

12th May, 1796.

At the Council Chamber, Navy Hall.

Present: His Excellency J. G. Simcoe, Lieutenant Governor; The Honourables Alexander Grant and Æneas Shaw.

The report of the Acting Surveyor General bearing date the 21st of September, 1795, relative to the lands between Long Point and the Grand River was laid before the Council.

Resolved that the Lieutenant Governor, with the advice of the Honourable Executive Council, confirm the various arrangements made therein and order the customary measures to be taken to grant title deeds to the actual settlers.

Captain John Powell: States that he had served in the Indian Department and has only drawn sixteen hundred acres. Prays for fourteen hundred still due to him, and for family lands. Ordered that the remainder of his own lands, and one hundred and fifty for his family, be granted him.

John Collins: Prays for two hundred acres of land in the settlement of Long Point, having served His Majesty in different regts. many years. Granted two hundred in the neighbourhood of Long Point and referred to the Surveyor General for location.

James Neville: Came into this Province in 1787, with a wife and five children (has now nine). Has only received one hundred acres of land and prays for himself and his family an additional quantity at Long Point settlement. Granted four hundred acres and referred to the Surveyor General for location.

Geo. Small: Served last war, as Corporal under Sir John Johnson and prays for six hundred acres. Ordered a grant of four hundred acres.

James Clement, late Store-keeper and a volunteer in the Indian Department during the American War: Has received 400 acres of land and prays for an addition thereto, and likewise 200 acres for his wife Catherine Clement (a daughter of the late Lieut. Adam Crysler). Petitioner begs leave also to represent that the Land Board of the late District of Nassau issued a recommendation for the heirs of the late Lewis Clement, (petitioner's father), for 2000 acres of land, as a Lieut. in the Corps of Rangers, which right has been made over to petitioner who prays the same may be confirmed to him. Granted two thousand acres to the heirs of the late Lewis Clement and 200 acres to Catherine Clement, the daughter of a loyalist.

Benjamin Hardison: Has resided in this Province since the year 1776; has uniformly demeaned himself as a good British subject, has received only one lot of about 180 acres which he has improved, and in good fence; from the commencement of the settlement he has done all in his power to forward and promote its prosperity and trusts in the benevolence of His Excellency for a further grant. Ordered that he shall have an additional grant of one thousand and sixty acres.

Gideon Cooley, Sen. whose son Luther Cooley received a ticket of location from Andrew Pierce for lot No. 1 in the 12th con. on the head waters of Patterson's Creek on Lake Erie, the said Luther having by the paper annexed to his petition given up his right thereto to the petitioner, who prays that the same may be granted to him. Ordered that 200 acres be granted and referred to the Surveyor General for location.

Gideon Cooley, Jun.: Has a wife and five children and has never received any land. Prays for three hundred acres in the Long Point Settlement or in the Township of Townsend. Ordered that the petitioner shall have a grant of two hundred acres.

Henry Smith, a private soldier in Butler's Rangers, prays for family lands in addition to the three hundred acres he has received, having a wife and four children. Ordered, one hundred acres family lands.

John and Geo. Cockle: Both served in Butler's Rangers last war. John has received of His Majesty's bounty 100 acres and George 200 acres. Pray that they may each receive a grant of what may be further due to them. Ordered that John Cockle receive an additional grant of 200 acres, and that Geo. Cockle receive one hundred acres.

Mathew Forrest, late Sergeant in Sir John Johnson's Corps: Prays for an additional three hundred acres of land, having received only 200 acres; and for lands for his family. Ordered that he shall have an additional grant of three hundred acres.

Christian McDonell, late of Butler's Rangers: States that his father, Randal McDonell, was a Sergeant in Butler's Rangers and that he located 400 acres of land in Gainsborough, which he considerably improved, and that he died about two years ago without having received certificates for them. Prays that the same may be assigned to him and likewise the remaining 100 acres due to him. Ordered, to be assigned to Randal McDonell.

Benj. Frolick: Served in Butler's late Rangers, as a non-commissioned officer, last war. Has already received 400 acres of land; brought his wife and family into this Province in the time of the war; had then four children, now seven. Prays for a further grant of land. Ordered, an additional grant of two hundred and fifty acres.

Peter Ochre: Has a wife and three children. Has lived in Newark three years, never applied for land. Prays for a grant and a town lot in Newark. Ordered, a town lot.

Henry Anguish, son of an old Ranger: His wife's father was a Sergeant in Butler's Rangers; has four children, has received only about fifty acres of land, and prays for an additional grant. Ordered 200 acres for his wife, the daughter of a loyalist, and 200 acres for himself.

Zakariah Hainer, a soldier in the late Rangers: Has never taken any land, and prays for the usual allowance. Ordered a grant of three hundred acres.

Wm. Tip, from Germany; served as a soldier under General Reideisel and was taken at Stillwater; has a wife and two children. Prays for three hundred acres. Ordered that he shall have a grant of three hundred acres.

Jacob Cockanour, Farmer, late from Pennsylvania; has received no land and prays for a grant of 200 acres. Ordered to be granted and referred to the Surveyor General for location.

John Harris: Served in the Old French War, was a private in Butler's Rangers; has received 100 acres of land whereon he now lives, and brought into this country a wife and one son. Prays for lands for himself and family. Ordered a grant of three hundred acres.

John Brooks: Has been two years in the Province, prays for a grant of land. Ordered 200 acres; for location referred to the Surveyor General.

John Palmer: His wife was the daughter of Lewis Maybee, a Sergeant in the late corps of Butler's Rangers. Prays for 200 acres of land. Ordered that 200 acres be granted his wife the daughter of a loyalist.

Richd. Slingerland, a private soldier in Butler's Rangers: Had a wife and two children in the year 1787 (has now three). Prays for family lands. Ordered that he shall have a grant of one hundred and fifty acres family lands.

John Ellis: Prays for lot No. 326 in the Town of Newark. Ordered to be granted and referred to the Surveyor General for location.

Valentine Scram, a carpenter. Has been in this country eleven years, is married and has received no land. Ordered a grant of a town lot and two hundred acres.

Upon the Acting Surveyor General's representation to His Excellency the Lieutenant Governor in Council on the necessity of having the front concessions from Lake St. Clair to Point Pelee on Lake Erie resurveyed owing to the inaccuracy of the former survey, in order to prepare a description for His Majesty's Attorney General, that the settlers there may be enabled to take out their deeds. Ordered accordingly.

J. S., C.E.C.

21st May, 1796.

Council Chamber, Navy Hall.

Present: His Excellency John Graves Simcoe, Esq., The Honourables Alexander Grant, James Baby, and Æneas Shaw.

His Excellency having laid several papers before the Council containing the resolution of the magistrates of the Home District, and papers appertaining thereto, to solicit the loan of three hundred pounds for the purpose of enabling the District to complete the gaol, and court house, now building in the Town of Newark. Resolved, that it is inexpedient to make the loan requested.

Captain Lindsey: Prays to locate 700 acres of land, agreeably to annexed certificate, and the residue of his lands as a Captain. Ordered 700 acres; and upon producing his commission as a Captain, the residue will be assigned to him.

25th May, 1796.

Council Chamber, Navy Hall.

Present: His Excellency John Graves Simcoe, Esq., and The Honourables Alexander Grant, James Baby, Peter Russell, and Æneas Shaw.

His Excellency and Council having taken into further consideration the establishing a town at Bois Blanc. Resolved that application be made to His Excellency the Commander-in-Chief to take measures for the purchase of the Huron reserve, that a town may be laid out therein.

His Excellency then submitted the following Proclamation to the consideration of the Board.

UPPER CANADA

By His Excellency John Graves Simcoe, Esq., Lieutenant Governor and Major General of His Majesty's Forces.

PROCLAMATION.

Whereas in pursuance of His Majesty's gracious intention respecting the granting of and settling of the waste lands of the Crown in this Province made known by my Proclamation bearing date the seventh day of February, 1792, many persons made applications for certain portions of the ungranted lands of the Crown in their own names and the names of their associates, which applications have in various instances been complied with subject to the terms held out in the Proclamation aforesaid.

And Whereas it is a matter of public notoriety that many of the said applicants have failed in the performance of the conditions required of them.

And Whereas others of the said applicants who have received Orders of Council preparatory to His Majesty's grant under the Seal of the Province

subject to the terms aforesaid from the Lieutenant Governor-in-Council, have willfully perverted His Majesty's most gracious intentions signified in the Proclamation aforesaid, namely that the respective patentees of such lands should take their estates granted to them severally free of quit rent, and of any other expenses, than such fees as are duly authorized and established, by publicly and openly offering for sale such townships or portion of townships, or by affixing an annual rent charge to be paid for the grant of the same and by many other sinister and illegal transactions in manifest violation of the principles and conditions of the Proclamation aforesaid, and of the terms under which they solicited for themselves and associates such townships or portion of townships.

Be it known therefore to all concerned, that it was this day resolved in Council that all persons claiming by virtue of an Order of Council to receive His Majesty's grant in and for the townships hereinafter named have forfeited the same. That the townships of Osgoode, Wolford, Montague, Russell, Kitley, Loughborough, Huntingdon, Rawdon, Murray, Clarke, Whitby, and Windham, are, and they are hereby declared to be vacant and free for the admission of such persons as shall be desirous of occupying and settling the same, agreeably to the terms and conditions of the Proclamation aforesaid.

And Whereas many other townships and tracts of land have been appropriated under orders of the Lieutenant Governor-in-Council to various applicants and their associates.

And Whereas for want of information in respect to the present improvements of the same, if any such be made or the future intentions of the said applicants, it does not appear to be expedient that such townships or tracts should at present be declared vacant; it was further resolved that all persons who intend to avail themselves of the benefit of any appropriations made in any townships or tracts of land whatsoever be directed, and they are hereby directed accordingly, to signify the same to the Clerk of the Honourable the Executive Council on or before the first day of June, 1797, and to shew cause why the Order of Council made in their behalf should not be declared null and void.

And it is further resolved that all persons who occupy lots of land in any of the townships or tracts aforesaid should be directed to apply (and they are hereby directed to apply) for their respective patents or title deeds, agreeably to the terms and conditions specified in the Proclamation aforesaid, within the space of six months—or such lands may be considered as vacant and given to other applicants of which all persons will take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms at our Government House at Navy Hall, the twenty-fifth day of May in the year of our Lord one thousand seven hundred and ninety-six and in the thirty-sixth year of His Majesty's reign.

Signed J.G.S.

By Command of His Excellency. Approved and ordered to be published.

J. SMALL, C.C.

Peter Tenbrook, Esq. attended the Council and produced certificates granted to him by the late Land Board of Lincoln for land on the north side of Burlington Bay being lots Nos. 7 and 8, and praying to have them confirmed to him. Resolved that it appearing from the face of documents brought forward in

support of the petitioner that the Land Board has exceeded the limits of their power granted to them by the Rules and Regulations for the Land-granting Department, and no report being made from the Surveyor General's office at Quebec of the location of the petitioner and it appearing further from the dates of the certificates that the lands in question were granted at a time when they were the property of the Indians, this Board cannot confirm the certificates.

Petition of Saml. Gardner. Has been long settled in the Province, and prays for twelve hundred acres of land. Ordered, that the same be granted.

Abraham Cuyler: States that his loyalty and attachment to His Majesty and the British Government at all times, and his services during the British revolution may be so well known as to render it needless now to enumerate or particularise, but begs leave to mention that his conduct on that occasion has received the approbation of His Majesty's Ministers and Commander-in-Chief, and flatters himself that his exertions in favor of the Royal Cause in every situation have been equal to any one of His Majesty's most loyal and faithful subjects. The memorialist being desirous of making a permanent establishment for the benefit of his family in Upper Canada, and not yet having obtained a grant of land in any of his Majesty's Colonies, prays His Excellency to grant him (for his services during the American War as Lieutenant Colonel, Commanding a Corps of Loyal Volunteers), five thousand acres of land, and also further prays that His Excellency will extend the Royal bounty and grant to each of the rest of his family such further quantity of land as His Excellency may think they merit; and that the said lands may be located and granted in the Township of Cambridge lying between the 4th and 8th range of lots in said township including the 4th and 5th falls on the River Petit Nation. Names of petitioner's family, viz: Jane Cuyler; Cornelius Cuyler, Captain in His Majesty's service, having served as Lieut. in America last war; Jacob Glen Cuyler (present) having taken the oaths and made the declaration required; Cathalina Cuyler, and Elizabeth Cuyler, the petitioner's daughters of age. Ordered a grant of five thousand acres for himself and twelve hundred acres for his son, Glen Cuyler, in the Township of Cambridge.

Petition of Capt. Thomas Fraser and Captain Duncan, in behalf of themselves and associates. Ordered to lie on the table.

J.S.

2nd June, 1796.

Council Chamber Navy Hall.

Present: His Excellency John Graves Simcoe, Esq., The Honourables Alexander Grant, James Baby, and Æneas Shaw.

Petitions read from:

Abel Stevens: Has been at a considerable expense, not less than \$1000, in bringing settlers, and removing his family into the Province; has received 200 acres only. Prays for an additional grant of 1000 acres including the rapid between two small lakes on the south west quarter of Bastard. Ordered that the same be granted.

David Lee, Jun., son of David Lee: Prior to his father's death he obtained a grant for 1000 acres, being son and heir. Settled in the Province in consequence of the grant to his late father. Prays that the 1000 acres may be confirmed to him and that he may be located in the front of the Town of Bastard. Ordered that the patent be issued in the name of the father, and so soon as the lands are located, application must be made for the same.

William Hands: Has been a resident in Upper Canada nineteen years; wishes to become a settler, and prays for a grant of waste lands of the Crown in the Western District. Ordered a grant of twelve hundred acres.

George Meldrum: Prays for a grant of twelve hundred acres of land. Ordered to be granted.

James Fraser: Prays for a grant of twelve hundred acres of land. Ordered to be granted.

William Park: Prays for a grant of twelve hundred acres of land. Ordered to be granted.

Walter Roe: Prays for a grant of twelve hundred acres of land. Ordered to be granted.

J. S.

4th June, 1796.

Council Chamber, Newark.

Present: His Excellency John Graves Simcoe, Esq.; The Honourables Alex'r Grant, and Æneas Shaw.

Petition read from:

Richd. Duncan, Esq. and Thos. Fraser, Esq., respecting an order they obtained dated the 13th July, 1793, for a large tract of land for themselves and associates. They pray for a further specification of the terms on which they obtained the above tract. Resolved, that the petitioners be informed the Proclamation issued by His Excellency Lieutenant Governor Simcoe, the 7th of February, 1792, is sufficiently explanatory of the terms on which townships or tracts of land are granted, as necessary to prevent those inconveniences which have heretofore arisen in many of the claims in America, from granting excessive quantities of land to particular persons.

Read a letter from the Honourable Richard Cartwright, (dated Queenstown 25 May, 1796), stating that he received an Order of Council respecting his petition for lands in right of his father. In answer he observes that tho' his father never held any commission, yet he has the certificates to produce shewing that he received five hundred acres of land under His Majesty's Instructions in 1783. Should this however appear not sufficient to warrant a grant of 1500 acres as an officer, he trusts the circumstances stated in the petition will induce His Excellency and the Council to add seven hundred acres to the quantity already obtained, in order to make up twelve hundred acres. Ordered a grant of seven hundred acres.

Thomas Allison, Captain in His Majesty's 5th Regt. of Foot. States he made application to His Excellency in Council for two thousand acres of land at Long Point and Kettle Creek, and obtained on the 10th July, 1794, grant for 1000 acres at Kettle Creek; and was recommended at the same time to stand among the first applicants for lands at Long Point in order to receive the other 1000 acres when any settlement should be made there, which having now taken place, induces him to renew his application for obtaining the same, and further prays that as soon as Kettle Creek will be surveyed to have a ticket of location for the lands granted to him there. Ordered that it be granted.

Alexander Campbell, Esq. States that having received a sanction from His Excellency in Council to settle thirty families in the Township of Kitley, and has been at a considerable expense; but that he could not wholly fulfil his original expectations for want of the lands being surveyed; that through his means nineteen settlers have been set down on lands in the said township

and twenty-nine are ready as soon as the lands are to be given out under proper survey. Petitioner having a large family of children, ten in number now living, and being desirous to settle them among the people in the said township, prays that each of his children may have a location of land there. Ordered to be referred to the Surveyor General, so that the lands to which his family is entitled may be located in Kitley.

Robert Richardson: Proposes to become a settler in this Province and prays for such quantity of land as His Excellency may think proper. Ordered that the petitioner shall receive twelve hundred acres. Referred to the Surveyor General for location.

Major Edward Jessup attended and prayed to be confirmed in the lands he originally applied for. Resolved that Major Jessup be granted the fall which he terms the second fall on the River Petite Nation and which appears to be in Mr. Rankin's survey named the fourth fall. Also, resolved that three thousand eight hundred acres be granted Major Jessup in the Township of Cambridge as near as may be practicable to the second fall. Resolved that 1400 acres be granted to Lieutenant Edward Jessup as near as may be practicable to the second fall. Resolved that the lot on which the fifth fall in Mr. Rankin's plan is placed, be not included in Major Jessup's grant.

Terence Smith, on behalf of himself and brother, with the Surveyor General's report. Mr. Smith is to be informed that the lands he requests cannot be appropriated till they are surveyed. The Surveyor General to take care they are not granted to other applicants.

28th June, 1796.

Council Chamber, Garrison at York.

The Committee met according to adjournment. Present: The Honourables Peter Russell, Chairman; Æneas Shaw, John McGill, D. W. Smith.

The Committee of Council took into consideration by His Excellency's desire the petitions of sundry applicants in waiting, viz.:

Francis Drouillard, Detroit: Stating that he has been a resident of Detroit thirty-eight years in the course of which time he has served many campaigns particularly from the year 1763 to 1765 in the Indian War, that he has a wife and ten children, and praying for such grant of land as His Excellency may think proper. Several certificates from Col. McKee, Mr. Baby, and other respectable gentlemen were presented with this petition giving the petitioner a most excellent character for loyalty and services and confirming everything set forth therein, also a commission from Governor Hamilton appointing him a Lieut. of Militia in 1777. Recommended for 1200 acres of land, or that such quantity as he may have already been granted be made up to that amount; also 200 acres of land for Dennis Drouillard, his son.

William Gage: Stating that he had a promise from Col. Hunter of 900 acres of land, and that he has only received 600 acres and praying for a further

grant. Recommended for 50 acres to make up his own and family land, and when his eldest son is of age and petitions, he may have 200 acres for himself.

John Dennis: Served the King in the last war, has been a loyalist all his life, has resided nine years in Nova Scotia, has brought with him into this Province a wife and four children, having been promised a lot adjoining Isaac Devine's on the Humber, if he returned into this Province within twelve months. Prays for that lot and 1000 acres in addition. Recommended for such quantity of land as His Excellency may have originally judged he merited, and that the lot promised him on the Humber may be part of the grant, if His Excellency is not under a previous promise to Mr. Wilson.

Thos. Edwards: Has been eleven years in the vicinity of Detroit, has a wife and eleven children and never drawn any lands. Was born in England and has been a farmer all his life-time. Prays for land on the River La Tranche. In consideration of his large family, recommended for 400 acres.

John Collins: Served in the 71st Regt., has received 200 acres and prays for 100 acres more. Not producing his discharge from the 71st Regt. prayer rejected.

Josiah Lockwood, a loyalist: Two of his sons served in the Royal Volunteers at New York. Has a wife and six children, His Excellency had the goodness to direct that he should receive 600 acres in Flamborough, that having never received any Order of Council for the same, prays that he may be confirmed in the 600 acres. Recommended for 400 acres in Flamboro.

Benjamin Lockwood: Wishes to become an inhabitant of this Province. Prays for a grant of land. Recommended for 200 acres near his father's lot.

John Dunbar, appeared personally for confirmation of the prayer of the petition presented in Council 18th August, 1795, for the mill and scite which he holds near Fort Erie. Recommended to be granted, if not already granted, together with an acre in the vicinage.

John McCall, appeared personally, reference being had to the late Order of Council to Captain Haggarty's petition with his own. Recommended that Mr. McCall and his associates may be accommodated at Long Point as near to his and their wishes as the Surveyor General can find vacancies for them.

Robert Young: Received 400 acres on the Carrying Place at the head of the Bay of Quinté. Prays for a further grant. Recommended that 1200 acres be granted Mr. Young, and 200 acres to each of his grown sons, Robert and Reuben, but the location left to the Surveyor General who will consider any former grant as part of the quantity now recommended.

Joseph Clark: Joined the British Forces in the year 1776. Prays for 1000 acres of land. Recommended for 400 acres.

Mathias Marsh: Has three sons, Archibald, William, and Edmund, and three daughters, that he has been in the Province 8 years and has received 100 acres only. Prays for lots Nos. 35 and 34 in the Township of Murray with the broken fronts. Reference being had to a letter from the Clerk of the Council to Mr. Baker dated June 22, 1793, recommended that the petitioner be assigned No. 35 (if vacant) in the Township of Murray, in addition to the 100 acres already granted him.

Asa Weller, a loyalist, lately arrived in the Province: Has a wife and six children. States that His Excellency has been pleased to approve his having a lot of 100 acres on the south west side the Carrying Place Presq'ile de Quinté. Prays for a grant of the same and 100 acres more of the said lot; also such quantity adjoining Presq'isle Harbour, and No. 4 in front of the Township of Murray, with the broken fronts for his wife, the daughter of a loyalist. Refer-

ence being had to a letter from the Clerk of the Council to Mr. Baker dated 22 June, 1793, recommended that the petitioner may be assigned No. 4 in the Township of Murray in front of first concession as desired, if vacant, and that 200 acres more be granted his wife.

Bernard Carey, a loyalist: Prays for land and a town lot in York. Recommended for 200 acres in the County of York, and a back town lot; and referred to the Surveyor General.

Roger Bates: Lately arrived in this Province from Vermont, with a wife and six children exclusive of his eldest son, is desirous to reside in the Province, and being in a condition to improve and cultivate a large tract of land prays for 1200 acres. His petition accompanied by recommendations from the most respectable inhabitants of Vermont, recommended for 600 acres in the Township of Clarke.

Adha Bates: Lately come from Vermont, with a wife and two sons. Prays for 1200 acres of land. Recommended for 200 acres.

Thos. Saunders, prays for 200 acres on Patterson's Creek. Recommended for 200 acres on Yonge Street, and referred to the Surveyor General.

John Burk, settled on lot No. 13 first con., Township of Darlington. To be reserved for the petitioner until he produces to the Surveyor General Mr. Peirce's permission to settle on the said lot or until the Township of Darlington to laid open, in which case the petitioner to have a grant of the lot prayed for.

J. SMALL.