them, as in many cases they were far remote from the Settlements; and that from being resident on other farms, or being engaged in trade, or as useful Mechanics, the Province, as well as themselves, was more benefited than if the conditions were enforced. To serve these claimants therefore, performance of actual settlement was much overlooked, although the right of transfer of Certificates or Location Tickets was not at any time sanctioned.

In the year 1818 however, during the administration of Sir Peregrine Maitland, the injurious effects produced by uncultivated Grants being dispersed through the different Townships was brought under his consideration, and the attention of His Excellency in Council was necessarily drawn to the subject. The result of their deliberation bespeaks the feeling with which they were influenced towards the U. E. Loyalists; it was not that persons who already had their Grants should perform the conditions annexed to them, nor even that persons who were to receive them in future should be so incumbered, but with the utmost desire to accommodate those claimants and others, the order in Council of the 26th October, 1818, merely required, "that a habitable house should be erected on some part of the Grant, and sufficient clearing under fence be made thereon,

“in the proportion of five acres to each hundred,” thereby accepting such performance as an equivalent for the actual residence originally required, which to most of them would have been inconvenient, and to many of them impracticable.

Other orders in Council, modifying those restrictions, were passed at various periods until May 1832: it then appeared obvious, that from the rapid advancement of the Colony, it was becoming extremely injurious to allow large tracts of uninhabited land to remain in the midst of flourishing settlements; and it was deemed not unjust to the children of U. E. Loyalists, when requisite for the prosperity of the Province, to declare, “that no Patents should be issued to individuals who “received Location Tickets, till it had been ascertained by the “Surveyor General, or by the Commissioner of Crown Lands, “that a resident Settler was established on some part of the “Grant,” leaving to each of the parties, as was originally intended, the power of selecting a free Grant of Land, to use and cultivate for his or her own benefit; or the privilege which they did not enjoy under the first regulations, of placing a resident Settler upon some portion of the land, in their stead; two years after which a Patent for the whole would issue in their own names.

The impression therefore, which has been so much encouraged, that the restrictions imposed were unjust and injurious, is manifestly erroneous—after every change that was made, the children of U. E. Loyalists were left in a better condition than they had been at the establishment of the Colony, and their interests were carefully guarded, even to the prejudice of many of its other inhabitants, while these changes were never made until forced upon the Government by an obvious public necessity, arising from the rapid development of the resources of the Province.

The order of May 1832, existed without being complained of until November last; it then became notorious that the claims of U. E. Loyalists were an article of traffic in the public market—that numerous speculators were purchasing them at a very reduced rate, for the purpose of placing a Settler upon a small portion of each Grant, and retaining the remainder for future disposal, when lands shall have grown valuable from the

accession of residents and other causes. It became the duty of the Executive Government to remedy this evil, which was promptly met by Your Excellency, and after putting a stop for the time to all further Locations, the orders of the 8th of November and 7th of December last, were adopted and promulgated.

The intent of those orders was to protect U. E. Loyalists, not to injure them : to prevent their being driven to dispose of their claims for an inconsiderable value, by affording them an opportunity of having their Lots sold through the Agency of the Commissioner of Crown Lands, who would receive and pay over the proceeds without charge to them, or their agents, and thus enable them to enjoy the bounty graciously intended for them by His late Majesty. Whether the course pursued by the Executive Government would have proved satisfactory to the parties concerned, after being reduced to practice, there has not been an opportunity of ascertaining, as circumstances arose which interfered with their being carried into effect.

I have been induced thus to detail, for the information of Your Excellency, proceedings which have occupied a long series of years, from considering it due to the Executive Government of the Province, to make fully manifest the course that has hitherto been pursued, in order to prove how unjustly they have been accused of a desire to interfere with claims which it has always been their endeavour to support and facilitate.

Your Excellency has concurred with the Executive Council in their opinion, that it may not be necessary to adhere to restrictions, imposed under circumstances, which no longer exist to the same extent, and that it might be more satisfactory to U. E. Loyalists to order in future, that all Deeds shall issue as usual in the name of the Locatee, so soon as conveniently can take place, and that they be forwarded to the Clerks of the Peace of the District in which he or she may reside, to be delivered to them or their agents. Until therefore, the decision of His Majesty's Government has been obtained, it does not appear that any further arrangements can be adopted, except with respect to the Locations made by individuals, who purchased the right with an expectation of performing settlement

duty, and consequently at a diminished value. It will perhaps not appear unreasonable to Your Excellency, that these should remain subject to the order in Council of May 1832, and be Located under the regulations with respect to situation, which have been lately sanctioned by Your Excellency.

All which is respectfully submitted.

GEORGE H. MARKLAND,
Inspector General.

Toronto, May 15, 1834.



MEMORANDUM.

It may be satisfactory to the U. E. Loyalists, &c. to be informed, that the quantity of Land described or located, or for which orders have been duly filed in favor of U. E. Loyalists, and also of Militia Claimants, amounts—

For U. E. Loyalists, to.....1,664,600 Acres.

“ Militia Claimants,..... 504,100 “

Giving a total of.....2,168,700 “
being equal to the number of Acres at the disposal of the Crown, in $45\frac{3}{4}$ Townships.