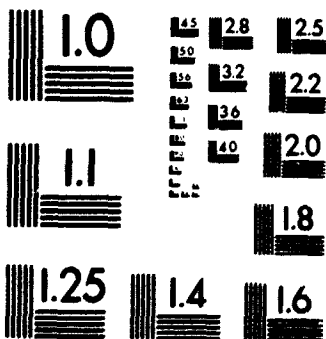


1

**PM-1 3 1/2"x4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT**



PRECISIONSM RESOLUTION TARGETS

PIONEERS IN METHYLENE BLUE TESTING SINCE 1974



1080 COLONY ROAD & BURNVILLE, VA 22027 USA
TEL 812 486 7897 FAX 812 486 7897 TLR 8124867898



National Library
of Canada

Acquisitions and
Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale
du Canada

Direction des acquisitions et
des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file - Votre référence

Our file - Notre référence

NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.

AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.

The District Land Boards:
A Study of Early Land Administration
In Upper Canada, 1788-94

by

David Moorman, B.A.

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of

Master of Arts

Department of History

Carleton University

Ottawa, Ontario

copyright

1992, David Moorman



National Library
of Canada

Acquisitions and
Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale
du Canada

Direction des acquisitions et
des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file - *Votre référence*

Our file - *Notre référence*

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-315-79875-0

Canada

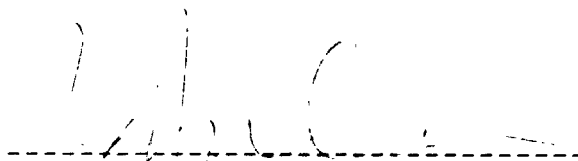
The undersigned recommend to the Faculty of Graduate
Studies and Research acceptance of the thesis

"THE DISTRICT LAND BOARDS: A STUDY OF EARLY LAND
ADMINISTRATION IN UPPER CANADA, 1788-94"

submitted by

David T. Moorman, B.A. Honours,

in partial fulfilment of the requirements
for the degree of Master of Arts



Thesis Supervisor



Chair, Department of History

Carleton University

23 July 1992

Abstract

This thesis is an examination of the Land Boards, created by Governor Lord Dorchester in 1788 and disbanded by Lieutenant Governor Simcoe in 1794. These administrative Boards were created under the Rules and Regulations for the Land Granting Department and were given the task of disbursing land to the loyalist and non-loyalist immigrants who moved into, or were already settled in, the Districts that became the province of Upper Canada. Within this examination it is argued that the individuals who sat on these Boards used the powers conferred to establish their prominence within the new communities and, in the process, influenced the spatial and social characteristics of their environment.

Acknowledgements

I would like to thank Professor Carman Bickerton for suggesting this topic and encouraging me to follow through with the study of it. I would also like to thank my thesis advisor, Professor J.K. Johnson, for his sound advice and enthusiastic assistance. Finally, I would like to thank my fellow graduate students at Carleton University. Their friendship and support helped to make the work both possible and pleasant.

Table of Contents

	Page
Abstract	p. ii
Acknowledgements	p. iii
Table of Contents	p. iv
Introduction	p. 1
Chapter One: The Rules of the Game	p. 14
Chapter Two: Status, Wealth, and Power; the Land Board Membership	p. 50
Chapter Three: Land Board Operations and Performance	p. 89
Chapter Four: The Impact of the Land Boards On Community Development	p. 122
Conclusion	p. 160
Appendix A: Rules and Regulations Governing the District Land Boards	p. 166
Appendix B: Land Board Attendance	p. 195
Appendix C: Copies of the Official Forms	p. 201
Appendix D: Township Survey Plans	p. 206
Bibliography	p. 211

The District Land Boards:
A Study of Early Land Administration
In Upper Canada, 1788-94.

Introduction

Land, its ownership, its distribution, and the perception of its value by all levels of society, has long been recognized as an important, and perhaps even a dominant factor in the development of Upper Canada¹. Today's Ontario citizen resides to some extent under social and legal conditions of land ownership established during the first decades of settlement. Vacant land remains the property of the crown, ownership is still received under patent, the rights to minerals and other natural resources are still under the

¹ Twenty years ago, in his discussion of land policy in the Home District, Leo Johnson wrote, "Of all the problems which faced the government of Upper Canada in its early years, perhaps none was so important nor proved so vexatious as the disposition and settlement of crown lands." Quoted from "Land Policy, Population Growth and Social Structure in the Home District, 1793-1851", in *Historical Essays on Upper Canada*, J.K. Johnson, ed., McClelland and Stewart, Toronto, 1975. p.32.

control of the government. In many significant ways land policies and laws governing land ownership and usage have worked to define much of Upper Canadian, and later, Ontario society.

The importance of land in Upper Canadian society has long been recognized. Even the earliest commentators placed considerable emphasis on matters related to land ownership and distribution. In his 1805 sketch of Upper Canada, the soon to be Attorney General, D'Arcy Boulton discussed at length the character and the realities of land disbursement². While this work is not history in the modern sense, the matters addressed are an early indication of the central concerns of the society. For Boulton, and for his audience, land was a major concern that deserved extensive comment.

Among more modern writers on Upper Canada, matters concerning land have hardly been ignored, but the treatment has been somewhat limited and incomplete. The general histories of the early years of the Canadian provinces all make mention of land policies and their administration, it is simply too important a subject to ignore entirely. Land and the administration of land policy, however, has seldom been a central focus in these discussions. Most often it has been referred to in terms of political formation, particularly as a cause of reform agitation, or as an reflection of the

² D'Arcy Boulton, *Sketch of His Majesty's Province of Upper Canada*. London, 1805.

character of society³.

Land policies themselves have received considerable attention by historians, particularly in relation to immigration and settlement. Foremost among these studies are G.C. Patterson's "Land Settlement in Upper Canada, 1783-1840", in the *Sixteenth Report* of the Ontario Archives, Helen Cowan's "British Emigration to British North America, 1783-1837", in *University of Toronto Studies in History and Economics*, Norman Macdonald's *1763-1841: Immigration and Settlement. The Administration of Imperial Land Regulations*, and Lillian Gates' *Land Policies of Upper Canada*⁴. These works, however, are concerned with the formation and implementation of policy, particularly, and in the case of Macdonald, almost

³ Questions related to land have a prominent place in most historical interpretations of Upper Canada, particularly in relation to taxation, the Crown and Clergy reserves, and spatial organization and settlement. Although for the most part far beyond the scope of this study, some interesting general reading includes; Gerald Craig's *Upper Canada: The Formative Years*. McClelland and Stewart, Toronto, 1963. Also A.L. Burt's *The Old Province of Quebec*. McClelland and Stewart, Toronto, 1968. For a more societal discussion see Wallace Brown and hereward Senior's *Victorious in Defeat: The Loyalists in Canada*. Methuen, Toronto, 1984. For a somewhat more precise use of the social implications of land see Robert L. Fraser's Ph.D thesis, "Like Eden in Her Summer Dress: Gentry, Economy, and Society: Upper Canada, 1812-1840." University of Toronto, 1979. For a discussion of the political dimensions of this issue see S.J.R. Noel's *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896*. University of Toronto Press, Toronto, 1990.

⁴ G.C. Patterson, "Land Settlement in Upper Canada, 1783-1840." in the *Sixteenth Report* of the Ontario Archives, 1920. Helen I. Cowan, "British Emigration To British North America", in *University of Toronto Studies in History and Economics*, vol.IV, no.2, University of Toronto Press, Toronto, 1928. Norman Macdonald, *1763-1841: Immigration and Settlement. The Administration of Imperial Land Regulations*. London, 1939. Lillian Gates, *Land Policies of Upper Canada*. University of Toronto Press, Toronto, 1968. For an early, and very interesting, work on the same topic see William Canniff's *The Settlement of Upper Canada*. Originally published by Dudley and Burns, Toronto, 1869. Facsimile edition, Mika Publishing, Belleville, 1971.

exclusively, at the highest levels of administration and within broad chronological frameworks. While this is an important subject, worthy of study, it is not the complete story. The actual day-to-day implementation and administration of land policies and regulations was performed at a level far below that of the Colonial Office, or of the Governor's mansion. It is this aspect of the subject that will be the focus of this study⁵.

Lillian Gates, in perhaps the most complete and balanced examination of land policies to date, has argued that Imperial policy evolved from granting land as a reward for loyalty and services to the Crown, to making the disbursement of land pay for the colonial administration, and finally to develop a revenue source to assist immigration⁶. She goes on to mention that those persons who devised and administered land policies were seeking to correct the perceived faults in the Thirteen Colonies which led to revolution. She writes, "They thought of Upper Canada as virgin soil on which political, social, and religious institutions of the right kind could be developed, and the specific land policies adopted reflected this."⁷ She

⁵ As Leo Johnson has pointed out, "to date rather little is known of the effects that such policies had upon local development." While this was written in 1971, the same could be said today. "Land Policy", *Historical Essays On Upper Canada*, p.33.

⁶ Gates, *Land Policies*, p.303. She also includes a fourth stage -- provincial control of Crown lands -- but this is far beyond the time frame discussed here.

⁷ *ibid.*, p.303.

adds that it was the intention of the government to establish a model of the British social structure in Upper Canada.

While Gates provides a balanced and well researched assessment of high level policy and intentions, she does not examine the course of events at ground level, as it were. Nor does she discuss the contradictions in land policy that she herself points out. Rewarding services and raising revenue were not the same thing as creating a 'proper' society, in fact they were often in conflict. Rather than examine the dynamics of this situation, Gates simply states that "the early land policies of the province were a failure because in 1791 Upper Canada was not virgin soil.⁸" This, however, explains little and obscures much. Although she is certainly correct in pointing out that the land was already occupied to a significant degree, the policies were not a failure, rather they were a limited success. The land was settled and the colony remained loyal. True, the province never did pay its own way, but many persons were handsomely rewarded. The most fundamental reason for the limitations, and paradoxically for the level of success achieved, was that implementation of policy did not always follow the intentions of its formulators. This was particularly true in early Upper Canada where communication was difficult and protracted and

⁸ *Ibid.*, p.303. Aside from the Mississaugas, who considered most of what is now southern Ontario to be their property, there were considerable numbers of individuals who had already settled the area by the 1790's. All four of the new Districts had been settled by loyalists and disbanded soldiers for five years.

centralized control somewhat tenuous at best. Those individuals who were given the task of implementation had their own conceptions of the society that they wished to construct, and they were often required to deal with immediate problems not fully considered or understood by upper levels of government. The various communities of Upper Canada developed their own unique methods of land administration within the framework of official policy. The studies by Gates, Patterson, and Macdonald are valuable in that they explore what was intended by the formulators of policy, but in order to complete the picture an examination of how policy was put into action is required.

To this end, this thesis will examine certain aspects of the administration of the land granting system in the early years of Upper Canada. More specifically, the study will focus on the Land Boards which were established in 1788 for the newly-created upper Districts of the province of Quebec, and disbanded by Governor Simcoe in 1794. The purpose here is not only to examine the intentions behind their creation, but also who made up the Boards, what they accomplished and how they moulded the community through their actions and decisions.

The Land Boards themselves have received decidedly mixed and very slight consideration by historians. Fred Armstrong, in his wonderfully useful *Handbook of Upper Canadian Chronology and Territorial Legislation*, makes no mention of

the Land Boards at all⁹. A.L. Burt, in *The Old Province of Quebec*, gives them passing attention by pointing to them as an example of increasing autonomy in the upper districts, but he seems to have had a poor opinion of their competency and dismisses the members as neglectful of their duties¹⁰.

Biographers have at times discussed the Land Boards within the limited context of their subject individuals. The often single-minded legalist, William Renwick Riddell, in his biography of William Dummer Powell, unavoidably mentions the Land Board of the Hesse District, as the future Chief Justice was its most prominent member. Powell's participation in the Board may have been the root of his frustrated career, but, with characteristic flourish, Riddell is content to claim that "his was the guiding hand, his, the ruling mind."¹¹

A somewhat more serious, and more complete treatment is provided by Bruce Wilson in his biography of Robert Hamilton¹². After pointing out that the functions of the Board made it "the single most significant administrative institution in the eyes of the pioneer community it

⁹ F.H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation*, University of Western Ontario, London, 1967.

¹⁰ A.L. Burt, *The Old Province of Quebec*, McClelland and Stewart, Toronto, 1968. pp. 81 and 111.

¹¹ William Renwick Riddell, *The Life of William Dummer Powell*, Michigan Historical Commission, Lansing, 1924. p.74.

¹² Bruce Wilson, *The Enterprises of Robert Hamilton: A Study of Wealth and Influence in Early Upper Canada, 1776-1812*. Carleton University Press, Ottawa, 1983.

institution in the eyes of the pioneer community it regulated", Wilson discussed Hamilton's participation and concluded that "the board was of use to Hamilton both in keeping him informed of specific land transactions and in giving him an overview of patterns of settlement and the availability of land."¹³ As Wilson indicated, Hamilton gained prestige and influence as a member of the Board and to a certain degree was able to control the location of town sites and the adjudication of disputes between members of the community. Board membership was, however, only one brief chapter in Hamilton's rise to wealth and prominence, hence its operations and Hamilton's contribution to its administration, do not concern Wilson to any great extent.

Studies directly related to government administration and the implementation of policy across the province during this admittedly rather narrow period are, for all practical purposes, non-existent¹⁴. Although he brings up some interesting points, G.P. deT. Glazebrook, in his essay, "The Origins of Local Government", provides little more than an outline of the administrative structures. Aside from not even mentioning the Land Boards, the author spent much of the

¹³ Wilson, *Enterprises of Robert Hamilton*, p.55.

¹⁴ There is, of course, F.H. Armstrong's valuable *Handbook of Upper Canadian Chronology and Territorial Legislation*, University of Western Ontario, London, 1967. As already noted, however, Armstrong makes no mention of the Land Boards directly. One reason for this may be that the Land Boards defy the usual periodization imposed by historians. The Boards were established shortly before the creation of Upper Canada and dissolved shortly after, rather inconveniently straddling the year 1791.

such as whether or not the local officeholders may have sowed the seeds of democracy¹⁵. One aspect of the administration in general is discussed by T.D. Regehr, in his short essay on the first table of fees established for the officials of the land granting department¹⁶. There are a number of regional studies, such as Shirley Spragge's excellent essay on the settlement of Augusta Township¹⁷. Leo Johnson, and in much greater depth, John Clarke have examined the settlement of the western district, but in both cases, the emphasis is on the patterns of settlement rather than the structures of the administration or the individuals who operated within these structures¹⁸. If, as Patterson has pointed out, the local magistrates and the members of the local Land Boards "constituted the germ of municipal administration" then it is to these individuals that we must turn to examine the actual

¹⁵ G.P. de T. Glazebrook, "The Origins of Local Government", in *Aspects of Nineteenth-Century Ontario*, p.36. Glazebrook observed that "There is nothing to suggest a general demand for local self-government.", p.38. The community leaders may not have demanded it, but they often exercised it.

¹⁶ T.D. Regehr, "Land Ownership in Upper Canada, 1783-1796: A Background to the First Table of Fees". *Ontario History*, 55, no. 1, 1963. pp. 35-48.

¹⁷ Shirley Spragge, "No better land, Land Settlement in Augusta Township, Grenville County, 1784-1820", in *None was ever better: The Loyalist Settlement of Ontario*, S.F. Wise, D. Carter-Edwards, and J. Withman, eds.. Stormont, Dundas and Glengarry Historical Society, 1984.

¹⁸ Leo A. Johnson, "The Settlement of the Western District, 1749-1850", in *Aspects of Nineteenth-Century Ontario*, University of Toronto Press, Toronto, 1974. p.19. John Clarke, *A Geographical Analysis of Colonial Settlement in the Western District of Upper Canada, 1788-1850*. Ph.D thesis, University of Western Ontario, London, 1970.

implementation of official policy.¹⁹

Two main arguments will be presented here. The first will be very familiar to students of Upper Canada, the second perhaps less so. It will be argued that the members of the Land Boards used the power inherent in their positions to establish their prominence in society. Membership on the Land Board was one of the paths to prominence, although not for all and not in the manner some might have wished. It will also be argued that the Land Board members sought to, and to some extent did, imprint not only the British government's but also their own values, ideas, and concerns on the society that they were appointed to help construct. They were a modifying filter for the policies coming from the higher levels of government as well as gatekeepers to the settlers over which they exercised control. They were, to use a modern term, the interface between the governors and the governed. These individuals, however, were for the most part American, and as such they had long been exposed to the more commercial, more independent, and less hierarchical social values that had begun to drastically alter all North American communities. Despite their relative isolation and dogged determination to adhere to the British Crown, they were not immune to these forces.

Ironically, John Graves Simcoe did not consider the Land

¹⁹ Patterson, "Land Settlement in Upper Canada", Ontario Archives, *Sixteenth Report*, p.8.

Boards as a particularly effective interface and abolished them within two years of his arrival. He turned the duties of the Boards over to the local magistrates who, contrary to his expectations, exercised even less control than the previous administrators²⁰. Simcoe, however, had his own agenda, and his own perceptions of the problems involved in the creation of this new society. He also believed that he had the solutions to these problems, and these solutions called for an administration modeled closely after the British system²¹.

The Land Boards, nevertheless, had a significant impact on many aspects of Upper Canadian society. They were original components of the civil administration; the 'germ' to use Patterson's description. Participation was one of the initial civil administrative experiences for many individuals. As such, it helped set the tone and character of relationships between various levels of government. The Boards controlled the flow of considerable amounts of valuable information, they determined who could become a land owner, and thus an accepted member of society, and to some extent, an individual's social level. They influenced the location, and hence the subsequent development, of population centres, and they administered the imposition of a foreign spatial organizational system with all its consequent difficulties and implications for both the

²⁰ Craig, *The Formative Years*, p.33.

²¹ For a discussion of Simcoe's agenda see S.R. Mealing, "The Enthusiasms of John Graves Simcoe." Canadian Historical Association, *Annual Report*, 1958.

immigrant and the native populations. In a sense, the Land Boards were part of the middle level of colonial social organization, and as such they were handed policy from above and told to implement that policy on those below.

Another way of looking at the Land Boards is through a paradigm suggested by Fred Armstrong and earlier by H.V. Nelles in their studies of the formation of local oligarchies.²² Government administration, particularly in the early years of settlement, was a major component of local power. The initial decentralization of government control, of which the Land Boards were a significant part, provided one element of the power base for the local elites. Naturally, with the creation of jurisdictional areas came the desire to control these areas. This established the pattern of regional tensions between various levels of government administration that has carried through to the present day. The character, composition, and history of the various levels of administration can be understood through an examination of this tension²³. The Land Boards, however, were simply a

²² F.H. Armstrong, "The Oligarchy of the Western District of Upper Canada, 1788-1841." Canadian Historical Association, *Historical Papers*, 1977. pp.87-102. H.V. Nelles, "Loyalism and Local Power: The District of Niagara, 1792-1837." *Ontario History*, 58, 1966. pp.99-114.

²³ S.F. Wise once wrote "The [Family] Compact's political system was, in part, a coalition between a central bureaucracy and local conservative elites. In most parts of the province, local Tory chieftains performed functions for the government at York, and received a variety of favours in exchange." (from "John Macaulay: Tory for All Seasons." in *To Preserve and Defend: Essays on Kingston in the Nineteenth Century*, McGill-Queen's Press, Montreal, 1976. p.186.) There is a certain pavlovian ring to this interpretation that makes it seem both simplistic and incomplete. As S.J.R. Noel, among others, has pointed out, the local elites were not

branch of the central administration and as such did not control their own fate. When Simcoe abolished the Boards in 1794 he put an end to their influence and changed the character of the land granting institutions in the colony. But he could not change the patterns of power and influence that had already begun to develop at the local level.

"simply the creatures of the Family Compact", and were often reluctant or unwilling to follow the lead of the central administration. This is the tension to which I refer. S.J.R. Noel, *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896*. University of Toronto Press, Toronto, 1990. p.84, footnote. To be fair to Prof. Wise, he has pointed out that many Tory politicians refused to follow official policy when local interests were involved. "Upper Canada and the Conservative Tradition." *Profiles of a Province*, Ontario Historical Society, Toronto, 1967. p.23.

Chapter One

The Rules of the Game

It is perhaps no exaggeration to state that Upper Canada owes its existence to the American revolution. The establishment of the initial population was the direct result of a conscious reaction to the revolutionary conflict²⁴. To a great extent, it was these individuals for whom the Land Boards were responsible. They were the physical manifestation of the situation, the human capital with which a new community was to be constructed. The Loyalists themselves, however, are not the focus of this study. Their character and composition has been thoroughly, if not definitively, discussed by others²⁵. Rather, it is the administration of their wants and needs, along with those of the so-called late Loyalists, that is the topic of discussion here.

²⁴ This, of course, refers to those individuals of European descent. Native North Americans had long populated the region, but, as was clearly recognized at the time by both groups, they constituted their own, separate communities, independent of the jurisdiction exerted by the new settlers. A graphic example of this is shown by Justice William Dummer Powell's legal opinion that Joseph Brant's son, who had been accused of a murder committed at Grand River, was not liable to prosecution under Upper Canadian law because the deed was committed in another nation. William Renwick Riddell, *The Life of William Dummer Powell*, Michigan Historical Commission, Lansing, 1924. p.90 and p.215.

²⁵ An interesting, if somewhat popularized, account can be found in Wallace Brown and Hereward Senior, *Victorious in Defeat, The Loyalists in Canada*, Methuen, Toronto, 1984.

Aside from the simple fact of the Loyalist immigration, the American revolution produced concomitant, and equally significant consequences for Upper Canada. With the advent of the Loyalist communities, the authorities in Britain sought to construct a society free from the perceived defects of the lost colonies. Faced with what they conceived of as a blank slate, a vacant wilderness, they intentionally formulated rules and conditions for the creation of the social fabric, one that would be free of the 'cursed republican spirit'. What they failed to, or perhaps were unable to, realize was that the new community would be subject to many of the same geographic, cultural, and social conditions that prompted a North American democratic revolution in the first place. Moreover, the American loyalists that made up the bulk of the immigrants had long been exposed to political ideas and social values that were an intricate part of the former colonies south of the new border. Their conception of an aristocratic, hierarchical society headed by a limited monarchy and based on paternalism and intimate, personal patronage connections was a product of an American environment, not an English one. As such, it was subject to the pressures of increased commercialism, individualism, and democracy that had as yet not reached such significant proportions in England, although they would soon do so. This lag in the process of political and social change between North American and European communities is one of the keys to understanding not only the

operations of administrative institutions such as the Land Boards, but also much of Upper Canadian history in all its aspects²⁶.

At first, the Imperial administration made limited attempts to accommodate their plans to colonial conditions. The Land Boards, which were based on previous American experience, were just such an attempt. No similar institutions existed in England. The concessions, however, proved to be few and short lived. With the official establishment of Upper Canada and the arrival of Lieutenant Governor John Graves Simcoe they disappeared altogether, as he attempted to institute a strict model of British administrative structures. The implications of these events stretch far beyond the subject of this discussion, but it should be pointed out that the disjuncture created by imposing British rules on American realities produced opportunities for profit and manipulation of which many individuals took advantage. Those who partook of this odd marriage created the spirit, and some of the fortunes, that was the basis of the family compact. It should also be noted, however, that these conditions produced a spirit of accommodation and compromise between the rulers and the ruled that outlived the existence of any provincial or local oligarchies.

As base-level administrative institutions, the Land

²⁶ The points raised here essentially follow Jane Errington's thesis in *The Lion, The Eagle and Upper Canada*. McGill-Queen's University Press, Kingston, 1987.

Boards were directly subject to the conditions imposed by higher levels of government²⁷. In a sense, they were the tools by which the new society was to be constructed, imperfect though they might have been. In order to understand the parameters within which the Land Boards were required to operate, and the nature of the communities they were instructed to create, some explanation of their origins and conditions of operation is necessary.

In the broadest sense, the British government's colonial land policies have been discussed by others and need not detain us here, other than through some comments on how they directly effected the constitution and operations of the Land Boards. The granting of land as a reward for services rendered had long been established in North America. The Royal proclamation of 7 October 1763, authorized the Governor to bestow lands on all residents, especially "such reduced officers as have served in North America during the late war, and such private soldiers as have been or shall be disbanded in America", the motive being "to testify our Royal sense and approbation of the conduct and bravery of our officers and soldiers of our armies, and to reward the same."²⁸ The

²⁷ The hierarchy of administrative appointments extended from the local militia captains and sheriffs, through the justices of the peace and Land Board members, to the Land Committee and the Executive Council, and finally the Governor. After 1791 the administration came partially under the Lieutenant Governor.

²⁸ Text is in Shortt and Doughty, *Constitutional Documents*, vol.I, p.163.

proclamation goes on to stipulate the size of the grants to be given²⁹. Further details of the land granting system were provided in the Instruction given to Governor Murray³⁰. Sections 50, 51, and 52 deal with procedure and make it clear that the grants were not to be held under free and common soccage, but were to be subject to both quit-rents and development stipulations. The grantee was "subject to the payment of two Shillings Sterling for every Hundred Acres...to be paid yearly and every Year, or in default of such payment, the Grant is to be void", and required to "make proof" of his developments "in the Court of the County, District or Precinct, where such lands shall lie."³¹

Guy Carleton was quick to recognize the degree of social control effected by restrictions placed on land ownership. In a letter to the Earl of Shelburne, written on 24 December 1767, he commented that "This System of Laws [the seigneurial system] established Subordination, from the first to the lowest, which preserved the internal Harmony, they enjoyed untill our Arrival, and secured Obedience to the Supreme Seat

²⁹ *Ibid.*, vol.1, p.166. The size of the grants were:
 Field Officers.....5,000 acres
 Captains.....3,000 acres
 Subaltern or Staff Officers...2,000 acres
 Non-Commissioned Officers.....200 acres
 Private men.....50 acres

The size of these grants both set a precedent and became a matter of contention in Upper Canada.

³⁰ Ontario Archives, *Third Report*, 1905, p.lvi.

³¹ *Ibid.*, p.lvii.

of Government from a very distant Province."³² Carleton clearly admired the efficiency of the French monarchical system. Its paternalistic and hierarchical organization accorded well with that of the English aristocracy. The Crown responded positively to Carleton's representations in the Additional Instructions given to him on 2 July 1771³³. These instructions specifically authorize the granting of land "in Fief or Seigneurie", as was practised prior to the conquest.

The Quebec Act of 1774 left the door open for grants to be made in free and common soccage by stipulating that subsequent grants made under this system would not be subject to feudal restrictions. Clause 38 of the Instructions given to Carleton in January of 1775, however, reiterates the intentions of the government to maintain the French system of land ownership in its entirety.³⁴ At this point, prior to the influx of refugees from the American revolution, there was little protest over the land ownership system. For the French Canadians it was simply a continuation of what they had always known. Within a few years, however, it became a major issue of contention, not among the Canadiens, but among the American

³² Shortt and Doughty, *Constitutional Documents*, vol.I, p.289.

³³ *Ibid.*, p.422. See also Ontario Archives, *Fourth Report*, 1906, p.56. In his discussion of the genesis of the 1774 Quebec Act, Philip Lawson has pointed out that Carleton actively lobbied for a large degree of local autonomy, particularly on religious issues. This is indicative of Carleton's conception of pragmatic colonial administration. Philip Lawson, *The Imperial Challenge*, McGill-Queen's University Press, Toronto and Montreal, 1989. p.114.

³⁴ Shortt and Doughty, *Constitutional Documents*, vol.II, p.608.

immigrants who had lived under a more modern, less restricted system.

The instructions given to Carleton in 1775 also contained an article which would be the source of considerable problems for the future. Clause 41 states,

That no private person, Society, Corporation, or Colony be capable of acquiring any Property in Lands belonging to the Indians, either by purchase of, or Grant, or Conveyance from the said Indians, excepting only where the Lands lye within the Limits of any Colony, the soil of which has been vested in proprietors, or Corporations by Grants from the Crown; in which Cases such Proprietories or Corporations only shall be capable of acquiring such property by purchase or Grant from the Indians.³⁵

The purpose here was to prevent direct purchases of land from the Natives by individuals or associations. In this way the government sought to insure that individuals wishing to purchase land had to do so from the crown. Although Carleton was certainly concerned with native affairs, one suspects that the home government was more interested in establishing the proper social relationship between ruler and subject than protecting the interests of the natives. Extensive purchases were in fact made without authorization, particularly by

³⁵ *Ibid.*, p.619, contained in a document entitled, "Plan for the future management of Indian affairs, referred to in the thirty-second article of the foregoing instructions."

certain military officers who settled around the Detroit area³⁶.

The American revolution did indeed turn the world upside down, particularly for the Royal administration at Quebec. The large influx of refugees into the upper district caused great confusion and difficult, protracted problems³⁷. Early on the Loyalists made it clear what type of government they wanted, and not surprisingly it was that which they had just left. In a petition submitted to Governor Frederick Haldimand in January of 1784, the Loyalists then camped at Sorel, expressed their desire that,

His Excellency for their better Government & Good order when they arrive at the Place destined for their Settlement would be Pleased to Establish among them a Form of Government As nearly similar to that which they Enjoyed in the Province of New York in the year of 1763 As the Remote situation of their new settlement from the seat of Government here will at Present Admitt of. And that Persons Chosen out of their own Body be Appointed & vested with Power before their departure from hence to

³⁶ See Charles Johnston, "An Outline of Early Settlement in the Grand River Valley." *Historical Essays on Upper Canada*, p.7. See also by the same author, "Joseph Brant, The Grand River Lands, and the Northwest Crisis." *Ontario History*, vol.LV, no.4, p.267.

³⁷ The government had been promising land in exchange for loyalty throughout the war. A recruiting handbill issued to a Loyalist regiment in 1777 read, "Such Spirited Fellows, who are willing to engage, will be rewarded at the End of the War... with 50 acres of land, where every gallant Hero may retire and enjoy his Bottle and his Lass." Brown and Senior, *Victorious In Defeat, The Loyalists in Canada*. Methuen, Toronto, 1984. p.60.

Carry the same into Execution when there³⁸.

Some of these wishes were reflected in a much more official petition carried to Britain by the future Land Board member William Dummer Powell during the winter of 1783-84³⁹. The central request of this petition was for an elected Assembly, and although it made no direct reference to the land granting system, it is interesting to note how many future Land Board members signed the petition. Included are Powell, John Munro, Thomas Fraser, William Fraser, Malcolm McMartin, and Richard Duncan. The slow response to the political concerns of the new settlers on the part of the home government created considerable dissension among the Loyalists. This was, in fact, exacerbated by the imposition of the land granting system, one that lacked correspondingly adequate political and legal arrangements. Understandably, perhaps, given the novelty and character of the situation, the government first turned its attention to the establishment of some sort of settlement system. It should be noted though, that, right from the beginning, the Loyalists were asking for the very thing -- a North American system of colonial government -- that many people in the British government saw as the root of the problem and the main reason why half of the Empire was lost.

³⁸ R.A. Preston, *Kingston Before the War of 1812: A Collection of Documents*. The Champlain Society, University of Toronto Press, Toronto, 1959. p.57.

³⁹ Shortt and Doughty, *Constitutional Documents*, vol.II, p.742.

In July of 1783 the Colonial Office, in the name of the King, issued the first post-war instructions on land settlement⁴⁰. Given to Governor Haldimand, these orders set significant and long lasting precedents concerning various aspects of the settlement system. The instructions began by recognizing the loyalty of the individuals wishing to move to the remaining British provinces, and stating the government's desire "to encourage our said Loyal Subjects in such their Intentions, and to testify our approbation of their loyalty to Us, & Obedience to our Government, by allotting Lands for them in our said Province." Prior to the war, specific and automatic grants had usually only been given to military personnel as a reward for services to the Crown. In a significant innovation of policy, these terms were now extended to civilians. Every "Master of a Family" was entitled to one hundred acres, plus an additional fifty acres for every member of his family. A single man was entitled to fifty acres. Every non-commissioned officer was entitled to two hundred acres, while privates could receive one hundred, in addition to fifty acres for each member of their families. In these instructions there is no specific reference to allotments for regular officers.

The 1783 instructions define the tenure of ownership to be in Fief and Seigneurie, as it was previous to the war. Quit rents remained in effect but they were to be deferred for ten

⁴⁰ See Appendix A for the full text of these Instructions.

years and set at one half penny per acre. As a further concession to the poverty of the settlers, the survey and registration fees were to be paid by the Receiver General rather than by the settlers themselves. Rather ungenerously although, the officers of the Survey department would only be paid "one half of the Usual and accustomed Fees of Office".

The instructions begin to define the spatial organization of the new settlements by ordering that the "Seigneuries or Fiefs, [are] 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 & practicable." Convenience and practicality did not, however, become the guiding principles for the future. To this day there are townships that are neither convenient nor practicable given their geography or location⁴¹. Also included in the instructions is a stipulation that "in each Seigneurie a Glebe [is] to be reserved and laid out in the most convenient spot, to contain not less than 300 nor more than 500 acres". The logic of this policy of reserving considerable plots for the support of the local clergy was extended with the creation of the Crown and Clergy reserves. Although technically the glebes and the Clergy reserves were not the same thing, glebe lands

⁴¹ One of the most obvious examples is Marlborough, which now forms part of Rideau Township. Surveyed in 1791, it is, for the most part, one vast swamp, completely useless to the settlers at the time.

were largely taken out of the so-called 'Clergy sevenths'⁴².

Two other inclusions in these instructions became important to the operations of the Land Boards. Henceforth every person applying for grants was to swear an oath of allegiance before the proper authorities. There was of course nothing new about requiring individuals to swear allegiance to the Crown or Parliament. Oaths of allegiance had been a part of the British and the European social fabric for centuries. Although they may have been rapidly losing what coercive force they possessed, the oath was still seen as a powerful controller of individual behaviour. The Boards were invested with the power of administering these oaths and it became an important aspect of their duties. The swearing of the oath became one of the initial tests of acceptability for the settler.

The second inclusion, and the final paragraph of the instructions, directs that a record of all admissions and transactions related to land be kept in the Receiver General's Office and transmitted to the Lord Treasurer on a yearly basis. The Land Boards were charged with the task of compiling these records in the first instance, and their efforts were to become a major source of confusion for many people and for many years.

By the spring of 1784 Haldimand had begun to respond to his instruction. In a letter to Major Ross, the commander at

⁴² Alan Wilson, *The Clergy Reserves of Upper Canada*, p.53.

Cataraqui, he wrote;

You will receive a Book containing the King's Instructions for granting lands, the Oaths of Allegiance ect, a Declaration required to be made and Subscribed by every Settler, together with a special commission for administering the same -- You will also receive a parcel of Certificates to be given to the Settlers filled up with their Names and Nos of the Lots they draw, which are to be entered in the Book, in order that it may be referred to at the Expiration of the Twelve Months specified in the Certificates when deeds will be given as therein promised.⁴³

Although this course of action did little to alleviate concerns related to more fundamental matters such as land tenure, it did begin to establish the administrative machinery necessary for the task at hand⁴⁴.

After 1783 refugees were pouring into the province, and particularly the upper District, in large numbers⁴⁵. By late

⁴³ Quoted in E. Rae Stuart, "Jessup's Rangers as a factor in Loyalist Settlement." *Three History Theses*, Ontario Dept. of Public Records and Archives, Toronto, 1961. p.63.

⁴⁴ The size of this task was rather conveniently defined by Haldimand himself. During the winter of 1783-84 he estimated that for the settlement of the loyalists encamped at Sorel and other locations in the area, a total of 477,450 acres would be required. Around Niagara and Detroit, another 77,975 and 86,050 acres respectively was required to accommodate the 84th Regiment and Butler's Rangers. E.A. Cruikshank, *The Settlement of the United Empire Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784*. Ontario Historical Society, Toronto, 1934, p.30.

⁴⁵ The total for the original Loyalist immigration is usually pegged at 10,000, but this is simply a best guess. Any estimate depends on who is considered a Loyalist and the length of the period under discussion. See J.K. Johnson's introduction to *Essays On Upper Canada*, p.viii. Also Brown and Senior, *Victorious In Defeat*, p.32. Gerald Craig puts the numbers at 6,152 for all of western Quebec in 1784, with some 3,686 around the Bay of Quinte area. See his *Upper Canada: The Formative Years, 1784-1841*. McClelland and Stewart, Toronto, 1963. pp.6-8.

1784, sixteen townships, in two sections, had been laid out along the north shore of the St. Lawrence and Lake Ontario. By 1788 there were twenty-one townships at least partially surveyed⁴⁶. The first section ran from Coteau-du-Lac to just past present-day Brockville. These were first settled by Sir John Johnson's 1st Battalion of the King's Royal Regiment of New York and Major Edward Jessup's Loyal Rangers. The second section ran from Kingston to the Bay of Quinte. These townships were settled over the next few years by Captain Michael Grass' associated Loyalists, several of Jessup's Rangers, Major James Roger's King's Rangers, Johnson's 2nd Battalion, the Royal Highland Emigrant Regiment, many German regulars, and a large number of late arriving American-born civilians⁴⁷.

The Niagara peninsula also experienced rapid settlement after the war. About 800 to 1,000 members of Butler's Rangers

⁴⁶ Originally there were two groups of townships surveyed, nine in the first and five in the second. These were the so-called 'Royal Townships' ordered by Haldimand in his instructions to Deputy Surveyor John Collins, 11 September 1783. See Ontario Archives, *Third Report*, 1905, p.368. The number of townships was rapidly expanded to the point where in Dorchester's 1788 Proclamation creating the Districts he lists twenty-one along the St. Lawrence and the north shore of Lake Ontario. See Ontario Archives, *Fourth Report*, 1906, p.157. Also see Louis Gentilcore, "Lines On the Land: Crown Surveys and Settlement in Upper Canada". *Ontario History*, vol.LXI, June 1969, pp.57-73.

⁴⁷ Rae Stuart, "Jessup's Rangers", *Three History Theses*, p.92. Also, Brown and Senior, *Victorious in Defeat*, p.49. For some interesting detailed lists of the early settlers in the first six townships see, J.F. Pringle, *Lunenburg or the Old Eastern District*. Standard Printing House, Cornwall, 1890. In particular the Appendix section, pp.347-421. For a discussion of the Royal Highlanders see, Christopher Moore, "The Disposition to Settle: the Royal Highland Emigrants and Loyalist Settlement in Upper Canada, 1784." in *Ontario History*, no.76, 1984, pp.306-25.

and the Indian Department settled the area originally, but by 1789 the population was estimated at 3,100 and by the mid-1790's, the end of our period of discussion, over 6,000⁴⁸. There were, however, vast stretches of area with no settlers at all. Even in the first townships to be surveyed settlement seldom reached beyond the second concession lots. One of the realities of the situation, and one that was not always sufficiently accounted for at Quebec or at London, was the sheer physical distances involved. These had a profound effect on communication, and more importantly, on the degree of control that could be effected by a government often hundreds of miles and weeks of travel away.

The most remote settlement, and the one that experienced the slowest growth during this period, was in the area around Detroit. Captain Caldwell's company of Butler's Rangers were disbanded here after the war, and they joined a small but long established French community. The Huron claimed ownership to the entire area, which, according to established policy, necessitated its purchase by the crown. The transfer of property was not effected until May of 1790. This, combined with widespread speculation by the merchants at Detroit and Sandwich, almost completely frustrated the progress of

⁴⁸ Bruce Wilson, *The Enterprises of Robert Hamilton*, Carleton University Press, Ottawa, 1983. p.6. See also, Louis Gentilcore, "The Beginnings of Settlement in the Niagara Peninsula: 1782-1792", *Canadian Geographer*, VII, 1963.

settlement during the early years⁴⁹.

On 26 October 1786 Guy Carleton, now Baron Dorchester, landed at Quebec and was installed as Captain General and Governor in Chief of the province of Quebec. Within two weeks of his arrival he began reorganizing the administration of the provincial government. A committee "Upon Population & Agriculture; and the Settlement of the King's Lands" was created and charged with administering to the growing needs of the settler population⁵⁰. Soon to be called the Land-granting Committee, or the committee of the Land-granting Department, they were to control the keeping of records related to land grants, police the disbursement of valuable locations such as mill sites, and screen the petitions being forwarded to the Governor in Council. It was to this committee that the Land Boards would be directly responsible in their operations⁵¹.

By the spring of 1787 serious problems had developed in the new townships of the Upper District. Petitions for changes

⁴⁹ Leo Johnson, "The Settlement of the Western District" in *Aspect of Nineteenth-Century Ontario*, p.23.

⁵⁰ For the Order in Council creating the committee see, Short and Doughty, *Constitutional Documents*, vol.II, p.870. By early 1787 the workload of the Council was being significantly effected by matters related to the 'western Loyalists'. One bundle of petitions forwarded to Quebec weighed over ten pounds and cost £28 6s in postage. Patterson, "Land Settlement in Upper Canada," Ontario Archives, *Sixteenth Report*, p.23.

⁵¹ The original members were Sir John Johnson of the Indian Department (chairman), Chaussegros de Lery, Joseph de Longueuil, Surveyor General Samuel Holland, George Davidson, and Rene de Boucherville. The Land Committee, essentially a sub-committee of the Legislative Council committee, was created by an order of Council, 17 February 1787, and included John Collins and Henry Caldwell. On 30 April 1787 Johnson was replaced by Hugh Finlay. Ontario Archives, *Seventeenth Report*, p.7.

to the land granting system, and particularly for changes to the terms of tenure were submitted to Sir John Johnson. One from the magistrates at Oswegatchie, and signed by four future Land Board members, prayed "that we may have our Lands by Grants free from any Seigniorial Claims or any other incumbrances whatever".⁵² This request was reinforced by the magistrates from Cataraqui (the future Kingston) who wrote in their petition, "The object that first presents itself as of the most importance is the Tenure of Lands; The Conditions... are universally disagreeable."⁵³ Some former enlisted men and Assistant Deputy Surveyor Patrick McNiff, an individual whom we will meet later on, also raised a protest against the former military officers settled around present-day Cornwall, who, he correctly claimed, had grabbed all of the most valuable land for themselves. Suspecting that the government wanted to establish the seigneurial system with the officers as seigneurs, he circulated and submitted a petition calling for revisions to the terms of tenure and protesting against the officer's claims of community leadership⁵⁴.

Dorchester responded to the protests in two ways. The

⁵² Ontario Archives, *Seventh Report*, "Journals of the Legislative Council", 18 December 1786, p.322. The future members were Justus Sherwood, Peter Drummond, William Fraser, and Thomas Fraser.

⁵³ Ontario Archives, *Seventh Report*, "Journals of the Legislative Council", p.316.

⁵⁴ McNiff was fired as a surveyor for his troubles, but he moved to Detroit and took up his profession again. Brown and Senior, *Victorious In Defeat*, p.140.

first was by sending Deputy Surveyor General John Collins and the lawyer William Dummer Powell as a commission of inquiry to investigate the problems. Second, he armed them with the authority to grant two hundred acres of additional land. These grants would eventually become known as 'Dorchester's Bounty'. In his instructions to Collins and Powell he stated that,

For the encouragement of such settlers, who besides supporting their former characters for loyalty to the King and attachment to the British Government, and a peaceable, decent, deportment have, by their industry, in improving and cultivating the lands already assigned to them, given cause to presume that they will be good and profitable subjects, you are to add to every head of a family of that description 200 acres, exclusive of what is allowed to the other members of it severally by the Royal Instructions⁵⁵.

A few points should be raised here. First, these additional grants were intended to be a temporary measure, and the Council at Quebec suggested their suspension as early as July 1790. It was not, however, until 1 August 1797 that the last applications for the bounty were officially received⁵⁶. One of the reasons for this was the fact that in 1789 the Council authorized the disbursement of 'Dorchester's bounty' to the sons and daughters of Loyalists, which of course

⁵⁵ Instructions issued on 4 June 1787. Ontario Archives, *Third Report*, p.lxix.

⁵⁶ Gates, *Land Policies*, p.17.

greatly expanded the number of eligible applicants⁵⁷. Second, the original intention of these grants was to literally buy off the protesters. No mention of changes in land tenure were made, and grants were to be given only to those individuals of "peaceable, decent deportment". Third, the instructions were far from clear about how the land was to be dispersed. Was each individual to get two hundred additional acres, or must they be a head of a family? Was the fifty acres for each family member authorized by the Royal Instructions to be deducted from the two hundred, or be not considered? No clarification was provided by the Governor and considerable confusion was the result. Fourth, and perhaps most important, the very basis of the system was not addressed. In rejecting any hint of the seigneurial system, the settlers were turning towards a more modern conception of social arrangements, one less defined by the old world hierarchical structures.

By early 1788 it had become clear that some sort of administrative organization was necessary for the western settlements. In a letter to Lord Sydney at the Colonial Office, Dorchester pointed to the considerable changes in the province over the past few years. After confessing to being at a "loss" about what to do with the constitution of the province, he addressed the "more immediate" problem of land tenure. Although originally a promoter of the feudal system,

⁵⁷ N.A., "Minutes of the Executive Council of Quebec", RG1, L3L, vol.16, pp.6481-6484.

he now recommended "that His Majesty would be graciously pleased to allow His Governor and Council to grant His lands in free and common soccage, unincumbered with any crown rent whatever; but not more than one thousand Acres to the same person without the King's approbation."

In what would be a basic statement of future policy, he wrote,

It may be advisable to reserve in every township of thirty thousand acres, five thousand acres to be granted only at a future day under the King's Special directions; These reserved parcels will enable His Majesty to reward such of His provincial Servants as may merit the Royal favour, and will also enable the Crown to create and strengthen an Aristocracy, of which the best use may be made on this Continent, where all Governments are feeble, and the general condition of things tends to a wild Democracy.⁵⁸

Lord Sydney gave a positive response to Dorchester's advice in a letter sent the following year. While addressing the contentious, and by now heated issue of separating the province, he wrote,

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

⁵⁸ Shortt and Doughty, *Constitutional Documents*, vol.2, p.946. Dorchester to Sydney, 13 June 1787.

having their Lands granted to them in free and Common Soccage, with a Remission of Quit Rents for the first Ten Years; and Instructions will be prepared accordingly, as soon as Your Lordship's opinion upon the plan abovementioned shall be obtained.⁵⁹

Dorchester did not wait for the instructions. On 27 December 1787 he submitted to the Executive Council a draft of a patent creating four new Districts above Montreal. By mid-May it had been investigated and agreed upon, and on 24 July 1788 it was issued under the Great Seal⁶⁰. This patent created the administrative and jurisdictional Districts of Lunenburg, Mecklenburg, Nassau, and Hesse⁶¹. Lunenburg extended from the eastern edge of Lancaster Township, the first of the 'Royal Townships', to just below present-day Kingston; Mecklenburg from there to the western end of the Bay of Quinte; Nassau from there to the end of Long Point in Lake Erie; Hesse the rest of the western areas. The lack of definition in this description reflects the reality at the time. Despite the locating of townships, only a very small percentage of any of these areas had been surveyed, even in the most rudimentary way. This too points to one of the

⁵⁹ *Ibid.*, vol.2, p.957. Sydney to Dorchester, 3 September 1788.

⁶⁰ The patent is printed in Shortt and Doughty, *Constitutional Documents*, vol.2, p.953. An ordinance allowing for the introduction of this patent was passed by the Executive Council on 30 April 1787. *ibid.*, p.860.

⁶¹ For a brief description of the use of the district system see, George Spragge, "The Districts of Upper Canada, 1788-1849." in *Ontario History*, vol.39, 1947, pp.91-100.

persistent problems in the early administration. Granted, if they were going to impose a surveyed rectilinear land grid system, they had to start somewhere, but all too often decisions were made on the basis of maps and drawings which were inaccurate or incomplete or both.

During late summer and fall of 1788 Dorchester toured the newly-created western Districts. It quickly became obvious to him that the business of accommodating the settlers was not going forward. On his return to Quebec he informed the Council "of delay and expense being occasioned to many loyalists desirous of forming settlements in the upper country from the want of authority on the spot for allotting lands for them."⁶² Accordingly he appointed a Land Board for each of the Districts. These Boards were intended to be the local authority in the operations of the Land-granting Department. Along with the local courts of Common Pleas and Quarter Sessions, the Land Boards were the first institutional manifestations of a specifically local regional administration in what would soon become Upper Canada.

The reorganized Land Committee of the Council, with Hugh Finlay in the chair, was given the task of formulating a set of rules and regulations to govern the operations of the Boards and of all aspects of the Land-granting Department. Between February 1789 and January 1790 four sets of official Rules and Regulations were prepared by the Land Committee and

⁶² Quoted in Burt, *The Old Province of Quebec*, vol.2, p.111.

the Governor in Council⁶³. These directives are perhaps the clearest expression we have of what kind of society the individuals in power wished to create. They were a blueprint for the establishment of the administrative and spatial organization of society, and they were specifically intended to be such. It should be kept in mind, however, that, just as in all construction activity, the blueprints were never followed exactly and were always subject to different points of view.

The four groups of rules and regulations issued prior to Lieutenant Governor Simcoe's takeover and reorganization of the Land-granting Department in 1792, were formulated by the Land Committee at Quebec and were issued as Orders of the Governor in Council. In many respects they followed the instructions of 1783, but they were expanded in both detail and scope. The rules were drawn up and published, usually in batches of five hundred, and distributed throughout the province⁶⁴. While the publications were intended primarily for the use of the Land Boards, they were also open to public viewing, and thus any settler who could read, or who could find someone who could read, was able to check on the operations of the Boards.

The first set of Rules and Regulations was issued on 17

⁶³ See Appendix A for the full text of the Rules and Regulations covering the operations of the Land Boards from their inception in 1788-89 to their dissolution in 1794.

⁶⁴ N.A., RG1, L3L, vol.16, pp.6570-6573.

February 1789. The primary purpose of these rules was to regulate, define, and control the actions of, and the relationship between, three different parties; the settlers, the Land Boards, and members of the Surveyor General's office. The officially sanctioned relationship was as follows. During periodic and advertised meetings of the Land Boards, prospective settlers were to first submit to them their petition for a grant. Upon an examination "into their loyalty, character and pretensions", the Board was to issue a certificate of authorization to the settler⁶⁵. He or she (yes, there were a number of female petitioners⁶⁶) was to present this certificate to a Deputy Surveyor, who, within two days, was to assign the settler a specific, accurately described, and presumably already surveyed lot of about two hundred acres. The settler was then to inform the Board of the location and size of the lot received, and the Board was to transmit this information, in a regularized manner every three months, to the Clerk of the Council and to the other District Land Boards. The Land Committee, and in the case of oversized grants the Governor in Council, would then authorize the grants, and the Clerk of the Council would submit the returns

⁶⁵ See Appendix C for the text of these certificates.

⁶⁶ Sally Ainse applied for and received 1873 acres in Dover East and West Townships, District of Hesse. Mary Ann Patterson applied for and received 2400 acres in Harwich Township, District of Hesse. John Clarke, "A Geographical Analysis of Colonial Settlement in the Western District of Upper Canada, 1788-1850." Ph.D thesis, University of Western Ontario, London, 1970. pp.100-110.

to the Attorney General so he could draw up patents. When the patent was ready for the Great Seal, its status would be advertised in the *Quebec Gazette*. Likewise, if an application was imperfect or incomplete, it too would be advertised in the *Gazette*. The Boards were also authorized to examine applications for additional grants of land, whether they be for additional family lands (fifty acres per family member), or for 'Dorchester's Bounty'.

This first set of rules also began to define, or set limitations on, the actions of the three groups involved in the process. Article IV required that a settler begin cultivation of his grant within one year of occupation or the grant would be considered void. The Boards were required to publicize their meetings and to report their findings on a regular basis (articles III and VI). They were also required to examine petitions "in the order of their being preferred" so as to avoid favouritism (article III), and to defer judgement on any petitions for grants greater than two hundred acres (article V). The Deputy Surveyors were to give location certificates only for lots "as are fit for common husbandry", and to locate and report on any spots which contained useful minerals or timber, or that were suitable mill or harbour sites (article VIII). The Surveyors were also ordered to avoid any deviations in laying out the townships unless absolutely necessary, and to conduct their operations in an accurate and detailed manner so as to avoid any "unnecessary expense"

(article XIII) for either the government or the settler.

The February 1789 Rules and Regulations began to establish the spatial organization of the new settlements. Although the lack of explanation in these rules was one of the main reasons for the issuance of the August 1789 Rules and Regulations, which go into the matter in much greater detail,⁶⁷ they do define the shape and size of townships, ten by ten miles for an inland township and nine by twelve miles for one on a navigable waterway. Town sites and glebes were to be laid out, and "certain equal portions at the corners" were to be reserved for the use of the Crown. In order to prevent a dispersed settlement, and, one suspects, excessive distance from government control, the Surveyors were ordered to lay out the townships as contiguous with one another as possible.

By the summer of 1789 all four of the District Land Boards had been appointed and had begun operation. It, however, became obvious to the provincial administration that the Land-granting Department was not operating as planned and that it required closer, more exact regulation. This was, in fact, the pattern that would be followed by higher level administrators throughout the life of the Boards, and that had been going on since 1763. The complexity and completeness of the regulations governing settlement developed, with varying

⁶⁷ See Appendix D for the survey plans generated by these Rules and Regulations.

degrees of lag, along with the establishment of communities. Unfortunately, as Lillian Gates has pointed out, it was not virgin territory. Settlement always ran considerably ahead of attempts to provide effective administration. Also, the increasing refinement of the land granting system did not necessarily mean that it was better run at the local level.

On 25 August 1789 'Additional Rules and Regulation for the Land granting Department' were issued by order of the Governor in Council⁶⁸. The first two articles deal with a problem that was endemic to the situation and was never satisfactorily solved. After pointing out that certain individuals had not been following the prescribed mode of operation, article I ordered the Surveyors to stop giving out location certificates without authority and to report all of their previous disbursements to the Boards. The Boards were ordered to "keep a vigilant eye" over settlers who took up lots without the express permission of the Department, and to report offenders to the higher authorities. Expressed in clearly hierarchical terms, this was an attempt to clearly define what was referred to in article X as the "accustomed chain of duty or Official intercourse". The Surveyors had obviously been giving out location certificates to individuals who had not gone before the Boards to submit their petitions. The Surveyors were now required to attach their location certificates to "the foot, or on the back" of the

⁶⁸ See Appendix A for the full text of these rules and regulations.

authorization certificates given out by the Boards.

Article III expanded upon and provided greater detail for the plan of survey that was to be followed. It set out the size and location of the town and farm lots, public squares, school house, court house, work house, cemetery and hospital plots, the size of the streets and roads, and the extent and location of the reserves. It ordered that all roads were to intersect at right angles, that all squares were to be open at the corners, and that a half mile strip around the town site be reserved for defensive works.

In a tacit recognition of the impracticality of the survey plan, the next three articles addressed deviations and how they were to be accomplished. Once again emphasizing the chain of command, surveyors were forbidden to make deviations without written permission from the Board, and the Board was to report any changes it might authorize "with all convenient speed." Before the Board could give its authorization, however, it was required to consult the magistrates, officers of the militia, and "other intelligent planters of the vicinity." In a perhaps oddly democratic stipulation, a "majority" of these individuals were required to give consent to any deviations. The Land Committee was obviously concerned with avoiding conflict within the communities, but rather than rely on Royal authority, they made one of their rare concessions to local autonomy and consultation. If a township was to be laid out on property already allocated, the consent

of the occupants was required and the Board was authorized to grant lands equal to those usurped by the various reserves if they happened to affect the previous occupant. At this point nothing was said about compensation for any improvements that the settler might have made prior to his eviction.

Article VII is very interesting in that it gives a ranked order of precedence in case certain components of the survey plan could not be established. In descending order, the first three refer to town plots for a church, a cemetery, and a parsonage. Fourth, is a town plot for a school house. Fifth, sixth, seventh and eighth are town parks for the support of the clergy and the schoolmaster. Ninth, is a court house, and tenth a prison. Eleventh, is a poor house. The last, and one could surmise the least important in the minds of the Land Committee, was a spot for a market place. Here we have some clear evidence of what was most important to the formulators of policy, religious observance, education, civil administration, and lastly, commerce.

Articles VIII and IX of the August 1789 rules deal with the establishment of the towns and the disbursement of town lots. The Boards were to refrain from granting town lots until settlement of the farm lots was "sufficiently advanced". The exact meaning of this was left up to the Boards to interpret. Grants were to be restricted to one town lot, or one town lot and one town park to each individual. As with the farm lots, the grantee was required to develop the property within one

year or be subject to forfeiture. The Boards were required to give preference "to such Applicants, for whose trade and occupations the respective lots, on account of their situation near the Water, or otherwise, may be best calculated." Lots near the water were the ones most coveted by all classes of settlers and competition for them was intense.

The regulations end with an instruction to the Boards to "discountenance frivolous applications", and to not authorize any transfers of unimproved lots because such "only tend to create a mischievous Monopoly of the ground." What actually constituted a frivolous application was left up to the Boards to decide. The restriction on transfers was for the most part ignored by all parties concerned.

Two other sets of additions were added to the rules and regulations by order of the Governor in Council on 20 January 1790⁶⁹. The first relates to the record keeping operations of the Land Boards. The Boards were ordered to keep a regular journal of their proceedings, dated and signed by the members, and transmitted to the Governor's secretary every three months. They were also ordered to keep records of the names of grantees, and the size, number and location of lots granted. While this seems fairly straightforward, the end result was four different formats of records submitted by the four different Boards, each with a varying degree of completeness. The Clerk of the Council, who was to receive these records

⁶⁹ See Appendix A for the full text.

from the Governor's secretary, was also ordered to keep separate files for the Land Board proceedings, boxed and indexed, so that easy and public access to them could be had.

The second addition to the rules and regulations made in January 1790 refers to the administration of claims made by disbanded or half pay officers seeking grants equal to those given to members of the 84th Regiment of Foot⁷⁰. This matter was of particular importance to the Governor and the Council because of the large size of the grants, up to 5,000 acres, and the social status of the individuals involved. It was intended that these persons would form the local aristocracy, or as much of one as conditions would allow. On 22 October 1788 Dorchester had ordered that all officers, regardless of regiment, could apply for grants equal to those promised to the officers of the 84th. The January 1790 regulations set a cut off date for applications at May 1792. It also ordered that applications be made to the Boards, rather than the Governor, and that the Boards investigate the applications to determine if the petitioner had received any lands already, whether he had improved these lands, and the amount of land received so that it could be deducted from any further grants. In case of competition for a specific tract, the Board was to

⁷⁰ See the 1786 Instructions given to Lord Dorchester, in Shortt and Doughty, *Constitutional Documents*, vol.2, p.830. The size of the grants to be given to officers stipulated in the 7 October 1763 Proclamation had been reduced considerably in the instructions given to Haldimand in August of 1783. The upper limit was now set at 1000 acres for the highest ranking officers.

act as arbitrator of the dispute and to draw lots if neither party had a better claim. The Boards were further ordered to make "full and distinct Reports" on these matters and transmit the proceedings promptly. This was a contentious matter because it was often the case that previously junior officers were, as Land Board members, deciding on the claims of individuals who were once their commanders. No doubt aggravation and embarrassment was felt by many.

While waiting at Quebec to assume his appointment as Lieutenant Governor of Upper Canada, John Graves Simcoe issued a proclamation establishing the terms of grants of Crown lands. This was done in order to alleviate any fears that the settlers had regarding the change in administration⁷¹. While this proclamation made no major changes to the established Rules and Regulations, it did modify and expand upon some important details. The most significant of these was the stipulation that the reserves for the Crown and Clergy equal two sevenths of each township. Previously the reserves had not been defined in such an exact manner. Article seven of the proclamation ordered the establishment of what came to be known as the 'chequered plan' of survey, which interspersed the reserved lots throughout the township⁷².

⁷¹ See Appendix A for the full text.

⁷² See Appendix D for a depiction of this plan. By this plan Simcoe hoped that the value of the reserves would increase along with the adjacent property, thus providing the government with a steady and sufficient source of revenue and allowing it to avoid taxation, which, at the time among the British elite, was considered to be the cause of the

An interesting exclusion in this proclamation is any reference to the Land Boards. It may very well be that Simcoe had already decided to do away with the Boards. Shortly after issuing the proclamation, Simcoe wrote to Under Secretary of State Evan Nepean stating that "There are great errors in the Surveyor General's Department, relative to the location of lands, which I hope to adjust amicably on my arrival in Upper Canada."⁷³ A clear hint that the administration was about to be reorganized is contained in the eighth article. Here it was stated that a table of fees would be established for the various administrators of land patents and that it would be "pubickly fixed up in the several Offices of the Clerk of the Council, of the Surveyor General, and of the Secretary of the Province." Up until this time any such notice would have been deposited with the District Land Board secretary. This might seem a trivial point, but the operations of all the District Boards changed dramatically during the spring of 1792, at the very time that Simcoe's attitude towards their operations was becoming known.

On 16 July 1792, shortly after arriving in Upper Canada, Simcoe issued a proclamation dividing the province into nineteen separate counties, doing away with the Districts, which were reestablished under different names, and

American revolution. See Gates, *Land Policies of Upper Canada*, p.27.

⁷³ E.A. Cruikshank, *The Correspondence of Lieut. Governor John Graves Simcoe*, Ontario Historical Society, Toronto, 1931, vol.V, Supplementary, p.171.

reorganizing the Land Boards⁷⁴. The Board's jurisdiction was restricted to the counties surrounding the principal settlements and responsibility for six counties in newly settled areas was given to the Clerk of the Council.

Only two months before the Boards had been required to act upon instructions, issued the previous spring by Dorchester, which increased the quorum limitation of the Boards from three to five and added several new members to each. Significantly, the only stated qualifications for the new members was that they be of good character and that they were recognized as United Empire Loyalists⁷⁵. Dorchester was seeking to address the problems of the land granting system by expanding the role of the Boards and increasing their responsibilities, such as dealing with the officer's claims, and reinforcing the character of their membership. Simcoe, however, had much different ideas.

On 6 November 1794 the Executive Council of Upper Canada issued a proclamation abolishing the Land Boards. They were now thought to be "inexpedient and unnecessary", and their

⁷⁴ Ontario Archives, *Third Report*, p.lxxi.

⁷⁵ The term refers to those who were listed on the militia rolls as being a U.E. Loyalist. While noting that the Land Boards were responsible for bestowing this designation, Lillian Gates suggests that the Nassau Land Board had a hand in its creation. She does not, however, attempt to explain why they failed to perform this duty. Gates, *Land Policies of Upper Canada*, p.20. Ontario Archives, *Third Report*, "Minutes of the Land Board of the District of Hesse", p.131 and p.143. Minutes of the Land Board of the District of Mecklenburg, N.A., RG1, L4, vol.7, p.235.

duties were turned over to the local magistrates⁷⁶. All petitions were to go through the Clerk of the Council and the magistrates were restricted to handing out certificates of fitness and administering the required oaths.

From the numerous rules and regulation effecting the establishment and operations of the Land Boards, and their administrative partner, the Surveyor General's Office, a clear pattern emerges. By 1788 an obvious need had developed in the western districts for some sort of administrative apparatus to govern the granting of Crown lands. The realities of geography suggested local institutions and they were established. While these regional entities were far from rebellious, they did begin to create their own jurisdictional areas, both in a geographic and an administrative sense. A large part in the formation of the new communities passed into the hands of local elites, who were often only experienced in particularly North American systems of government, and who were far from the immediate control of Imperial authorities. This being directly counter to the intentions of the home government, they -- meaning primarily Simcoe and Nepean -- sought to establish a greater degree of social influence through the implementation of an political and administrative system closely modelled after British institutions. With the creation of the new province in 1791 another layer of administration

⁷⁶ Ontario Archives, *Third Report*, p.lxlx. This proclamation also established the first table of fees to be applied to the land granting operation.

was introduced, one that was not only closer to the scene, but also imbued with a clear conception of the need for executive control emanating from a hierarchical, paternalistic, and pre-modern social formation.

In his examination of Land Board member Robert Hamilton, Bruce Wilson noted that the abolition of the Boards was not a serious blow to the merchant interest at Niagara. He goes on to say that "Established status and economic power proved more important than structures of administration." True, but as he also notes, these structures served Hamilton and other local leaders very well⁷⁷. It is to an examination of who worked within these structures and how they operated that we now turn.

⁷⁷ Bruce Wilson, *The Enterprises of Robert Hamilton*, p.121.

Chapter Two

Status, Power, and Wealth; The Land Board Membership.

To the historian one ounce of real life is worth more than a pound of legislation.

Alexander Fraser,

Ontario Archives, Sixteenth Report, 1920, p.XI.

The various rules and regulations established a framework for the operations and the functions of the Land Boards. Rules, however, require both interpretation and implementation, in other words, human agency. In order to understand how the Boards fit into Upper Canadian society and what impact they had on social development we need to explore who the members were, why and how they were selected, and, if possible, to arrive at some sense of what Board membership meant to the persons involved. Essentially, the question being asked is: what was the relationship between the structures of administration and the status and social power and position of the Land Board members? The individuals who held Land Board commissions belonged, for the most part, to a specific group

or level in society. They were, to borrow a term from Frederick Armstrong, the beginnings of the local oligarchies¹. We can use the defining criteria suggested by Professor Armstrong to shape our investigation; status, power, and wealth.

In total forty-six men were appointed as Land Board members for the four western Districts². They were, of course, all men, since no women were considered for positions of such authority at this time. The appointments were made essentially in two groups; the original appointments in 1788-89, and a second group coinciding with the expansion of the Boards, as ordered by the Governor in Council, which took effect officially on 1 May 1791³. As was the case with all administrative institutions in this pre-professionalised bureaucracy, many of the members neglected their duties or disregarded them entirely. It seems reasonable to suggest that the absentee members exerted little or no influence on the

¹ Frederick Armstrong, "The Oligarchy of the Western District of Upper Canada, 1788-1841", Canadian Historical Association, *Historical Papers*, 1977. Following the work of Peter Burke, Professor Armstrong has provided what might be termed the theoretical basis for this chapter. The three criteria employed for the purposes of identification, status, power, and wealth, are taken from this essay.

² Land Boards were also established for the Gaspé region and the area around Montreal, but they are not included in this study.

³ Appendix B provides a complete list of appointments and attendance records for all four Boards under discussion. Dorchester expanded the Boards because Sir John Johnson reported that there was "Great jealousy of the prevailing majority" of the existing Boards. Johnson to Dorchester, 13 September 1789. Cruikshank, *Records of Niagara, 1790-92*, p.73. Also quoted in Joy Ormsby, "Building a Town", *The Capital Years, Niagara-On-The-Lake, 1792-96*. Dundurn Press, Toronto, 1991, p.26.

operations of the Boards, but it is interesting to note some of the reasons for their appointments as well as those for the appointment of the more significant members. As with the Rules and Regulations, these appointments provide a glimpse of what the administration at Quebec required in its local functionaries, what character and background they wished them to have. Unlike with the Rules and Regulations, however, the administration had very limited options in its selection of local officers. The former war-time leaders, the officers of Butler's and Jessup's Rangers and the Royal Yorkers, were an obvious choice, but it must be remembered that the war had been over for several years. The original basis of their authority had changed dramatically. They could no longer demand the strict discipline or obedience required by a war-time environment, nor did they have a traditional legal basis for such authority. The political heritage of 1688 demanded the reduction of standing armies and the rejection of military leadership in domestic politics.

It is perhaps impossible to know exactly why specific individuals were selected to be Land Board members, although some degree of previously established status within the colonial community was certainly part of the equation. Dorchester would have known many of the appointees personally, or at least by name. During the war he must have become familiar with many of the higher ranking officers among the future Board members, such as John Butler, Alexander Grant,

Peter Van Alstine, Justus Sherwood, and Neil McLean. Bruce Wilson has shown that Robert Hamilton and Richard Cartwright wielded considerable influence among the commercial elite of Montreal and beyond, and through connections such as those with the firm of Todd and McGill, their names would have become familiar to the administrators at Quebec. The Indian Department was well represented with Alexander McKee, Jacques Duperon Baby, and Richard Wilkinson. In fact, many of the Board members were well known as the original and already established community leaders. On 15 March 1790, Dorchester submitted to the Colonial Office a list "of such Persons, as appear to me the fittest in this Country to be submitted to His Majesty for seats in the Legislative and Executive Councils for the proposed Provinces of Upper and Lower Canada."⁴ Eighteen of the twenty-one individuals on the list for Upper Canada also received a Land Board commission. To a large extent the entire apparatus of government was based on personal connections, on whether an individual was known to the authorities who operated at a higher level.

Not all the appointees, however, were quite so outstanding. Their status did not always reach province-wide proportions. The prominence of these lesser luminaries was localized within their own communities. Lillian Gates has pointed out that Dorchester created the Land Boards shortly

⁴ Cruikshank, *Simcoe Correspondence*, vol.I, p.10.

after his tour of the western District in the fall of 1788⁵. He was, no doubt, introduced to the more locally prominent individuals in the various settlements, as well as reaffirming old acquaintances⁶. Perhaps he was seeking to confirm, at least in some rudimentary sense, information received from established channels⁷.

Previous to Dorchester's tour, in August of 1787, Sir John Johnson submitted a list of the names of persons whom he considered suitable for civil office, and appointments were most likely based on this recommendation. He certainly had established contacts with many of those on the list. Starting early in 1787, local community leaders, particularly in the eastern districts, had begun to voice their concerns related to the administration. In two letters to Sir John Johnson and finally in a petition to the Governor, they laid out what they

⁵ Gates, *Land Policies*, p.19. In *The Old Province of Quebec*, p.111, A.L. Burt states that the Land Boards were set up "as a consequence" of Dorchester's visit. Burt claims that representations were made to Dorchester "of delay and expense being occasioned to many loyalists desirous of forming settlements in the upper country from want of authority on the spot for allotting lands to them." In providing this quote Burt does not indicate its source. I have yet to find these 'representations'. Clause 53 of the Royal Instructions issued to Dorchester in 1775 specifically ordered him to "visit the other parts of your Government, in order to inspect the management of all public affairs...." Shortt and Doughty, *Constitutional Documents*, vol.II, p.612.

⁶ In his essay "Early Inns and Taverns", Richard Merritt wrote that Land Board appointee Gilbert Tice was "Sir William Johnson's trusted innkeeper in the Mohawk Valley prior to the revolution." *The Capital Years*, p.192.

⁷ Bruce Wilson has pointed out that "Johnson had personally recommended the men who composed the first land board at Niagara." *Enterprises of Robert Hamilton*, p.42.

conceived to be the major problems⁸. The signatures on these documents include most of the future important Land Board members for the two eastern Districts; Neil McLean, Peter Van Alstine, Justus Sherwood, Peter Drummond, Thomas Fraser, William Fraser, Richard Duncan, John Munro, and John McDonnell. Their concerns were answered in part with administrative appointments.

A similar recommendation procedure was conducted at a slightly lower administrative level for the second round of appointments, although once again Johnson had some influence in the affair⁹. In March of 1791 the Board members were asked to provide the names of individuals qualified to sit in on deliberations. The circular letter, signed by Dorchester's secretary Henry Motz, reads,

His Lordship will receive your recommendation of two or more proper persons, being Loyalist, U.E., to be added to the Board of your district, if you shall conceive the Dispatch of the Business, and your other avocations, to require further aid in the execution of the trust.¹⁰

⁸ The first and primary concern of the settlers related to land tenure, not assemblies or the administration of justice. Shortt and Doughty, *Constitutional Documents*, vol.II, pp.942, 945, 949.

⁹ Cruikshank, *Records of Niagara*, p.77. Johnson to Dorchester, 13 September 1790. In this letter Johnson suggested "the propriety of adding the Engineer and the Surveyor of the Districts, if such there be, and two or three principal Inhabitants, Mr. McComb and Mr. Leith of Detroit might perhaps be proper persons for Hesse, and Major Tice, Mr. Burch, Mr. Warren, Doctor Kerr, and Mr. John McNabb for Nassau -- time will not permit me to add more at present."

¹⁰ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.131.

The Hesse Board responded to this letter by claiming that two U.E. Loyalists would be impossible to find "whose residence is so near to Detroit, as to expect any aid from their attendance, and should this impediment be even removed we could not recommend two particular objects of the above description, suitable for the trust."¹¹ By October of 1791 the Land Committee had given the Hesse Board permission to waive the new regulations¹².

The important point to notice here is that the patterns of selection and reasons for the appointments reflected the traditional approach and social concerns of the government. The individuals recommended had already begun to establish their positions in the social hierarchy, either through prior military service or acquired wealth or both. Most important, however, was that the persons to be selected were right-minded, that they had proven themselves committed to British colonial society. The process of selection itself reflected the personal, hierarchical character of the society. The names of known individuals were passed up the chain of command for authorization. The qualifications passed down did not require that the persons be specifically competent or experienced in land administration, only that they be recognized as part of the family, so to speak. The reality of the situation, however, made the procedures difficult to execute. As the

¹¹ *Ibid.*, p.143.

¹² *Ibid.*, p.158.

Hesse Board complained, as early as 1788 those of the right political stripe were sometimes difficult to find.

The attendance records provided in appendix B indicate that the business of the Land Boards was usually conducted by a select group of appointees. The composition of the controlling groups changed over time due to modifications in organization and the circumstances of individual members. Consistent patterns of attendance, however, emerge from the recorded minutes of each District. Also, the minutes indicate who need not be included in a discussion of the operations of the Boards. For example, in Lunenburg, of the original appointees, James Gray, John Mcdonell and Jeremiah French, each attended less than one quarter of the meetings. In the second round of appointments, Hugh Munro, Thomas Smith, and Richard Wilkinson never made an appearance, while Ephraim Jones and Archibald Mcdonell only attended eight times out of seventy-six opportunities. The records of the Lunenburg Board, however, are far from complete. The division of the meeting places effected by the members in June of 1790 confuses the attendance records somewhat¹³. It is clear, though, that certain members dominated the proceedings, and this situation was repeated in all four Districts.

Richard Duncan was the original Lunenburg Board president

¹³ N.A., RG1, L4, vol.9, p.37. The minute for 9 June 1790 records the resolve "that a Board at Cornwall and another at Matilda shall be held the first Tuesday in every month of which the Public are to be apprised by the respective clerks." The division was effected but the meetings were never so regular as this.

and attended well over half of all the meetings held, despite spending a considerable amount of time attending to his deceased father's estate in New York after the fall of 1791. John Munro had the best attendance record of all the Lunenburg members, having shown up for sixty-three out of eighty-two meetings. He also took over as president or chairman when Duncan began missing meetings in 1792¹⁴. Malcolm McMartin and Justus Sherwood also made it their business to attend regularly. Of the new members appointed in 1791, only Peter Drummond, and to a lesser extent, the Fraser brothers, William and Thomas, made any significant number of appearances.

The situation in Mecklenburg developed along similar lines. The presence of Kingston as a military post and as a developing urban centre, however, created slightly different circumstances. The commanding officer at Kingston was given an automatic seat on the Board, and Captains Bunbury, Porter, and Lethbridge took up the honours, but not always the duties. Four new members were appointed in 1791, and after July of 1792 the original Board was restricted to Frontenac county while an auxiliary Board was set up to deal with Lennox, Addington, Hastings, and Prince Edward counties. The original Board was dominated by three well-established individuals, Richard Cartwright, jr., the Reverend John Stuart, and Neil McLean. With the 1791 expansion, only two of the new members made a significant impact, Richard Cartwright, sr., and to a

¹⁴ N.A., RG1, L4, vol.15, p.29.

lesser extent, William Atkinson. The second Land Board, set up in 1792, was run for the most part by Hazelton Spencer, Peter Van Alstine, and Alexander Fisher.

The Nassau District Land Board was administered almost exclusively by Robert Hamilton and John Butler, with either Peter Tenbroech or Nathaniel Pettit seemingly dragged along to make up a quorum¹⁵. Hamilton's attendance record was the best of any member in all four Districts and is a clear indication of the importance he placed on the office¹⁶. With the subsequent expansion Robert Kerr, John Burch, and John McNabb became active, but they were always in the presence of either Hamilton or Butler or both. The military contingent from Niagara, the garrison commander, and the officer of the Royal Engineers, attended only infrequently.

The Hesse District Board shows a pattern of attendance that reflects the history of its operations. Up until the additional appointments of 1791 the proceedings were dominated by William Dummer Powell. William Robertson was also in regular attendance, but he left for England shortly after

¹⁵ Bruce Wilson, in *The Enterprises of Robert Hamilton*, p.53, cites Hamilton as having attended 34 of 36 meetings. His source was the Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board". These only cover up to March of 1792. The remainder of the records, up to October 1794, can be found in N.A., RG1, L4, vols.5 and 6.

¹⁶ It is interesting to note, however, Hamilton's limited status with Quebec during the early years. The Council evidently did not consider him to be the most important Board member. Letters written by the Council secretary, Henry Motz, to the Board are addressed to the commanding officer at Niagara, John Butler, Peter Tenbroech, and "the other commissioners". N.A., RG1, L4, vol.5, p.99.

August of 1790¹⁷. Powell did not attend any meetings after November 1791, having left for Quebec in order to extricate himself from the trouble he had become mixed up in¹⁸. Alexander Grant showed up intermittantly and Alexander McKee only when he had dealings with the Natives to report. The Board, however, performed practically no work of substance until it was reorganized in 1791. From then until the Boards were disbanded in 1794, John Askin, Montigny de Louvigny, and George Leith were the only members to attend regularly.

Appointment to the Land Boards was part of a wider range of civil commissions including justices of the peace, sitting in the Court of Quarter Sessions, and judges sitting in the Court of Common Pleas. The status that one carried into the community and achieved from early appointments often translated into an almost permanent right to office. This reflected traditional patterns of colonial office-holding in North America. The lists of appointments for the Land Boards and subsequently for the Court of Common Pleas are, with one

¹⁷ He informed the Board of his impending departure on 3 August 1790. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.73.

¹⁸ Unlike Robertson, Powell left no record with the Board of his departure. The last meeting he attended was on 25 November 1791. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.157. William Renwick Riddell makes an interesting comment in his biography of Powell; "Threats of vengeance were made and repeated: Powell received apparently credible information that he was to be killed by a named Indian chief." Riddell attributes this situation to Powell's decisions on the Land Board which 'antagonized' certain members of the Indian Department. Riddell, *William Dummer Powell*, p.75. S.R. Mealing, in his *D.C.B.* entry for Powell wrote that "his refusal to recognize irregular purchases from the Indians and his faithful attendance... made him a threat to the military and Indian Department officers who were unused to interference, especially from a newcomer." Vol.V, p.607.

exception, identical to each other¹⁹. Plurality of office, and of occupation, was the norm at the time and some of the members may have considered their Land Board duties simply as part of their wider civil duties as magistrates. In fact, there was often a blurring of the boundaries between the functions of the various administrative offices. For example, by the spring of 1792, the Hesse District Board began employing the local militia captains and the clerk of the Court of Common Pleas to distribute notices to the settlers²⁰. In the Nassau District an attempt was made to hold Land Board meetings consecutively with the Court of Quarter Sessions, but the volume of business required more frequent deliberations²¹. Of the forty-six Board members, twenty-seven at one time received a commission as justice of the peace²².

Aside from being known in the community, the qualifications for civil appointment were achieved in a number

¹⁹ In an interesting example of how previous status did not always entitle one to civil appointments, the exception on these lists was none other than Edward Jessup. Although he was appointed a justice, he never made it on to the Land Board. Armstrong, *Handbook*, p.107.

²⁰ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.167.

²¹ Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.295. The Board stated its reasons for holding meetings at the same time as the Court as follows; "That the Settlement being then mostly brought together, the Claimant could, with ease, procure the testimony of his former acquaintance in his favor, and it furnished also an opportunity to the Settlers to detect and point out such characters as were unworthy a place among them."

²² N.A., "General Index to Commissions, Registrar General", RG68, part 1, p.325.

of ways. The most common qualification was prior military service. The disbanded troops and early loyalists were established on the premise that their officers would provide an element of natural leadership²³. As might be expected given the character of its earliest settlement, in the Lunenburg District, all the Board members were former officers; seven captains, five lieutenants, a major, and a commissary officer. In the Mecklenburg District the pattern was only slightly different. Richard Cartwright, jr., was secretary to John Butler. Neil McLean was a Deputy Inspector of Loyalists and an assistant commissary general at Carleton Island during the war. James Clark's father was McLean's direct supervisor. Hector McLean and Hazelton Spencer were lieutenants, Peter Van Alstine was a major and Joshua Booth a sergeant. The military appointments to the Nassau District Board reflect the influence of Colonel John Butler²⁴. On the Board were two of his former captains, Peter Tenbroech and Benjamin Pawling, and his commissary officer, John Burch. Also on the Board were the surgeon for the 2nd Battalion of the King's Royal Regiment of New York, Robert Kerr, the career soldier and commissary officer at Fort Erie, John Warren, and an important supplier

²³ Rae Stuart, "Jessup's Rangers", *Three History Theses*, p.62.

²⁴ This said, it should be pointed out, as Bruce Wilson has done, that the leadership of the Niagara community was effectively taken over by the non-military element represented by Robert Hamilton. This process was taking place during the life of the Boards. Bruce Wilson, "Patronage and Power", *The Capital Years*, p.46.

of military provisions, Gilbert Tice²⁵. The Hesse District Board contained such military notables as commander of the Great Lakes fleet, Alexander Grant, the commissary officers John Askin and Toussaint-Antoine Adhémar, and the Indian agents and prominent militia officers, Alexander McKee and Jean-Baptiste-Pierre Testard Louvigny de Montigny.

It was, however, only in the Lunenburg District that the former military officers held complete sway. In all of the other Districts we find a distinct commercial presence. In Mecklenburg there were the Cartwrights, junior and senior, in Nassau, Robert Hamilton and John McNabb, and in Hesse, John Askin and William Robertson. Likewise, there were two other significant individuals who owed their degree of influence to neither the military or commerce; the lawyer-bureaucrat William Dummer Powell and the Reverend John Stuart²⁶.

These appointments, and those of the commissary agents, suggests that the administration at Quebec was concerned with the previous administrative experience of its selectees. Each District had members who were in some degree familiar with record keeping and the functions of office, either civil or military. Many duties were required of the members, other than

²⁵ At one point in the early 1790's the government owed Tice £657/8/63 for food supplied to the garrison at Niagara. N.A., MG21, B105, p.77.

²⁶ Powell's connections were with the highest levels of administration at Quebec through his capacity as a lawyer. During the war, the Rev. Stuart was given the chaplaincy of Sir John Johnson's 2nd Battalion, but he was more of a missionary than a career military chaplain. He had close connections with the Indian Department and with Joseph Brant. See *D.C.B.*, vol.V, p.785.

simply receiving petitions and swearing oaths, and it was perhaps expected that with experience would come competency²⁷.

The common thread connecting these appointments was not only some degree of local prominence, prior military service, or a little expertise, but also, and perhaps more importantly to the provincial administration, demonstrated loyalty to the Crown. Many of the appointees were former residents of the revolted colonies (at least twenty-eight of the forty-six), and many could claim considerable losses resulting from the war. Often they were well established, prosperous, even wealthy members of their communities²⁸. That they remained loyal to, or actively supported the Crown during the revolution was their primary qualification for appointment. As

²⁷ Unfortunately this was not always the case. One of the constant complaints voiced by the Land Committee to the Boards was their laxity in completing auxiliary functions such as policing the deputy surveyors, submitting reports on schedule, providing a usable format for returns of lands granted, and dispensing authorizations for provisions. See Land Committee to the Mecklenburg Board, 2 July 1790. N.A., RG1, L4, vol.7, p.184. Also William Chewett's report to the Land Committee, 6 August 1792, *ibid.*, vol.10, pp. 230-258.

²⁸ For example, the following claims were made to the official inquiry into losses resulting from the war;

Richard Duncan claimed to have owned some 9,950 acres of land in Charlotte County, Vermont, Cherry Valley, New York, and along the Mohawk River.

Hugh Munro claimed to have lost a substantial saw mill operation as well as 279 acres of land and another 300 acres under lease.

Hugh's father, John Munro, estimated that he lost property worth in excess of £10,000.

Hazelton Spencer claimed that his family owned an estate worth £3,000, including 800 acres of land, 42 head of cattle, 60 sheep, and 12 horses.

Peter Van Alstine testified that he owned a substantial estate near Kinderhook, New York, of up to 1900 acres, including 20 head of cattle, sheep, horse, pigs, and three slaves.

Ontario Archives, *Second Report*, "Enquiry into Losses and Services: United Empire Loyalists", pp.481, 944, 436, 445.

Richard Cartwright, jr., made very clear, "the donation of lands to them in this country was intended as a mark of peculiar favour and a reward for their attachment to their Sovereign."²⁹ It should be noted, though, that Cartwright is referring here only to the community leaders and not the bulk of the loyalist settlers.

Much of the power to affect community development was, and still is for that matter, channelled through administrative appointments. In a very real sense, status led to administrative power, which in turn increased status and the possibility of greater power. This was not always the case, sometimes individuals ran afoul of either the local population or the higher level administrators, or simply exercised their ambitions in other directions, but it happened often enough to suggest clear patterns. As Donald McDonald pointed out many years ago, the "training in executive work" afforded by Land Board participation made certain members "an obvious choice for higher political office."³⁰ A glance at the administrative careers of some of the more active Board members indicates the validity of this statement. As previously noted, many members had a degree of administrative experience, but this was for the most part in a military,

²⁹ Cartwright to Peter Hunter, 23 August 1799. Quoted in Cartwright, *Life and Letters of Richard Cartwright*, p.95.

³⁰ Donald McDonald, "Honourable Richard Cartwright, 1759-1815." Printed in *Three History Theses*, The Ontario Dept. of Public Records and Archives, 1961. p.55.

rather than in a civil capacity. For some, it must have been difficult to re-adjust to a more normal social arrangement, governed by civil and criminal legal restraints, however tenuous these might be. Many members, however, quickly established positions in the three main areas of what government there was; the land administration, the legal administration (the Court of the Quarter Sessions and the Court of Common Pleas particularly), and after 1792, the Legislative Assembly or the Executive and Legislative Councils³¹.

In the Lunenburg District two of the most prominent Land Board members, Richard Duncan and Justus Sherwood, fell victims to circumstance and did not go on to play significant roles in their community. Duncan, however, was able before his departure to secure appointments to most of the basic offices of power³². Along with a seat on the Land Board, he was appointed a justice of the peace, given a seat on the Court of Common Pleas³³, and in 1792, made county lieutenant for Dundas³⁴. He was also one of the nine original legislative

³¹ The lists of commissions for all the offices mentioned below can be found at N.A., "General Index to Commissions, Registrar General", RG68, parts one and two.

³² See J.K. Johnson, "Richard Duncan", *D.C.B.*, vol.V, p.281.

³³ Duncan was present at the first session, 7 January 1789, and attended fairly regularly until 22 May 1793, his last recorded session. Ontario Archives, *Fourteenth Report*, "Records of the Courts of Common Pleas", pp.353, 407. F.H. Armstrong, in his *Handbook of Upper Canadian Chronology*, provides no date for Duncan's appointment and mistakenly lists 28 February 1793 as his last sitting. p.107.

³⁴ Appointed 2 November 1792. Armstrong, *Handbook*, p.141.

councillors appointed by Simcoe in 1792, although he only attended four times and was removed for non-attendance in 1805³⁵. Justus Sherwood was not so lucky in his career as a local administrator³⁶. He was, however, able to establish the family name. His son, Levis Peters Sherwood, became speaker of both the Legislative Assembly and the Legislative Council, a justice on the King's bench, and a county registrar³⁷.

The other members of the Lunenburg Board did equally well in securing civil appointments or political offices. John Munro sat for eight years on the Legislative Council, dispensed a brand of justice along with Duncan on the Court of Common Pleas, became a magistrate for the Eastern District, was appointed to the Heir and Devisee Commission, and secured the lucrative position as postmaster for Matilda Township³⁸. While William Fraser concentrated on the family's commercial ventures, his brother Thomas was twice elected to the House of Assembly, became the first sheriff of the Johnstown District, was given a seat on the Legislative Council in 1815, was appointed to the roads commission in 1808, and in 1812 was

³⁵ Ontario Archives, *Seventh Report*, "Journals of the Legislative Council of Upper Canada", pp.21, 28, 58, 133, 205.

³⁶ For an excellent biography of Sherwood see Ian Pemberton's *Justus Sherwood, Vermont Loyalist, 1747-1798*. Ph.D thesis, University of Western Ontario, London, 1972. Sherwood drowned while rafting logs down to Montreal. In 1784 he had been appointed a justice of the peace for the Montreal District, and was one of the first local community leaders in the Upper District. p.318.

³⁷ *Ibid.*, p.332. Armstrong, *Handbook*, pp.53, 110, 143, 149.

³⁸ *D.C.B.*, vol.VI, p.612. Armstrong, *Handbook*, p.33. Pringle, *The Old District of Lunenburg*, p.169.

appointed a commissioner under the Sedition Act. His final appointment came in 1816 when he was named to the Board of Militia Pensions³⁹. Less successful were Peter Drummond whose only appointments were as justice of the peace and as county lieutenant for Grenville when the Land Boards were disbanded in 1794, and Malcolm McMartin who does not seem to have secured any other offices⁴⁰.

Some of the less active members of the Lunenburg Land Board did make their presence felt in other areas of the administration. Jeremiah French, Ephraim Jones, and Richard Wilkinson were all justices of the peace and the trio sat in the House of Assembly together⁴¹. Wilkinson was a District Court judge, and along with Jones, a Surrogate Court judge⁴². The Jones family went on to become prominent elites in the Brockville area, with perhaps Jonas Jones being the most noteworthy.

In the early years of the Mecklenburg District most aspects of local administration were dominated by a very few individuals. Foremost was Richard Cartwright, jr.⁴³.

³⁹ *D.C.B.*, vol.VI, p.263. Armstrong, *Handbook*, p.43.

⁴⁰ Armstrong, *Handbook*, p.142.

⁴¹ Ontario Archives, *Sixth Report*, "Journals of the Legislative Assembly".

⁴² Armstrong, *Handbook*, p.159.

⁴³ A complete biography of Richard Cartwright, jr. begs to be written, and would make a useful companion volume to Bruce Wilson's study of Robert Hamilton. George Rawlyk and Janice Potter's entry in the *D.C.B.* provides a fair outline of his life, vol.V, pp.167-172. Also see Donald C.

Obviously a man of more than considerable energy, he secured positions on, and often dominated, all the local institutions of civil power. Cartwright was one of those individuals who, by the sheer weight of their activity, had a profound effect on the operation of local affairs. His influence on the Land Board will be discussed at length further on, but just to outline the extent of his office-holding; he was chairman of the magistrates of the Court of Quarter Sessions, and the most attentive judge on the Court of Common Pleas, his interest in land claims administration was extended by a seat on the Heir and Devisee Commission, he was a militia officer, a county lieutenant, and not least, a legislative councillor⁴⁴. The younger Cartwright was able, perhaps more successfully than any other community leader, to concentrate his influence in the most important and most powerful offices. Rather than simply accumulate commissions and any stipends they might have provided, he sought, or accepted, only those positions that could be truly effective in exerting influence over how the community operated. In doing so, Cartwright often took full advantage of the opportunities provided by an old world administrative system which was grafted onto a new world society.

McDonald's "Honourable Richard Cartwright, 1759-1815", *Three History Theses*.

⁴⁴ D.C.B., vol.V, p.170. Armstrong, *Handbook*, pp.30, 108, 141. Ontario Archives, *Fourteenth Report*, "Records of the Court of Common Pleas", pp.190-353. Donald McDonald, "Honourable Richard Cartwright", pp.42, 47.

The career of Reverend John Stuart, the second most active member of the Mecklenburg Land Board, provides an interesting contrast to that of someone such as Richard Cartwright. When Dorchester was on his tour of the upper districts in the fall of 1788 he offered Stuart a commission as the president of the Court of Common Pleas, but the reverend turned him down⁴⁵. He did, however, readily accept a position on the Land Board⁴⁶. Although Stuart lived in comfortable circumstances and had a large family to support, he was never commercially inclined and, unlike Cartwright, did not participate in the administration of the land department for pecuniary considerations⁴⁷. Other than purely ecclesiastical offices, the only position he accepted was as chaplain to the Legislative Council⁴⁸. Stuart's close connections with the Society for the Propagation of the Gospel, his avowed loyalty to the Crown, and his life-long occupation with the promotion of education suggests that it was the character examination and community building functions

⁴⁵ Stuart to Bishop White, 4 September 1788. Preston, *Kingston Before the War of 1812, a Collection of Documents*, University of Toronto Press, 1959. p.138.

⁴⁶ Stuart's early and active interest in land settlement is indicated by his presence on a board of inquiry set up in August of 1788 to settle the township boundaries. Dorchester to Louis Kotté, 27 August 1788. *Ibid.*, p.138.

⁴⁷ *D.C.B.*, vol.V, p.785.

⁴⁸ Stuart to Bishop White, 20 August 1792. Preston, *Kingston Before the War*, p.285.

of the Land Boards in which he was interested⁴⁹. His active participation in Board operations afforded him direct influence over who would be allowed into the community. Thus, at least in theory, he could effect control over the moral, as well as the more earthly, development of the District.

The third active member of the original Mecklenburg Land Board was the career commissary agent, Neil McLean⁵⁰. After labouring as a Deputy Inspector of Loyalists, McLean was made one of the original justices of the peace in 1784, and given a seat on the Court of Common Pleas in 1788, along with his appointment to the Land Board⁵¹. Unfortunately McLean was in his fifties by this time and only lived until September of 1795. Had he survived longer, he would certainly have obtained many other positions in government, given his years of experience, local prominence, and close connections with individuals such as Cartwright and Stuart.

The expanded membership of the Mecklenburg Land Board effected in 1791, included several prominent local personalities, not the least of which was Hazelton Spencer⁵². During the war a lieutenant in the Royal Yorkers, Spencer received commissions as a militia officer, and as a justice of

⁴⁹ Stuart to the S.P.G., 26 September 1786. *Ibid.*, p.118.

⁵⁰ *D.C.B.*, vol.V, p.505.

⁵¹ Mathews to Ross, 20 July 1784. Preston, *Kingston Before the War*, p.82. Ontario Archives, *Third Report*, "Official Instructions to the Land Surveyors of Upper Canada", p.376.

⁵² *D.C.B.*, vol.V, p.771.

the peace. He sat on the Court of Common Pleas and the Surrogate Court, and was appointed to the first Heir and Devisee Commission and the commission assigned the task of negotiating custom duties with Lower Canada. Spencer was also Lennox County's first lieutenant and first member of the House of Assembly⁵³.

Peter Van Alstine followed much the same path as Spencer in his attainment of office and local power. One of the earliest loyalist leaders, Van Alstine settled in Aldolphustown along with a group of others from New York. He maintained his position of authority in the community through the offices of justice of the peace, the Land Board, and the local militia. In 1792 he was elected to the first House of Assembly for Prince Edward and Aldolphus Township, and was made county lieutenant. Van Alstine continued in the land administration with a seat on the Heir and Devisee Commission⁵⁴.

Archibald McDonell was very active in local affairs and had somehow gotten himself appointed to both the Lunenburg and Mecklenburg Land Boards. In fact, he was the only individual to have a seat on the Boards of two Districts. He may have been spreading himself too thin, or simply collecting honours, because his attendance was not outstanding on either Board.

⁵³ Armstrong, *Handbook*, pp.89, 142.

⁵⁴ *Ibid.*, pp.55, 143. Preston, *Kingston Before the War*, p.xlviii, xlix, 71, 74, 152. N.A., "General Index to Commissions, Registrar General", RG68, part 2, pp.97, 325.

This McDonell had close connections with the local elite at many levels. He was a justice of the peace, a colonel in the militia, a county lieutenant, a member of the Heir and Devisee Commission, and was appointed to the commission to investigate high treason in 1814. John Stuart even preached at his house in Marysburg before the local church was built⁵⁵.

The last two members of the secondary Mecklenburg Board, Alexander Fisher and Joshua Booth, have left few records of their impact on the community. Although both were appointed justices of the peace, their attendance at the Quarter Sessions was infrequent. Both, however, went on from the Land Board to the Heir and Devisee Commission, and Booth was elected to the first Assembly for Ontario and Addington townships⁵⁶.

Office holding in the Nassau District followed much the same pattern as in the other Districts. Only one individual in this group did not receive the standard positions as justice of the peace and land administrator, Gilbert Tice. As a local tavern owner he may have been too busy servicing travellers on the Portage Road to spend much time on government duties⁵⁷.

⁵⁵ Armstrong, *Handbook*, p.43. N.A., "General Index to Commissions", RG68, part 1, p.64, part 2, pp.97, 325. Preston, *Kingston Before the War*, pp.74, 159, 199.

⁵⁶ Armstrong, *Handbook*, p.39. N.A., "General Index to Commissions", part 2, p.325. Preston, *Kingston Before the War*, p.48. D.C.B., vol.V, p.91.

⁵⁷ Richard Merritt, "Early Inns and Taverns", *The Capital Years*, p.192.

The most significant member of this group was, of course, Robert Hamilton who went on to the Legislative Council and numerous other offices, including a seat on the commission to negotiate the division of customs duties between Upper and Lower Canada⁵⁸. Other individuals of influence among this group include Doctor Robert Kerr, Surrogate Court judge, surgeon to the Indian Department, and deputy grandmaster of the freemasons⁵⁹. Also, John Warren who, aside from the usual offices, was collector of customs and inspector of pot and pearl ashes at Fort Erie⁶⁰. The second most active Land Board member in the District, John Butler, had unfortunately fallen out of favour with the higher administration by 1792 and was unable to secure any important offices from then on⁶¹.

The Hesse District Land Board contained individuals who would obtain the widest range of influence in the community of Upper Canada. William Dummer Powell, after many fits and starts and much delay, went on to hold all of the high legal offices, including an appointment to the Court of the King's

⁵⁸ Bruce Wilson, in *The Enterprises of Robert Hamilton*, has written, "Merchants, most notably Robert Hamilton, dominated appointed offices at Niagara until well into the next century and used the administrative power they gained to regulate society according to their own commercial objectives." p.35.

⁵⁹ Michael Power, "Religion and Community", *The Capital Years*, p.124. Charles Roland, "Health, Disease, and Treatment in Early Upper Canada", *ibid.*, p.239. N.A., "General Index to Commissions", part 2, p.538. *D.C.B.*, vol.VI, p.374.

⁶⁰ N.A., "General Index to Commissions", part 1, p.73. *D.C.B.*, vol.VI, p.374.

⁶¹ *D.C.B.*, vol.V, p.117. See also Bruce Wilson, *The Enterprises of Robert Hamilton*, for a discussion of Butler's problems.

Bench and the position of Chief Justice⁶². George Leith, on the other hand, did not receive any commissions for office other than his position on the Land Board, and Adhémar St.Martin secured only the post of auctioneer at Michilimackinac⁶³. Others did considerably better in seeking or obtaining office. Alexander McKee became a prominent local militia officer, a county lieutenant, and sat on the Court of Common Pleas⁶⁴. He also rose to the position of Deputy Superintendent of Indian Affairs. Alexander Grant and Jacques Dupéron Baby replaced McKee in this office upon his death in 1799⁶⁵. These two were also appointed to both the Executive and Legislative Councils⁶⁶. Upon the death of Lieutenant Governor Peter Hunter in August of 1805, Grant, as the senior Executive Councillor, took over as provincial administrator. His eleven months in office witnessed the ascendancy of Judge Thorpe and William Weekes in opposition to the government. He was replaced by Francis Gore in August of 1806⁶⁷.

From all this it seems clear that there were distinct patterns of office holding, a part of which was a seat on the Land Boards. A military position among the loyalists, or

⁶² Armstrong, *Handbook*, p.109. *D.C.B.*, vol.VI, p.605.

⁶³ N.A., "General Index to Commissions", part 1, p.71.

⁶⁴ *Ibid.*, pp.108, 141.

⁶⁵ Armstrong, *Handbook*, p.20.

⁶⁶ *Ibid.*, p.20.

⁶⁷ *D.C.B.*, vol. V, p.363.

prominence in commercial affairs, usually led to a commission as justice of the peace, which in turn led to a position on the Land Board, a seat on the Court of Common Pleas, and an appointment to the Heir and Devisee Commission. Those who had established a high degree of influence at the local level often went on to be either appointed or elected to political and administrative offices. None of this is particularly surprising, but it is interesting to note that not everyone fit the pattern. Someone like Powell was able to reach far beyond the local level, while the at least initially powerful John Butler had his career cut short. Others such as Gilbert Tice and George Leith secured appointments to the Land Boards but no other. Then there was John Askin who was very active on the Hesse Land Board but shied away from other offices. Yet he was still able to amass a large fortune and significant local power.

The one office that seemed to be an almost automatic later appointment for the Land Board members was a seat on the Heir and Devisee Commission, set up in 1797. A total of thirty-one Board members went on to work on this commission⁶⁸. In many ways this commission was an extension of the Land Boards in that the officers were charged with sorting out the conflicts created by land administration policies and procedures. In a sense they were being told to clean up a mess of their own making. That they were not

⁶⁸ N.A., RG68, "General Index to Commissions", part 1.

particularly successful is suggested by the fact that after 1802 the commission was taken over by the more senior administrators, justices, Allcock, Elmsley, and Powell.

The connections between the various departments of government administration provided many avenues of influence for the local elites. In what today would be considered an almost criminal example of conflict of interest, the members of the Mecklenburg Land Board used their power as justices on the Court of Common Pleas to manipulate land settlement. One of the most important aspects of administrative power was the control of information. Richard Cartwright and Neil McLean, in their capacity as justices, ordered the local sheriffs to place any declarations or information on land seizures for non-performance of settlement duties or debt repayment before them first⁶⁹. This, combined with the information provided by the Land Board records, gave them not only control over the distribution of land but also over its retention by the settlers. They were the first to know who received what piece of land, and the first to know which properties were about to become available through legal action.

The firm of Hamilton and Cartwright was most active in the use of the courts to secure title to land grants. The case of Mathew Dies is indicative of their mode of operation. On 24 March 1791, Dies was summoned to court to answer charges that

⁶⁹ Ontario Archives, *Fourteenth Report*, "Records of the Court of Common Pleas", p.270.

he was in default of payment on a debt owed to Hamilton and Cartwright⁷⁰. Richard Cartwright was the presiding judge for the case, and not surprisingly, the judgement went against Dies. A week later, at the next sitting of the court, Cartwright and McLean ordered the sheriff to seize Dies's lot in Fredricksburg so that their determination might be discharged. The lot was then promptly turned over to Hamilton and Cartwright⁷¹. This was not an isolated case and the court records list many such actions⁷².

The non-performance of settlement duties provided a convenient excuse for the seizure of property and for its redistribution. On 23 September 1791, Cartwright and McLean seized John Stringer's lot because he had made only "trivial improvements" and had "abandoned it with an avowed intention never to return."⁷³ The justices promptly gave Stringer's lot to Land Board member Joshua Booth. Obviously there was much more going on here than the records indicate. 'Trivial improvements' was far more than what most multiple lot owners, including Cartwright, would have been able to accomplish at this early date. Beside that, if Stringer had vowed to leave

⁷⁰ *Ibid.*, p.216.

⁷¹ *Ibid.*, p.251.

⁷² In the same session that the Mathew Dies case was considered, the justices also ordered the seizure of two lots in Marysburg claimed by the Baron de Reitrenstein. Obviously his social status made little difference to the justices. *Ibid.*, p.251.

⁷³ *Ibid.*, p.262.

and never return, improvements or the lack thereof need not have been mentioned at all. Exactly who Stringer reported his intentions to, or how the court knew of them, is not recorded, and the fact that Booth was given his lot immediately after it was seized suggests that there was a certain speciousness to the judgement.

There was a clear sense of solidarity among some of the local elite during the early years of the colony. One of the most interesting aspects of this solidarity was how the community leaders used the legal apparatus to effect social and political control. The case of Sherwood versus Adams, brought before the Lunenburg Court of Common Pleas, is an illustrative example. Shortly after the elections for the first Legislative Assembly, Justus Sherwood brought an action for slander against a local, and obviously vocal, settler named Samuel Adams⁷⁴. In what may have been a struggle for power between two former captains, the ascendant group showed what they were capable of accomplishing. On the day of the trial a jury was impounded that was composed of fellow Land Board members Malcolm McMartin, Thomas Fraser, William Fraser, and Peter Drummond⁷⁵. This might not seem abnormal except

⁷⁴ *Ibid.*, p.427.

⁷⁵ That these individuals were closely connected is indicated by the fact that in April of 1793 the Frasers, Drummond, and Sherwood, along with Richard Duncan and John Munro began petitioning the government for township grants. Ontario Archives, Seventeenth Report, Land Book A, p.45.

that none of these individuals sat on a jury previously, nor were they included in the official list of available jury members⁷⁶. The case was decided in Sherwood's favor and Adams was ordered to pay £500 plus court costs. This judgement far exceeded the normal monetary limits for the Court of Common Pleas, and for the time, amounted to a small fortune. Through this action, a clear message was sent to the settlers; the justices, who were all prominent Land Board members, were not to be opposed in their leadership positions, and if they were they had the power to respond effectively. Obviously anyone applying for land would hesitate before rocking the boat.

The power that the local elites held through their overlapping control of the various administrative offices quickly became an object of popular resentment. When John White assumed the office as Upper Canada's first attorney general, he reported that those who controlled the administration,

... have lorded it with a rod of iron. The People fly to me as to a protector. And it was told the Govr publicly the other day that many people (naming them) wou have gone into the States but for the succour that they had received from me...⁷⁷

No doubt White was exaggerating somewhat in an attempt to puff up his own importance, but the problem was a serious one.

⁷⁶ Ontario Archives, *Fourteenth Report*, "Records of the Court of Common Pleas", p.410.

⁷⁷ Quoted in Wilson, *Enterprises of Robert Hamilton*, p.55. White to Samuel Shepard, 25 February 1793.

Twice, in 1792 and 1793, the Legislative Assembly tried to restrict the powers of the Court of Common Pleas, but they made little headway⁷⁸. The disinterested attitude that the Imperial government wished for in the local administration simply did not exist. The commercially-minded, Americanized elite were only too willing to use the power afforded by administrative office to establish their own positions within the hierarchy of society, even if that meant bending the rules to fit the occasion.

With status and power came wealth for many of the Land Board members. Although a complete examination of wealth obtained by these individuals is beyond the scope of this thesis, some comments in connection with the Land Boards and their relationship with the accumulation of wealth will help to explain their place in the social fabric. Robert Fraser, in his examination of elite ideology in Upper Canada, has noted that "the gentry could not conceive of a society in political, economic or social terms that was not rooted in the land."⁷⁹ The acquisition of land became a major preoccupation for many members of Upper Canadian society, and it seems reasonable to suggest that it was considered to be at least a potential source of considerable wealth. Whether it turned out to be is

⁷⁸ *Ibid.*, p.55.

⁷⁹ While Fraser is discussing a period post 1812, rather than the 1790's, I think that the observation is still appropriate. Robert L. Fraser, "Like Eden in Her Summer Dress: Gentry, Economy and Society, Upper Canada, 1812-1840", Ph.D thesis, University of Toronto, 1979. p.106.

another matter. Many of the Board members did not become wealthy in a conventional sense, even some of the active members such as John Munro. It should be also noted that Board membership, and even the accumulation of property, did not necessarily translate into wealth. The Board members did not receive any fees for their services and most of the land that was alienated at this time was practically worthless since no one wished to purchase it.

The situation, however, can not be understood in such a purely commercial context. As Bruce Wilson has pointed out, the prominent members of society regarded extensive land holdings as necessary if they were to establish an "aura of stability and respectability".⁸⁰ Large estates gave them weight and influence within the community and worked to define their social positions. Land was also seen as a kind of patrimony, as a way of providing for the future of one's family. Many of the American Loyalists in particular had seen both how landed wealth translated into enhanced social status for the entire family, and how it grew over time to have considerable monetary value⁸¹. It was these attitudes and perceptions that fuelled the acquisition of property among the Upper Canadian elite.

For the most part, the Land Board members were no

⁸⁰ Wilson, *Enterprises of Robert Hamilton*, p.142.

⁸¹ The Johnson family of Tryon County, New York, was the most obvious example, particularly for settlers in the Lunenburg district, many of whom were former dependents.

exception in this spirit of acquisitiveness. In fact, some of the Board members ranked among the most substantial early landowners in the province. A few examples; by 1809, Robert Hamilton claimed ownership to some 83,000 acres of land throughout the province⁸². Richard Cartwright, by 1815, had obtained a total of 28,632 acres of land⁸³. John Butler and his family were able to secure title to 11,300 acres of land⁸⁴. John Askin, with the help of his brother Charles, eventually came into possession of 15,375 acres of land⁸⁵. As early as 1797 Askin informed D.W. Smith that he had acquired eighty farm lots along the Lake St. Clair shore⁸⁶. On a slightly smaller scale, within three years of the establishment of the Land Boards, Peter Tenbroech had received certificates for twelve farm lots in three different townships

⁸² Bruce Wilson, *The Enterprises of Robert Hamilton*, p.182. During the life of the Boards, Hamilton received location certificates for only two farm lots, numbers 1 and 148 in the Niagara Township. The first parcel was received as a normal grant. The second, however, was a lot the Nassau Board had taken away from the original grantee for non-performance of settlement duties. N.A., RG1, L4, vol.5, p.175.

⁸³ Brian Osborne, "The Settlement of Kingston's Hinterland", *To Preserve and Defend*, p.67. In 1798 Cartwright wrote the following comments; "The truth is, that the generality of those gallant men, so little known, and so much undervalued by their pretended advocates, were men of property; and some of them the greatest landowners in America." Cartwright to Chief Justice Elmsley, 7 January 1798. Quoted in David Mills, *The Idea of Loyalty in Upper Canada*, p.16. Cartwright's conception of the importance of landed wealth is quite obvious.

⁸⁴ Bruce Wilson, *The Enterprises of Robert Hamilton*, p.182.

⁸⁵ John Clarke, *A Geographical Analysis of Colonial Settlement in the Western District of Upper Canada, 1788-1850*, p.114.

⁸⁶ Leo Johnson, "The Settlement of the Western District", *Aspects of Nineteenth-Century Ontario*, p.23.

in the Nassau District⁸⁷. An interesting statistic in this regard has been provided by J.K. Johnson in his *Becoming Prominent*. He has worked out that 97% of the early members of the Upper Canadian House of Assembly each received grants of land averaging 1,594.2 acres⁸⁸. The first two assemblies of the House contained no less than ten individuals who sat on the various district Land Boards⁸⁹.

While quantity of land held was important in establishing an individuals social status and creating a source of potential wealth, quality of land was, to some extent, also important. The Land Boards were crucial in this respect because they were the conduit through which information on the character of specific locations was transmitted to Quebec. This fact gave the Board members a distinct advantage over other settlers who were not privy to such information. It is perhaps no coincidence that Board members such as Ephraim Jones, Richard Duncan, John Munro, Peter Drummond, William and Thomas Fraser, Peter Van Alstine, John Burch, and Joshua Booth were able to secure potentially valuable mill sites⁹⁰.

⁸⁷Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", book 3, register of lots, p.337.

⁸⁸ Johnson, *Becoming Prominent*, McGill-Queen's University Press, Kingston and Montreal, 1989, p.53.

⁸⁹ These were; Richard Wilkinson, John McDonell, Jeremiah French, Thomas Fraser, Ephraim Jones, Joshua Booth, Peter Van Alstine, Hazelton Spencer, Nathaniel Pettit, and Benjamin Pawling. Ontario Archives, *Sixth Report*, "Journals of the Legislative Assembly, Upper Canada".

⁹⁰ Cruikshank, *Simcoe Papers*, vol.V, p.194. Also Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.67.

An interesting document regarding mill sites is contained in the Nassau District Land Board minutes. A list drawn up by the surveyor Augustus Jones, dated 7 November 1792, identifies 20 grist or saw mills then in operation in the district⁹¹. Three were owned by Land Board members, those being Robert Hamilton, John Butler, and John Burch. Even more interesting, seven of the twenty mills had been established on farm lots that had been classified as "only fit for husbandry", in other words, not previously identified as mill sites as required by the Rules and Regulations. Information on the quality and potential value of specific sites was, one might speculate, being controlled, and manipulated, by those through whose hands it passed⁹².

It is difficult to determine how important the members of the Land Boards considered their participation to be. We simply lack the necessary documents to come to any firm conclusions. From the attendance figures we can surmise that some of the appointees had little or no time to spend on their

⁹¹ Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.334.

⁹² In a letter to D.W. Smith, dated 31 October 1792, Simcoe wrote that, "The faith of Government has been generally pledged, to give titles to locations, made under proper authority, for the sole purpose of agriculture -- and the Land Board, as well as the officers who preceded them, had never any other power, in this particular." Further in the same letter Simcoe goes on to observe, "that it ought not to rest upon the Surveyor alone, to guard the interest of the Crown, as any Gentleman of the Land Board is as likely to know the proper situation for Mill-seats, in such singular advantages, as the Surveyor." Jones report, submitted the following month, suggests that Simcoe's faith in the proper conduct of the Board members was, at least to some degree, misplaced. Cruikshank, *Simcoe Papers*, vol.I, p.244.

Land Board duties. This is hardly surprising given the work in which these individuals were engaged. Clearing land and feeding the family must have seemed far more important to some. That said, however, men such as W.D. Powell, John Askin, Robert Hamilton, Richard Cartwright, Reverend Stuart, and Hazelton Spencer, to name just a few, took their duties, and the opportunities these duties offered, quite seriously. They certainly considered the work they were performing to be of considerable importance. When the Lunenburg Board received their notice of dissolution on 20 December 1794, six weeks after it came into effect, they anxiously requested that the decisions made at their last meeting, held on 10 November, be confirmed. This, they believed, would "prevent great disappointments and uneasiness among the numerous applicants who attended the last Board and had their business done to their satisfaction."⁹³

It must be remembered, although, that Land Board appointments were only one part of the larger administrative apparatus. From the records that exist, it is practically impossible to gauge the relative importance placed on the Boards by persons who usually held commissions in most areas of the local administration. Often commissions of office were regarded as badges of honour or as recognition of an individual's place in the social hierarchy. Richard Cartwright, *tr.*, however, made a suggestive comment in a

⁹³ N.A., RG. 1. L¹, vol.14, p.150.

letter to Major Lethbridge in October of 1794. While making some observations on the progress of the settlement, he wrote,

We cured here the last Season 480 Barrels of Pork for the use of the Troops, and it is thought double the Quantity may be furnished this year. To a Brother Member of the Land Board, we may be allowed you know to talk of those Things⁹⁴.

Why Cartwright should make such a reference seems at first quite curious. He, perhaps more than anyone else, was familiar with the power and importance of the Boards. Obviously Land Board membership was seen as a common bond of considerable significance, considerable enough in fact to be invoked between two individuals who had many other things in common. It is interesting to note the terms within which this correspondence is placed, for these indicate the frame of mind held by at least some of the Board members. First, Cartwright discusses commercial matters -- selling pork to the military -- and the potential for the expansion of this enterprise. Second, he makes a familial reference to the major, a *Brother* member of the Land Board. The office itself was regarded as common ground in the social hierarchy, they were brothers or equals. Because they had both attained a level in society signified by Board membership, it was appropriate for them to exchange information that they obviously considered sensitive. There is a combination here between the commercial concerns of

⁹⁴ Preston, *Kingston Before the War*, p.205. Cartwright to Lethbridge, 10 October 1794.

someone like Cartwright, who was after all selling goods to the government, and their familial and hierarchical conception of society, one that was characteristic of many of the emerging elites in Upper Canada at the time.

Chapter Three

Land Board Operations and Performance

In 1805 the future Attorney General D'Arcy Boulton published an article entitled "A Sketch of His Majesty's Province of Upper Canada."¹ In it he discussed the realities of the land granting system in the province. He wrote,

The proprietors of lands in Canada have come into the possession of them at a much less expense than the Americans: the great mass of lands has been given by his Majesty's patent, free of expense, to officers, old soldiers, loyalists, and others. This has placed the property in hands capable of selling as low as possible; and too well is known, that three fourths of his Majesty's bounty has been lavishly thrown away, under a variety of impressions.

Boulton was not completely accurate in his assessment of the situation. Land was not considered only for its immediate market value. In one sense, however, his criticisms are valid. In the early years of settlement an enormous quantity of land was assigned to a wide variety of individuals, many of whom

¹ D'Arcy Boulton, *A Sketch of His Majesty's Province of Upper Canada*, originally published in London, 1805. The Canadian Heritage Series, Baxter Publishing, Toronto, 1961. p.13.

had seemingly little other than speculation in mind². For the five years of their effective operation the District Land Boards were the institution through which this situation came about. In a very real sense, they put the process in place.

As discussed in Chapter One, the operations of the Land Boards were defined by the Rules and Regulations issued by the Land Committee and the Governor in Council. These regulations, however, in many instances did not provide clear instructions on exactly how the Board members were to perform their duties on a day-to-day basis. Often the commissioners were required to deal with the situation as they saw fit. This, of course, left considerable room for a variety of interpretations, some of which ran directly counter to the spirit, and even the letter, of the regulations. To a large degree, the Board members took the blueprints from the administrators at Quebec and proceeded to build as they saw fit.

In general, all four District Boards performed their primary functions in a similar manner. These functions included the initial examination of petitions for land grants and an investigation into the character and loyalty of the applicants to determine if the individual qualified³. If the

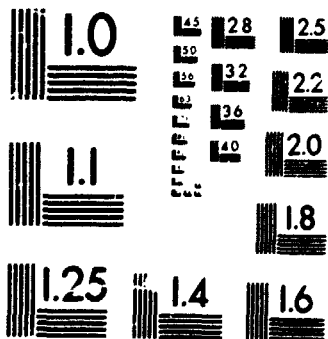
² Peter Hunter made a similar observation in a letter to John King, 27 October 1799. He wrote that "more Lands have already been granted than will in all probability be occupied and settled for half a century to come." Quoted in Craig, *The Formative Years*, p.49.

³ For example, Mecklenburg Land Board Minutes and Records, 28 July 1790, "No.379 -- Humphrey Waters applying for a Town Lott is refused as being Himself and family of bad fame." N.A., RG1, L4, vol.7, p.175.

2



PM-1 3 1/2"x4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT



PRECISIONSM RESOLUTION TARGETS

PIONEERS IN METHYLENE BLUE TESTING SINCE 1974



1980 COUNTY ROAD 9 BURNING WOODS WIN 0807 USA
TEL: 612 426 7887 FAX: 612 426 7887 TLA 8/10/88/88

Vertical resolution test bar

applicant was deemed acceptable, he or she would be made to swear an oath of allegiance to the crown and acknowledge "His Majesty in parliament to be the Supreme Legislature of the Province"⁴. A second primary function was the authorization of the distribution of 'Dorchester's bounty', the two hundred acres of additional land granted to established settlers, and family lands, the fifty acres granted for each family member. There were also several other secondary functions performed by the Boards.

The basic mode of operation was as follows. Upon arrival in the province a settler wishing to secure a grant petitioned the governor for a specific allotment, depending on the individual's status, whether a military officer, an enlisted man, or a civilian. The Land Board received the petition and determined its acceptability. Upon determination the petition was either recommended, partially recommended, rejected, or deferred for the consideration of the Governor in Council⁵. At this point the petition was forwarded to the clerk of the council, who would submit it to his superiors for authorization. If authorized the petition was then transferred

⁴ This was according to the instructions of Lord North, 24 July 1783, and included the qualification that the declaration "cannot extend to taxation." Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.58.

⁵ A typical entry in the minutes for the Mecklenburg Land Board; "James Harris late from the United States prays to be admitted as a Settler. He is brother to Gilbert Harris of Fredricksburg late of the King's Rangers and his loyalty and character is vouched for by James Bradshaw of Fredricksburg. -- A Certificate is granted him for 200 acres after administering the oath of allegiance." N.A., RG1, L4, vol.7, p.89.

to the Attorney General who was to issue a patent under the Great Seal and return the patent to the Land Board for distribution to the petitioner.

Before all this could happen, however, a location was required. When a settler's petition was authorized by the Land Board the grantee was issued a certificate which he or she was to submit to the local Deputy Surveyor⁶. The surveyor would assign a specific farm lot to the settler and provide what came to be referred to as a location certificate. The settler then had to return to the Land Board with the location certificate and report on the location of the grant prayed for. This completed the petition, which was then forwarded to the Council.

Problems with the procedures arose almost immediately. The most vexing problem for both the settlers and the Boards concerned the process of securing authorization at various administrative levels. During the spring of 1791 the Land Committee complained to the Mecklenburg Board that the specific locations of lands petitioned for were not always included in the documents forwarded to Quebec. The Board responded with the following comments;

It seems to be a doubt with the Land Committee whether Petitions that do not specify the particular Scite of the Lands applied for ought not to be returned [to the Board as incomplete]. But this circumstance though required by the

⁶ See Appendix C for reproductions of these certificates.

Regulations seems to be immaterial. It might be indeed be for the Benefit of the Applicant by giving him a prior claim to the Lands so specified, but as it is impossible for him to know what Lands have been previously located or applied for, the Place of Location may generally be more conveniently settled after than before the Application and when the Quantity that the Claimant is entitled to hath been previously ascertained⁷.

During the previous spring the Land Committee had pointed out to this Board that the specific locations of grants were not required in their reports. They were only required to supply "a list, expressing the names of the petitioners and the dates of their certificates, and the quantum of their locations."⁸ But the Committee quickly realized that a return of specific locations was required if only to prevent the authorization of applications for more acres than any one township contained. Also, as petitions were working their way through the system, some were being denied, either partially or completely. If the location was not specified, neither the Committee, the Land Boards, nor the settler knew at any given time which lands had been granted and which were still unoccupied.

As one might imagine, this process was far from convenient for the settler. He was required to travel to the Board's location, submit his petition and wait for authorization, then go out and find the Deputy Surveyor who

⁷ N.A., RG1, L4, vol.7, p.264.

⁸ N.A., RG1, L4, vol.7, p.184.

was often working in the field, obtain a location for his lot, return to the Board with this information, and finally wait until the far-off executive determined upon his case and issued a patent. Added to this process was usually an initial investigation of the territory by the settler, and, if the settler was from the States, a return to his previous home to gather belongings. The first stages of the operation usually required an entire season of diligent application and the whole process took years to complete. In fact not a single patent was issued during the life of the Land Boards, and by November 1795, a year after their dissolution, only four had passed the Great Seal⁹.

The process for securing title to additional grants, either of family lands or 'Dorchester's bounty', and of town lots was somewhat less cumbersome than that for initial grants, although no less complicated. Those applying for family or bounty lands followed the same procedure as initial settlers, but could do so at their convenience, being already settled¹⁰. Separate certificates were issued by the Boards for these applications which signified the character of the grants and whether the applicant had fulfilled his obligations concerning improvements. Applications for town lots

⁹ Ontario Archives, *Eighteenth Report*, p.23, 146. Also Gates, *Land Policies*, p.52.

¹⁰ The later records for the most settled areas hint at an almost casual regard on the part of the settlers when applying for these lands. It may have become somewhat of a past-time. See N.A., RG1, L4, vol.9, pp.260-280.

circumvented the process somewhat because it was assumed that the town sites were already laid out and that the Board members had plans in hand for the assignment of specific locations¹¹. This assumption was based on the instruction to the Boards that they were to fill up the farm lots before issuing certificates for town lots.

The secondary functions of the Land Boards placed the members in a capacity as, what could be termed, overseers of community development. These duties were a combination of promotional, administrative, and policing activities, including those functions not readily, or appropriately, handled by the criminal and civil courts. The most important of these functions, at least in the minds of the administration at Quebec, was to prevent the accumulation of excessive land grants by speculative or dishonest individuals¹². This was made clear in a letter from the Governor's secretary, Thomas Coffin, to the Nassau Board. In it he wrote that the various Boards had been established, in order to prevent impositions by the same persons obtaining lands in more places [than] one, these Boards have received directions to communicate to

¹¹ See the 25 August 1789 addition to the Rules and Regulations, appendix A, article VIII.

¹² Gates, *Land Policies*, p.16. This was in accordance with a policy established by Haldimand. In a letter to Sir John Johnson, 31 May 1784, he wrote that "the sole object is to give content and to render happy His Majesty's Subjects who have unfortunately suffered by their allegiance, [therefore] the Bulk of the People must be attended to, and I am confident that in whatever manner this Plan may be received by the officers, the Public must approve it." Quoted in Rae Stuart, "Jessup's Rangers", *Three History Theses*, p.74.

each other & to you the names of those they recommend and it is his Lordship's Wish you would desire the magistrate of Nassau to transmit to those Boards the names of those to whom lands are given in their District.¹³

The Boards, however, were somewhat unsure of their authority in this matter. After the Mecklenburg Board rejected the petition of one Captain George Singleton, they commented to the Land Committee that they considered themselves "neither authorized nor inclined to decide upon" instances of error or wrongdoing among the reduced officers¹⁴. The Land Committee, however, in its report of 25 November 1789, applauded the Mecklenburg Board for "rejecting exaggerated claims" made by various settlers, including the officers, for more land than they were entitled to¹⁵.

Record keeping was perhaps the second most important auxiliary function of the Land Boards, and it produced the greatest number of complications for all parties concerned. According to the instructions the system was to work as follows; when a Land Board received a petition it was to deliberate upon it, number it, and enter the details in a

¹³ Ontario Archives, *Third Report*, "Minutes of the Nassau Land Board", p.312.

¹⁴ On Singleton's petition the Board noted "He appears to have drawn 200 acres more than he was entitled to from the Instructions of 1783 and those of 2 June 1787." N.A., RG1, L4, vol.7, p.33. Singleton was a reduced lieutenant in the 2nd Battalion of the King's Royal Regiment of New York, and served with Hazelton Spencer, Jeremiah French, William Fraser, and Robert Kerr. Pringle, *Lunenburg*, p.368.

¹⁵ N.A., RG1, L4, vol.7, p.123.

schedule. The Boards were also required to coordinate their information with the assigned lots handed out by the local Deputy Surveyor in the form of a plan of survey, with the names of the grantees labelling each lot. All this was submitted in the form of reports, which, then, were to have three basic sections; a list of petitions, in the form of Board minutes, a schedule of grantees names and assigned lots, and a survey plan with the names entered thereon. A remarkably simple and effective system which might have worked had -- as Lillian Gates has pointed out -- the territory not been already occupied. This the authorities in Quebec soon came to realize. Within months of establishing the Boards they began to modify their instructions.

The Council and the Land Committee tried repeatedly to establish a uniform and complete format of record keeping, but never succeeded. In the early years particularly, each Board developed its own idiosyncratic methods of reporting, methods which were seldom complete or accurate. The job of drawing up reports and schedules belonged to the several Land Board secretaries, but as the Land Committee stressed on many occasions, it was the Board member's responsibility to ensure that they were done properly. In a circular letter of 19 January 1790, Henry Motz, the secretary to the Council, defined the information that the reports were expected to contain;

- 1) An accurate map of the area.

- 2) The names of all the actual occupants, or claimants of any land in the district.
- 3) The number of acres already occupied.
- 4) The situation and dimensions of occupied tracts.
- 5) The grounds of their claims, whether as reduced officers, loyalists or others.
- 6) The authority by which all such occupants, or claimants have obtained possession of the respective tracts.
- 7) Finally, the state of improvements made on the occupied tracts.¹⁶

Several months later the Land Committee implored the Mecklenburg Board to regularize its reports by adopting a uniform and alphabetized labelling system for petitions. They even provided a sample;

No. 30, Dist. Hesse
John Walker, 10 April 1790,
Report A, page 10
Certificate granted, for 200 acres.¹⁷

The Land Committee was also concerned with the confusion over place names, and warned the Hesse District Board that "A uniform orthography of the names and places... is of great importance for avoiding the Mischief of doubtful boundaries and Locations."¹⁸ The Committee pointed out another problem

¹⁶ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.35.

¹⁷ N.A., RG1, L4, vol.7, p.185.

¹⁸ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board." p.153. In June of 1791, Dorchester commanded the Land Committee to fix names to all the important geographic features of the province. In a letter to the Committee, Henry Motz wrote, "It is material for the prevention of future Confusion and uncertainty of limits, that all remarkable places, such as Bays Rivers and rivulets, should be universally

of names in an extract of the Council minutes circulated among the Boards;

The Committee observed in Examining the Index, to the Schedule of Grants made in Charlottenburg that under the Letter M, John McDonell, appears to possess 2,400 Acres of Land, and on Enquiry of the Deputy Surveyor General, it was found that that quantity does not belong to one, but to many John McDonells, but for want of some mark of Distinction upon the plan, these John McDonells have been considered as one and the same person.¹⁹

The Committee suggested assigning a letter to each individual in order to distinguish their claims²⁰.

One must be careful in placing blame in this matter of record keeping because some of the problems faced by the Board members were often intractable or quite beyond their control. The Nassau District Land Board did not receive a copy of the 17 February 1789 Rules and Regulations until April of 1790 because the Council secretary, Henry Motz, had forgotten to

known and distinguished by certain established Names." He went on to suggest the use of "English Scotch and Irish Names" because of the "Simplicity and clearness of their Sounds and Spelling". Although certainly ethnocentric, this letter suggests that the changing of names was motivated by a need for administrative simplicity rather than the desire of a conquering nation to place its stamp on newly acquired territory. Ontario Archives, *Third Report*, "Book of Official Instructions to the Land Surveyors", p.445.

¹⁹ *Ibid.*, p.67.

²⁰ Pringle lists Captain John McDonell (Aberchalder) as being a resident in Charlottenburg but does not provide the concession lot number. This is the same John McDonell who was appointed to the Lunenburg District Land Board one year after the complaint was made to the Council by the Land Committee. Pringle, *Lunenburg*, p.387. See also *D.C.B.*, vol.V, p.517.

include it in the dispatches²¹. When the Mecklenburg District Board sent their spring 1790 report to Quebec the *bateau* it was on overturned in the rapids and the returns for Marysburg were lost²². The Hesse District Deputy Surveyor, Patrick McNiff at one point complained to the Board that it was impossible for him to provide survey plans because of the "want of Stationary [sic] of every kind." Two weeks later he wrote again stating that "Drawing and Common writing paper, Quills, black lead pencils, and India Ink are all wanted for the Surveyor General's Department at this place" and that if the Board wanted drawings it would have to supply stationery²³. The next day the Board held a special meeting and decided that stationery for the surveyors was the responsibility of the Surveyor General, not the Land Boards²⁴.

The Land Board records and reports no doubt suffered considerably from secretarial neglect, although, this was hardly the fault of the secretaries as they were poorly paid for their services. The original fees were one shilling to file a petition, sixpence to file a certificate, and five

²¹ N.A., RG1, L4, vol.5, p.70.

²² N.A., RG1, L4, vol.7, p.186.

²³ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.65, 95. McNiff to the Board, 16 November 1790, and 3 December 1790.

²⁴ *Ibid.*, p.96.

shillings to issue a land certificate²⁵. For the first two years at least the amounts received from these fees were not worth the trouble²⁶. In May of 1791, William Dummer Powell, in the Hesse District, proposed to the Board that they recommend to Quebec that their secretary, the future Surveyor General David W. Smith, be paid a wage of £52 per annum for his duties²⁷. In the Luneburg District, the Board President, Richard Duncan, asked the Land Committee if the Board could submit abbreviated abstracts rather than duplicate certificates because this would substantially lighten the secretary's workload²⁸. Thomas Smith, the first secretary of the Hesse District Board, had a more lucrative, although somewhat illegal, solution to the problem. On 1 April 1791 Mathew Dolsen testified before the Board that Smith had charged a total of £14 to file his petition and that of five other disbanded soldiers. Dolsen stated that,

He was informed by Mr. Smith that the petitions would only be received by the board in a certain form of address to the Governor, which nobody had but himself, and which he would shew to nobody -- whereupon he found it necessary to employ Mr.

²⁵ *Ibid.*, p.1. Although the July 1783 Royal Instructions stated that the Loyalists were to receive lands free of charge, these nominal fees were instituted along with the establishment of the Land Boards.

²⁶ Thomas Smith to the Hesse District Board, 8 September 1791. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.152.

²⁷ *Ibid.*, p.123.

²⁸ N.A., RG1, L4, vol.9, p.34.

Smith.²⁹

Two weeks later Smith was hauled before the Board to explain his conduct, although there is no record of him having suffered from the charges³⁰.

The newly commissioned Deputy Surveyor General, William Chewett, pointed to another problem with the clerks that the Boards were subsequently instructed to correct. In a report to the Land Committee submitted 6 August 1792, he made the following comment concerning errors in the records,

The greatest part of these apparent mistakes, arise from the Deputy Surveyor allowing Clerks to enter the names into the Plans, instead of making the Surveyors whose real business it was to do the same -- The Clerk only seeing one name upon a Lot, took it for granted the whole of the Lot belonged to the name, without paying attention to the side of the Lot on which the name was placed, for being placed on either side signified half a lot, or 100 acres. This was very well known by the Deputy Surveyor, it being the Surveyor General's orders, which on many occasions I am afraid were too little attended to.³¹

As Chewett went on to observe, in the Lunenburg District, this

²⁹ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.160.

³⁰ It seems that the local Captains of the Militia were somehow in on this scam. In a very terse circular letter, the Board reminded them that they had no business acting as intermediaries in the drawing or submitting of petitions, and that the models which Smith had failed to distribute were inclosed, along with a public notice which stated the official methods of petitioning. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.17.

³¹ N.A., RG1, L4, vol.10, p.227. Chewett was appointed Deputy Surveyor General in 1791. Armstrong, *Handbook*, p.25.

problem had resulted in eighty-nine cases where grants had been handed out to two different parties³². Two years previous to Chewet's comments, Richard Duncan, in Luneburg, suggested recalling all certificates handed out up to that point, "in order to discover past, as well as guard against future mistakes."³³ He quickly realized, however, that "it would be almost impracticable to call in all the Certificates of our own making, as proposed, in order to destroy them and issue others in new form in their stead."³⁴ The Hesse Board, much less concerned with practicality, ordered their claimants to submit all previous claims for re-registration in order that conflicts might be settled³⁵. A month later the Board was forced to convene a special two-day meeting in an attempt to sort out just the conflicting and unauthorized claims in the district³⁶.

The adjudication of these conflicts quickly became a major concern of the Land Boards and they lobbied for the authority to settle disputes over land title. In many cases the conflicts were quite intractable, and as the members of the Hesse Board admitted, "The board knows not where to draw

³² *Ibid.*, p.231.

³³ Duncan to Motz, 2 February 1790. N.A., RG1, L4, vol.9, p.31.

³⁴ Report to the Land Committee, 8 April 1790. N.A., RG1, L4, vol.9, p.33.

³⁵ Report to the Land Committee, 30 March 1792. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.163.

³⁶ *Ibid.*, p.176.

the line."³⁷ As early as November of 1789, the Lunenburg Board specifically requested that it be invested with the power "to examine into the merits of all disputed titles, and other controversial matters relative to the townships."³⁸ The Governor responded to this request with an order in Council authorizing the Land Boards "to hear the parties concerned and adjust their pretensions in the most equitable manner."³⁹

The secondary functions of the Land Boards included a number of other minor duties. The minutes of 31 March 1790 for the Nassau Board records their appointment of the following persons as Commissioners of the Roads; John McNall, Andrew Butler (John Butler's son), Jacob TenBroeck (Peter Tenbroeck's son), Charles Pettit (Nathaniel Pettit's son), Robt. Lottridge, Robt. Nelles, Gilbert Tice (a future Land Board member), John Warren (also a future Land Board member), Elijah Phelps, Jacob Ball, Junior, and John Powell⁴⁰. In January of

³⁷ *Ibid.*, p.64. The Nassau Board records provide an interesting example of these problems. In November of 1793, Peter Tenbroeck, one of the Land Board members, submitted a petition praying that the claim of Isaac Tolek be rejected because he, Peter, had already laid claim to the lot in question. It seems that Tolek had assumed possession of the lot without obtaining a location certificate and had subsequently sold the lot to a third party. Although the determination of the Board is not recorded, a just solution would have been hard to find. N.A., RG1, L4, vol.5, p.172.

³⁸ N.A., RG1, L4, vol.9, p.30.

³⁹ Ontario Archives, *Seventeenth Report*, "Land Book A", 22 January 1790, p.98.

⁴⁰ Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.298. "Regulations for the Commissioners: No new roads are to be opened nor any alterations made in the old ones except by the concurrence of three of the Commissioners of Roads for that District, and the Board think it requisite that the Commissioners do order that the inhabitants shall work on the road six days in the year, viz.: three days in the Spring and three days in the Fall, and at any other time when it

1790 the Land Committee instructed the several Boards to keep, and distribute, a record of all those individuals who refused to swear the required oaths and declarations⁴¹. A resolution of the Land Committee ordered that the Land Boards "return a list into the office of the clerk of the Council of such as have neglected or shall refuse such compliance."⁴² The clerk would then circulate the lists. It was hoped that in this way such persons would be kept track of and prevented from moving to another District and claiming that they had already declared their loyalty to the Crown. The Boards were also instructed to promote the cultivation of hemp, and they were required to distribute hempseed that had been sent out by the Montreal branch of the Agricultural Society⁴³.

Finally, the Land Boards were required to oversee the operations of the local Deputy Surveyors in their Districts. In fact, as early as August of 1789 the Boards were specifically instructed "to keep a watchful eye over the Surveyors" by the Governor because he had received numerous

shall become necessary either by floods or other accidents; and you are hereby directed, in the case of any person refusing to work, after having been warned, to fine them five shillings for every day they shall neglect to work, and the Path Masters are to be fined £5 should they neglect their duty. The Commissioners will observe that all roads are to be one chain in breadth."

⁴¹ N.A., RG1, L4, vol.10, p.138.

⁴² Ontario Archives, *Seventeenth Report*, "Land Book A", 12 January 1790, p.79.

⁴³ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.153. N.A., RG1, L4, vol.7, p.287. "Minutes of the Mecklenburg District Land Board".

complaints about their work, or lack thereof⁴⁴. The Nassau Board was faced with a slightly different problem in this context. Shortly after the Land Board was set up at Niagara, the volume of business was such that the deputy surveyor, Philip Frey, started issuing lots to individuals without securing prior authorization⁴⁵. Somehow the Council got the impression that Frey's irregular certificates claimed to be official patents to the lots. In a letter to the Board, the Council warned that all such grants would be considered invalid, and in an incredulous tone, stated that Frey "was assuming a power, which even his Lordship is not possessed of."⁴⁶ When asked by the Board to explain himself, Frey replied that he was only giving out location certificates which he did not consider as legal title in any way, and that if the settlers considered them as patents, they were at fault, not him. Although he did not explain where the settlers got their mistaken impressions, his explanation satisfied the Board to the extent that they authorized his bill for £445/2/9 1/2⁴⁷.

⁴⁴ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.29.

⁴⁵ N.A., RG1, L4, vol.5, p.29. Joy Ormsby claims that Frey was handing out location certificates written on the back of playing cards, in order that their number might be distinguished, because he lacked stationery supplies. "Building A Town", *The Capital Years*, p.23.

⁴⁶ LeMaistre to Colonel Hunter, 18 June 1789. N.A., RG1, L4, vol.5, p.29.

⁴⁷ *Ibid.*, p.59.

Although the Deputy Surveyors were directly responsible to the Surveyor General, the Boards controlled one area of significant influence⁴⁸. The surveyors were required to submit their accounts to the various Land Boards for examination. The Board would then issue a signed voucher, which the surveyor would include with his submissions to the Surveyor General's Office. As Alexander Aitken discovered in 1791, no vouchers equalled no pay⁴⁹. Augustus Jones, Philip Frey's successor in Nassau, discovered to his dismay that even with complete accounts and "the certificate of the Land Board, stating my appointment by them and my services", payment was often tardy⁵⁰. By appointment, Jones is referring to the fact that the surveyors were issued specific orders from the Land Boards before commencement of their tasks⁵¹.

The relationship between the local surveyors and the Land Boards was seldom an easy one, although the tension that existed may have been as much a product of conflicting

⁴⁸ Although who was responsible to who was not always clear. On 19 October 1792 the new Deputy Surveyor General D.W. Smith made the following comment in a letter to John Askin, "As I am uncertain whether Mr. McNiff belongs to my department & of course whether he is under my controul, so I have forbore to write to him, but that will soon be discovered." Cruikshank, *Simcoe Papers*, vol.I, p.237.

⁴⁹ Ontario Archives, *Third Report*, "Book of Official Instructions to the Land Surveyors", p.412. See also a letter from D.W. Smith to the Nassau Land Board, 16 December 1793. N.A., RG1, L4, vol.5, p.182.

⁵⁰ By 1794 the account was still outstanding and Jones had secured an attorney to plead his case. Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.327.

⁵¹ For a typical example see the Lunenburg Land Board to Jesse Pennoyer, for Oxford Township, 21 March 1791. Ontario Archives, *Third Report*, "Book of Official Instructions to the Land Surveyors", p.394.

personalities as it was of confused policies. Theodore de Pincier, a Lunenburg District Surveyor, spent over six years in litigation attempting to secure his pay. When he applied for Lot 18 in Marlborough Township, his petition was shelved by the Land Board. His son finally had the case decided in 1818⁵². Patrick McNiff seemed to be a constant source of irritation to whichever Land Board he was attached⁵³. McNiff began his Upper Canadian surveying career in Lunenburg, but after running afoul of the local elites over their land disbursement practices, he removed himself to the far end of the territory, the Hesse District⁵⁴. Unfortunately for the Lunenburg Board, McNiff took all of the district survey plans with him and the Board had to get the Land Committee to order their return⁵⁵. Honesty outweighed discretion in McNiff. In

⁵² The surveyor's journal of Theodore de Pincier. Unpublished manuscript in the possession of Prof. Carman Bickerton.

⁵³ McNiff seemed to have a real talent for finding trouble. During the summer of 1791, McNiff tried to sue his neighbours, the Chene brothers, for destroying a fence and cutting some of his hay. The Court of Common Pleas, run by William Dummer Powell at this point, dismissed the case for lack of evidence. The Chene brothers responded with a counter-suit which went against McNiff and cost him £80/8. Ontario Archives, *Fourteenth Report*, "Records of the Court of Common Pleas, Hesse District", p.80, 107.

⁵⁴ During the summer of 1789, McNiff had complained to the Council that former officers were monopolizing the best lots in the area. Richard Duncan, the president of the Land Board, commented on McNiff's actions by observing that "the magistrates of the district have in their own hands the power of repelling any attempts to interrupt the public tranquillity, as well as the means of punishing the offenders." Obviously Duncan was trying to make it clear to the Council that the local magistrates could take care of their own problems. McNiff, no doubt, was aware of their attitude. See above Chapter One, p.28. Ontario Archives, *Seventeenth Report*, "Land Book A", Duncan to the Land Committee, 24 November 1789, p.106. N.A., RG1, L4, vol.9, p.27.

⁵⁵ Ontario Archives, *Seventeenth Report*, "Land Book A", Land Committee to McNiff, 5 March 1790, p.135.

a letter to Hugh Finlay, the Land Committee chairman, he confirmed reports that officers around Detroit were selling 100 acre lots to settlers for £100⁵⁶. The Board and McNiff also submitted contradictory views on the extent of the Grand River Native reserve that was to be surveyed. This matter will be discussed later on, but it is interesting to note here that the Land Committee rejected McNiff's concerns and sided with the Land Board⁵⁷. Proffering such unsolicited, and technically unrequired, information would have done little to ingratiate McNiff to his immediate supervisors, particularly since one of the most active land speculators was Hesse Land Board president, John Askin.

The chain of communication, its definition and execution, was a point of contention and a source of difficulties at all levels of the administration. In the summer of 1788, shortly before the Boards were established, John Collins, the Deputy Surveyor General, gave the local surveyors the following instruction,

You are not to promise the preference of any lot of land to any person whatever, a plan and report of your proceedings you will transmit to the Surveyor General's office as soon as the business is completed.⁵⁸

⁵⁶ *Ibid*, p.219. McNiff to Finlay, 3 May 1791.

⁵⁷ *Ibid.*, p.172.

⁵⁸ Ontario Archives, *Third Report*, "Official Instructions to the Land Surveyors of Upper Canada", p.382. Collins to James McDonell, 30 June 1788.

The Rules and Regulations changed this pattern by directing the surveyors to assign specific lots and report directly to the Land Boards. For the next two years, however, Collin's instructions to the surveyors remained vague on this point and continued to emphasize the surveyor's responsibility to report to the Surveyor General's office⁵⁹. No doubt Collins chafed at relinquishing control over the Deputy Surveyors, but his equivocal responses only created tension and confusion among the parties concerned. In the summer of 1791 the Luneburg Board felt obliged to scold Theodore de Pincier for not reporting on valuable mill sites along the Rideau River⁶⁰. When the Hesse District Board asked Patrick McNiff for a copy of the plan of survey for the area around the Grand River Reserve, McNiff claimed that he was instructed to transmit the information to the Surveyor General's office, and if they wanted the information they had to get it from there⁶¹. The Board replied in a terse, and somewhat threatening manner,

Should our directions interfere with the accustomed chain of official Intercourse between you and the Surveyor General's office, you will please to acquaint us therewith in writing before you commence the Survey [the next to be completed],

⁵⁹ *Ibid.*, p.386, Collins to Alexander Aitken, 20 May 1790, p.396, Collins to Theodore de Pincier, 22 February 1791.

⁶⁰ "Surveyors Journal, Theodore de Pincier". Manuscript in the possession of Prof. Carman Bickerton.

⁶¹ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.15.

that early application may be made to His Excellency the Governor for removal of such Difficulties as can only retard the Settlement of the Country.⁶²

The chain of communication between the Boards and the Land Committee was characterized more by confusion than a lack of definition. As early as June of 1790 the Land Committee was looking to economies in the land granting department⁶³. On 23 July 1791 Dorchester issued an order in council cancelling all future government subsidized surveys as of December 1791. Although both John Collins and Hugh Finlay were present at this council meeting, the governor was under the impression that "all Claims to Lands... were now nearly satisfied."⁶⁴ This was simply not the case. Back in September of 1790 Sir John Johnson reported to Dorchester himself that,

The want of a Regular and Full survey of the Crown Lands have hitherto, I apprehend greatly retarded the Settlement of the Country, too few surveyors have been employed, and some of those ill qualified.⁶⁵

None of the Boards had completed their assigned duties of disbursing promised lands by the end of 1791. The Hesse District Board responded to the order with a "Special Report"

⁶² *Ibid.*, p.16. Board to McNiff, 2 July 1790.

⁶³ Ontario Archives, *Seventeenth Report*, "Land Book A", p.135.

⁶⁴ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.147.

⁶⁵ N.A., RG1, L4, vol.5, p.86. Johnson to Dorchester, 13 September 1790.

claiming that it had "before it about 300 petitions, chiefly of reduced troops and Loyalists", and that "a general Reform of the Regulations for our Government, and the effectual Support of two, or more, active and willing Surveyors for at least one season" was required or their difficulties would remain "unsurmountable".⁶⁶ As late as March 1793 the Luneburg Board complained to the Land Committee that the original surveys had yet to be completed. They warned of great confusion among the 'old settlers' and asked to be sent "an industrious attentive Surveyor to compleat those Surveys and another for the purpose of surveying lands for the newcomers."⁶⁷ That the Governor, sitting in council with the individuals responsible for the land administration, could be so misinformed is indicative of how poor communication could be.

The Land Boards were assigned one other duty that has not yet been mentioned, the compiling of the so-called Unity of Empire Lists. As Professor Burt once commented, "Unfortunately the land boards neglected this task."⁶⁸ On 9 November 1789, Dorchester issued an order in Council stating that he wished to place a mark of honour "upon the families who had adhered to the Unity of Empire and Joined the Royal Standard in

⁶⁶ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.155.

⁶⁷ N.A., RG1, L4, vol.14, p.31. After receiving no response, the Board repeated the request on 13 August 1793. *Ibid.*, p.102.

⁶⁸ A.L. Burt, *The Old Province of Quebec*, vol.II, p.81.

America before the Treaty of Separation in the year 1783." The order continued with a direction stating that the Land Boards were to draw up the lists in conjunction with their work of disbursing the additional grants of two hundred acres authorized by the Governor⁶⁹. Why the Board members neglected to perform this duty is difficult to determine⁷⁰. They certainly had the necessary resources at hand. In fact, a good deal of their time was spent in determining who qualified for what Dorchester referred to as "these distinguished benefits and privileges."⁷¹ It may be that the more commercially-minded members, such as Hamilton in Nassau and Cartwright in Mecklenburg, considered compiling the lists as a minor duty best left to less occupied individuals. There is, however, some evidence in the Land Board records to suggest that certain members placed greater emphasis on local community development than on distinguishing individuals with honorary epithets and automatic land grants. The Mecklenburg Board routinely rejected petitions from "old settlers", meaning the

⁶⁹ Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.68.

⁷⁰ The Hesse District Board went so far as to post the following advertisement, "All such Loyalists residing in the District of Hesse, as adhered to the Unity of Empire and joined the British Standard before the treaty of Separation in 1783 are required to send to the Land Board for the said District a certificate of their Loyalty, their actual residence, number and names of their children, to enable the Board to make in their behalf the Honourable Distinctions indicated in a resolve of Council, and order of his Excellency the Governor General of the 9th of November, 1789." Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.10. This was the extent of their efforts and nothing more seems to have been done.

⁷¹ Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.68.

original Loyalists, because they had not cleared sufficient land or raised any buildings. Of the sixty-one petitions received in the spring of 1790, only 28 received a recommendation. The other thirty-three were either wholly or partially rejected⁷². A typical entry in the minutes reads, "Brian Hough, Claiming the additional bounty, rejected, as not having made sufficient Improvements on his first Location."⁷³ It was not until 1796, in compliance with a proclamation issued by Simcoe, that the U.E. lists were drawn up by the justices of the peace. It may be that the Board members had no desire to attempt such a task, realizing how arbitrary the designations would be. Their primary duty, after all, was the examination of character and credentials.

The examination of petitions and the distribution of lots were the main functions of the Land Boards. As the Duke de La Rochefoucault-Liancourt noted in his *Travels in Canada*, by the mid-1790's "The number of those, who apply for lands, is uncommonly great."⁷⁴ Unfortunately the existing records do not provide a complete account of how the Land Board members handled the volume of business. The quality of the record-keeping varied enormously from Board to Board. The Nassau Board records are perhaps the least complete and provide very

⁷² N.A., RG1, L4, vol.7, pp.39-42.

⁷³ *Ibid.*, p.40.

⁷⁴ La Rochefoucault-Liancourt, *Travels in Canada*, 1795. Ontario Archives, *Thirteenth Report*, p.43.

little information on how the petitions were dealt with. Nine months after the Boards were dissolved, Thomas Ridout, the District secretary, drew up a register of the lots granted in the various townships of the District, but the deliberations on the granting of these lots are not extant⁷⁵. The register covers eight townships and records a total of 667 lots having been granted. This gives some indication of the number of petitions recommended by the Board, but none for how many were deferred to the Council's consideration or rejected.

The records for the Hesse and Luneburg Districts are only slightly more informative than those for Nassau. The minutes and the schedules of returns provide the numbers of petitions filed, but do not indicate how many were rejected or deferred to the consideration of council. The last Hesse District secretary, E.J. O'Brian, compiled an alphabetical index of petitions from the three Land Board Books⁷⁶. This list records that some 810 petitions were received by the Board. When we turn to the minutes of the Board, however, large gaps in the recording of petitions filed become apparent. Numbers 286 to 401, and numbers 465 to 810 are missing in the deliberations⁷⁷. This is not to suggest that they were never

⁷⁵ Ontario Archives, *Third Report*, "Minutes of the Nassau Land Board", p.337. The date on the document is 5 August 1795.

⁷⁶ This undated list can be found in Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Boards", p.260.

⁷⁷ The partial lists of the petitions filed can be found in Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", pp.18, 19, 20, 24, 61, 98, 112, 178, 180, 183, 185, 186, 188.

considered by the Board, but simply that the records are no longer available. The Lunenburg Board records follow the same pattern.

The minutes of the Mecklenburg Land Board provide the most complete and detailed record of proceedings for all four of the Boards. This Board began operations on 14 June 1789 and continued until 4 April 1794⁷⁸. The reorganization ordered by Simcoe in 1792 created a secondary Board and divided the jurisdiction as follows; the original Board was responsible for Frontenac County only, while the secondary Board was responsible for Lennox, Addington, Hastings, and Prince Edward Counties⁷⁹. The secondary Board met at Adolphustown and operated from 11 December 1792 until 25 November 1794.

The original Mecklenburg Land Board submitted eight reports on their proceedings to the Land Committee⁸⁰. The first was submitted in September of 1789, the last in April of 1794. Over this period 662 petitions were considered and determined upon in a total of 101 meetings. This would give us an average of approximately 6.6 petitions considered at each meeting, but this figure has little significance. The first report, covering 23 September 1789 to 21 April 1790, records 18 meetings and 168 petitions considered, while the last report, 5 September 1792 to 30 April 1794, records 25 meetings

⁷⁸ N.A., RG1, L4, vol.7, pp.57-361.

⁷⁹ N.A., RG1, L4, vol.8, pp.1-62.

⁸⁰ All eight reports are in N.A., RG1, L4, vol.7.

and only 39 petitions considered. The progression of totals in all eight reports indicates a considerable dropping off of business towards the end of the Board's existence. The early rush of petitions were, for the most part, applications for additional grants. Of the 168 petitions recorded in the first report, only 18 were from new settlers to the District. The remaining 150 were from established settlers praying for more acreage. The final report, covering almost twenty months from September 1792 to April 1794, records 39 petitions, 27 of which were from new settlers. Of the total of 662 petitions considered, 531 were for additional land grants, while 131 were from new settlers to the District.

The work performed by the secondary Land Board reflects the state of settlement in the those areas which were farther from the already established urban centre of Kingston. Of the 271 petitions received by this Board, 153 were for additional grants, while 103 were from new settlers⁸¹. Of the remaining 15 petitions, 4 were rejected and 11 were deferred to the consideration of council.

It is very difficult to determine exactly how thorough the Land Board members were in their investigations of the petitions. The new settlers were required to provide documentation or a witness to testify to their worthy character. For additional land grants, however, the Board was forced to rely on the honour of the settler or the testimony

⁸¹ N.A., RG1, L4, vol.8, pp.1-62.

of the local Deputy Surveyor. As Alexander Atkin, the Mecklenburg Deputy Surveyor, pointed out to the Surveyor General, "it is not to be supposed that the improvement of a lot situated sixty miles from my Place of Residence by a man whom I had never seen could come to my knowledge."⁸² The Land Board members then had to often rely on scanty information about settlers situated at a considerable distance from their location. Despite the limitations on information gathering, the original Mecklenburg Board was not completely a rubber stamp operation. In total, 78 petitions were rejected out of hand. This represents over 10% of all the petitions received. In addition, another 43 petitions were only partially recommended as acceptable, the total amount of land being prayed for considered as either excessive or unwarranted. The Board received 23 petitions that it considered itself unauthorized to deliberate upon and they were deferred to the judgement of the governor in council.

The secondary Land Board, operated for the most part by Peter Van Alstine, Hazelton Spencer, and Alexander Fisher, was far less discriminatory in their deliberations than the original Board. Of the 271 petitions considered by this body, only 4 were rejected, none were partially recommended, and only 11 were deferred to the consideration of council.

These records indicate a number of the realities concerning land settlement in the early 1790's. Generalized

⁸² N.A., RG1, L4, vol.7, p.26.

statements for all four Boards, however, must be guarded against. Conditions in the far less settled Hesse District may have been considerably different. Likewise, settlement in the Luneburg District was more advanced than it was in Mecklenburg. Both of these situations would have produced differences in the number of petitions handled and the character of the petitions deliberated upon. Qualifications aside, the Mecklenburg records clearly show that the whole system set up by the Rules and Regulations was, at its inception, several years too late. The bulk of the settlers around Kingston at least had already begun to claim property long before the Boards were set up to determine if they were qualified to do so⁸³. The majority of the Board's time was spent in handing out additional lands and not screening new settlers. As the Board minutes clearly show, if a settler was on the land by 1789-90 they were considered bona-fide and it was only the extent of their developments that was in question. The Board made it clear to the Land Committee as early as September of 1789 that their emphasis was on development rather than handing out land as a reward for services. Their first report to the Committee concludes with the following comment;

⁸³ In fact, all of the Boards repeatedly pointed this out to the Land Committee. N.A., RG1, L4, vol.9, p.27, Luneburg Board. *Ibid*, vol.7, p.138, Mecklenburg Board. *Ibid*, vol.5, p.84, Nassau Board. The Hesse Board members, exasperated at receiving no instructions on the matter from the Land Committee after repeated requests, responded with the comment "The Board will ponder upon what may be drawn from Silence!" Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.166.

We early foresaw the Abuses that unconditional Grants of Lands to Emmigrants might give rise to and took immediate Steps to prevent them. As Lands were given them only for the Sake of having them cultivated, and not as a Reward for Services, a Condition was from the Beginning directed to be annexed to the Certificate of Location, that they should be forfeited unless improved within Twelve Months and that they were not to be considered as transferable.⁸⁴

The secondary Mecklenburg Land Board took the emphasis on development, or from a more cynical point of view, filling up the lots, a step further, and refrained from rejecting all but the most blatantly flawed petitions. In fact, their laxity in matters of character examination prompted Simcoe to remind them, along with all the other Boards, of their primary duty. In a stern circular letter reporting Simcoe's directions, the Lieutenant-Governor's secretary wrote,

Whereas doubts have been entertained at some of the Boards of the land granting department within this Province whether they were at liberty to exercise their discretion in refusing to grant Certificates to Persons of known disloyalty, and disaffection to the British Government who may nevertheless offer to take the Oath and make the subscription required, Resolved, that it is not only required of the Members of the Land Boards to make diligent Scrutiny into the Character and Conduct of all unrecommended persons who shall apply for Certificates, but it is their unquestionable duty

⁸⁴ N.A., RG1, L4, vol.7, p.49.

as good Subjects to dismiss the application of all such as are of known disloyal Principles in as much as tho' His Majesty's bounty is not restricted solely to known Subjects, and it is not meant to be extended to such as have wilfully resisted his Crown and Government; and who persist in principles and opinions which are hostile to the British Constitution.⁸⁵

Although the Boards were thus duly chastised, there is no indication in the records that they changed their habits.

⁸⁵ N.A., RG1, L4, vol.5, p.149. Circular letter from E.B. Littlehales to the Land Boards, 13 April 1793.

Chapter Four

The Impact of the Land Boards On Community Development.

The impact that the Land Boards had on the establishment and development of the communities within their various jurisdictions was a direct result of their interpretation of the Rules and Regulations. The degree to which they adhered to, or deviated from, the specific system of spatial and social organization in many ways defined the extent of their impact. In the end, the wonderfully symmetrical and logically organized plans that were sent down from the Land Committee amounted to little more than rough guidelines in the establishment of most townships. The attempts by the administration to implement a rationalized, hierarchical system of community development all too often did not account for factors such as geography, the quality of the land, the problems faced by the farmers, the existing population both native and immigrant, or the character of the individuals involved. Accounting for these factors within the limits created by the rules and regulations was, for the five years of their effective operation, the job of the Land Boards.

Essentially, the impact that the Land Boards had on Upper Canadian development revolved around two interconnected aspects; the delineation and definition of townships, including the location of population centres, and the distribution of resources among the population, both European-American and native-American. More specifically, they had to deal with the problems created by the survey system, decide on the location of town sites, implement the reserve policy, establish the relationship with the natives, and control the ingress of new settlers.

A report compiled by the Surveyor General's office in March of 1792, and signed by the Deputy Surveyor General William Chewett, laid out some of the spatial problems related to surveys faced by the Lunenburg District Land Board¹. Most pressing was the fact that the three back concessions of Lancaster Township overlapped those of the recently laid out Hawkesbury Township². This resulted in some eighty-nine grants being given to two or more settlers. The report goes on to state that "The Lots in the Neighbourhood of the River aux Raisins appear to lap on one another in sad confusion."³ When the Land Committee took up this problem they explained that,

The Deputy Surveyor who was employed to divide the

¹ N.A., RG1, L4, vol.9, p.234.

² This can be clearly seen in "A Plan of the District of Lunenburg", Ontario Archives, *Third Report*, p.cii.

³ N.A., RG1, L4, vol.9, p.234.

Concessions in Charlottenburg into Lots deviated from the original plan, instead of making all the fronts of the Lots lie parallel with the Front of the Township he gave fronts upon the North side and fronts upon the south side of the Rivière aux Raisins in such manner that some of the Lots will contain more than 200 acres, whilst other lots (owing to the bends in the River) will not contain, perhaps, one-third of that quantity.⁴

The only solution that the Land Committee could suggest was to instruct the Land Board to grant lots "in some other part of the Township, or in any part of the District, where waste lands may be found."⁵ No doubt the settlers were happy to receive additional lands, but if they were not contiguous to their property and located in the back concessions they would have been of very little immediate use. Fine for the speculator but of limited use for the farmer.

The rectilinear survey system imposed by the Rules and Regulations was not flexible enough to accommodate geographic features such as rivers, nor did it account for the quality of the land surveyed. To make matters worse, the state of survey technology and practices often produced lots that contained more or less than their full complement of 200 acres. Chewett's report pointed out that, in Edwardsburg Township, many of the second concession lots contained "not much more

⁴ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.66. This report was sent around in circular fashion to all the Land Boards in the hope that similar problems would be avoided.

⁵ N.A., RG1, L4, vol.9, p.235.

than 100 acres, instead of 200; in consequence of which some of them appear to have been extended into the 3rd concession to make up their compliment."⁶ Unfortunately for the Land Board, these extensions were not always recorded on the survey plan and a number of lots in the third concession were claimed by two different parties. Fortunately for the settler, he or she often received a parcel of land composed of two lots and totalling far more than 200 acres.

The Hesse District Board was forced to deal with similar situations a number of times. In May of 1791 the Board sent a letter to Lord Dorchester recommending that he reject a petition submitted by several settlers in the 'New Settlement'⁷. These settlers were requesting that their first concession lots be extended back four and a half miles (the distance provided for in the original, and now cancelled Indian deeds) because the land along the shore was swampy and not fit for cultivation. The Board argued that such an extension was far too large, pointing out that it "must leave the Settlement, for many years naked."⁸ In a much less generous mood than the Lunenburg Board, the Hesse commissioners suggested that, if the settlers required more land, they could

⁶ *Ibid.*, p.235.

⁷ Also referred to as the Two Connected Townships, this was the area along the north shore of Lake Erie which would eventually become the Townships of Colchester and Gosfield.

⁸ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.126.

apply for third concession lots. Within a year, however, the Board members were forced by circumstance to become more liberal in their dispensations. In May of 1792 they reported to the Land Committee that they had begun to give out double lots because of the poor quality of the land and the fact that, because of inaccurate surveying, most lots only contained between 114 and 152 acres. They believed that they were forced into this degree of largesse because "no one will ever accept a location unless they can have 2 or 3 Lots."⁹ As these examples indicate, the amount of land available made overcoming the survey problems quite easy. When in doubt, the Boards simply handed out multiple lots.

The location and laying out of town sites was an area where the Land Boards often had a direct physical impact on community development. Although the models of spatial arrangements provided by the Rules and Regulations were very exact, the physical and social realities within the newly established communities seldom allowed them to be followed with much accuracy¹⁰. Originally, each township was to contain a town site, regardless of whether it was called for by natural settlement patterns or commercial or military concerns. This regulation remained in effect until November of 1792, when the newly appointed Deputy Surveyor General D.W.

⁹ *Ibid.*, p.181.

¹⁰ The idealized models proposed by the Land Committee, and included in the Rules and Regulations, are reproduced in Appendix D.

Smith authorized town sites to be dispensed with unless "particularly ordered".¹¹ This may seem like a rational, even forward-looking step by Smith, but in fact he was simply sanctioning what many of the Land Boards had already been doing.

In the Lunenburg District, the matter of town site location only came up once during the life of the Land Boards, and it did not become a serious controversy. This, however, was not due to the actions of the Land Board, but because of a lack of interest on the part of the settlers. And although the Board's action in this matter had little immediate impact on the community, as no town developed, their decisions here reflect their spirit of local independence and willingness to manipulate the rules.

During the early spring of 1791 the Lunenburg Board requested that two townships be laid out on either side of the Rideau River in order to satisfy the claims of several disbanded officers, to which the Land Committee agreed. Foregoing the stipulated format for townships, the Land Board instructed the Deputy Surveyor, Jesse Pennoyer, to lay out a town site "at the point of land lying between the south and west branches of the said river, it being thought more eligible than in the centre of the township."¹² Contrary to

¹¹ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.212.

¹² Ontario Archives, *Third Report*, "Official Instructions to Surveyors", p.395.

the regulations, this order also expressly instructed Pennoyer not to lay out any reserve lots in the corners of the townships, as this would take up land desired by the former officers. As was required, the Board sent a request to the Governor asking that the change in town site location be authorized. Nothing was said about doing away with the reserves. On 15 August 1791 authorization for the change was given, with the stipulation that "there be no diminution of the established Reservations".¹³ The Board, however, had no intention of complying with this stipulation, and there is no record of them changing their instructions to the surveyor. Why the town site was never established is a bit of a mystery, but the location was obviously poorly thought out as the land is of inferior quality, the river is too shallow for easy navigation, and it is located many miles from the communities along the St. Lawrence. Nevertheless, the Land Board's actions in this matter is indicative of their efforts to effect control over their own community development.

In the Mecklenburg District the location and establishment of Kingston occupied a considerable amount of the Land Board's time. Their decisions effected the spatial development of the town in two ways, and both involved matters of previous occupation and deviations from the Rules and Regulations. The original survey, completed by Captain Gother Mann in 1788, called for the town site to be located at Point

¹³ *Ibid.*, p.430.

Frederick¹⁴. In February of 1790 the Land Board sent a letter to Lord Dorchester requesting that the town be located a mile or so west of the point, because the land at Point Frederick had already been granted to Richard Cartwright, sr., contained mostly swamp, and was a considerable distance from the warf and dockyards¹⁵. They neglected to point out that Cartwright was already operating a lucrative ferry service based at the point¹⁶. Although John Collins reported to the Land Committee that Cartwright would likely give up the lot in exchange for another of equal value, permission for the relocation was given¹⁷. Through the actions of the Board, then, the town was shifted to the west side of the Cataraqui River and the point was left open for military developments such as Fort Henry.

The Mecklenburg Land Board also argued that the proposed town lots in Kingston were far too small for the accommodation of the settlers, and that they should be doubled in size. Rather ingeniously, they pointed out that the naval officers could not become farmers because of the character of their professions and that they needed substantial lots in order to grow a garden for the support of their families¹⁸. The Land Committee responded to this argument by giving the Board

¹⁴ Preston, *Kingston Before the War*, p.lxi.

¹⁵ N.A., RG1, L4, vol.7, p.137.

¹⁶ Preston, *Kingston Before the War*, p.lxi.

¹⁷ Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.136.

¹⁸ N.A., RG1, L4, vol.7, p.140.

permission to regulate the size of the lots as they saw fit¹⁹. As was so often the case, however, a change in the rules caused immediate problems. When James Connor's petition for lot 82 came up for deliberation it was denied because it "would interfere with the new Arraignment."²⁰ To compensate for his inconvenience, Connor was given the disjointed lots numbers 84 and 67 instead. Although Connor was no doubt displeased, the Board successfully lobbied to have the town lots doubled, and in the process, fundamentally altered the character of the town.

In the Nassau District the location of the district town was, as Bruce Wilson has pointed out, a matter of considerable interest and controversy²¹. The Land Board recommended that the town be located in the centre of Township No. 1, a half mile down the main road from Robert Hamilton's store at Queenston. This proposal did not sit well with some of the settlers, and as the district Deputy Surveyor reported,

Our community is yet divided in opinion with respect of the place most fit for the town and Public buildings, it seems to be the general opinion it had better be voted for."²²

In the spring of 1790 the Board tried to settle the issue

¹⁹ *Ibid.*, p.187. Land Committee to the Mecklenburg Board, 2 July 1790.

²⁰ *Ibid.*, p.247.

²¹ Bruce Wilson, *The Enterprises of Robert Hamilton*, p.55.

²² Quoted in Joy Ormsby, "Building a Town", *The Capital Years*, p.25.

themselves, but the persons who already held lots in the first township would not give them up. On 21 June 1790 the Board acceded to community pressure and called a meeting of the militia "for the purpose of taking the sence of the inhabitants respecting the most eligible Plan for a Town and Public Buildings."²³ The Board need not have followed this procedure, for they had been given express permission by the Land Committee to locate the town as they saw fit²⁴. The vote, however, went the Board's way, and the new surveyor was instructed to "mark a town plot for a county town of the district to be called Lenox on the west side of the Niagara River at such place and according to such plans and dimensions as the Land Board of the said District may direct in conformity to the general Rules and Regulations."²⁵ After adjusting the site because of errors in the original survey for Navy Hall, and dealing with the occupants, the Board established the town at the present site of Niagara-On-the-Lake²⁶. No doubt the Board's delicate handling of the situation went a long way in reconciling differences within

²³ Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.299.

²⁴ N.A., RG1, L4, vol.5, p.96.

²⁵ Cruikshank, *Records of Niagara*, p.85. John Collins to Augustus Jones, 22 February 1791.

²⁶ One of the occupants already on the site was Land Board member Peter Tenbroek, who had been there since 1782. The Board's solution to the problem was to order the would-be petitioners for town lots to pay the present occupiers £2/10 New York currency for each developed acre. Joy Ormsby, "Building a Town", *The Capital Years*, p.26. Cruikshank, *Records of Niagara*, p.118.

the community. And to add a little lubrication, the Board ordered a public house be built beside the Mason's Lodge. As Joy Ormsby has so aptly noted, "Forgotten for the moment were priorities suggested by the government's plan such as a church, a school, and a market-place."²⁷ The Land Board not only had a direct influence on the location of the town, but also on the spirit in which the community began its development.

The most graphic example of how the Land Boards dealt with the problem of grafting an organizational system onto an existing population was provided by the Hesse District Board. This situation also points up the differences in how the various Boards handled problems related to deviations in the Rules and Regulations, and in the pressures for settlement between Hesse and the other districts. In September of 1790 the new district secretary, David W. Smith was instructed by the Board to draw up a town plot for the 'New Settlement'. This was the settlement laid out previously by Majors Mathew and Close, the commandants at Detroit, and composed of 97 lots stretching along the north shore of Lake Erie. The lots had been divided into two townships, hence the settlement's other name, the 'Two Connected Townships', and granted to disbanded soldiers, mostly from Butler's Rangers. As Smith quickly realized, there were only three of the

²⁷ Joy Ormsby, "Building a Town", *The Capital Years*, p.27.

ninety-seven lots left ungranted²⁸. This left a space of only twelve acres along the shoreline in which to fit a town site. In an attempt to include all the amenities called for by the Rules and Regulations, Smith produced a proposed town plot that was little more than a chaotic jumble of boundaries²⁹. Given the state of surveying during these years, the plan was probably impossible to execute because of its complexity, but in order to accommodate both the rules and the settlers, Smith could do little else. As he noted in the introduction to his proposal, the farm lots surrounding the town site were "already under tickets of Location to individuals, who are unwilling to relinquish their claims."³⁰

Although the Land Board records for Hesse are not completely clear on the subject, one suspects the heavy hand of William Dummer Powell in this matter. Always a stickler for rules and procedures, Powell most likely told Smith to adhere to the Rules and Regulations regardless of the resulting confusion. Rather than disregard what was not yet necessary, as was done at Niagara, the Board attempted to impose the administration's conception of orderly community development by ordering new surveys based on unrealistic plans. But before

²⁸ These were lots numbers 68, 69, and 70.

²⁹ Smith's town plot is reproduced here in Appendix D. Notice the fairly strict adherence to the order of civic facilities called for by the Rules and Regulations.

³⁰ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.74.

handing out the orders, the Board once again stuck to procedure and submitted Smith's modifications to the Governor "for his consideration, before the Board give any specific directions to the Surveyor on that head."³¹ Upon receiving this plan the Land Committee asked Sir John Johnson for advice about the state of the land administration around Detroit. In a rather severely critical tone, Sir John pointed out that the surveys done several years before by Majors Mathews and Close were perfectly adequate, but that the Land Board regarded them as invalid because they were not performed under the official Rules and Regulations³². The result of this course of action, or inaction, was a delay of sixteen months in settlement operations³³.

The Land Committee's response to the situation is not contained in either the Land Books or the Hesse Land Board records. From the course of events, however, we can surmise that it was not particularly positive. Lots 68, 69, and 70 in the New Settlement were not granted to any settlers and although the town of Colchester was eventually established on the site, this was not until long after the Boards had been

³¹ *Ibid.*, p.47.

³² Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.221. Johnson to Hugh Finlay, 27 January 1791. Johnson had completed a tour of the District Land Boards in the summer and fall of 1790.

³³ *Ibid.*, p.221.

dissolved³⁴. In fact, by April of 1792, the Land Board recognized that there was as yet no need for the establishment of a town in the New Settlement and Smith's convoluted survey plans were simply filed away³⁵. As previously noted, it was Smith who issued the order in November of 1792 that restricted the establishment of town sites to those townships where one was immediately required. His experience in Hesse no doubt prompted this course of action.

The Land Board minutes and correspondence record another area where the Boards had some degree of impact on community development; the implementation of the Crown and Clergy reserves policy. Although this is a topic of major significance in any discussion of Upper Canadian development, much of it is beyond the scope of this thesis. The local elites, however, in their capacity as Land Board commissioners, on occasion left some indications of how they considered the reserve policy and how they put it into effect, for its implementation was their direct responsibility.

One of the central problems faced by the Land Boards regarding the reserves was sorting out exactly what the policy called for, and to what degree they were allowed to deviate

³⁴ Leo Johnson, "The Settlement of the Western District", *Aspects of Nineteenth-Century Ontario*, p.22.

³⁵ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.179. Clearly it is significant that Powell stopped attending Land Board meetings in November of 1791. John Askin, who took over as Land Board president was much less concerned with sticking to the rules.

from that policy. As was pointed out in Chapter One, a Crown reserve policy was under active consideration by Dorchester and his council from at least the spring of 1787³⁶. Article IX of the February 1789 Rules and Regulations stipulated that the corners of each township were to be reserved for the future consideration of the Governor. The August 1789 addition to the Rules and Regulations defined the reserves further by ruling that "ten farm lots, adjoining each other" were to be reserved in each of the four corners of every township. This was the extent of the policy until February 1792 when Simcoe issued his first proclamation on the land granting system. The second article of this proclamation stated that, of each township, one seventh was to be reserved for the "Support of a Protestant Clergy", and one seventh for "the future disposition of the Crown"³⁷. The seventh article stated that

³⁶ The term 'reserve' perhaps requires some explanation, as it was used rather loosely and in many different contexts at the time. Mill sites, timber stands, ore deposits, useful harbours, or in fact, the location of any potentially valuable resource other than agricultural land was reserved for the use of the Crown, or to be specifically disposed of as the Governor saw fit. These could accurately be described as 'reserved locations'. Under the original Rules and Regulations, glebes of between 200 and 400 acres were to be reserved, located contiguous to town sites, for the use of a clergyman and a school teacher. Originally the term glebe only referred to land reserved for religious purposes, but by 1791, the Land Committee was using the term also in reference to the support of a schoolmaster. As Alan Wilson has pointed out, however, the difference between the glebes and the reserves proper was never made clear. Aside from the glebes, there were the 'Crown and Clergy reserves', a term that can only properly be applied to those farm lots reserved in the corners of the townships prior to 1792, and the farm lots that composed the so-called 'sevenths' after 1792. No one, including Dorchester and Simcoe, ever used the term with such precision. Lastly, there were the reserves set aside for occupation by the natives, what came to be known as Indian reservations. See Alan Wilson, *The Clergy Reserves in Upper Canada*, p.18-25. Also, Ontario Archives, *Third Report*, "Instructions to Surveyors", p.430. Land Committee to the Lunenburg Land Board, 15 August 1791.

³⁷ This proclamation is reproduced in Appendix A.

the reserves were not to be "severed Tracts", but to be dispersed "between the other Farms of which the said Township shall consist." Exactly how this was to be accomplished had yet to be determined. Despite this, by the spring of 1792, Deputy Surveyor John Collins was instructing his surveyors to follow the new instructions, as well as continue to reserve a 400 acres Glebe near the centre of the township, even though this practice was evidently superseded by the new plan³⁸. The confusion caused by a lack of clear directions was alleviated somewhat by David W. Smith with the introduction and official acceptance of his so-called 'chequered plan' in the summer of 1792³⁹. This plan was forwarded to the Land Boards during the fall of 1792.

The Lunenburg Land Board has left us the most documentary evidence regarding the implementation of the reserve policy, and their attitudes towards it. As noted previously in the discussion of town sites, when the Lunenburg Board issued survey instructions for Oxford Township to Jesse Pennoyer in March of 1791, they specifically ordered him *not* to lay out any reserves, except glebes for a minister and a schoolmaster⁴⁰. They reasoned that "were the Regulations

³⁸ Alan Wilson, *The Clergy Reserves in Upper Canada*, p.18.

³⁹ This plan is reproduced in Appendix D.

⁴⁰ The Council had set a precedent of sorts, or one that was good enough for the Lunenburg Board at least, the month before. Because of existing conflicts in claims, they gave the Lunenburg Board permission to limit the Cornwall and Charlottenburg reserves to the rear concessions. Ontario Archives, *Seventeenth Report*, "Land Book A and B", p.157.

respecting Reservations strickly [sic] to take place, it would in a great measure defeat the purpose of serving the Gentlemen for whom the land is intended."⁴¹ According to the Rules and Regulations, the Board was required to report any such deviations to the Governor "with all convenient speed."⁴² The Board did nothing of the sort, and in their next report to the Land Committee they made no mention of their decision to cancel the reserves⁴³. The Land Committee did not get wind of their actions for many months. In the Committee's report of 5 August 1791, they explicitly assumed that sixteen reserve lots were being laid out in Oxford Township⁴⁴.

During the fall of 1791, the Lunenburg Board sought some official sanction for their actions by pointing out to the Land Committee the cumbersome nature of the corner reserves, and suggested that, as a rule, the lots be restricted to the back concession. The Committee conceded that this course of action would be convenient for the settlers, but pointed out that such a plan would reduce the number of reserve lots by three in a township on a navigable river⁴⁵. Rather

⁴¹ N.A., RG1, L4, vol.10, p.145.

⁴² Article IV of the August 1789 addition.

⁴³ N.A., RG1, L4, vol.10, p.148.

⁴⁴ N.A., RG1, L4, vol.10, p.158.

⁴⁵ N.A., RG1, L4, vol.10, p.109. This statement by the Committee makes little sense. The nine by twelve mile township contained 24 lots in each concession. If the reserves were restricted to the back concession, 16 lots could easily be accommodated. Oddly enough, the August 1789 addition to the Rules and Regulations stipulates that a total of 40 lots

cryptically, the Committee also cited "unknown reasons of the Government".⁴⁶ What was meant by this is difficult to tell, but obviously the reserve policy was not yet settled.

The Lunenburg Land Boards received David W. Smith's chequered plan shortly after their official division into the Board for Dundas (formerly the lower Board), and the Board for Leeds and Grenville (the upper Board)⁴⁷. In what was most likely a concerted effort, both Boards petitioned the Land Committee to have the townships under their jurisdiction exempted from the plan⁴⁸. The lower Board's petition began by stating that "they contemplate many evils which will result from the adoption of this plan."⁴⁹ The plan would, they claimed, "have a tendency to discourage" any compact settlements, and "damp the Spirit of Emigration from the

were to be reserved, not 16. Obviously some special arrangement was made for Oxford Township, but I have not found any supporting documentation.

⁴⁶ Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.211.

⁴⁷ As was noted previously, the members themselves had divided the Land Board in June of 1790. This action was not officially sanctioned until October of 1792. N.A., RG1, L4, vol.9, p.37. N.A., RG1, L4, vol.14, p.1.

⁴⁸ I say that this may have been a concerted effort because the arguments invoked by both Boards are almost identical. One can imagine a meeting at Burke's Inn in Edwardsburg or Weatherhead's in Augusta, held shortly before Christmas 1792. Aside from business directly related to the Land Board, several of the commissioners were applying for township grants at this time. In April of 1793 Richard Duncan, John Munro, Peter Drummond, Justus Sherwood, and William and Thomas Fraser petitioned for a grant of thirty townships. The petition was rejected by the Land Committee, but on 13 July 1793 the group was granted seven townships. These were later rescinded by Simcoe. Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.45. See also Gates, *Land Policy*, p.30.

⁴⁹ N.A., RG1, L4, vol.16, p.36.

States."⁵⁰ They argued that the corner reserve policy that remained in effect in Lower Canada would draw "monied men" away from the upper province because of the scattered character of settlement⁵¹. Turning to specifics, they pointed out that the plan would expose the settler to greater danger from fire, pests, and falling timber from reserved woodlots scattered among the farms. Crop yields per acre would be reduced because of the shade cast by the trees on the reserves. Finally, the plan increased the extent of the reserves by some 400 acres.

Unfortunately, the existing records for Mecklenburg and Nassau do not contain any direct references to the administration's reserve policies. The degree to which they were put into effect during the life of the Boards, and any influence the Boards may have had, is therefore, impossible to determine. However, in a letter to Henry Dundas, dated 16 September 1793, Simcoe stated that, in York Township at least, in order to facilitate a compact settlement, "two or three of the front concessions are therefore granted in this Township, and the reserves will be made in the back lands."⁵²

In the Hesse District, Patrick McNiff took the same line as the Luneburg Board regarding the first stage of the reserve

⁵⁰ N.A., RG1, L4, vol.14, p.33.

⁵¹ N.A., RG1, L4, vol.16, p.36. Lower Canada did not adopt the chequered plan until 1797. Gates, *Land Policies*, p.51.

⁵² Cruikshank, *Simcoe Papers*, vol.II, p.52.

policy, based on what he claimed were very different reasons. In a letter to the Board, dated 8 November 1791, he argued that the reserve lots should be restricted to the back corners only, because this was "the only means the Board could fall upon to prevent the ruin of Poor people."⁵³ Like the Lunenburg Board, McNiff went on to invoke the precedent of Cornwall and Charlottenburg. The Board, however, did not respond at this time and the letter was filed without comment.

The operations of the Hesse Board loosened up considerably with the departure of William Dummer Powell. When the chequered plan was put into effect, the reconstituted Board, under the direction of the merchant John Askin, responded with a spirit of independence similar to that of the Lunenburg Board. In an obsequious letter to Simcoe explaining what they were trying to accomplish, the Board related their instructions to the district surveyor and stated that his work was to be "agreeable to the Chequered Plan, which certainly will not be deviated from."⁵⁴ Their actual instructions to the surveyor, however, took a very different tack. They directed him to "report the Advantages if any that you consider there may be in laying out the lands in lots on each side of the River Ruscom and the Belle River, in preference to

⁵³ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.157.

⁵⁴ *Ibid.*, p.219. Hesse Board to Simcoe, 2 February 1793.

the Chequered Plan which you are in possession of."⁵⁵ As the instructions make clear, the Board was hoping to find "Mill Seats" or other valuable locations which would render the reserves inconvenient and thus subject to disallowance. The previous spring, the Board had sought official permission for such a course of action. At the suggestion of Major Smith, the Board sent a letter to the Land Committee which inquired "into their powers to forego the necessity of reserving lots."⁵⁶ As was so often the case, however, no response was forthcoming.

It is difficult to prove any direct cause and effect in this matter, but the protestations by the Boards certainly must have contributed to Simcoe's decision to allow the reserve lots of those townships established before or during 1791 to be located in the back concessions or in other townships entirely⁵⁷. It is obvious from Simcoe's letters to the Under-secretary of State that he hesitated in allowing these deviations in policy, but he had little choice in the matter if he was to maintain the much-touted British sense of justice and liberality⁵⁸. Settlements made previous to the formation of the reserve policy prevented their full

⁵⁵ *Ibid.*, p.221. Hesse Board to McNiff, 5 February 1793.

⁵⁶ *Ibid.*, p.166.

⁵⁷ Gates, *Land Policy*, p.51.

⁵⁸ See Simcoe to Henry Dundas, 16 September 1793. Cruikshank, *Simcoe Papers*, vol.II, p.51. If the reserve policy was to be put into full effect, expropriations would have been necessary. Ironically, the only administrative body to expropriate lots at this time was the Nassau Land Board which was then determining the town site at Niagara.

implementation in all but the newest of townships. As was so often the case, the impact that the Boards had on community development was related to deviations from the Rules and Regulations. By successfully eliminating the reserves from the settled or partially settled townships, either through guile or lobbying, they promoted greater compactness of settlement and alleviated many of the problems which were pointed out by the Lunenburg Board⁵⁹.

The next issue to be discussed here concerns the relationship between the Land Boards and the native population. This relationship was in essence diplomatic, in that it involved two distinct cultural and physical communities, and revolved around the central issue of land ownership⁶⁰. Since, during this period, the Land Boards were

⁵⁹ It should be noted here, as other writers have done, that any success that the Land Board members achieved in eliminating the inconvenience of the reserves was compromised by their own activities in land speculation. This was particularly the case in the Hesse District. For many years it would have mattered very little to the average settler if the lot next to his was owned by the Crown or by a land jobber. Although it may have been that the eventual alienation of unoccupied lots came about quicker if the land was in the hands of a speculator rather than the Crown. Leo Johnson, "The Settlement of the Western District", *Aspects of Nineteenth-Century Ontario*, p.23.

⁶⁰ The word diplomatic is used here simply for want of a better term. Although it has become standard political rhetoric in our day, the point deserves repeating here; the natives, and in particular the Mohawk and Huron nations were, at the time, considered to be just that, nations. They never signed treaties of surrender with the British government, they signed agreements of purchase for specific tracts of land. This was recognized by both the natives and the colonial government. The attitude of the local governments, however, was a different matter. See the "Petition of Sir John Johnson and the Loyalists", in Shortt and Doughty, *Constitutional Documents*, vol.II, p.775. Clause 31 of the Royal Instructions given to Lord Dorchester in 1786 directed that no settlements be made "beyond the boundaries ascertained to the different Posts among the Indian Nations within the limits of Our Province of Quebec." *Ibid.*, p.827. See also, Malcolm Montgomery, "The Legal Status of the Six Nations Indians in Canada", *Ontario History*, vol.LV, June 1963.

the only administrative apparatus that dealt directly with land ownership and the definition of local boundaries, they were occasionally the channel through which conflict was focused⁶¹. The Land Board's relationship with the natives was not direct, that was ostensibly the job of the Indian Department. Rather, their purpose was to enforce the regulations that defined the relationship between the immigrant and the native populations. Given the circumstances of ill-defined policy and little central control, there existed much confusion at all levels of the administration and between all the parties involved. This aside, the attitude of the Land Boards towards the position of the natives in the new communities can be readily gleaned from the records. The actions and decisions based on these attitudes effectively eliminated the natives from local affairs.

According to how the system was supposed to work, there should have been no administrative contact between the natives and any aspect of the land granting department. As previously noted, from 1763 there had been an official prohibition against private purchases of land from the natives⁶². All

⁶¹ For an interesting discussion of land ownership see, Donald B. Smith, "The Dispossession of the Mississauga Indians: A Missing Chapter in the Early History of Upper Canada", in *Historical Essays on Upper Canada, New Perspectives*, J.K. Johnson and Bruce Wilson, eds., Carleton University Press, Ottawa. p.23.

⁶² The October 1763 Royal Proclamation reads; "...that no private Persons do presume to make any Purchases from the said Indians of any Lands reserved to the said Indians... but that, if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name..." Shortt and Doughty, *Constitutional Documents*, vol.I, p.167. This restriction was specifically

transfers of land title were supposed to be effected between the various native nations, principally the Huron and the Mississauga, and the Crown, through the agency of the Indian Department. It was confusion over, or blatant disregard of, this regulation that was most often the source of consternation for the Boards.

The situation in the Hesse District presented the most complications, but as well, two seemingly insignificant incidents in two other districts illustrate the confusion of the situation and the attitudes towards the natives held by many of the individuals in power. When the Deputy Surveyor Theodore de Pincier set out to survey Marlborough Township in the Lunenburg District, he was confronted at one point by some natives who claimed that the area belonged to them, that it was their hunting grounds and that it had never been sold to the Crown⁶³. De Pincier, lacking any specific instructions on this point, responded rather feebly by suggesting that the natives apply to the Land Board for redress. Not surprisingly, there is no record in the Lunenburg Board minutes that these, or any other natives, submitted such an application. In fact, because there was no substantial permanent native settlements in the area, the Board simply ignored the situation. In what became a common Upper Canadian attitude, hunting was not

repeated by Dorchester in a circular letter to the Land Boards. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.30.

⁶³ "The Surveyors Journal of Theodore de Pincier for the Township of Marlborough", manuscript in the possession of Professor Carman Bickerton.

considered a legitimate use of land and, therefore, it did not convey any right to its possession.

As well as illustrating the lack of effective communication between the various administrative levels, another incident, this time in the Mecklenburg District, indicates that the attitude of disregard towards the natives was not restricted to the local levels of government. When Joseph Anderson, a former lieutenant in Sir John Johnson's corps, petitioned for Wapoos' Island, the Land Board forwarded his request to the Land Committee with a positive recommendation. Upon consideration, the Committee rejected the application because, "Wapoos, an old Chief of the Mississauga tribe, has long had his residence on that Island with his family as the Committee has been credibly informed."⁶⁴ The Board responded to this news by pointing out to the Committee that they had in fact been misinformed. They claimed that there were two "Wapoos' Islands", and that Anderson was asking for the one on which the Chief did not actually reside⁶⁵. Once again, whether Wapoos and his family used this second island for hunting or farming was not recognized. Obviously unsure of what to do in this case, the Committee once again rejected the petition with the bald statement that they "cannot, under the existing arrangements, recommend the grant

⁶⁴ N.A., RG1, L4, vol.7, p.117.

⁶⁵ *Ibid.*, p.151.

of any Island."⁶⁶ Significantly, the Committee dropped their original objection that the island might be in use by someone deserving the Crown's respect, and cited the rather nebulous regulation reserving strategic locations for the use of the government. One can see here a shift in attitude towards the natives that was taking place at all levels of the administration below that of the Governor. Because they were the conduit through which settlement activities took place, the Land Board members played a significant role in defining what place, if any, the natives would have within the community. During the early 1790's, both Dorchester and Simcoe recognized the need to maintain the good graces of the natives by restricting settlement activities and doing what they could to support the native communities. Those settlers who were in close contact with the natives often saw things in a different light and were much less accommodating.

The situation, however, was not always one of conflict. In recognition of their services to the Crown during the late war and their obvious need, two reservations were granted to the displaced Mohawks who followed John Deseronto and Joseph Brant, one at the Bay of Quinte and another along the Grand River. The Bay of Quinte reserve, a tract twelve miles wide and of undetermined depth along the north shore of Lake Ontario and bordered by Thurlow and Richmond Townships, was

⁶⁶ *Ibid.*, p.183.

established in 1787, before the Land Boards were set up⁶⁷. Consequently, the Nassau Board, within whose jurisdiction the reserve lay, had little to do with its affairs. The boundaries for the Grand River reserve were not established until 1791. On 1 February 1791 the Nassau Board met with Brant and several of his fellow Chiefs to decide on the exact extent of the reserve in order that the Board could instruct their deputy surveyor on where to run his lines⁶⁸. The meeting seems to have gone very well and a number of technical difficulties, such as the location of base and centre lines, were resolved. In the Board minutes, and in their subsequent report to the Governor, no mention is made of any complications or disagreements⁶⁹. The only stated concern that the members had was that the process be expedited with dispatch in order that conflicts might be avoided.

Mainly because there was a significant resident native population, the situation that developed in the Hesse District most clearly reflects the attitudes of the Land Board members, and how these attitudes translated into actions and decisions that affected community development. The conflicts that emerged also illustrate the difference in attitudes between the local administrators and the Governor's office. In a

⁶⁷ Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.454.

⁶⁸ Ontario Archives, *Third Report*, "Minutes of the Nassau District Land Board", p.301.

⁶⁹ *Ibid.*, p.455.

purely practical sense the root of the conflict can be traced back to a mistake made by Governor Haldimand in 1784. The provisioning of the post at Detroit presented considerable difficulties during the war. In recognition of this, in a letter dated 14 August 1784, Haldimand authorized Captains Bird, McKee, Caldwell, and Elliot, then stationed at the post, to settle on and cultivate six acre lots opposite the island of Boisblanc, just east of the fort at Detroit⁷⁰. Two months previously these individuals had signed an agreement with the local native chiefs for the purchase of this land⁷¹. Seizing the opportunity for official sanction, because of course the purchase was illegal, and the confirmation offered by Major Mathews who ordered a survey be conducted, the Captains promptly occupied forty acre lots covering the entire area. Three years later, in a palatably regretful tone, the same Major Mathews explained what happened next,

Individuals procure immense tracts of land upon Indian Grants, sell it out in detail to poor wretches for £100 for three acres in front and 40 deep for which the Farm is at the same time mortgaged. The settler labours for a few years with only half his vigour, paying and starving all the time: and ultimately for debts on every hand is obliged to give his Land. In Trade, the lowest of the profession resort to these obscure places. They

⁷⁰ Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.3. This letter was examined by the Board on 14 August 1789.

⁷¹ *Ibid.*, p.3. The Board examined a deed to this effect, which was dated 7 June 1784.

are without education or sentiment and many of them without common honesty.⁷²

Haldimand, either through ignorance or disregard or simple expediency, had not secured title to the land from the natives prior to authorizing settlement. The first problem the Hesse Land Board faced therefore, involved sorting out what -- according to official policy -- were illegal claims made on territory not yet under the jurisdiction of the Crown⁷³.

Realizing that the situation called for high level intervention, the Board asked the Governor for instructions. Dorchester's solution was simple but not completely straightforward. To the Board he wrote,

You will be pleased to consider of the proper limits and extent of a tract of land beginning at the western boundary of the last purchase made by the Crown from the Indians west of Niagara and extending along the whole or such part of the borders of Lake Erie, and the streight of Detroit, up to such distance towards Lake Huron, and to such depths from the shore as you may see expedient, to be surveyed and parcelled out for the accommodation of emigrant loyalists and others desirous of forming settlements in those parts, as occasion may

⁷² Mathews to Haldimand, 3 August 1787. Quoted in Gates, *Land Policies*, p.43, and in John Clarke, "The Role of Political Position and Family and Economic Linkage in Land Speculation in the Western District of Upper Canada", *Canadian Geographer*, XIX, 1975, p.29.

⁷³ In one of their first letters to Dorchester, the Board reported "that none of the lands within the limits of the district have been purchased from the Indians for the Crown, altho' they have been parcelled out in large grants to individuals by the natives, so as to leave none unclaimed from Long Point on Lake Erie to Lake Huron." Board to Dorchester, 28 August 1789. Ontario Archives, *Third Report*, "Minutes of the Hesse District Land Board", p.28.

require. You will take care that all lands possessed or claimed by individuals under pretence of private purchases, or grants from Indians, on the side opposite to the port of Detroit, be comprehended within the limits of this general tract. But before any part thereof can be granted to individuals, the whole must be ceded to the Crown by the Indians. You will therefore call Mr. [Alexander] McKee, the Officer of the Indian Department, to your assistance in deliberating upon this subject, that you may have the advantage of His Knowledge of the temper and disposition of the Indians, in ascertaining what extent of country it may be proper to treat for with them, for the present, consistently with their comfort. As soon as you have determined upon this point Mr. McKee, who is to receive instructions for that purpose from the Superintendent General of Indian Affairs, will take the necessary steps to obtain from the Indians their claim and complete cession to the Crown.⁷⁴

The only problem with this plan of action concerned providing for the natives "consistently with their comfort". By 21 May 1790, Alexander McKee was able to report to the Board that he had negotiated cession of almost the entire district, "excepting the land between the Huron church and River au Jarvies, running in depth 120 arpents, which is reserved for the Hurons. And a tract beginning at the Indian officer's land running up the streight to the French Settlement, and 7 miles

⁷⁴ *Ibid.*, p.30. Dorchester to the Board, 2 September 1789.

in depth, which the Indians have also reserved."⁷⁵ The next day the Board sent a letter to the Governor claiming that they had no knowledge of why the reserves were created, and pointing out that it would be impossible to establish a county town on the desired site because of the reserves⁷⁶. At the same time they asked McKee for an explanation of why the reserves were excluded from the land transfer.

McKee promptly responded to the Board's request with the following comment, "I found it impracticable to obtain so extensive a Tract without paying some attention to the claims of the Indians, and in complying with the express orders of His Excellency the Governour 'That all possible Regard shall be had to their ease, and comfort', which would have been materially affected had not this reserve been made."⁷⁷ The Board, of course, had the same clause in their instructions, but in what can only be regarded as an intentional misconstruction, they reacted to McKee's explanation by stating that,

it becomes them to report to his Excellency my Lord Dorchester the course of the Transaction so as to shew to his Lordship that the contravention to his Excellency's Instructions proceeds not from the Board, to express their disapprobation of the reserves... and to state the opinion of the

⁷⁵ *Ibid.*, p.41.

⁷⁶ *Ibid.*, p.9.

⁷⁷ *Ibid.*, p.10.

Board...[that] such Reserves, take away the means of establishing a Town on the East side of the Streight without the Purchase of private Improvement.⁷⁸

In order to bolster their rather weak argument, the Board went on to elaborate their objections to the reserves. They claimed that the resident bands "neither hunt, plant or encamp on the Tract", that the communications of future settlers would be disrupted by "such a Tract of unimproved Country", and that they would be "annoyed by so troublesome neighbors as the Hurons". The Board further reasoned that "the situation is unfavourable to Savage life, being surrounded by white People, and would be the choice of no tribe who did not depend upon Support from foreign aid or the Arts of social life." They suggested that the Hurons be restricted to the immediate vicinity of their church, and that in order to repress the "Insolence of the Indians" the district should be settled "without discrimination". In other words, without the reserves⁷⁹.

The lack of clarity and differing emphasis in the instructions coming from Quebec caused a split among the Land Board members. Alexander Grant and the commander at Detroit, Major Patrick Murray, submitted to the Land Committee a dissenting opinion on the matter. Siding with Alexander McKee, they stated that the Board had no business interfering with

⁷⁸ *Ibid.*, p.11. Board minute of 28 May 1790.

⁷⁹ *Ibid.*, p.12.

the officers of the Indian Department and that the treaty had been "executed in the most advantageous manner for the Crown."⁸⁰ The dissenters accused the Board of conducting an "Inquisition" on the conduct of the officers, which they believed was not "a proper Subject for the employment of any of its members."

In an attempt to resolve what had become a three-cornered conflict between the Land Board, the Indian Department, and the natives, Dorchester ordered all interested parties to negotiate a settlement for the existing reserves or find some other suitable tract of land in the district that would satisfy the natives⁸¹. The Board stuck to its original position and stated to the Land Committee that "they see no good object or intended use in reserving a waste" anywhere in the area⁸². Adding fuel to their argument, the Board pointed out that the second reserve was "highly desirable... to the settlers on account of an extensive and deep stratum of lime Stone within it, being the only one known in the District besides that of Stoney Island in Possession of Mr. William Macomb." They suggested that the reserve at the Huron church be restricted to four acres surrounding the building, rather than encompassing a corridor stretching down to the river.

⁸⁰ *Ibid.*, p.12. This dissenting opinion was attached to the Board's report and sent to the Land Committee.

⁸¹ *Ibid.*, p.100.

⁸² *Ibid.*, p.124.

Concerning the matter of moving the reserves to another spot, the Board considered itself "incompetent to the task of such a Statement with sufficient Accuracy to guide the Judgement of others."⁸³ They left the matter for the Land Committee to decide.

Obviously the only persons concerned with the interests of the natives were the Governor and Alexander McKee. Interestingly these were the two individuals both furthest away and closest to the natives, Dorchester in Quebec and at the top of the administrative apparatus, McKee in direct contact with the natives, both physically and administratively. The military officers at Detroit sided with the Indian Department in defense of their jurisdictional powers, their place in the administrative hierarchy. The remaining Land Board members did their best to eliminate the natives from the area entirely. The Hesse Land Board considered the natives to be little more than hostile foreigners with practically no rights to any territory within their jurisdiction. They were only willing to concede a small plot to the Hurons because it was for the practice of the Christian religion. Dorchester's concerns about accommodating the displaced allies of the Crown made little impact on the Board members. Their focus remained fixed on promoting the settlement of their own community.

The land transfers negotiated by Alexander McKee in May

⁸³ *Ibid.*, p.125.

of 1790 remained in effect during the remaining years of the Board's operations. The plans to establish a town along the straight came to nought, but this was most likely from lack of interest on the part of the settlers rather than any impediment that the reserves posed. Any concerns that the Board had with technical legalities such as land title seem to have vanished along with the departure of William Dummer Powell. The subsequent Land Board records show that the members occupied their time sorting out conflicting claims and filling up the existing townships. Wider events, such as the establishment of the Grand River Reserve for the accommodation of the Six Nations and the defeat of the Western Confederacy at the battle of Fallen Timbers in 1794, helped to resolve the situation in the Board's favour by effectively removing any pressure that the natives themselves might have brought to bear. Nevertheless, the attitudes of the Board members, and the actions that resulted from these attitudes, set the stage for how the natives would be treated in the future. The eventual result was their almost complete exclusion from the developing communities in the western district.

The influx of post-Loyalist settlers, with their dubious political principles, which began in the early 1790's, has often been noted as having a profound effect on Upper Canadian development⁸⁴. The debate over whether these settlers helped

⁸⁴ Although this is no place to canvas the issue, this factor has long been seen as important in Upper Canadian development. See Fred Landon, *Western Ontario and the American Frontier*, published in 1941, and

to democratize the society, create disloyalty during the 1812-14 war, or prompt the 1837 rebellion is beyond the scope of this essay. The Land Board records and the duties that their members performed, however, suggest that some modification of the historiographical tradition is warranted.

Lieutenant Governor Simcoe has often been blamed for inviting the questionable settlers into the province. Lest he be judged too harshly, he is usually exonerated by the claim that he miscalculated the degree to which the settlers wishing to come up from the States were loyal to the Crown, and had too great a faith in the assimilative powers of the British system of government⁸⁵. His February 1792 proclamation has been regarded as an open invitation to the Americans and, by implication, the source of political dissension within the province. Much of this interpretation is based on evidence such as the letter that Richard Cartwright wrote to Lieutenant Governor Peter Hunter in August of 1799⁸⁶. Whether or not, as Cartwright believed, the non-Loyalist immigrants "came probably with no other interest than to better their

David Mills, *The Idea of Loyalty in Upper Canada*, published in 1988.

⁸⁵ Fred Landon, in *Western Ontario and the American Frontier*, p.16, Gerald Craig, in *Upper Canada, the Formative Years*, p.24, and David Mills, in *The Idea of Loyalty in Upper Canada*, p.21, all follow this line of argument.

⁸⁶ C.E. Cartwright, ed., *The Life and Letters of the Late Honourable Richard Cartwright*, p.96. Both Fred Landon and David Mills quote Cartwright in this context. Lillian Gates, in *Land Policies of Upper Canada*, p.29, goes so far as to suggest that "the reluctance of these boards to admit new settlers from the United States did not please Simcoe." The evidence for this statement, however, is drawn from comments made by Cartwright, not from Simcoe.

circumstances, by acquiring land upon easy terms", is only one aspect of the question. Who let them into the province in the first place is, at least for the topic of this discussion, of more import. Simcoe may have offered the invitation, but it was the direct and explicitly stated duty of the Land Boards to determine who was suitable as a settler. The Lieutenant Governor, both because of a lack of inclination and other occupations, exercised little control over this aspect of the Land Boards operations. If anyone is to blame for laxity in character examinations, it seems to me that the majority of it must be laid at the feet of the Land Boards⁸⁷.

Unfortunately, the Land Board records do not provide enough information for an accurate assessment of the influx of new settlers. The entries in the minutes for all the Land Boards, particularly in the early years of operations, are seldom complete enough to determine who was a new settler, as opposed to someone who had been around for a while. There is, however, some evidence to suggest that many Land Board members had no interest in probing the character of the settlers too deeply, or in hindering their immigration into the province.

As noted earlier in this chapter, the Lunenburg Board objected to the reserve policy because it would "damp the Spirit of Emigration from the States."⁸⁸ The Mecklenburg

⁸⁷ Any judgement here, of course, is purely subjective. Whether one sees the dissension caused by American settlers depends on ones own political views.

⁸⁸ N.A., RG1, L4, vol.14, p.31.

Board interpreted the Rules and Regulations to mean that it was "evidently the Intention of the Government to give Lands to all Persons of Good Character who are able and willing to cultivate them and have not before received any."⁸⁹ As noted at the end of Chapter Three, the evident laxity in character examination by the secondary Mecklenburg Board prompted Simcoe to order that they "make diligent Scruting into the Characters and Conduct of all unrecommended persons who shall apply for certificates".⁹⁰ Even those settlers who were recommended were not necessarily desirable. The Lunenburg Land Board records suggest that Major Edward Jessup was selling his good name to perspective settlers in order to secure part of their grant as payment. It was not until July of 1794 that the Board was, in the words of commissioner John Munro, "compelled to use disagreeable measures to rid themselves of his Importunities."⁹¹ Exactly how many settlers Jessup had vouched for is not recorded, but his activities were such that Munro branded him an "extensive Speculator and a land jobber."⁹² Jessup's expulsion from the Board's meetings may have had more to do with his bothersome petitioning than with

⁸⁹ N.A., RG1, L4, vol.7, p.98.

⁹⁰ N.A., RG1, L4, vol.5, p.149.

⁹¹ N.A., RG1, L4, vol.16, p.41.

⁹² *Ibid.*, p.41.

the fact that he had let undesirables into the province⁹³.

The performance records for the Mecklenburg Board, cited in Chapter Three, suggest that, while the influx of new settlers was not particularly great (131 out of 662 petitioners), it was on the increase throughout the life of the Boards. The most informative records in this regard come from the 'upper' Lunenburg Land Board⁹⁴. When they received their official authorization in November of 1792 they began to regularize the format of their minutes. The records differentiate clearly between 'old settlers' and immigrants coming from the States. As in the Mecklenburg district, there was a steady and increasing flow of newcomers. In twelve meetings from December 1792 until November 1794, a total of 145 petitions from would-be settlers were authorized⁹⁵. There is, unfortunately, no record of how many were rejected. The character of the entries in the minutes suggest that there was no great effort made in examining the petitioners. The details of disputed claims by old settlers are recorded at length, but the entries for the first-time petitioners are very short. Typically, a number of these petitions would be considered at

⁹³ Jessup had petitioned all the way to Evan Nepean, the Under Secretary of State, in his efforts to secure a grant of 110,000 acres to compensate for his war losses. Dorchester had written to the Lunenburg Board directly asking them that they be liberal in their considerations concerning Jessup. Ontario Archives, *Seventeenth Report*, "Land Books A and B", p.129. N.A., RG1, L4, vol.14, p.117.

⁹⁴ After November 1792 this Board was charged with the administration of Leeds and Grenville counties. It was run by Peter Drummond, Justus Sherwood, the Fraser brothers, and Ephraim Jones.

⁹⁵ N.A., RG1, L4, vol.14, pp.1-42.

each meeting. The first entry would be such,

Rec. a petition from John Vaughn late from the state of Vermont praying to become a settler in this province and receiving His Majesty's bounty of lands. The Board having examined into his Character and do grant the prayer of His petition. 200 Acres. The subsequent entries would be reduced to abbreviated form,

Re. a petition from Dudley Day late from the state of Vermont. Do---Do---. 200 Acres.⁹⁶

Throughout the entire 145 accepted petitions no record of any persons proffering recommendations is provided. It was often the case where a considerable number of petitions would be authorized in a single day. On 1 April 1794 alone, 29 separate grants of 200 acres were handed out. How careful could the examinations have been under these circumstances?

⁹⁶ N.A., RG1, L4, vol.14, p.26.

Conclusion

On 6 November 1794 Lieutenant Governor Simcoe issued an order in council which abolished the District Land Boards and turned their duties over to the local magistrates and the clerk of the Council⁹⁷. The Boards had, Simcoe believed, accomplished their primary purpose of distributing land to the Loyalists and disbanded soldiers who wished to settle in what was by this time the province of Upper Canada. Ten years had passed since the first influx of refugees from the revolted provinces. Considerable towns had sprung up, social and political structures had been established, and the community, or communities, were well on their way to developing their own unique characteristics.

Shortly before he left London for his new post in Upper Canada, Simcoe commented on what he thought to be the proper course of development for the province. In a letter to Henry Dundas he wrote,

It appears to me that the Colony of Upper Canada in its original form should contain within itself an Epitome of those Establishments, Civil and Military, which must be gradually but necessarily extended hereafter as it shall increase in numbers,

⁹⁷ Ontario Archives, *Third Report*, p.lxi.

in political and commercial consequence and become capable of supporting its own expenses or contributing to those of the Empire and that the utmost Attention should be paid that British Customs, Manners and Principles in the most trivial as well as serious matters should be promoted and inculcated to obtain their due Ascendency to assimilate the Colony with the parent state.⁹⁸

The emphasis on copying the British model was borne out in his changes to the administrative structures effected during his tenure in office. Despite this, the establishment of the county lieutenants and the reworking of the judicial system, the creation of the Queen's Rangers and the formation of what Professor Mealing has referred to as Simcoe's peninsular *coloniae*, amounted to little more than superficialities. The Lieutenant Governor's blind faith in the British system of government, in fact, may have been what led him to dissolve the Land Boards, for there was no such office in Britain.

That Simcoe failed in his attempts at social engineering is obvious⁹⁹. Why he failed is a much more complex question. Although he may have been in sympathy with the aspirations of many Upper Canadians, in the end he relied on ill-conceived and out of place ideas that were in essential conflict with

⁹⁸ Cruikshank, *Simcoe Papers*, vol.I, p.27. Simcoe to Dundas, 30 June 1791.

⁹⁹ D.C. Scott once wrote, "One by one his recommendations were disapproved of, gradually his troops were withdrawn, prop after prop vanished, until his schemes lay before him as confused and ineffectual as a flattened house of cards." From his *John Graves Simcoe*, quoted in Gates, *Land Policies*, p.37.

the commercial, geographic, and democratic forces gripping North America, and, for that matter, all of western society¹⁰⁰. By abolishing the Land Boards he disrupted the evolution of what were particularly appropriate local institutions of administration. The Rules and Regulations formulated by the Governor and the land granting department, despite their hierarchical and paternalistic emphasis, established administrative patterns that were moulded by those whose job it was to put them into effect. In the process they significantly influenced the character of their communities. It is no mere coincidence that three years later the Heir and Devisee Commissions took over where the Boards left off, most often with exactly the same commissioners.

That certain individuals used the administrative power offered by the Land Boards for personal gain seems obvious. That the Land Boards had to work around many difficulties, such as poor communication, poorly defined and shifting regulation, incompetent and recalcitrant surveyors and fellow members, greed, dishonesty, and general administrative confusion, is clearly and abundantly shown in their own records. At the same time, however, they achieved considerable success in furthering the business of settlement. After the Boards were dissolved the land granting system ground almost

¹⁰⁰ Professor Mealing once noted about Simcoe that, "The facts to which he was most blind were not those of North America", If this is so, those of his home land must have been truly obscure. S.R. Mealing, "The Enthusiasms of John Graves Simcoe", *Essays on Upper Canada*, p.306.

to a halt. Rather than follow the American system where district land offices issued patents for land, an administrative structure was introduced that became increasingly complex, involving ever more layers of officialdom¹⁰¹. This situation bred opportunities for corruption which were not always ignored¹⁰². More significantly, it perpetuated a system whereby administrative functions unnecessarily operated at levels of government and in geographic locations far removed from those that had to live with the bureaucracy. One wonders how many petitions joined the Marysburg survey plan at the bottom of the St. Lawrence.

The Rules and Regulations established between 1789 and 1792 created a framework for the administration, an arena in which the members of the land granting department could operate. Through them, the Imperial officials sought to create a society free from the perceived defects of the revolted colonies. Although conditions such as the character of the population, local geography, and emerging social values were much different in North America than they were in Britain, conditions that worked to undermine any close-knit

¹⁰¹ By 1798 a settler was required to obtain the authorization of six different officials, including the Lieutenant Governor. Gates, *Land Policies*, p.72.

¹⁰² Contained in the same order that abolished the Land Boards was an authorization of a schedule of fees to be paid to land granting officials. The Lieutenant Governor or administrator received 10s for each patent. Peter Hunter took advantage of the existing backlog to push through 7,800 petitions during his tenure in office. This netted him some £4,300 in fees. *Ibid.*, p.73.

hierarchical and paternalistic realities, the Imperial government modeled the administration of their new possession after an idealized version of the British counties. Simcoe reinforced this approach through his modifications, one of which was dissolving the Land Boards.

During their years of operation, however, the Land Board members often placed their own interpretation on the Rules and Regulations. In the process they used the opportunities offered by the land granting system, often in conjunction with their other civil and judicial offices, to promote both their own welfare and that of their local community. Problems related to poor communication, inconsistent record keeping, and incompetent administrators were not the central concerns of the formulators of policy. As the job qualifications noted in Chapter Two suggest, loyalty was. For the Land Boards, the problems arising from operational difficulties were a mixed blessing. It was often very difficult to secure decisions or clarifications from Quebec, but at the same time, these conditions provided a great deal of latitude in day to day operations.

Bruce Wilson has very aptly noted the cumulative effect of office holding in early Upper Canada¹⁰³. The original appointees were often selected for further appointments, or recommended those who were selected. Names such as Cartwright, Jones, Sherwood, and McDonell became almost permanent fixtures

¹⁰³ Wilson, *Enterprises of Robert Hamilton*, p.40.

in the administration of Upper Canada for generations. Through such offices as the Court of Common Pleas and the Land Boards, the emerging elite were able to secure information about, and exercise influence over, matters of wealth and status¹⁰⁴. Their influence, however, went beyond a purely selfish level. The Land Board members sought to promote community development by, on occasion, withholding additional land grants to those settlers who did not develop their original grants, and by welcoming new settlers into the districts. In perhaps a more reprehensible fashion, they also worked to exclude the native population from their jurisdictional areas, and thus stake out their own territory in the new colony of Upper Canada.

It has often been lamented by historians looking at the early years of Upper Canada that there are few records to work with, that the pioneers were too busy establishing themselves to write down their thoughts. The Land Board documents, however, go some way in filling this void. Although one would wish that they were more complete, they can provide a glimpse of the actions taken by the individuals who had the greatest direct influence in the formation of the new communities. While the documents lack the clear articulation necessary for precise interpretation, they do give us some idea of the character of Upper Canadian development. The value of this has too often been overlooked by those who concentrate on more traditional sources.

¹⁰⁴ *Ibid.*, p.53.

Appendix A

Rules and Regulations Governing the District Land Boards.

The first regulations concerning land disbursement are contained in the Additional Instructions given to Governor Fredrick Haldimand, 16 July 1783¹. After stating the intentions of the Crown to grant lands as a reward for loyalty and military service, Haldimand was directed to have "Seigneuries or Fiefs" surveyed and prepared for settlement. Each seigneurie was to contain "a Glebe to be reserved and laid out in the most convenient spot, to contain not less than 300 nor more than 500 acres", and the allotments of land were to be made in the following proportions;

"To every Master of a Family, One Hundred Acres, and Fifty Acres for each person, of which his family shall 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 Family Fifty Acres."

The instructions go on to stipulate that ownership would

¹ The full text of these Additional Instructions can be found in Shortt and Doughty, *Constitutional Documents*, vol.II, p.730.

be reserved to the Crown, and that "after the expiration of Ten years from the Admission of the respective Tenants, a Quit Rent of one half penny P Acre" would be due. They also direct the subscription of an oath of allegiance, and instruct the Receiver General to pay the cost of surveys.

The Instructions given to Governor Lord Dorchester², 23 August 1786, repeat the above conditions concerning allotments and tenure. Also, in accordance with a promise made to the Governors of New York and North Carolina on 3 April 1775, the men of the 84th Regiment of Foot were authorized to receive the following allotments;

"To Field Officers 5000 Acres

Captains 3000

Subalterns 2000

Non Commission Officers 200

Privates 50"

On 2 June 1787, Lord Dorchester ordered that an additional 200 acres be granted to the head of each family who had already improved their previous grant, and who was a "real Loyalist" of "peaceable decent deportment".³ This became known as "Dorchester's Bounty".

On 22 October 1788 the allotments authorized for the 84th Regiment were extended to all reduced officers and soldiers.

² For the full text see Shortt and Doughty, *Constitutional Documents*, vol.II, p.816.

³ See Gates, *Land Policies of Upper Canada*, p.17. Also see Ontario Archives, *Third Report*, 1905, p.lxix.

Following the proclamation of 24 July 1788⁴ creating the Districts, the Governor in Council established the following set of Rules and Regulations, 17 February 1789⁵:

I. Every Board appointed, or to be appointed by the Governor in any part of the Province, for the more easy accommodation of persons desirous of forming immediate settlements on the waste lands of the Crown, shall consist of not less than three members, and if composed of more, any three of them shall be a Quorum for the business entrusted to the whole Board.

II. Every such Board shall be empowered to receive applications for grants or parcels of the waste lands of the Crown, within the extent of their trust, until the first day of May in the year one thousand seven hundred and ninety-one, when their authority shall be determined, unless continued by a new appointment; every such application shall be a petition to the Governor -in-Council, stating the quantity, the situation of the land prayed for, and the merits and pretensions of the petitioners. And all his Majesty's good and faithful subjects and all others worthy of being admitted as such, shall be considered as proper objects for his bounty and grace, and within the sphere of this trust.

III. It shall be the duty of every such Board to hold stated

⁴ For the full text of this Patent see Shortt and Doughty, *Constitutional Documents*, vol.II, p.953.

⁵ Ontario Archives, *Third Report*, 1905, pp. lxxi-lxxiii.

and periodical meetings, made publicly known, to give free and easy access to petitioners, and to examine into their loyalty, character and pretensions, and upon these and all points requisite, to take sufficient and satisfactory proofs by affidavit, deposition or otherwise, and, to avoid discontents, all petitions and applications shall be taken in the order of their being preferred, where there is no special cause for a different course of proceeding.

IV. The safety and propriety of admitting the petitioner to become an inhabitant of this Province being well ascertained to the satisfaction of the Board, they shall administer to every such person the oaths of fidelity and allegiance directed by law. After which the Board shall give every such petitioner a certificate to the Surveyor-general, or any person authorized to act as an agent or Deputy Surveyor for the District within the trust of that Board, expressing the ground of the petitioner's admission. And such Agent or Deputy Surveyor shall within two days after the presentment of the certificate, assign the petitioner a single lot about two hundred acres, describing the same with due certainty and accuracy under his signature. But the said certificate shall nevertheless have no effect if the petitioner shall not enter upon the location and begin the improvement and cultivation thereof within one year from the date of such assignment, or if the petitioner shall have had lands assigned to him before that time in any other part of the province.

V. Every such Board shall at the end of every three months or as soon after as opportunity offers, transmit to the Office of the Governor's Secretary the petitions of that period, and a copy of the certificates given thereon; and when the petition contains a request for a greater quantity of land, than the Surveyor-general and his Agents or Deputy Surveyors are authorized by the fourth and seventh articles of these Regulations to assign, upon certificates given by the said Boards, they shall report the ground of such claim and pretensions, the consideration of which is reserved to the Governor and Council; the Board transmitting with the petitions of every period a list expressing the names of the petitioners and the dates of their certificates, and the quantum of the locations.

VI. The Boards shall from time to time forward like lists to each other every three months, or as soon after as opportunity offers.

VII. The respective Boards shall, on petitions from Loyalist already settled in the upper Districts for further allotments of land under the instructions to the Deputy Surveyor-general, of the 2nd of June, 1787⁶, or under prior or other orders for assigning portions to their families, examine into the grounds of such requests and claims, and being well satisfied of the

⁶ This is in reference to "Dorchester's Bounty", two hundred additional acres given to any Loyalist of "peaceable, decent deportment" who had begun to cultivate his grants. Ontario Archives *Third Report*, p.lxix.

justice thereof, they shall grant certificates for such further quantities of land, as the said instructions and orders may warrant, to the acting Surveyors of their districts respectively, to be by them made effectual in the manner before mentioned; but to be void nevertheless, if, prior to the passing the grant in form, it shall appear to the Government that such additional locations have been obtained by fraud. And that of these, the Boards transmit to the Office of the Governor's Secretary, and to each other, like reports and lists as hereinbefore, as to other locations, directed.

VIII. And to prevent individuals from monopolizing such spots as contain mines, minerals, fossils and conveniences for mills⁷ and other singular advantages of a common and public nature, to the prejudice of the general interest of the settlers, the Surveyor-general and his Agents or Deputy Surveyors in the different Districts, shall confine themselves in the locations to be made by them upon certificates of the respective Boards, to such lands only as are fit for the common purposes of husbandry, and they shall reserve all other spots aforementioned, together with all such as may be fit and useful for ports and harbours, or works of defense, or such as contain valuable timber for ship-building or other purposes,

⁷ This clause was recinded by Simcoe on 16 April 1792. The Executive Council passed a resolution declaring that "upon a due consideration of the increase of wealth and population within the province... all proprietors of land having thereon conveniences for mills are hereby authorized and permitted to make use of such advantages provided they do not thereby prejudice the navigation or obstruct the passage of fish where they usually resort." Cruikshank, ed., *Simcoe Correspondence*, vol. V, Supplementary, p. 176.

conveniently situated for water carriage, in the hands of the Crown.

And they shall without delay give full and particular information to the Governor or Commander in chief for the time being, of all such spots as are hereinbefore directed to be reserved to the Crown, that order may be taken respecting the same.

And to more effectually to prevent abuses, and to put individuals on their guard in this respect, any certificate of location given contrary to the true intent and meaning of this regulation is hereby declared to be null and void, and a special order of the Governor and Council made necessary to pledge the faith of Government for granting of any such spot as are directed to be referred.

IX. The Surveyor-general's Office for the purpose of combining the strength of the settlers and rendering them mutually assistant to each other, shall lay out the tracts or Townships to be granted as nearly contiguous to each other as the nature of the country will permit; exercising all due care to give them certainty in the description of their boundaries and locations, observing in each Township to lay out Town plots, Glebes and other spaces for public uses, and certain equal portions at the corners thereof, to remain unlocated by any certificates to be given to individuals, by the authority of either the Boards above mentioned, the grant of such portions of every Township so to remain to the Crown, being reserved to

the future consideration of the Governor in Council, or as his Majesty shall be pleased to command respecting the same.

X. The dimensions of every inland Township shall be ten miles square, and such as are situated upon a navigable river or water shall have a front of nine miles, and be twelve miles in depth, and they shall be laid out and subdivided respectively in the following manner, viz.

And the Surveyor-general's Office shall prepare accurate plans according to the above particulars, which shall be filed in the Council Office to be followed as a general model, subject to such deviations respecting the scite of the Town and directions of the roads, as local circumstances may render more eligible for the general convenience of the settlers. But in every such case it shall be the duty of the Surveyor-general and his agents or Deputy Surveyors to report the reasons for such deviation to the Governor or Commander in chief for the time being with all convenient speed.

XI. The Surveyor-general's Office shall prepare a plan of each district of the Province, exhibiting thereon every tract granted under certificate of location, And there shall be added to it from time to time all tracts thereafter to be pledged or promised or granted; and as often as petitions shall have the proper sanction for the patent therein prayed for the Surveyor-general shall without delay file in the Council Office his returns of survey with such clear descriptions of the tract as shall enable the Attorney-general

to prepare the draft of the patent intended to be engrossed for the Great Seal.

XII. The Clerk of the Council shall put the same returns of survey into the hands of the Attorney-general, to be there stayed, or thence issued, as the Governor may see cause to direct.

XIII. The Surveyor-general's Office shall consult the best means and give correspondent orders to its deputies for preventing unnessary expense in the surveys; the Crown's interest requiring that the patentee receive no more, nor any other tract, than it shall appear from the patent to be the intention of the Government to grant him, and the patentee having cause to be contented with the descriptive words in his grant shall enable him to locate and discover with due certainty what tract he is to take; and it being manifest that after such surveys as shall be requisite to ascertain any particular Township or tract, the description of another contiguous thereto or depending thereon, will not require any field work previous to the grant thereof; all subsequent grants in contiguity and succession properly described in the returns of the survey being connected with or dependent upon the accurate description and ascertainment of the first tract surveyed.

XIV. The Committee of the Council for reporting pon petitions for lands shall lay aside all such as contain no specific quantity or location of lands desired, and from time to time

cause a notification of such imperfect petitions to be published in the *Quebec Gazette*.

XV. The faith of Government being to be considered as pledge to all such as have acquired or shall in future acquire certificates of occupation in due course, the Surveyor-general's Office shall form a schedule of all lots under such certificates in any part of the Province, specifying the petitioner's names, the quantum of the locations, the place where, and the date, and a copy thereof shall be lodged in the Office of the Governor's Secretary, another in the Office of the Clerk of the Council, and a copy shall be sent to each of the Boards in the different parts of the Province, and a like practice shall be continued as to all subsequent certificates, at the end of every three months.

XVI. And to the intent there may be as little trouble and as much expedition as possible, with a saving of all unnecessary expense in obtaining grants and patents, and more especially to favor the Loyalists and other settlers remote from the capital of the province, the Secretary shall from time to time notify in the *Gazette*, all such applications for lands as are so far advanced as to be ready for the Great Seal.

Ordered that all the Boards and officers of the Land-granting Department govern themselves according to the foregoing Rules and Regulations; and that the Clerk of the Council cause the same to be printed, and transmit copies thereof to the different Boards, to be made public in their

respective Districts, and to the Officers concerned.

By His Excellency's Command,

J. Williams.

Additional Rules and Regulations Ordered by the Governor in council, 25 August 1789⁸.

I. Whereas there is reason to apprehend that delays and abuses have arisen in the Land-granting Department on account of the distance of the Surveyor-General's Office from his Agents or Deputy Surveyors, in various parts of the Province, and that some of the said Surveyors have, in divers instances, attempted to dispose of the waste lands of the Crown, without authority, under the pretext of executing the King's instructions to the Governor, relative to the allotments of land to be made to disbanded troops, and under other colours and pretences; It is therefore hereby ordered and directed, that all Surveyors employed by the Government, under instructions from the Surveyor-General's Office, for making surveys and allotments of the waste lands of the Crown, in any part of the Province, forthwith make reports to the Land Boards for the respective Districts, of all allotments made by them, specifying their authority, that individuals, conceiving

⁸ The full text of the version printed for circulation can be found in N.A., RG1, L3L, vol. 16, pp.6476-6477.

themselves secured in the possession of such unauthorized locations as are afore mentioned, may be apprized of the error. And the Boards are to keep a vigilant eye over all encroachments by individuals upon the waste lands of the Crown, under pretext of such unauthorized locations, or otherwise; communicating such full information as may be requisite, for discriminating the case of deceived and incautious settlers from other intruders, that those who may reasonably expect the favor of government, may receive such indulgences, as their case may be found to require.

II. No allotments whatever shall henceforth be made by any of the said Surveyors, except by the written authority, directions or certificate of the respective Boards. And as often as such certificate or authority of the Board, shall come to the hands of the Surveyor, to whom the same is directed, it shall be his duty to locate the tract therein mentioned, and give his certificate of location to the intended grantee, at the foot, or on the back of the authority of the Board accordingly.

And as often as an order of the Governor in Council issues for a grant of land to be made, the Clerk of the Council shall transmit a copy thereof to the Boards of the District in which the lands to be granted are situated, to enable the Board to give the authority before directed, for the tract being located by the Surveyor.

III. The Boards are to take care, that the orders contained in

the tenth article of the Rules and Regulations for the conduct of the Land Office Department, of the 17th of February last, relative to the dimensions and subdivisions of Townships, be duly executed by the different Surveyors; And for this purpose, the said orders are here inserted at length for the information and guidance of the Boards, viz.

The dimension of every inland Township shall be ten miles square, and such as are situated upon a navigable river or water, shall have a front of nine miles, and be twelve miles in depth.

The Town plot in every Township shall be one mile square. In a inland Township it shall be situated in the centre thereof; and in a Township upon a navigable river or water, it shall be in the centre of the front bordering upon the river or water.

Every Town-lot shall contain one acre more or less.

Every Town-park shall contain twenty acres, more or less.

Every Farm-lot shall contain two hundred acres, more or less.

There shall be a Public Square or parade, in the centre of Town, containing four acres more or less.

There shall be four more Public Squares or parades of the like extent at equal and convenient distances from the centre.

A Square of four acres more or less, shall be reserved on each side of the centre Square for places of Divine worship, one parsonage house, one School-house, a Court or Town-house,

a Prison, and a Poor or Work-house.

A Square of four acres more or less, shall be reserved at each of the four corners of the Town-plot, for a common Burying ground, Hospital, ect.

Four Squares of four acres each, more or less, shall be reserved for Market-places, at the four extremities of the Town, in a line with, and at equal distance from the four corners.

The eight principle streets leading from the centre square, shall be ninety-six feet wide. All other streets shall be sixty feet wide. All the squares shall be open at the angles or corners.

An area of half a mile, more or less, in depth, surrounding the Town, shall be reserved for works of defense if necessary, or such other disposition as shall be thought proper at a future period.

The Town-park shall be reserved for a minister, and one for a School-master situated behind the Town-parks, to be reserved for them respectively, and in that division of the Farm-lots which is nearest to the Town.

In each of the four corners of every Township, situated upon a navigable river or water, ten farm lots, adjoining each other, shall be reserved in the hands of the Crown.

The Roads in every Township shall be sixty feet wide.

And all streets and roads are to intersect each other at right angles, at the distances, and in the directions, laid

down in the approved plans, filed in the Council Office, according to the foregoing particulars, copies of which are to be transmitted to each of the Boards for their more ample information.

IV. And in as much as local circumstances may sometimes render a deviation from the foregoing orders, respecting the scite of the Town, and the direction of the Roads, more eligible for the general convenience of the settlers, the Boards are hereby authorized to direct such deviations therefrom, in the said particulars, as the circumstances may require; But the Surveyors shall, on no pretence whatever, make any deviation from the general orders, in these, or in any other respect, but by the written authority of the Boards.

And it shall be the duty of the Boards, in every such case, to report the reason for their Act, to the Governor or Commander in chief for the time being, with all convenient speed.

V. For the exercise of due caution in the ordering of any such deviation from the general models respecting the scites of Towns, and the directions of Roads, as may be authorized by the Boards, under the preceding article, it shall be the duty of the Boards, as often as one or more new Townships are to be laid out, to call in the Magistrates, the Officers of the Militia and other intelligent planters of the Vicinity thereof, or the District at large, as the importance of the case may require, to assist in their deliberations respecting

the aforesaid particulars; the majority of whom, and of the members of the Board present, shall determine the necessity of the deviation proposed, and the proper spot for the Town, and the proper direction of the Roads in every such Township, and the Board shall thereupon proceed to authorize and report the same, as directed in the preceding article.

VI. With respect to all Townships laid out prior, and not according to the foregoing regulations (many of which Townships are now considerably advanced in their settlements) the Boards are nevertheless to deliberate and fix upon the proper scite for Towns, Town-parks, glebes for a Minister and School-master, and the direction of the Roads in the manner directed in the preceding article. If the choice shall fall upon lands already located in due form, the consent of the Occupants or rightful claimants must first be obtained, by an agreement between them, and the Inhabitants of the Township in general; to facilitate which, the Boards are hereby authorized to give them, severally, certificates directed to one of the Acting Surveyors of their District, for as many acres of the vacant lands of the Crown, in that or any other Township, as they shall have relinquished their claim to, by the agreement so made.

VII. As often as the complete execution of the directions, contained in the third article of these Regulations, shall be prevented, by reason of the necessary space for that purpose being already under promise of Grants to individuals, who may

be unwilling to relinquish their claim to the same, the Boards are to observe the following order in providing spaces for the general convenience of the Township, viz.

1. One or more place or places for the public Worship of God.
2. A common burying ground.
3. One Parsonage house.
4. A common School house.
5. A Town Park for one Minister.
6. A Town Park for one Schoolmaster, common to the Town.
7. A Glebe for one Minister.
8. A Glebe for one Schoolmaster, common to the Town.
9. The Court or Town house.
10. The Prison.
11. The Poor or Work house.
12. A Market place.

proceeding therein, and in the other offsets pointed out in the third article of their Regulations, as far as circumstances may permit.

VIII. As often as the settlement of the Farm lots in a Township, are sufficiently advanced, in the opinion of the Boards, to render the distribution of the Town lots useful for the establishment of Mechanics, and the erection of a Church, Parsonage, and School house, ect, the Boards are to order the Surveyor to lay out the Town lots, and number the same; After which the Boards are to receive applications, and upon due examination of the Character and Pretensions of the

Petitioners, to issue to them Certificates, for such lots, in the useful manner.

IX. The Boards shall not issue any Certificate for more than one Town lot of one acre, or one Town lot and one Town park of twenty-four acres together, to the same person (being the head of a family) and this only upon condition of his building a Dwelling house on such Town lot. and occupying the same, within the space of one year from the date of the Certificate. And in cases of competition the Boards are to give the preference to such Applicants, for whose trade and occupations the respective lots, on account of their situation near the Water, or otherwise, may be best calculated; and to such sober and industrious Mechanics, whose trades are most necessary to the convenience of the Township in general. And the Boards are to be particularly careful to discountenance frivolous applications, and not to authorize any transfers of unimproved Town lots and Town parks, which only tend to create a mischievous Monopoly of the ground. Nor shall any Town park be granted separately from Town lots, the former being intended for the convenience of the settlers upon the latter; and a failure in the condition, upon which the Town lots are granted, shall operate the forfeiture of both.

X. Nothing contained in the foregoing Rules and Regulations, shall be construed to prevent the Surveyor General or Deputy Surveyor General, from the execution of their duty and instructions, in whatever part of the Province either of them

may be present; nor to extend to the abolition, relaxation, or restriction, of the accustomed chain of duty or Official intercourse, between the Surveyor General's Office and its Agents. or Deputy Surveyors respectively, in any part of the Province.

By Command of His Excellency the Governor.

Signed J. Williams.

Additional Rules and Regulations Ordered by the Governor in council, 20 January 1790⁹.

Whereas the establishment of a uniform, clear, and expeditious course of proceeding, in the Land-granting Department, the late measures for settling the Waste Lands of the Crown considered, is important to the interests of the Crown, as well as the subject, particularly as the means of preventing uneasiness that may arise on a question of so delicate a nature as the extent of the promised faith of the Government on the one hand, and the security of the settler, or occupant, claiming lands, on the other, It is therefore ordered,

I. That the several Boards, which are, or hereafter may be

⁹ Ontario Archives, *Third Report*, 1905, pp. lxxviii-lxxix.

constituted by the Governor, for the disposal of the Waste Lands of the Crown, in any part of the province, keep a regular Journal of their transactions, prefixing to every day's entries the date, and the names of the members present.

II. That the Minute, upon every Petition, express the name and prayer of the petitioner, and shew the nature of the proof exhibited in support of his pretensions, and the determination thereon.

III. That the orders or instructions, given to the Boards, be entered at large on their Minutes, for preserving a complete record, both of their authorities and proceedings.

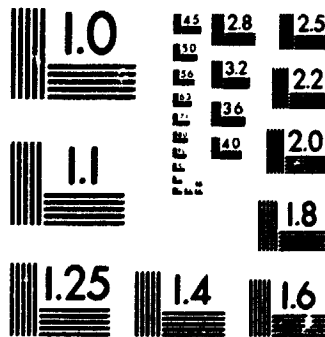
IV. That a full and fair copy of such Journals be transmitted every three months, or oftener, as the case may require, to the Office of the Governor's Secretary, under the signature of three or more members of the Board, together with all the petitions therein reported upon, whether granted, rejected, or recommended.

V. That the copies of the said Journal or Minutes be accompanied, or followed, by regular returns of the locations, made from time to time, by the Acting Surveyors of the respective districts, under the authority of the Boards, expressing the name of the grantee, the number of acres located, the number of lots, and the name of the Township, and the date of the certificate or authority of the Board, under which the location was made.

VI. That all reports, journals, writings, and papers, of any

3¹ of/de 3

PM-1 3½" x 4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT



PRECISIONSM RESOLUTION TARGETS

PIONEERS IN METHYLENE BLUE TESTING SINCE 1974



1800 COUNTY ROAD 8, BURNVILLE, MN 55307 USA
TEL: 612 488 7887 FAX: 612 488 7887 TLR: 318889888

kind whatever, touching the business of the Land Office Department, and coming to the Council office as the proper deposit, be kept by the Clerk of the Council, separate from all other books, writings and papers in his Office, and that they be so disposed of, as to make a resort to them at all times, as easy and as satisfactory as possible. And that whenever the mass of the Land Office papers shall be so greatly increased, as to embarrass the daily researches, they be put into boxes of convenient sizes, numbered, and that there be a book kept for an alphabetical index, shewing in the readiest manner, the contents of each box, and that every paper be marked with the number of the box, to the end that it may be restored to its proper place, and confusion be thereby avoided. And it is committed to the land Committee, for the time being, to superintend the execution of the latter part of this order, and to report what may be done thereon, for directing such further course as the case may require.

And it is also ordered, that the said book or index be always open to public access in the Council-Office, and a copy ready for the call of any committee of the Council, and especially of the Land Committee, together with such additions as may be thereunto made, by the increase of the number of boxes.

Also ordered on 20 January 1790 were the following regulations¹⁰:

I. That all proceedings by the Surveyor-general's Office for executing the aforementioned order of the Governor in Council of the 22nd. October 1788¹¹, be discontinued, that the period for admitting claims under that order be extended to the first day of May in the year one thousand seven hundred and ninety-two, and that all applications for Lands, in consequence thereof, be made to the respective Boards, which are, or hereafter may be, appointed by the Governor, in any part of the Province, in the usual form of Petitions to the Governor in Council.

II. That upon the receipt of all such applications the Boards investigate the grounds of the pretensions of the Petitioners, requiring for that purpose, satisfactory proof, by documents, affidavits, or otherwise, carried as high as the nature of the case may admit, to the following points, viz.

a)-- Whether the Petitioner, as a reduced Officer, was entitled to, and has received any lands, under the King's instructions of 1783.¹²

¹⁰ Ontario Archives, *Third Report*, 1905. pp. lxxx-lxxxi.

¹¹ This is in reference to the Order in Council of 22 October 1788 "for putting certain Officers upon an equal footing with those of the late 84th Regiment."

¹² This is in reference to the additional instructions given to Haldimand, 16 July 1783, which detail the grants to be given to "our said Loyal Subjects Non-Commissioned Officers and Private Men of our Forces reduced..." For the full text see, Shortt and Doughty, *Constitutional Documents*, vol.II, p.730.

b)-- Whether, and how far, he has improved the same, so as to render him a proper object of the order,

c)-- What quantity of lands he has already received, whether on account of his rank or his family or by the additional bounty of 1787, or in any other way whatever, and what further quantity he is entitled to, after deducting the tracts already granted to him, under all or any of the foregoing descriptions, in order to receive, upon the whole, an equal number of acres, with Officers of the same rank of the late 84th Regiment.

III. These, and all other points requisite, being ascertained, the Boards are to locate the number of acres, to which they shall think the Petitioner entitled, as nearly as may be, according to the prayer of his Petition. Conforming themselves nevertheless to the directions contained in the 8th, 9th, 10th, 11th, and 13th articles of the Rules and Regulations of the 17th of February, and the 2nd and 3rd and all the following articles of the additional Rules and Regulations of the 25th of August last, all which, as far as they regard the Surveyor General's Office, shall be executed by the acting Surveyors of the respective Districts under the superintendence, and orders of the Boards.

IV. That, as often as any competitions arise, by a diversity of applications, or otherwise, for one and the same tract, the Boards shall endeavour amicably to adjust the same, among the parties interested, and, on failure thereof, they shall hear

the different competitors, in support of their claims, and decide between them, with due impartiality, according to the merits of the case, and where there is no equitable ground of preference to either, the issue shall be determined by lot.

V. That the Boards make full and distinct Reports upon all the foregoing particulars, annexing copies of the proofs exhibited to them, as often as their nature may permit, declaring themselves satisfied therewith, and concluding with a recommendation of the petitioner for a grant of the specific number of acres located by them, to which, under all or any of the considerations aforementioned, and which of them in particular, they shall think him justly entitled.

VI. That all such Reports be made by the respective Boards, at the end of every three months, or oftener, to the Office of the Governor's Secretary, by the transmission of a fair copy of the minutes of their proceedings, during that period, under the signature of three or more members of that Board, together with the petitions reported upon, whether rejected, or recommended, subject to the final approbation, disallowance, or other of the Governor in Council upon every such case, after the receipt of which approbation, or order, the Boards are hereby authorized to pledge the faith of Government to the respective Petitioners, for the grants of tracts therein to be specified, by issuing Certificates of Occupation to them under their signature, agreeable to such form as the Governor shall pleased to direct.

VII. The Boards are to take due care that a sufficient space of Country be always previously laid out, for comprehending all locations, which in their judgement, may probably be ordered, from time to time, under these, or any other orders or instructions, in Townships contiguous to each other, and according to the general rules and regulations, in such parts of their respective districts, as contain vacant lands of the Crown, the settlement of which shall have been approved of, upon their timely representations to the Governor, to whom they are likewise to state all doubts, and difficulties, which may occur, with their opinion of the proper course for removing them, that there may be no obstruction to the industry, ease, and comfort, of the Loyalists.

With the passage of the 'Constitutional Act' of 1791 the terms of tenure were changed to free and common soccage.

On 7 February, 1792, the newly-appointed Lieutenant Governor, John Graves Simcoe issued the following Proclamation¹³:

Be it known to all concerned, that His Majesty hath by His Royal Commission and Instructions to the Governor, and in

¹³ Ontario Archives, *Fourth Report*, 1906, pp. 161-2. As he had yet to swear his oaths of office, Simcoe doubted the legality of issuing this proclamation. He did so at the behest of Lieut. Governor Alured Clarke and the Executive Council of Lower Canada who advocated that the terms be "made immediately and generally known." Cruikshank, ed., *Simcoe Papers*, vol. V, Supplementary, p. 169.

his absence to the Lieutenant Governor or Person administering the Government for the time being of the said Province of Upper Canada, given Authority and Command to grant the Lands of the Crown in the same by Patent under the Great Seal thereof; and it being expedient to publish and declare the Royal Intention respecting such Grants and Patents, I do accordingly hereby make known the Terms of Grant and Settlement to be:

FIRST. That the Crown Lands to be granted be parcel of a Township: If an Inland Township, of Ten Miles square, and if a Township on navigable Waters, of Nine Miles in front and Twelve Miles in depth, to be run out and marked by His Majesty's Surveyor or Deputy Surveyor General, or under his sanction and authority.

SECOND. That only such Part of the Township be granted as shall remain, after a Reservation of one seventh Part thereof, for the Support of a Protestant Clergy, and one other seventh Part thereof, for the future disposition of the Crown.

THIRD. That no Farm Lot shall be granted to any one Person which shall contain more than Two Hundred Acres; yet the Governor, Lieutenant Governor or Person administering the Government, is allowed and permitted to grant to any Person or Persons such further Quantity of Land as they may desire, not exceeding One Thousand Acres over and above what may have been before granted to them.

FOURTH. That every Petitioner for Lands make it appear, that

he or she is in a Condition to cultivate and improve the same, and shall besides taking the usual Oaths, subscribed a Declaration (before proper Persons to be for that purpose appointed) of the Tenor of the Words following, 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 the Province."

FIFTH. That Applications for Grants be made by Petition to the Governor, Lieutenant Governor, or Person administering the Government for the time being, and where it is advisable to grant the Prayer thereof a Warrant shall issue to the proper Officer for a survey thereof, returnable within Six Months with a Plot annexed, and be followed with a Patent granting the same, if desired, in Free and Common Soccage, upon the Terms and Conditions in the Royal Instructions expressed, and herein after suggested.¹⁴

SIXTH. That all grants reserve to the Crown all Coals, commonly called Sea Coals, and Mines of Gold, Silver, Copper, Tin, Iron, and Lead; and each Patent contain a clause for the Reservation of Timber for the Royal Navy of the Tenor following:

"And provided also, that no Part of the Tract or Parcel of Land hereby granted to the said and his Heirs, be within any Reservation heretofore made and marked for Us, Our

¹⁴ See the Constitution Act of 1791, clause 43, ordering what is called forth here. A. Shortt and A. Doughty, eds. *Constitutional Documents*, vol. II, p.1031.

Heirs and Successors by Our Surveyor General of the 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, any thing herein contained, to the contrary notwithstanding."

SEVENTH. That the Two Sevenths reserved for the Crown's future Disposition, and the Support of the Protestant Clergy, be not severed Tracts each of One Seventh Part of the Township, but such Lots or Farms therein, as in the Surveyor General's Return of the Survey of the Township, shall be described as set apart for these Purposes, between the other Farms of which the said Township shall consist, to the Intent that the Lands so to be reserved, may be nearly of the like Value with an equal Quantity of the other Parts to be granted out as aforementioned.

EIGHTH. That the respective Patentees are to take the Estates granted to them severally free of Quit Rent and of any other Expenses, than such fees as are or may be allowed to be demanded and received by the different Officers concerned in passing the Patent and recording the same, to be stated in a Table authorized and established by the Government and publicly fixed up in the several Offices of the Clerk of the Council, of the Surveyor General, and of the Secretary of the Province.

NINTH. That every Patent be entered upon Record within Six Months from the Date thereof, in the Secretary's or Register's Offices, and a Docket thereof in the Auditor's Office.

TENTH. Whenever it shall be thought advisable to grant any given Quantity to one Person of One Thousand Acres or under, and the same cannot be found by Reason of the said Reservations and prior Grants within the Township in the Petition expressed, the same, or what shall be requisite to make up to such Person the Quantity advised, shall be located to him, in some other Township upon a new Petition for that Purpose to be preferred.

And of the said several Regulations, all Persons concerned are to take Notice, and govern themselves accordingly.

On 16 July 1792 Lieut-Governor Simcoe issued a proclamation dividing the province into counties, and reorganizing the Land Boards. On 6 November 1794 Lieut-Governor Simcoe abolished the Land Boards and their duties were turned over to the local magistrates and the Clerk of the Legislative Council.¹⁵

¹⁵ Ontario Archives, *Third Report*, 1905, p.lxxi.

Appendix B

Land Board Attendance.

Land Board appointments were issued by the Governor in Council until the spring of 1792, and by the Lieutenant-Governor in Council after that date. Certain members in each District Board attended assiduously, others showed up on occasion, and still others almost never. Assuming attendance has some correlation to influence, the tallies are provided beside each name. Since not all members were eligible to attend every meeting, the first number refers to the total of meetings attended, the second refers to the number of meetings held during the tenure of each member's appointment.

District of Lunenburg

Original Appointments for the entire District, 1789.

John Munro (63/82)

Richard Duncan (48/82)

Malcolm McMartin (47/82)

Justus Sherwood (34/82)

James Gray (17/82)

John McDonell (16/82)

Jeremiah French (14/82)

Subsequent Appointments.

From January 1790 on, the remaining members appointed to the Board were active in deliberations. Unlike in the other, less established Districts, the Lunenburg Board reorganized itself, on its own initiative, at an early date. By a resolution of the Board, dated 9 June 1790, operations were regionalized according to townships, with Gray, French, and John McDonell in charge of Lancaster, Charlottenburg, and Cornwall; Duncan in charge of Osnaburg, and Williamsburg; and John Munro and Sherwood in charge of Matilda and Edwardsburg. Several members, Duncan, Munro and Drummond in particular, attended meetings in all the different regions. Due to this confusion, the numbers provided are for the total number of meetings held throughout the District.

Generally speaking, an 'upper' and a 'lower' Board were established along geographical lines by the members. These are the terms used by the members themselves to distinguish between the two. The upper Board was restricted to Leeds and Grenville counties, the lower to Stormont, Glengarry and Dundas counties.

Upper Board

Peter Drummond (28/76)

Thomas Fraser (12/76)

William Fraser (11/76)

Ephraim Jones (8/76)

Justus Sherwood

Lower Board

Archibald McDonell (8/76)

Hugh Munro (0/76)

Thomas Smith (0/76)

Richard Wilkinson (0/76)

Malcolm McMartin

Richard Duncan

James Gray

Jeremiah French

John McDonell

District of Mecklenburg

Original appointments for the entire District, 1789.

Richard Cartwright, Jr. (92/100)

Reverend John Stuart (74/100)

Neil McLean (73/100)

James Clark (resigned May 1791) (0/100)

The Officer Commanding at Kingston, Captain Joseph Bunbury (17/27) until September 1790, Captain Richard Porter (34/54) until May 1792, Captain Lethbridge (12/19) from May 1792 until

June of 1793, and Captain Richard Porter again until November 1794.

Subsequent appointments, 1791.

With the July 1792 order the original Board was restricted to Frontenac County.

Richard Cartwrigl , Sr. (34/64)

William Atkinson (23/64)

Hector McLean (9/64)

James McDowell (2/64)

During the latter half of 1792 a second Land Board was established to deal with Lennox, Addington, Hastings, and Prince Edward counties.

Hazleton Spencer (22/23)

Peter Van Alstine (19/23)

Alexander Fisher (18/23)

Archibald McDonell (10/23)

Joshua Booth (7/23)

District of Nassau

Original appointments for the entire District, 1789.

Robert Hamilton (60/66)

John Butler (49/66)

Peter Tenbroeck (20/66)

Nathaniel Pettit (13/66)

Benjamin Pawling (3/66)

The Officer commanding at Niagara, Lt.-Col. Peter Hunter (0/36) received the original appointment but Lt.-Col. Harris (6/18) was commanding at the time of the first meeting until February 1791, Lt.-Col. Gordon (7/17) until November 1792.

Subsequent appointments, 1791.

With the July 1792 order the Board was restricted to Lincoln County.

Robert Kerr (35/44)

John Burch (25/44)

John McNabb (24/44)

John Warren (7/44)

Gilbert Tice (0/44)

The Officer of the Royal Engineers at Niagara, Lieut. Bruyers (4/6) from June 1791 until November 1791, Lieut. Pilkington (9/38) until October 1794.

District of Hesse

Original appointments for the entire District, 1789.

William Dummer Powell (52/138) present at Detroit for (52/58)

Alexander Grant (51/138)

William Robertson (29/138)

Alexander McKee (9/138)

Adhemar St. Martin (2/138)

Jacque Duperon Baby (resigned May, 1791) (0/46)

The Officer commanding at Detroit, Major Farnham Close (0/1) until August 1789, Major Patrick Murray (13/21) until July 1790, Major John Smith (44/50) until June 1792, Lt.-Col. Robert England (62/67) until November 1794.

Subsequent appointments, 1791.

With the July 1792 order the Board was restricted to the Counties of Essex and Kent.

John Askin (88/92)

Montigny de Louvigny (86/92)

George Leith (37/92)

On 17 June 1790, Sir John Johnson was authorized, as a Land Committee member, to act as President of which ever Land Board meeting he attended while on tour of the Western Districts, by order of Governor Lord Dorchester.

On 27 October 1792, David William Smith, the newly appointed Acting Deputy Surveyor General, was given a seat on all the District Land Boards, by order of Lieutenant Governor Simcoe. He seems to have attended only at the Nassau District Board, held at Niagara, and then only five times between November 1792 and March 1794.

Certificate to be Given to a Settler
By the Acting Surveyor for the District.²

No.

I assign to the Bearer the Lot No. in the
Township of in the District of containing
 Acres Chains which Lot he is hereby authorized
to occupy and improve. And having improved the same, he shall
receive a grant thereof to him, and his heirs, or devisees, 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 otherwise, on any
pretence whatever, except by an act under the signature, of
the Board of the District in which the lands are situated,
which is to be endorsed upon this certificate.

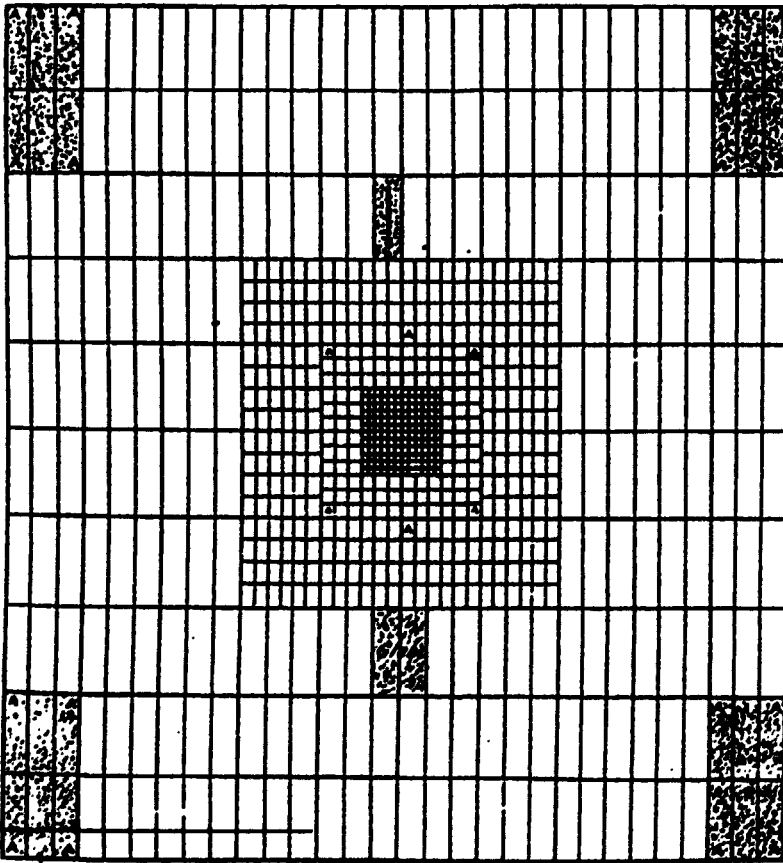
Given at this day of one thousand seven
hundred and .

² On the back of this Certificate were printed the IV, VII and VIII clauses of the Rules and Regulations of the 17 February 1789. These clauses remind the settler that he must improve his land within one year; that he is entitled to additional portions as long as he refrains from speculation; and instructs the Surveyor General and his Agents that they are to only disburse lands "as are fit for the common purposes of husbandry," and to reserve all such spots as might be useful to the Crown. Ontario Archives, *Third Report*, pp. lxx-lxxi.

Appendix D
Township Survey Plans

Plan of a Town and Township for an inland situation, according to the 1789 Rules and Regulation for the conduct of the Land Granting Department. Dimensions are ten miles square.¹

PLAN of a TOWN & TOWNSHIP
of Ten Miles Square proposed for an Inland Situation
Agreeable to the Tenth Article of the Relevant Regulation
for the Conduct of the Land Department of the 17th of Feb^r 1789
By Order of His Excellency Lord Dorchester

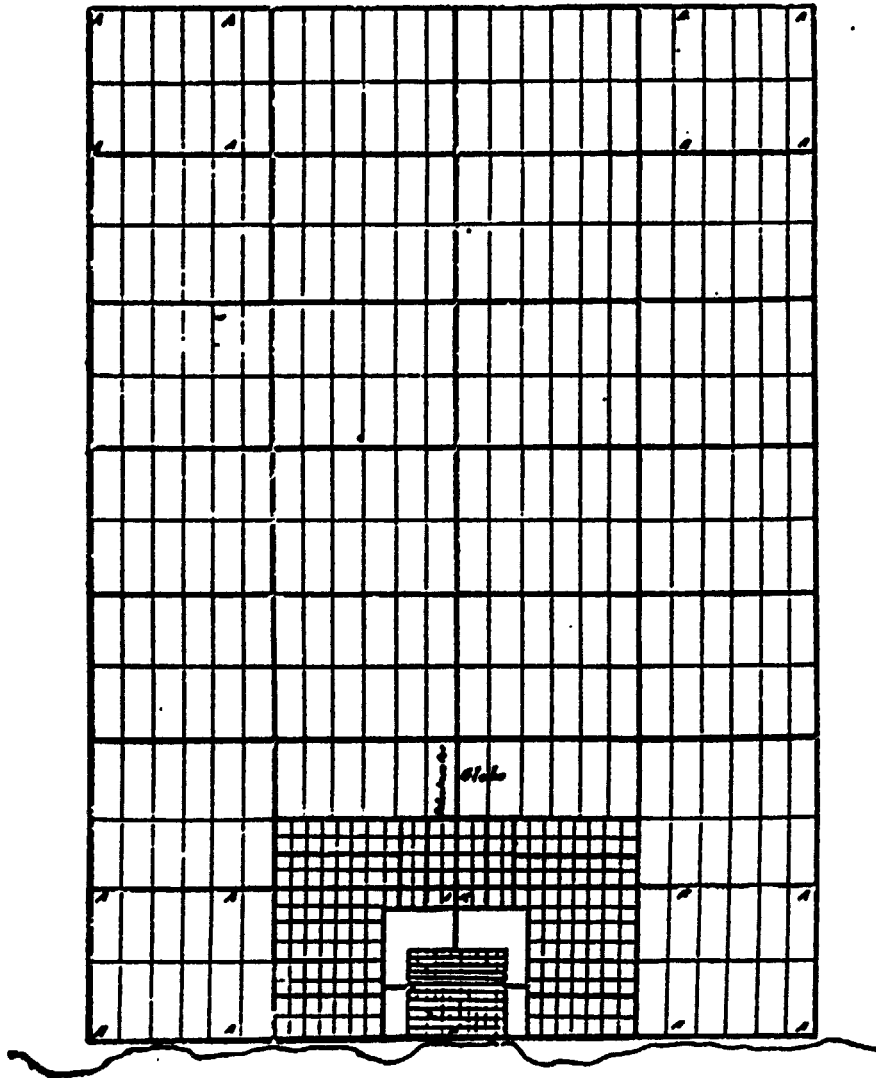


¹ From George Patterson, "Land Settlement in Upper Canada, 1783-1840." in *Sixteenth Report, Ontario Archives*, 1921. p.31.

Plan of a Town and Township to be situated on a navigable river or waterway, according to the 1789 Rules and Regulations for the conduct of the Land Granting Department.²

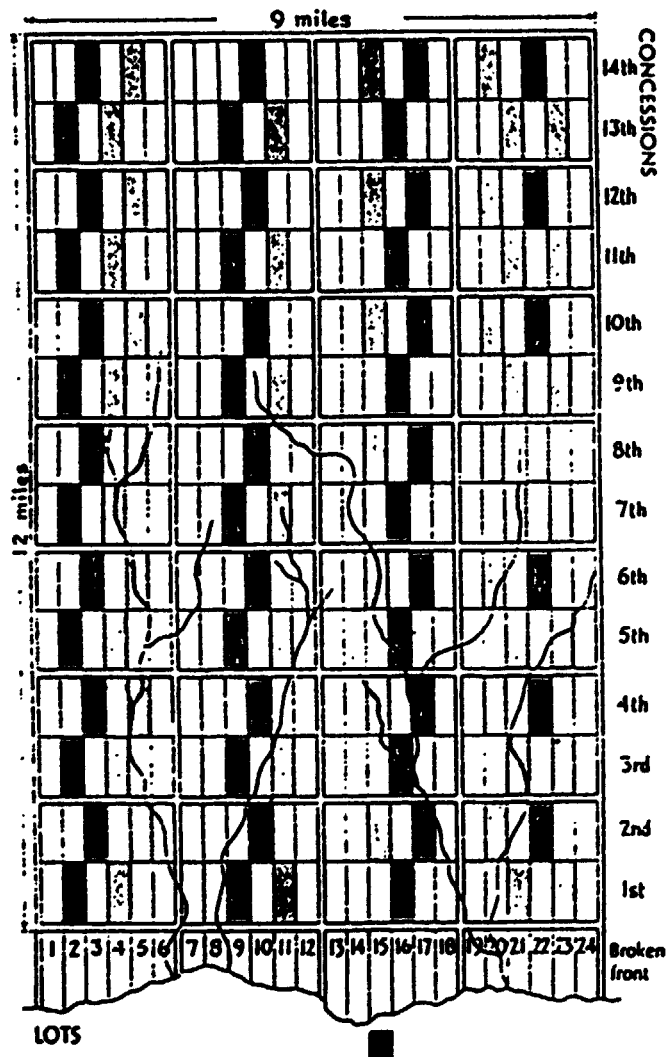
PLAN of a TOWN and TOWNSHIP
of Nine Miles front by Twelve Miles or Eighty four rods to be situated on a
RIVER or LAKE

*according to the Rules and Regulations, or the Ordinance of the Land Office Department
 by Order of His Excellency the Right Honourable Lord Lovelace*



² *ibid.*, p.27.

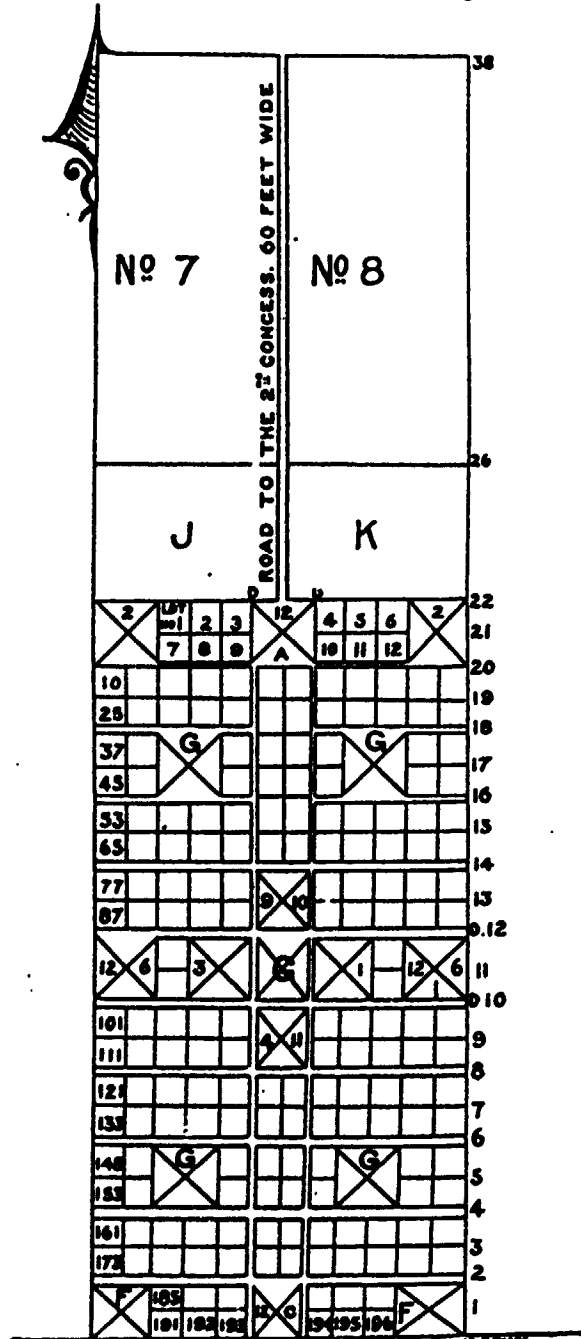
The 'Chequered Plan' of Crown and Clergy Reserves implemented by Lieut-Governor Simcoe.³



Crown lots.....
 Clergy lots.....
 1: The Crown and Clergy Reserves
 Diagram showing the Chequered Plan in a typical township

³ From Gerald Craig, *Upper Canada: The Formative Years*, p.27.

This diagram was submitted to the Land Board of the District of Hesse and forwarded to the Land granting Committee⁴. The references to the diagram are provided on the next page.



⁴ Ontario Archives, *Third Report*, 1905, p.74. Register number 1, Appendix A.

This is quoted verbatim from the Ontario Archives Report and does not correlated completely with the drawing (such as two 8.s). Whose errors these are I am not sure.

1. A place for the public worship of God, being a square containing about 4 acres.
2. Common burying grounds about 4 acres each.
3. Parsonage house, ect., 4 acres.
4. Common Schoolhouse, 4 acres.
11. Poor or work house, 4 acres.
- J. Townpark for a minister, 24 acres.
- H. Townpark for a Schoolmaster, 24 acres.
7. Glebe for a Minister, 72 acres.
8. Glebe for a Schoolmaster, 72 acres. Common to the town.
9. Court or town house, 4 acres.
10. Prison, 4 acres.
- 12b. 2 meat Market places, 4 acres.
- 12c. Fish Market place, 4 acres.
- 12a. Green Market place, 4 acres.
- G. Public square or parade, 4 acres in the centre of town.
8. Four more public Squares or parades, 4 acres each.
- F. Two squares for Hospitals, 4 acres each.
- 196 Town lots about one acre each.

Bibliography.

Primary Material, archival:

The most important archival material consulted for the purpose of writing this thesis was RG 1, L3, RG 1, L3L, and RG 1, L4, volumes 1 through 16, in the National Archives of Canada. These record group sections contain a wide variety of records and correspondence related to land settlement and the operations of the Land Granting Department, including the rules and regulations, Land Board minutes, quarterly reports, Land Granting Committee correspondence and reports to the Governor, and the petitions of settlers. Commissions of Office and Appointment are contained in National Archives, RG68, "General Index to Commissions, Registrar General", parts 1 and 2, vols. A and B.

Primary Material, published:

The Ontario Archives has published an extensive amount of its archival material related to settlement administration in a number of their annual Reports. For the purpose of this thesis, portions of the following were consulted;

-- *Second Report*, 1904. Reports of the Commissioners investigating Loyalist losses.

- *Third Report*, 1905. Minutes of the Land Board meetings for the Districts of Hesse and Nassau, and material related to the operations of the administration of the Land Granting system.
- *Fourth Report*, 1906. Proclamations related to various aspects of the government's constitution and operations.
- *Seventh Report*, 1910. Material related to the granting of Crown lands, some of it prior to the creation of Upper Canada.
- *Fourteenth Report*, 1917. Records of the Courts of Common Pleas.
- *Sixteenth Report*, 1920. G.C. Patterson's essay "Land Settlement in Upper Canada, 1783-1840."
- *Seventeenth Report*, 1928. Excerpts from the Upper Canada Land Books A and B.

Contemporaneous material and document collections include the following;

- Boulton, D'Arcy. *Sketch of His Majesty's Province of Upper Canada*. originally published in London, 1805. Canadian Heritage Series, Baxter Publishing, Toronto, 1961.
- Cruikshank, E.A., ed.. *The Correspondence of Lieutenant Governor John Graves Simcoe, with allied documents relating to his administration of the government of Upper Canada*. Volumes One to Five, Ontario Historical Society, Toronto. 1923-31.
- ----- . *The Settlement of the United Empire Loyalists on the Upper St. Lawrence and the Bay of Quinte in 1784*. Ontario Historical Society, Toronto, 1934.

- ----- . *Records of Niagara, A Collection of Contemporary Letters and Documents, 1790-92.* Niagara Historical Society, no.41, 1930.
- *Journal of the Deputy Surveyor, Theodore de Pincier, 1791.* Unpublished manuscript, held by Prof. Carman Bickerton, Carleton University.
- Innis, H.A. and Lower, A.R.M., eds.. *Select Documents in Canadian Economic History.* University of Toronto Press, Toronto, 1933.
- Shortt, Adam and Doughty, Arthur G., eds.. *Documents Relating to the Constitutional History of Canada, 1759-1791.* The Historical Documents Publication Board, Ottawa. 1918.
- Weston, R.A.. *Kingston Before the War of 1812: A Collection of Documents.* The Champlain Society, Ontario Series, III, Toronto. 1959.
- Quaipe, M.M., ed.. *The John Askin papers.* 2 vols., Detroit Library Commission, Detroit, 1928-31.

Secondary Material, monographs and reference works:

- *Dictionary of Canadian Biography, Vols. IV and V.* University of Toronto Press, Toronto. 1979.
- Allen, Robert S.. *Loyalist Literature: An Annotated Bibliographic Guide to the Writings on the Loyalists of the American Revolution.* University of Toronto Press, Toronto, 1982.

- Armstrong, F.H.. *Handbook of Upper Canadian Chronology and Territorial Legislation*. University of Western Ontario, London, 1967.
- Burt, A.L.. *The Old Province of Quebec*, McClelland and Stewart, Toronto, 1968.
- Brown, Wallace and Senior, Hereward. *Victorious in Defeat: The Loyalists in Canada*. Methuen, Toronto, 1984.
- Canniff, William. *The Settlement of Upper Canada*. Originally published by Dudley and Burns, 1869, facsimile edition, Mika Publishing, Belleville, 1971.
- Cartwright, C.E., ed.. *Life and Letters of the Late Hon. Richard Cartwright*. Belford Brothers, Toronto, 1876.
- Chadwick, E.M.. *Ontarian Families*. 2 vol., Mika Silk Screening Ltd., New Jersey, 1970.
- Cowan, Helen I.. *British Emigration to British North America: The First Hundred Years*. Second edition, University of Toronto Press, Toronto, 1961. First published, 1928.
- Craig, Gerald M.. *Upper Canada: The Formative Years*. Canadian Centenary Series, McClelland and Stewart Ltd. Toronto, 1963.
- Crary, Catherine S.. *The Price of Loyalty: Tory Writings From the Revolutionary Era*. McGraw-Hill Book Company, New York, 1973.
- Creighton, D.G.. *The Commercial Empire of the St. Lawrence*. Ryerson Press, Toronto, 1937.
- Cruickshank, E.A.. *The Settlement of the United Empire*

Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784.

Ontario Historical Society, Toronto, 1934.

-- Earl, D.W.L.. *The Family Compact: Aristocracy or Oligarchy?*
Copp-Clark, Toronto, 1967.

-- Gates, Lillian. *Land Policies of Upper Canada.* University
of Toronto Press, Toronto, 1968.

-- Lawson, Philip. *The Imperial Challenge: Quebec and Britain
in the Age of the American Revolution.* McGill-Queen's
University Press, Toronto and Montreal, 1989.

-- Macdonald, Norman. *1763-1841: Immigration and Settlement.
The Administration of Imperial Land Regulations.* Longmans,
Green and Co., London. 1939.

-- Mills, David. *The Idea of Loyalty in Upper Canada, 1784-
1850.* McGill-Queen's University Press, Montreal and Kingston,
1988.

-- Pringle, J.F.. *Lunenburg, Or the Old Eastern District.*
Standard Printing, Cornwall, 1890.

-- Rea, J.E.. *Bishop Alexander Macdonnell and the Politics of
Upper Canada.* Ontario Historical Society, Research Publication
No.4, Toronto, 1974.

-- Read, D.B.. *The Life and Times of General John Graves
Simcoe,* George Virture Publisher, Toronto, 1890.

-- Riddell, William R.. *The Life of John Graves Simcoe,*
McClelland and Stewart, Toronto, 1926.

-- ----- . *The Life of William Dummer Powell,* Michigan
Historical Society, Lansing, 1924.

-- Tulchinsky, Gerald, ed.. *To Preserve and Defend: Essays on Kingston in the Nineteenth Century*, McGill-Queen's University Press, Montreal, 1976.

-- Wilson, Alan. *The Clergy Reserves of Upper Canada: A Canadian Mortmain*. University of Toronto Press, Toronto, 1968.

-- Wilson, Bruce G.. *The Enterprises of Robert Hamilton: A Study of Wealth and Influence in Early Upper Canada, 1776-1812*. Carleton University Press, Ottawa, 1983.

Theses:

-- Aitchison, J.H.. "The Development of Local Government in Upper Canada, 1783-1850." Ph.D. thesis, University of Toronto, 1953.

-- Clarke, John. "A Geographical Analysis of Colonial Settlement in the Western District of Upper Canada, 1788-1850." Ph.D. diss., University of Western Ontario, 1970.

-- Burns, Robert J.. "The First Elite of Toronto: An Examination of the Genesis, Consolidation and Duration of Power in an Emerging Colonial Society." Ph.D dissertation, University of Western Ontario, 1975.

-- Fraser, Robert Lochiel. "Like Eden in Her Summer Dress: Gentry, Economy, and Society: Upper Canada, 1212-1840." Ph.D. thesis, University of Toronto, 1979.

-- MacDonald, Donald C.. "Honourable Richard Cartwright, 1759-

1815." *Three History Theses*, Ontario Department of Public Records and Archives, Toronto, 1961.

-- Pemberton, Ian C.B.. "Justus Sherwood, Vermont Loyalist, 1747-1798." Ph.D. diss., University of Western Ontario, 1972.

-- Stuart, R.A. "Jessup's Rangers as a factor in Loyalist Settlement." *Three History Theses*, Ontario Department of Public Records and Archives, Toronto, 1961.

Secondary Material, articles:

-- Armstrong, F.H.. "The Oligarchy of the Western District of Upper Canada, 1788-1841." *Canadian Historical Association Historical Papers*, 1977.

-- ----- . "Ethnicity in the Formation of the Family Compact: A Case Study in the Growth of the Canadian Establishment." in J. Dahlie and T. Fernando, eds., *Ethnicity, Power and Politic in Canada*, Methuen, Toronto, 1981.

-- Burley, David. "Meeting in the Market Place: Information, Trust and Power Among Ontario Businessmen, 1784-1984, A Suggestion for a New Direction in the History of the Capitalist Elite." in *New Directions for the Study of Ontario's Past*, Papers of the Bicentennial Conference on the History of Ontario, McMaster University, September, 1984. David Gagan and Rosemary Gagan eds., McMaster University. 1988.

-- Cartwright, Henry L.. "The Cartwrights of Kingston."

Historic Kingston, no. 16, Proceedings of the Kingston Historical Society, Kingston, 1967.

-- Clarke, John. "The Role of Political Position and Family and Economic Linkage in Land Speculation in the Western District of Upper Canada, 1788-1815." *The Canadian Geographer* XIX 1, 1975.

-- Cowan, Helen I.. "British Emigration to British North America, 1783-1837" *University of Toronto Studies in History and Economics*, vol.IV, no.2, University of Toronto, Toronto, 1928.

-- Errington, Jane. "Loyalist in Upper Canada: A British American Community." in "None was ever better" *The Loyalist Settlement of Ontario*, S.F. Wise, D. Carter-Edwards and J. Witham, eds.. Stormont, Dundas and Glengarry Historical Society. 1984.

-- Ewart, Alison and Jarvis, Julia. "The Personnel of the Family Compact." *Canadian Historical Review*, March, 1926.

-- Geiger, Dorothy. "A History of the Kingston Waterfront and Water Lots." *Historic Kingston*, proceedings of the Kingston Historical Society, Kingston, 1970.

-- Gentilcore, R. Louis. "Lines on the Land: Crown Surveys and Settlement in Upper Canada." *Ontario History*, 61, 1969.

-- ----- . "The Beginnings of Settlement in the Niagara Peninsula: 1782-1792." *Canadian Geographer*, VII, 1963.

-- Gentilcore, R.L. and Donkin, Kate. "Land Surveys of Southern Ontario: An Introduction and Index to the Field

Notebooks of the Ontario Land Surveyors, 1784-1859." *Cartographica*, Monograph no.8, Department of Geography, York University, 1973. Published as Supplement no.2 to the *Canadian Cartographer* 10, 1973.

-- Glazebrook, G.P. deT.. "The Origins of Local Government", in *Aspects of Nineteenth-Century Ontario*. University of Toronto Press, Toronto. 1974.

-- Johnson, Leo A.. "Land Policy, Population Growth and Social Structure in the Home District, 1793-1851", *Historical Essays On Upper Canada*, J.K. Johnson, ed., McClelland and Stewart, Toronto, 1975.

-- ----- . "The Settlement of the Western District, 1749-1850." in *Aspects of Nineteenth-Century Ontario*, University of Toronto Press, Toronto. 1974

-- Johnston, Charles. "Joseph Brant, The Grand River Lands, and the Northwest Crisis." *Ontario History*, vol. LV, no. 4.

-- ----- . "An Outline of Early Settlement in the Grand River Valley." *Historical Essays on Upper Canada*, J.K. Johnson, ed., McClelland and Stewart, Toronto, 1975.

-- Mealing, S.R.. "The Enthusiasms of John Graves Simcoe." *Canadian Historical Association, Annual Report*, 1958.

-- Montgomery, Malcolm. "The Legal Status of the Six Nations Indians in Canada." *Ontario History*, vol.LV, June 1963.

-- Nelles, H.V.. "Loyalism and Local Power -- Niagara District, 1792-1837." *Ontario History*, 58, 1966.

-- O'Dell, Doris. "Launching Loyalist Children: The Stuart

Family of Early Kingston." in "None was ever better", *The Loyalist Settlement of Ontario*, S.F. Wise, D. Carter-Edwards and J. Witham, eds.. Stormont, Dundas and Glengarry Historical Society, 1984

-- Osborne, Brian. "The Settlement of Kingston's Hinterland." in *To Preserve and Defend: Essays on Kingston in the Nineteenth Century*, Gerald Tulchinsky ed., McGill-Queen's University Press, Montreal, 1976.

-- Paterson, G.C.. "Land Settlement in Upper Canada, 1783-1840." *Sixteenth Report of the Department of Archives for the Province of Ontario*, 1920, Toronto, 1921.

-- Regehr, J.D.. "Land Ownership in Upper Canada, 1783-1796: A Background to the First Table of Fees." *Ontario History*, 55, no.1, 1963.

-- Richards, J. Howard. "Land and Policies: Attitudes and Controls in the Alienation of Lands in Ontario during the first Century of Settlement." *Ontario History*, 50, 1958.

-- Saunders, R.E.. "What Was the Family Compact?" *Ontario History*, 49, 1957.

-- Smith, Donald B.. "The Dispossession of the Mississauga Indians: a Missing Chapter in the Early History of Upper Canada." *Historical Essays on Upper Canada, New Perspectives*, J.K. Johnson and Bruce Wilson, eds., Carleton University Press, Ottawa, 1989.

-- Spragge, G.W.. "The Districts of Upper Canada, 1788-1849." *Ontario History*, 39, 1947.

-- Spragge, Shirley. "'No better land", Land Settlement in Augusta Township. Grenville County, 1784-1820." in *"None was ever better", The Loyalist Settlement of Ontario*, S.F. Wise, D. Carter-Edwards and J. Witham, eds.. Stormont, Dundas and Glengarry Historical Society, 1984.

-- Surtees, R.J.. "The Development of an Indian Reserve Policy in Canada." *Historical Essays on Upper Canada*, J.K. Johnson, ed., McClelland and Stewart, Toronto, 1975.

-- Talman, J.J.. "The United Empire Loyalists." in *Profiles of a Province: Studies in the History of Ontario*. The Ontario Historical Society, Kingston, 1984.

-- Wise, S.F.. "The Conservative Tradition in Upper Canada." in E.G. Firth, ed., *Profiles of a Province*, Ontario Historical Society, Toronto, 1967.

END

26 05 93

FIN