

Council Chamber, at Newark.

Present: Hon. Peter Russell, Administering the Government, and the Honourables AENEAS Shaw, John McGill and D. W. Smith.

Read a memorial of His Majesty's Justices of the Peace for the Home District in Special Sessions assembled at Niagara this 26th day of September, 1796, stating that the memorialists being anxious to accommodate the Ministers of Justice in the respective Courts and to ease the district of the great expense to which it is daily exposed by the present mode of securing and maintaining prisoners had (agreeably to the Act in that case made and provided) directed a court house and gaol to be erected upon a plan which they flattered themselves their ability was equal to; but the assessments having from various causes fallen short of their expectations they find themselves incapable of proceeding without assistance. They therefore pray for a loan of three hundred pounds, Halifax currency, to be replaced out of the district assessments within five years from the present date.

Reference being made to His Majesty's Instructions directing the Lieut. Governor to take care, with the advice and assistance of the Executive Council, that such prisons as may at any time be necessary be erected and that those already created be kept in such condition as effectually to secure the prisoners which now are or may be hereafter confined therein: Ordered that a loan be granted as desired.

Read a letter from the Acting Surveyor General praying leave to employ a draftsman for five or six months. Ordered.

Read Mr. Roe's report to the Secretary and Register of an application made to him to deliver up to the American Recorder the records belonging to the lands on the American side of the Detroit River. Ordered that the Register of the Province be instructed to permit authenticated copies to be taken of all grants and transfers of lands, etc., on the American side of the Detroit River, the parties applying paying for the same.

Read a letter from the Acting Surveyor General desiring to know if he is to set apart any land for Mr. McCall's future recommendations. Ordered that Mr. McCall's recommendations for 200 acre lots shall be good for such lots as may happen to be vacant in the Long Point Settlement for 12 months longer, but the country cannot be any longer locked up for the accommodation of his friends.

Read a letter from the same transmitting an order from General Simcoe to pay Major Holland for a mathematical instrument sent by him for the use of Upper Canada, and desiring His Honour's sanction to enter the price as an item in his account. Ordered that the charge be admitted in the Acting Surveyor General's account, when the amount is known and the receipt of payment vouched.

The Acting Surveyor General having laid before the Board the plan of a reserve proposed for public buildings at York, the same was approved and ordered to be appropriated for those purposes.

Read a letter from the Acting Surveyor General relative to Land Board certificates to Captain Ten Brook for certain lands in East Flamboro' on the north side of Burlington Bay. Ordered that as all the certificates of the late Land Board of Nassau for the Indian lands at the head of the Lake Ontario in East Flamboro' purchased from the Indians since the date of those certificates have been declared by the Council to be insufficient for reasons then assigned on their Minutes,—those certificates are not to be charged against Capt. Ten

Brook as part of his military lands, but whatever quantity appears on the surveyor's books to be still due to him to complete his 3000 acres as a reduced Captain, are to be assigned in some other part, or in East Flamboro' if there are vacancies.

John Dayly's certificates and assignment for lots 22 and 23 in the town of Newark were laid before the Council and ordered to be confirmed for one acre. Adjourned.

PETER RUSSELL.

4th October, 1796.

Council Chamber, at Newark.

Present: Hon. Peter Russell, Administering the Government, and Honourables AENEAS Shaw, JOHN MCGILL and D. W. SMITH.

Read the petition of William Willcocks, Esq., stating that in consequence of an Order of His Excellency in Council dated 31st Dec., 1792 appropriating the township of Norwich, now Whitby, for the accommodation of him and his recommendations, loyal subjects, he went to Ireland and had engaged there and in Wales upwards of two hundred families to come to the said township, but they being prevented from risking a voyage across the Atlantic by the French War which immediately intervened, he quitted his business, possessions, and prospects and returned to this country at a very considerable expense to lay his difficulties before His Excellency, and prays indulgence until a peace should happen, when all the families he had engaged would certainly come over; that the township of Whitby having been laid open by Proclamation in May last when the petitioner was at Montreal, he is deprived of the means of accommodating any of those families when they come over, and may be in consequence exposed to their actions at common law for failure of his engagements. Petitioner in consequence prays for relief in the premises. The Board, having taken the said petition into their consideration and having a faith in Mr. Willcocks' assurances that he will bring a number of loyal settlers into this Province, do order that the remaining unreserved and unlocated lots in the township of Whitby be kept open for Mr. Willcocks' recommendations for two years longer from the present date, and that the Surveyor General be authorised to receive the same accordingly, as far as 200 acres to each settler. Whenever Mr. Willcocks may wish to recommend for a larger quantity of land, application on his part must be made by petition to the Council.

On application from the Acting Surveyor General, it was ordered that when townships or other large portions of land have been appropriated to the recommendations of one or more individuals it is meant that the Surveyor General shall receive their recommendations for one farm lot to each settler recommended without being under the necessity of referring to other authorities. Should a larger quantity be asked for, application to be made to the Governor in Council.

Wm. Jarvis, Esq. Upon a motion made by the Administrator to extend His Majesty's bounty in lands to Mrs. Jarvis, the daughter of the Rev. Mr. Peters, a respectable and suffering loyalist, and her four children, ordered that 1200 acres of land be granted to Mrs. Hannah Jarvis, and 400 acres each to Maria Lavinia Jarvis, Augusta Holorina Jarvis, Wm. Monson Jarvis, and Samuel Peters Jarvis, her children.

Read a letter from Lieut. Gainfort to the Administrator requesting the King's grant for 2000 acres as a reduced officer in the 60th Regt., which was ordered to him in Council 11th July, 1793; and reference being had to the Secretary of the Province, a deed for that number of acres to Lieut. Gainfort

dated 6th June, 1796, was laid before the Board, which appearing to be incomplete for want of His Excellency's signature, it is ordered that this deed shall be cancelled and another issued for 2000 acres to Lieut. Gainfort.

Read the petition of the Hon. D. W. Smith, in the name of his mother, Anne Smith, stating that she is the widow of the late Lieut.-Colonel Smith who served His Majesty 40 years, including 15 years' service in America, and praying for a donation of land from His Majesty's bounty. (See below.)

Read the petition of the Hon. John McGill for Mrs. Catherine McGill, praying for a donation of land. Ordered a grant of 1200 acres.

Read the petition of the Hon. D. W. Smith, Esq., stating that His Excellency the Lieut. Governor having conceived it for the interest of His Majesty and the Province to provide for the children of the Hon. Alexander Grant and the Hon. Aeneas Shaw by granting severally to them 1200 acres of the waste lands of the Crown, and prays His Honour to provide for his children by extending to them His Majesty's bounty in like manner, in an individual grant of 1200 acres to each of them.

Granted 1200 acres to each of Mr. Smith's three children, viz., Mary Elizabeth Smith, David William Smith, and Sarah Smith. Granted also on the motion of the Administrator to Mrs. Anne Smith, wife of the Hon. D. W. Smith, 1200 acres.

Read the petition of John Small, Esq., praying for a donation of land to Mrs. Eliza Small and his two children. Granted to Mrs. Eliza Small, 1200 acres; to John Robert Small, 400 acres; to Joseph Atwell Small, 400 acres.

Read a letter from Robert McDougall, a reduced Lieut. in the Eighth or King's Regt. of Foot, to His Honour the Administrator, praying for land as a reduced subaltern. Ordered that should the petitioner come to reside in this Province he shall receive the King's bounty in lands in the same proportion as to officers of his rank.

Return of persons who have been permitted by His Honour the Administrator to occupy lands during the recess of the Council having been laid before the Council, viz.,

July 26th, 1796, Ensign Elijah Vincent, a reduced officer, 2000 acres.

August 6th, James Flemming, 200 acres, and Joseph Haslip, 200 acres.

August 10th, John Dennis, 200 acres.

Removing a reserve No. 11 at York to another lot, and 20 acres near Mr. St. John's old house at the Humber, to be leased to him on his petition to Council.

August 22nd, Alexander Markle, lot 102 town of Newark.

August 23rd, John Leslie, 200 acres.

August 25th, Michael Shaw, Butler's Rangers, a location of 300 acres.

August 27th, Daniel Malcom, a farm lot.

Sept. 1st, farm lots to: John Hollaway, William McCartney, Nicholas Outhouse, Othriel Smith, John Smith, Joseph Smith, Abraham Voght, John Misener, Jacob Misener, Nathaniel White, Jacob Buganer, John Stinehoff, James Blayney.

Which, being confirmed, were ordered accordingly.

Adjourned.

PETER RUSSELL.

6th October, 1796.

Council Chamber, at Newark.

Present: Hon. Peter Russell, Administering the Government; Honourables Aeneas Shaw, John McGill and D. W. Smith.

Several petitions for land being read, warrants of survey were ordered:—  
To Mr. R. Murray for 600 acres.

To the Hon. Peter Russell, to cover the ground (he prayed for in a former petition) adjoining to his improvements in the township of Newark, 10 acres.

To Lieut. R. Pilkington of the Royal Engineers (in addition to 1200 acres ordered him on a former petition) to put him on the same footing with other officers of his rank, to which he is fully entitled by his civil and military services to this Province, 800 acres.

Read a petition from Miss Eliza Russell praying that an unsigned deed prepared for the land ordered to her in the township of Whitby may be cancelled and another issued to include the broken fronts which she had before prayed for. Leave granted and the deed cancelled before the Board, and another ordered conformable to the prayer of the petition.

Garret Slingerland. The Surveyor General is desired to cause notice to be given to Tunis Slingerland upon whose resignation the lot prayed for may be given to the petitioner as part of his military land.

Adjourned.

PETER RUSSELL.

7th October, 1796.

Council Chamber, at Newark.

Present: Hon. Peter Russell, Administering the Government; Honourables Aeneas Shaw, John McGill and D. W. Smith.

Several petitions for land being read, warrants of survey were ordered:

To James Crooks and to William Crooks, the lands granted before to be made up 600 acres each.

To Captain Roorbach, a reduced Captain, on condition of his settling in this Province, 3000 acres; no deed to issue until then but to be reserved for him for two years; family lands deferred till they come into the Province.

To Stephen Emmett, in addition to former grants, 200 acres.

Thomas Clerk, in consideration of the petitioner's not being permitted to occupy the lots 20 and 21 in the first township on the north side the River Thames. Ordered that he receive two farm lots (in addition in lieu) and referred to the Deputy Surveyor of the District for location.

To David Bastida for himself, 400 acres, and in right of his wife, the daughter of a loyalist—Peter McMicking—200 acres.

To Thomas Willson, in addition to former grants, 200 acres.

To Joseph House, in addition to former grants, 200 acres.

Read a petition from Mrs. Christiana Tice, widow of the late Captain Gilbert Tice of the Indian Department, stating that her husband had received only 1100 acres, and praying that the remaining 1900 acres may be granted to her. Ordered that the lands granted to the late Captain Tice as a reduced Captain be made up 3000 acres, and referred to the Surveyor General.

Ordered that the Secretary shall be instructed not to stop the delivery of any deed in future after it has passed the Great Seal of the Province and the Register's and Auditor's offices, unless he shall be directed to do so by an order under the signature of the Lieut. Governor or person administering the Government, as the evils and inconveniences attending the hearing of caveats after this stage of the business are innumerable. But in order that means of redress may be open to all claimants who may judge themselves injured by the granting specific lands to other applicants, it is hereby ordered: That a list shall issue from the Attorney General's office on the first of every month of the Land Board

certificates or Orders of Council lying in his office, for his fiats specifying the names of the persons, townships and districts and, unless caveats shall be lodged in the Secretary's office, for those in the Home District within one month and those in the Midland and in the Eastern and Western Districts within four months of the date of such notice. The deeds are then to issue from the Secretary's office in course; and the Secretary is to be instructed to give notice to the Attorney General of all caveats lodged in his office immediately after his receiving them. And the Clerk of the Council is likewise directed to give notice to the public that all disputed claims will be heard by the Governor and Council during the sitting of the Legislature in every year. And as much trouble is occasioned to the offices by receiving and hearing caveats, the following fees are allowed to be taken.

Ten shillings and six pence currency by the Clerk of the Council upon the determination of the Council on every caveat. By the Secretary: For receiving and filing each caveat,  $1/6$  currency; Reporting to the Attorney General,  $1/6$  currency; Receiving and filing Decrees of Council,  $1/6$  currency.

Adjourned.

PETER RUSSELL.

8th October, 1796.

Council Chamber, at Newark.

Present: Hon. Peter Russell, Administering the Government; Honourables AENEAS SHAW, JOHN MCGILL and D. W. SMITH.

Read a petition from Wm. Jarvis, Secretary and Register of the Province, representing that his fees as Register for grants under 500 acres being only  $2/6$  from those who pay fees, and  $1/3$  from Government for those who are exempted, are too small for the labour attending that duty, being not even equal to what he is obliged to pay those clerks he employs in copying them, and praying leave to charge  $1/$  for every 100 words therein.

Upon reference to His Grace the Duke of Portland's Instructions on the subject of fees by which the Council find themselves restricted to the ratio of the Nova Scotia Table with respect to the quantum, and observing that the Table of Fees and their distribution established by the Order of Council dated the 9th of July are perfectly conformable to the Nova Scotia Table, the Board is of opinion they are not at liberty to make any addition to the Register's fees, but being sensible that the half fee of  $1/3$  upon registering grants of 500 acres and under is by no means equal to the expense of employing clerks for doing that duty, especially since the specification of the Clergy Reserve has been added subsequent to the Nova Scotia Table, the Board recommend that Mr. Jarvis' memorial may be transmitted to the Secretary of State for His Grace's further consideration; and in the mean time order that the Register be allowed to charge in his contingent account £40 currency for a clerk to do that extra duty.

Upon a motion of the Hon. D. W. Smith, Acting Surveyor General, that the Secretary should be furnished with some means of distinguishing the deeds which originate from petitions lodged in the Council office before the first of July last from those lodged subsequent thereto, else he will not know who are to be charged the expense of survey and who not, ordered that the Clerk of the Council take care to endorse upon the back of every petition the date of its being received into his office, numbering these petitions in regular succession according thereto; and that he immediately transmit to the Secretary's office a list of the names of those persons to whom lands have been granted in consequence of petitions lodged in the Council office subsequent to the first of last July; and that he shall

\*continue to send the like lists to the Secretary's office at the end of every month stating the names of those to whom lands have been granted under Orders of Council since the last report.

Ebenezer Collver appeared personally before the Board and voluntarily surrendered to the King lot 8 in the 7th concession of the township No. 4 now Louth, where the salt springs are. Ordered that Ebenezer Collver in consideration of his having voluntarily relinquished to Government the lot that the salt spring is on shall have a grant of four hundred acres free of any expense whatever, and that Mr. Angus McDonell shall have a grant of 1200 acres in lieu of 600 acres adjoining the salt spring free of any expense of survey.

Read the petition of Wm. Hands of Detroit, merchant, stating that he had evinced his attachment to His Majesty's Government steadily, therefore prays that 1200 acres may be granted him. Ordered that former grants may be made up 1200 acres.

Read the petition of John Small, Clerk of the Council. The Board having taken the same into consideration judge it reasonable that the Clerk of the Council shall be allowed the following incidental fees to enable him to do the duties of his office:

For receiving and filing all petitions	0/6
Reading the same before the Council	2/6
Entering the order thereon and joining a copy of the minutes or warrant	2/6
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	5/6

The Acting Surveyor General's report on certain disputed claims in Stamford being called for and read, the following certificate was signed by John Mucklehone in the presence of James Neville, John Johnson, Joseph Lutes, Solomon Hyate and Margarate Clew, all of whom attended, being parties concerned:

"I certify that I have no claim to lot 63 in the township of Stamford."

his  
JOHN X MUCKLEHONE.  
mark

The Board having taken into consideration the Acting Surveyor General's report of the 27th Sept., 1796, and heard the parties concerned, confirm John Johnson in lots 63 and 53; and lots 46, 34, 27 and 14 in Stamford to John Lutes and his permitted assigns.

Read the petition of Capt. James Fulton, and Thomas C. Drew for selves and associates, stating that they waited to know the terms on which townships were granted, and praying to be reinstated in the townships of Rawdon and Huntingdon which had been granted to them, and were declared open by Proclamation in May last. Ordered that the petitioners be informed in answer that the Board does not judge it expedient to re-appropriate the townships prayed for, but that in consideration of the matters stated in their petition Messrs. T. Drew, Edward Campbell, John Norton, and Samuel and Joseph Willard may receive 1200 acres each upon their becoming residents in this Province and applying for the same, which is the largest quantity of land they could have received on any consideration; and if any persons have been settled previous to this date in the townships of Rawdon and Huntingdon under their sanction they shall be confirmed on their complying with the mode pointed out by notice from the Surveyor General's office at sundry times, and more particularly in September last. And that His Excellency Lieut. Governor Simcoe's

Proclamation dated the 7th of February, 1792, sufficiently explains the terms on which lands are granted in Upper Canada.

The reports of Committee of Council held at York from the 5th to the 21st of July being laid before the Board and read, the Board approved and confirmed the recommendations as follows:

PETER RUSSELL, *President.*