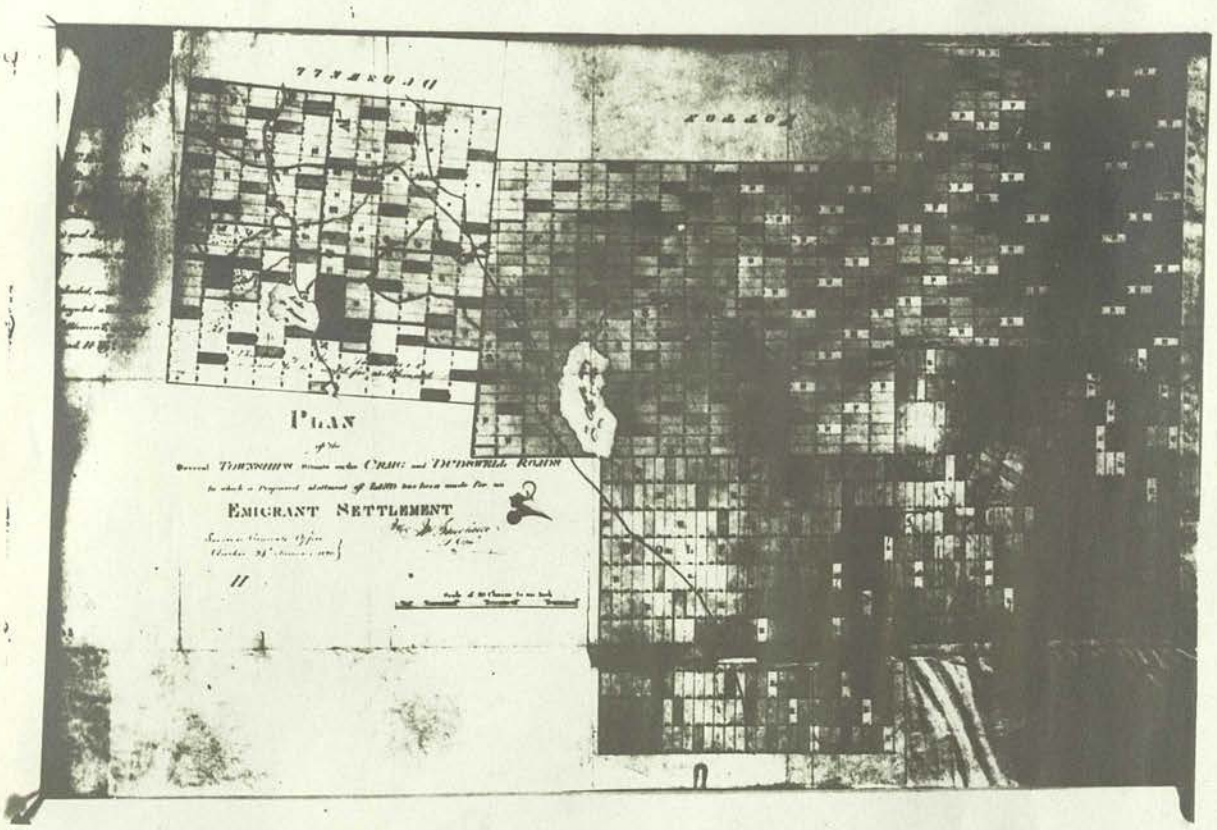
THE IMPERIAL LAND REGULATIONS AS APPLIED TO CANADA.

1763 - 1841.


PLAN
EMIGRANT SETTLEMENT

THE IMPERIAL LAND REGULATIONS

AS APPLIED TO CANADA.

1763 - 1841.

By

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P R E F A C E.

It was not my original intention to write a book of this nature. The Imperial Land Regulations and their administration did not attract me to the extent of spending so much time in their elucidation, but I soon discovered that the best approach to an appreciative understanding of the early history of a new country is through the medium of its economic development, and that at the core of the history of Canada is the administration of its land regulations, whether in French Quebec, with its feudal tenure, or in the other colonies with their free and common soccage, I was also influenced by the advice of Professor Frederick Jackson Turner, of Harvard University, who, as a writer and teacher, has directed the attention of so many students to the significance of the frontier in American history, and by the fact that there is no book that deals with the Imperial Land Regulations in their application to the British North American Colonies as a whole. Local histories deal with local settlements; one of the best examples of this type is 'Pioneer Sketches in the District of Bathurst,' by Andrew Haydon. More ambitious attempts deal with individual provinces, such as Gilbert Patterson's 'Land Settlement in Upper Canada, 1883-1840,' and Abbe Ivanhoe Caron's 'la Colonisation de la Province de Quebec, 1760-1791,' and 'Les Cantons De l'Est, 1791-1815.' Professor Chester Martin has an excellent little book on Lord Selkirk's Work in Canada, with special emphasis on the Red River Settlement. W.A.Carrothers and Miss Helen Cowan emphasise Emigration from the British Isles. But the field is only tapped. My aim has been to show how, during the period from 1763-1841, the administration of the Imperial Land Regulations determined both settlement and the social and economic welfare of the settlers in all the Colonies, illustrating the subject by specific reference to certain outstanding individuals and more or less typical settlements. No attempt is made to be exhaustive.

The importance of the subject, though apparent enough to us to-day, was overshadowed by weightier affairs during the pioneering era. The lessons of experience were imperfectly learned. Colossal ignorance of Colonial conditions and needs prevailed in official circles, when in 1763, the Treaty of Paris made Canada a British possession: William Pitt reports that it was a question whether Canada or Guadeloupe should be retained. The first land regulations for Canada show how little the Colonial Office appreciated the situation. In theory, compact settlements only were to be formed; in practice, each head of a family was allowed a

personal grant of one hundred acres, and fifty acres for every person in his household, while exceptional persons - at the discretion of the Governor - could receive an additional grant of one thousand acres. Settlers were supposed to be in a position to improve and cultivate, within a given period, the lands asked for. Even these apparently simple rules could not be enforced without modification. Emigrants who could afford to cultivate their grants avoided Canada; Quebec, with its feudalism, its tithes and French language, repulsed others. Nor were these the only causes compelling a modification of the original regulations. In various ways the fortunes of Empire and the disturbances on two continents during the pioneering days are reflected in the land system. To reward the Loyalists, more land was alienated than could be economically developed; to tempt settlers to Canada in order to protect her ~~their~~ frontiers from invasion and develop her resources, discharged soldiers, or would-be soldiers, were formed into settlements. Leaders of townships were encouraged to monopolise millions of acres that remained for decades in their natural state. To inhibit American influences and Republican ideas of government, capitalists and government agents undertook to form barrier-settlements, receiving compensation out of the waste land. Reserves were made both for religion and revenue ~~purposes~~ in order to foster patriotism on the one hand, and avoid the development of democracy on the other. Anglo-American disagreements involved Canada in the War of 1812, merged with the economic depression and financial strain consequent upon the Napoleonic Wars, and profoundly affected the social and economic life of Canada. Military settlements were formed and, for the first time since 1749, serious attention was paid to Systematic Colonization. Increased population and the development of political consciousness multiplied the critics of government and led first to the formation of large and powerful Land Companies, whose payments were expected to secure executive independence, and secondly to the sale of all waste lands and to the final surrender of control in 1841.

At the outset I was faced with the difficulty of deciding upon a satisfactory arrangement of my material in such a wide field. The most obvious method is the chronological, but it lacks unity of treatment; the same valid objection applies to the treatment of the subject by colonies, since that involves a large element of needless repetition. A third possibility, and the one finally adopted, is to sift out the chief purposes to which the waste lands were put. It has the distinct advantages of avoiding the major defects of the other two, of covering the ground adequately, and of giving to the subject whatever coherency is implicit in it.

On this basis the Land Regulations fall into three distinct phases. The first, or the Colonies from without, has to do with those aspects of official policy up to 1815 that paid little or no regard to the pressing needs of the Colonies, and were marked by an alienation of waste lands out of all proportion to the population. The second forms an interlude that marks the first step in the surrender to colonial criticism, and partakes of old and new ideas of settlement. The third phase, or the Colonies from within, clearly admits the existence of a Canadian point of view, recognises the glaring mistakes of past regulations, and the need of a new policy.

In the first phase are six chapters. The first deals with Emigration and Immigration, and is intended to show the social and economic conditions in the British Isles and the influence of the New World that created the desire to emigrate, together with a brief account of the various auxiliaries that stimulated the spirit of emigration, and considered necessary as an introduction to the application of the Land Regulations to Canada. And since the primary need in those distant days was felt to be the defence of the Colonies, the second chapter takes up the formation of frontier settlements, composed of soldiers who were rewarded by grants of land. The third chapter shows the various attempts made to induce emigrants to settle in Canada; empty spaces were regarded not only as a liability but as a positive danger to the peace of the State. The fourth chapter traces the extent to which waste lands were used to reward civil officials and others to whom the Government was under some particular obligation, while in the fifth chapter, the activities of certain capitalists and their contribution to the development of the Colonies are portrayed. Chapter six recognises certain salient lessons drawn from the loss of the 'Older Colonies.' The question of revenue was always urgent and colonists objected to being taxed for Imperial purposes. Similarly, religion and loyalty were regarded as State affairs. This chapter attempts to trace the various means adopted to secure sufficient revenue from waste lands without taxing the settlers, and to subsidize religion in the interests of patriotism by the creation of Clergy Reserves. The second phase, comprising chapter seven, is devoted to the formation of the Military and other settlements at the expense and under the supervision of the Imperial Government. The third phase endeavours to show the influence of local criticism upon the Colonial Office. To secure executive independence, a source of revenue outside the control of the Assemblies was considered essential. For this purpose huge tracts of land, as shown in chapter eight, were sold to Land Companies. By this time the influence of Wakefield's ideas were slowly converting the Colonial Office to the wise policy of selling all the waste lands instead of jobbing them. In chapter nine may be found the various

steps in the struggle that freed the waste lands of Canada from outside control. The political, social, and material consequences of the administration of these regulations are traced in chapters ten and eleven, while chapter twelve forms a criticism of the most outstanding demerits of the system, and of a few of the most responsible officials.

The material for this study has been gleaned chiefly from the Public Archives and Parliamentary Library, Ottawa; Queen's University Library, Kingston; Harvard University, Cambridge; the Ontario Bureau of Archives, Toronto; the United Empire Club Library, the Colonial Office Library, and the Public Record Office, London; the Advocates Library, the National Library of Scotland, and Edinburgh University Library, Edinburgh. So far as I know, I have covered the ground fairly exhaustively; the bibliography will convey some idea of the extent of my investigations. The narrative that follows is based throughout on original sources, whether in manuscript or print, but I have not neglected credible secondary material. In the interest of time and space, and as so many of the sources are fairly accessible, I have condensed the footnotes to the minimum amount of space.

I have no hesitation in stating that this is an original thesis, and I declare that I have received no outside help in its composition, and that no part of it has been submitted for any degree of any other University.

(In the event of publication, I should like the privilege of modifying this preface to the extent of acknowledging my thanks to all who in any way facilitated the preparation of this book.

CONTENTS

page

Preface VII-X

List of Abbreviations

Map

Part I: The Colonies from Without

Chapter I. Emigration and Immigration 1-30

Chapter II. Gratuitous Military Grants 31-54

Chapter III. Gratuitous Grants to Immigrants up to 1815 55-79

Chapter IV. Gratuitous Grants to Civil Officials and Political Favourites 80-104

Chapter V. Gratuitous Grants to Capitalists and Government Agents
(1) The Talbot Settlement 105-122
(2) Selkirk as a Colonizer 123-146
(3) Government Agents 147-167

Chapter VI. Growing Pains: Revenue and Religion 168-191

Part II: An Interlude

Chapter VII. Systematic Colonization (1815-1825) 192-213

Part III: The Colony from Within

Chapter VIII. Land Companies: An Answer to Local Criticism 214-254
(1) The Canada Land Company 214-232
(2) The British American Land Company 233-246
(3) The New Brunswick and Nova Scotia Land Company 247-254

Chapter IX. The Dawn of a New Era: "The New South Wales System" 255-287

Chapter X. Waste Lands and Local Politics: Political Consequences of the Land Regulations 288-374
(1) Upper Canada Issues 289-302
(2) Lower Canada Issues 302-335
(3) Development of a Homogeneous Programme of Reform 335-369
(4) 1837 and after 370-374

Chapter XI. The New Canada: Social and Material Consequences 375-411

Chapter XII. Criticism 412-427

Appendices: 429-436
(1) Lands Granted Nova Scotia, 1749-1826
(2) Lands Escheated Nova Scotia, 1782-1784
(3) Applications for Lands in Nova Scotia by McNutt 429
(4) Letter of Flora Macdonald, August 1772 430
(5) Copies of Indentures (Selkirk) 1803
(6) Letter from Selkirk concerning Settlers Dec.22,1803 431
(7) Rules and Regulations adopted by the Passengers of "Earl of Dalhousie" Sept.9,1821 (Donald Cameron) 432
(8) Location Ticket to Discharged Soldiers 1830 433
(9) Rental of the Township of McNab 1839 434
(10) Glengarry Census 1825 436

Bibliography:
(1) Source Material 438-442
(2) Contemporary Material 442-450
(3) Newspapers 451
(4) Secondary Material 452-456

Maps:

ABBREVIATIONS AND EXPLANATIONS.

PART I: THE COLONIES FROM WITHOUT.

I

EMIGRATION & IMMIGRATION.

Few subjects can be more interesting and none more important than the process by which the surplus population of Europe during the eighteenth and nineteenth centuries poured into the vacant areas of the New World to begin life again under strange and often uncongenial environment, and to build up the framework of future nations. But this study is concerned only with the development of the British North American Colonies up to 1841, and since the immigrants were almost exclusively of British stock the emphasis is placed upon the conditions prevailing in the country of origin and those of the country of destination, the motives that determined the choice of location, the success that attended them, and their relations to their neighbours. The fundamental causes of such an extensive migration were the adverse social and economic situation of the Old World and the attractions of the New. The former might be resolved into the problem of population, whose sudden increase in the British Isles during the first half of the eighteenth century created new, vast and unexpected problems that were quite beyond the ability of contemporary statesmen to solve. At the same time new machinery was displacing the old domestic industries, while certain agrarian depressions and changes, together with engrossing and the evils of the Corn Laws made life to many uncertain and hard. Intellectually, Europe and the Colonies were passing through a new and startling experience both in itself and in its consequences. The French Revolution, following so close upon the heels of the American Revolution, let loose a flood of new and compelling ideas, that emphasised rights more than duties, and strengthened the demand for political reform in the midst of the social unrest and economic depression that followed the Napoleonic Wars. Under these conflicting emotions and confusing circumstances it is not surprising that the New World appealed to the unemployed and the discontented as a land of social, economic and political opportunity, and that those able to do so, emigrated.

The consensus of opinion claims that the great majority of the emigrants up to 1815 were from the Highlands and Isles of Scotland which were being transformed socially and economically during the second half of the Eighteenth Century. The glens of Invernesshire, such as Strathglass, Glenmoriston, Glengarry, Glenurquhart, Keppoch, sent the largest number. Perthshire and Sutherlandshire came next, followed at a long distance by Argyllshire, Ross-shire, Caithness and Cromarty. The sensational departures were from the Outer and Inner Hebrides; the numbers that ~~left these islands seem out of all proportion to their size~~.

left these islands seem out of all proportion to their size.[1]

No satisfactory indication, however, can be given of the actual exodus within these years. The figures vary from 20,000 to 45,000 between 1763 and 1775. In 1770, fifty-four emigrant vessels left the Highlands and Islands, and in 1773, the local authorities feared that the outward stream would eventually depopulate the country.[2] Johnson, in his famous tour of the Hebrides in 1773, tells of communities and whole neighbourhoods proposing to leave, and the fear was freely expressed "that none will remain except those who are too poor to remove themselves or too useless to be removed at the cost of others."[3] The American Revolution interrupted the flow of emigration, but in 1786, it was again active, and in 1790, Lord Dorchester suggested to the Council that immediate steps be taken to prevent the country being flooded by indigent Highland settlers. The French Revolution this time temporarily relieved the need for emigration, but from 1801 to 1803, twenty-two vessels carrying about 5,000 persons left the Highlands for North America. Already about 1,000 had landed at Pictou, Nova Scotia, possibly due to cheaper fares, and were followed in later years by extensive emigration.

The starting point of the small stream of emigration from Scotland to British North America, that later reached such large proportions, may be said to have begun with the collapse of the Stuart cause in 1745. The Highlands were severely punished for their loyalty to Scotlands ancient dynasty. Of the chieftains who supported the Pretender, many were deprived of their land and social status; some lost their lives, others were banished or went into voluntary exile. An Act of Parliament abolished the chief's hereditary jurisdiction and broke up the clan system. The Highlanders were disarmed and the kilt was abolished as a national garb. Strangers occupied ancient halls, long accustomed to lavish hospitality on the one hand and willing homage on the other. It seemed as if all that rooted families to the soil, that gave vitality to their habits, slowly ebbed away before these changing political and social conditions, which introduced a new spirit of discontent, the precusor of

1. Johnson, Works,Vol.II,p.647; Stewart,Highlamders, p.115 ff; Scot.Hist.Rev.Vol. 17,p.73 ff; ibid,Vol.16,pp.281-283; Nova Scotia,Vol.A90,p.93,161 ff; Scots Magazine (1769-1775),various pages; Johnson,Emmigration,p.2,5,ff,69; Colonial Mercury,Dec.22,1791; Patterson,Pictou,p.250,114 ff,151,161,163,236,241,277; Gentleman's Magazine,1775,various pages; Colonial Office,42,Vol.18,pp.114-117; N.S.Hist.Society,Vol.18,p.73 ff; Ottawa Womens' Hist.Society,Vol.7,p.30; McDonnell,Glengarry, p.149 ff; Selkirk Papers,various folios; Sellar,Huntingdon, p.35,138,169,257-275; Ont.Hist.Society,April 30,1817; Haliburton,Nova Scotia, Vol.2,p.67; Montreal Gazette,1830-1841; Quebec Mercury, 1830; Dundee Courier, Perth Courier, Glasgow Chronicle, Inverness Courier,1830; Q 133,p.93; Q 134,p. 113; Q 135,p.125; Q 140,p.125; Q 157,pp.235-6; Q 321,p.128 ff; Q 293,p.189 ff, Commissioners of Customs, Scotland, May 24,1802; A 157-3,various pages; C 625, p.141; C 628,p.201; Q 293,p.189 ff,May 24 and June 17,1802; Q 123,p.167 ff.
2. Scots Magazine,Vol.35, (1770-1771); Scot.Hist.Rev.,Vol.16,p.281; Quebec Gazette, May 5,1774, quoting a letter from Inverness, Scotland, of Dec.3,1773.
3. Works, Vol.2, p.652 ff.

of other changes that gradually made the Highlanders strangers in their native land. The situation was aggravated by bad seasons and the scarcity of food that in many districts amounted to absolute famine. Johnson speaks of the black winter of 1771 when the people starved in helpless misery.[4] A most alarming feature was the continued increase in population in the most impoverished districts - in some sections the population almost doubled in fifty years.[5] In 1772-73 large numbers sought "sustenance abroad which they cannot find at home."[6] The famine of 1782-83 was partly relieved by a government supply of peasemeal made available by the cessation of the American War of Independence.[7] In 1789 the famine covered all Scotland,[8] and in 1790, Highland emigrants reached Quebec in a most distressed and penniless condition.[9] But the crest of the rising wave of Highland suffering was only reached between 1817 and 1841, when over 186,000 persons were reduced almost to the extremities of famine and kept from starvation through charity.[10] The Parliamentary Committee of 1841 urged relief by emigration because of the excessive population "which are, for the most part, for a period of every year in a state of destitution."[11] Within the same period the Lowlands were reduced to starvation point due to the flooding of the labour market by indigent Irish peasantry.

These adverse circumstances were accompanied by changes in the land system. The old feudal relations between chief and follower were placed on a purely business basis. Rents were charged that bore some relation to the economic value of the land. The class most immediately affected by this change were the tacksmen who

4. Works,Vol.II, p.652 ff.
5. Selkirk, Observations on the Highlands,p.37,157; McGregor, Pamphlet, No.941, (Can.Arch.List),pp.20-40; Report of the Select Committee of 1841,p.1; Scot. Hist.Rev.No.19,p.35.
6. Quebec Gazette,May 5,1774, quoting a letter from Inverness, Scotland, Dec.3, 1773; also Flora Macdonald's Letter to John MacKenzie,Aug.12,1772, National Library, Edinburgh: see Appendix
7. Select Committee,1841,pp.212-218; Annual Register,Vol.26,p.212, Henry Dundas in Edinburgh enquiring into the extent of the famine.
8. Select Committee, 1841, p.3.
9. Q 48-58, p.104.
10. Q 26-41, pp.189-194; Graham Report of 1841, pp.26-95,212 ff; McKinnon, in same p.153 ff; Rolph ditto,p.22 ff; Montreal Gazette, Apl.14,1840,Apl.8,1841; Q 276-83,p.93; Glasgow Courier,Jan.1,1840; Parliamentary Committee of 1841, various reports.
11. Hansard, Ist Report of Select Committee of 1841, Mar.26, 2nd Report May 24, Final Report Sept.1841; ibid, Parliamentary Debates,Vol.LlV (3rd series 1840), cols.835-839; Abbott,op.cit.p.91; Q 269-75,p.188 ff, June 26,1839, London Highland Destitution Committee to the Imperial Government; ibid,p.185 ff, Sir D. McDougall to Lord John Russell, Dec.17,1839, for the same purpose; ibid, Mar.17 and Dec.17,1840, advising systematic emigration; Q 276-83,p.93, J.F. Elliott to R.Torrens, April 21,1840; Q 242-51, p.328 ff, Capt.R.B.Cumming, Seignior of Grand Vallee, Lower Canada, offering land to destitute Highlanders; N.S.C.O. 217,Vol.139,p.242, John Elder,Sleat,Skye, to Bathurst on behalf of the poor; Q 321, p.126 ff, Aug.27,1816; Parliamentary Committee of 1841, pp. 197-205, Shaw's Evidence,p.206,McPherson'd Evidence,p.66-72, Dr.McLeod's Evidenee; McGregor, Pamphlet No. 941,p.20 (1826-28); Parliamentary Debates, Ddec.5,1826; Malcolm,Enquiry concerning emigration,p.12 ff; Montreal Gazette, Sept.13,1831; Pictou Observer, Nov.28,1832; Q 337-51,p.283 ff, Alexander Macdonell to Wilmot-Horton, April 30, 1824.

were usually related to the chief and formed his most immediate support in trouble, receiving in return, and on very easy terms, lands which they sublet to tenants for rent that by right should have been paid to the chief. They were thus an economic burden upon estates, and the opinion gradually prevailed that agrarian reform involved the curtailment of their powers and social privileges and the establishment of direct relations between the tenant and landlord. Up to 1775, many had transferred themselves and their grievances and in some cases their tenants, across the Atlantic into the "Old Thirteen."[12] This fact is inferred from the numerous references by contemporary writers to the prosperous condition of those early emigrants and to the comparatively large amount of capital in their possession which they realised from the sale of their stock. Thus between 1768 and 1772, about 500 from Sutherland took £10,000 with them; 425 from Maryburgh £6,000, and emigrants from Ross-shire and Inverness-shire as much as £38,000.[13]

At the same time the British Isles were passing through the throes of an agricultural revolution with far-reaching effects. The survival of the early medieval system of open-field cultivation in the best corn growing areas, particularly of England, was an anomally too gross to be tolerated any longer. In the face of a rapidly increasing population and an absence of an assured importation of corn, the nation must produce its own or starve. The subject of improvement in agriculture therefore engaged the attention of men of enterprise. Arthur Young became the prophet of a new spirit and method, and "Coke of Norfolk," a typical example of the new system; the latter increased his rent-roll from £2,000 to £20,000, and "made the furtunes and won the affection of all classes in his neighbourhood." To advanced theorising progressive farmers added successful practice. In England there was a distinct improvement in agricultural methods, which resulted in improved quality of stock and in a desire for separate fields, hedged or fenced. This was accompanied by a wholesale abolition of the open-field system and a general enclosure of commons, and incidentally a considerable reduction of the small landowners. From 1700 to 1844, there were 2,706 Enclosure Acts affecting an area equal to 4,165,000 acres.[14] The enclosures of the commons and open fields in England, though a necessity, did not benefit all alike. Compact holdings did away with scattered strips which benefited the progressive farmers who invested their capital in the land and practised and preached scientific agriculture and stock-breeding, which the enclosures made possible. In the process, the small man, devoid of means and perhaps lacking enterprise, received an inadequate share, and though he may have

12. Scottish Hist.Rev.Vol.XIX,p.39; ibid, Vol.XVI,p.280 ff.
13. Scots Magazine, Aut.17,1772; Johnson,Emigration, p.3,n.3; Scottish Historical Review, Vol.XVI, p.282.
14. Arthur H. Johnsoh, The Disappearance of the Small Landowner, p.90.

received some measure of compensation for his right in one or two strips in the village field, he became a landless labourer. The enclosure scheme regarded not his needs, rights or interests; an unreformed Parliament of large landowners had little sympathy with peasants. The local magistrates were autocrats in their districts and represented the governing class alone. The inevitable result was that the enclosures were carried out according to the wishes and interests of the great landed families, under the plea perhaps of greater food production that cared not for the national necessity of maintaining and increasing, as in Denmark, the number of small holdings. In 1801, Arthur Young maintained that nineteen out of twenty Enclosure Bills injured most grossly the poor.[15]

The economic condition of these labourers, deprived of their land by the enclosures and of their domestic industries by the Industrial Revolution, was most unhappy. Instead of compelling the farmers to give a living wage, the landlord class gave rates in aid of insufficient wages,[16] thus elaborating the policy of the Berkshire magistrates at Speenhamland in 1795, by which ratepayers were taxed to keep the poor alive, instead of forcing farmers and other employers of labour to bear their own burdens. The policy simply encouraged the downward tendency of wages, and lasted till the new Poor Law of 1834, which made the rural labourer a pauper and discouraged thrift and self respect. How far the Enclosure movement affected the emigration question in England is not very clear, but in Ireland and Scotland there is not a shadow of doubt that the effects were far-reaching.[17]

The agricultural condition of Ireland during this period was most distressing.[18] The great majority of the people depended exclusively on the soil for support, and because of the continuous process of subdivision to provide for married sons, the land was burdened beyond its capacity to provide food. The landlords decided that the evil could be cured by refusing to renew the leases and evicting the tenants, thus thinning out the population on their estates. The idea was to improve the estates by consolidating farms. The system became quite prevalent, and in the great majority of cases no provision was made for the evicted;[19] there being no legal provision for the maintainance of these poor people they were thrown as destitute vagrants upon charity. Lacking sympathy with their despoilers, they were often stimulated by despair to commit wrongs which were followed by prosecutions, convictions, executions and hatred, increasing the desire to emigrate. Small farmers,

15. Ibid, p.104, from Young's Annals, XXXVI, p.516.
16. Gilbert's Act 22,Geo.3,c.83; 36 Geo.3,c.23 of 1796, made general the practice of giving outdoor relief.
17. Abbott,op.cit.p.74, for the numbers emigrating from England up to 1830.
18. A Report from the Select Committee on Emigration, 1826, appx.11, pp.314-315; Minute of Evidence before the Select Committee on Emigration 1826, pp.143,144; ibid, 1827, pp.385-86; Abbott, p.68 ff.
19. Hansard, Parliamentary Debates, Vol.LIV, op.cit.Col.825-839.

labourers and weavers, who could afford to pay the higher fares, went to the United States; the cheap fares to Canada attracted the poorer but only as a means of crossing the international boundary.

see pp 2-3 back to Scotland

Scotland, a land of hamlets and scattered farms set in the surrounding wilderness and usually held on short leases at the discretion of an all-powerful landlord, was no less vitally affected. The method of tillage had remained unchanged from time immemorial; the system pursued was one that exhausted the soil through continuous cropping, so that even in favourable seasons the land yielded a decreasing return. The need of scientific farming was not even felt in 1706, when the Duchess of Gordon, daughter of the Earl of Peterborough, "brought English ploughs with men to work them who were familiar with fallowing, heretofore utterly unknown in Scotland."[20] But in 1723, there was formed "the Society of Improvers in the Knowledge of Agriculture in Scotland;" it was composed of peers and commoners, and the spirit of improvement once aroused became even more prominent than in England, because the need was greater. As in England, enclosures became a common feature accompanied by long leases and higher rents, which encouraged the enterprise and independence of the farmers.

Engrossing and higher rents during the last few years of the XVIIIth century and the first quarter of the XIXth in Scotland are so closely allied that they can be best studied together.[21] Higher rents would have ultimately come with improved agriculture, which in many cases was only possible through engrossing, and engrossing was inevitable when the success of sheep farming introduced keen competition for Highland estates. It resulted in revolutionising the agrarian system of the Highlands. A few illustrations may be sufficient. At Arnoch, rents advanced from £5 to £20 in twenty-five years. In 1760, the rental of Argyllshire was under £20,000, in 1837 it was £192,000. Glengarry estate had an annual rental of £800 only in 1787; in 1837 it was £7,000. The Fairbarn estate yielded £700 in 1777, and was sold for £80,000 in 1824. The Castlehill estate was sold under the authority of the Court of Sessions in 1799 for £8,000; in 1804 it produced £30,000. Redcastle estate was sold in 1799 for £25,000, and in 1824 for £135,000. In 1781, Glenelg had a rental of only £600; in 1798 it was sold for £30,000, and in 1811, Lord Glenelg paid £100,000. The Chisholm estate was in 1783 worth £700; in 1837 it was worth £500 annually. In 1791 the rental of the Orkneys was £5,000; in 1837 it was £70,000.[22] In 1795, the rents in Glenorchy had risen from 200% to 300%.

20. William Alexander, Notes and Sketches, p.24.
21. Q 303, p.160ff, Sir George J. McKenzie, July 31, 1805; Q 140, p.127, James Campbell to Bathurst, Feb.21, 1816; Q 130, pp.347-50, Wm.Bell to Bathurst, June 22, 1814; Selkirk, op.cit.p.37; Stewart, Highlanders, p.134; Scot.Hist.Rev.Vol. 17, p.79 ff.
22. Nova Scotian, Aug.16, 1837, quoting the Aberdeen Herald.

By 1811, rents in the Hebrides had multiplied five-fold; the rent of one farm in South Uist had risen from £30 to £180. Similar conditions prevailed in the Lowlands. Johnson (1773) says the general impression was that rents were raised too quickly, but added sagely, that a man who formerly paid a low rent would object to a high rent, even though he could afford it - he found a general willingness, however, to a slightly higher rent.[23]

The combination of engrossing and higher rents precipitated an unequal struggle between men and sheep. It is admitted by many writers that evictions of the population were common.[24] Johnson speaks of it; Selkirk often refers to it, and contemporary magazines dwell upon it.[25] In the earlier stages, however, sheep were placed on waste lands only where little displacement would result.[26] In fact during this early stage population increased far more in Argyllshire where engrossing was fairly common, than in the Hebrides where sheep-farming was on a small scale. But as the practice spread, the very aspect of the country was changed, and lands long subject to the plough were reduced to a state of nature. The exact number that emigrated as the result of engrossing can never be known, since there were other contributory causes. The Report of the Coast of Scotland and Naval Enquiry (1802-03), however, says that "the most powerful cause of emigration is that of converting large districts of the country into extensive sheep-walks. This not only requires much fewer people to manage the same tract of country, but in general, an entirely new people are brought in from the south,"[27] The Government viewed such an exodus with alarm. The Commission of 1802 recommended legislation forbidding landlords to reduce the number of people on their lands below a certain minimum. The suggestion was ignored; fresh tracts were cleared annually, accompanied by extensive migrations. This was particularly true of Sutherlandshire, whose evicted tenants led to the peopling of large sections of Cape Breton and Prince Edward Island. Whole parishes were cleared of their population in order that the pasturage of the more nutritious lowlands might be made available for sheep.[28]

Much that is bitter has been said about the Highland landlords of this period. Engrossing and high rents were said to be signs of their heartless disregard for the former occupiers of the soil, placed in an unfortunate situation through no fault of their own. The majority of contemporary writers viewed ownership of land as a social and ethical, rather than an economic problem. These cannot be

23. Works, Vo.II, p.639 ff.
24. Stewart, Highlanders, p.134 ff.
25. Scots Magazine, Vol.33, p.325 ff; Gentleman's Magazine, Sept.23, 1775; Q 49, p.80; Q 48, p.104, Q 135, p.217 ff.
26. Selkirk, op.cit. p.34, 41.
27. Johnson, Emigration, p.44.
28. Transaction of the National Association for the Promotion of Social Science, 1863, pp.605-610, (McLauchlan), quoted by Abbott, p.357.

expected to take a dispassionate view of the situation. Johnson imputed emigration to the rapacity of landlords, because on the lands of the good lairds few, if any, emigrated. His explanation was that when the prestige of birth was lost, the only substitute was the power that money conferred. Power and wealth supply the place of each other. The chiefs, divested of power, considered the improvement of their revenue expecting more rent in proportion as they received less homage.

Looking back at the phenomenon from this lapse of years, with fuller knowledge and a truer perspective, it is easy to excuse the landlords who were loath to sacrifice for a shadow the substantial advantages of a productive prosperity. They can scarcely be blamed if they preferred higher rents, punctually paid by large farmers, to low uncertain rents from a peasantry bordering on starvation. In justice it must be admitted that not all the landlords disregarded the feelings and lot of their poorer tenants. Some provided for them; some refused to engross, choosing poverty with their people in the wind-swept Hebrides. Their humanity did not stop the desire for emigration because its roots went much deeper into the economic order of things than either engrossing or higher rents, which simply hastened an inevitable crisis.

Nor were these the only causes that contributed to the spirit of emigration. A most direct influence was the decay of the kelp industry in the Hebrides early in the nineteenth century. The industry began early in the seventeenth century when it was discovered that seaweed on shore rocks and floating was rich in alkali and iodine, and was fostered and encouraged, perhaps unwisely, by protective duties. It became the means of affording occupation to about 75,000 people,[29] who had been persuaded to settle from time to time in those barren districts and islands. There they had few, if any, agricultural resources, with the result that with the withdrawal of protective duties in 1822, the manufacture of kelp rapidly declined, the majority were thrown out of employment and reduced to the lowest level of poverty.[30]

The success of the industry is reflected in the increased value of landed estates. In 1744, the rental of Harris was only £356; in 1769 it was £806. Within the same period the rental of Glenelg rose from £373 to £679. The Tiree crofters paid their rent of £3,000 in kelp, besides dividing from £500 to £800 annually among themselves.[31] Mr. Alexander Macdonald, Kelp Agent to Lord Macdonald and Clanranald, in his evidence before the Parliamentary Commission of 1841, said that

29. Select Committee of 1841, p.53, Baird's Evidence.
30. Montreal Gazette, April 8,1841, H.Baillie,M.P.for Invernesshire; Select Committee of 1841, pp.1-2.
31. Ibid, p.68,

in ten years he paid the different landlords £240,000 exclusive of all charges. During the Napoleonic era, kelp sold as high as £20 per ton. But salt and sulphur provided a complete substitute for kelp, and made it an unprofitable industry, and though it was still manufactured it was only to employ the most destitute portion of the population. The consequences to these proprietors whose estates were burdened with family settlements were ruinous, while the famine of 1837 was the result of the collapse of the industry, and only the generosity of the public and the quick action of the Government saved thousands from starvation. The real remedy lay in wholesale, organised emigration; super patriots advised importing thousands of them into Lower Canada during the crisis of 1837-38. But Lord John Russell questioned whether assistance should be given to one section of Great Britain when others equally deserving had been refused the same privilege. A Government Commission, however, was appointed to enquire into the conditions of the population in the Islands and Highlands of Scotland, as to the practicability of affording relief by emigration.

Again, emigration induced emigration.[32] Everyone who left rendered it more probable that another would follow; numbers were essential in the fight with the forest. Better knowledge of the New World and its opportunities, acting as a spur to an eager steed, swelled the exodus. This was made possible through various agencies. Agents employed by the shipping companies and land-speculators distributed handbills in districts where the emigration fever prevailed, and by their plausible promises uprooted thousands from their original homes.[33] Personal letters from those who had been settled some years in the New World to friends in the Old, stating the positions attained and success achieved, fired the imagination of those who remained.[34] Collections of these were published in Manchester in 1818, and in London in 1832,[35] to stimulate emigration, while others were collected to counteract their influence.[36] The influence of these letters is also seen in the tendency of fresh arrivals to seek the locations of their friends. This was true of the Scottish settlers at least. Thus, during the earlier stage of emigration, the emigrants from Breadalbane and Badenoch, and certain parts of Ross-shire, settled on the Delaware, the Mohawk and Connecticut Rivers in New York, while those from Argyllshire and the Hebrides went to North Carolina. So strong was this appeal from relative to relative that even after 1776, the British Government had great difficulty in diverting the stream to Canada, since the emigrants had so many friends in the "Older Colonies."

32. Selkirk,op.cit.p.37; Scot.Hist.Rev.Vol.17,p.75; McGregor,Pamphlet No.941, p.14,41; Q 293.pp.256-268.
33. Niles', Weekly Register,Vol.LII, Aug.26,1837,(quoted in Abbott,op.cit.p.90).
34. Abbott,p.28, an open letter from Welsh emigrants in Penna.,1800;ibid,p.22, Joseph Priestley to a friend in England,dated Oct.4,1796;ibid,p.36 ff, 75.
35. Ibid, p.36 ff, 75 ff.
36. Ibid, p.23 ff, 49 ff.

The same influence gradually operated to attract the Highlanders to Canada. After 1763, Highland regiments were disbanded and settled there; a bridge was built across the Atlantic which could be safely crossed. The tide of emigration was thus deflected in part to the British Colonies; settlements of neighbours, friends and relatives sprang up - as in Prince Edward Island where emigrants from Barra and South Uist settled. Those from North Uist went to Cape Breton, whose sons had helped to capture Louisburg;[37] Lochaber, Keppoch and Glengarry emigrants went to Glengarry, Canada; Skye, Sutherlandshire and Ross-shire folk went to Pictou, Nova Scotia, Cape Breton, and Prince Edward Island. Gradually Canada became to the Highlanders a land of promise, but largely because they had friends there who spoke their language and shared their sentiments.[39] Nor was the significance of this aspect of the question lost upon the Imperial Government who urged Dorchester to adopt a liberal policy towards these emigrants since any kindness extended to them would be communicated to their relatives at home who would thus give ~~Upper~~ Canada the preference.[40] Similarly, President Alexander Grant of Upper Canada, commended the work of Father McDonell, in facilitating the coming of the Glengarians to Upper Canada.[41] These are simply a few of the instances that could be quoted to show the influence of friends upon emigration.[42]

The general interest in emigration once excited was industriously fanned by pamphlets and books, written by men who claimed to have succeeded in America, and published largely by interested parties. Among the most famous of these were Crevecoeur's Letters from an American Farmer,[43] and Morris Birkbeck's Letters from Illinois, which had great influence on emigration. The opinions expressed by many of these letters, however, were often compilations from other writings, or the hasty impressions of travellers, sufficiently specious, but always unreliable, emphasizing what was good and agreeable, but ignoring the disadvantages or disagreeable features. They made the attractions of the New World irresistible in the congested districts of the Old World, and at all seasons stimulated the desire to emigrate. The prospective emigrant saw a land where a good physique, a willing spirit, perseverance and thrift led to competency; a land where labour was always in demand, and individual worth determined one's social status, free from the social conventions of the

37. Brown, Cape Breton, p.422.
38. Montreal Gazette,June 3, 1830; Q 135,p.225; Selkirk,op.cit.p.138.
39. Ibid, p.158 ff; Edinburgh Review,Vol.VII,pp.185-202; McGregor,op.cit.p.14, 47; C.O. 42,Vol.18,p.114 ff, Highlanders from the Mohawk River inviting their friends to Canada.
40. Q 50,p.14,Grenville to Dorchester, May 7, 1791.
41. Q 305, Grant to Castlereagh, May 5,1806.
42. U.C."S" Oct.27,1819; Malcolm Robertson,Aldboro to the Lt.Govr.of U.C. Oct. 27,1819; G 65,pp.42-49, Duke of Hamilton to Sir George Murray, Nov.29,1828; Montreal Gazette, May 7,1832,quoting the Fife Herald; Dumfries Courier, Apl. 8,1835, concerning the effects of flattering accounts from Canada; Montreal Gazette, July9,1833,inviting emigrants; Report of Commission of 1841,p.40,57.
43. Crevecoeur, Letters,pp.69-80, 84-87, (Abbott,op.cit.p.16 ff); Birkbeck, Letters (1818),pp.17-28, 34-37, 49, 85, 140 ff (Abbott, p.43).

Old World; a land of profitable investments, golden harvests, steady growth and wide prospects, where enterprise never failed of adequate reward, where everyone was prosperous and happy and poverty unknown, where the hardships of the first few years were soon forgotten in the success that followed, and where none need remain another's servant; a land of security of titles and protection of property, where fertile acres were so cheap that almost anybody could possess a sufficient patrimony,[44] and offering the best opportunities to large families. Small wonder that the Colonies and the United States were regarded by the discontented as a land of second chance,[45] and by the ambitious with small capital as an opportunity for augmenting it.

The adverse side of this rosy picture was sketched by those who either from a desire to warn the over-hopeful emigrants, or counter the general emigration fever, exposed the false promises of the mere propagandist. Of Upper Canada it was said "that all the truth which has been written and printed...would not cover half the lies which had been told."[46] Some frankly admitted that it was easier to make a living in the New World than in the more congested districts of Great Britain, but that it was not everyone who was physically fit for pioneering life, and urged all to remain at home except those of decreasing means and increasing families, already uprooted and not afraid of hard manual labour, and who must be prepared to suffer many privations for a long period in the New World, find liberty and independence anything but soft indulgence, and live among men "in whom the moral sense seems to have no existence."[47] Others warned intending emigrants against the land speculators, with millions of acres to sell, but who were utterly indifferent to the fate of the emigrant: "You had acres to sell, and what to you the broken frames and hearts of infatuated purchasers."[48] But then as now intending emigrants in reading books on emigration saw only what they wanted to see, and so helped to make the work of deception easy and more complete.

Of all these auxiliaries, the steamship agents were the most immediately objectionable, and their questionable careers meet one throughout the whole period, hovering "like birds of prey...eager in their search for such artisans, mechanics, husbandmen and labourers, as are inclined to direct their course to America."[49] They were usually men of broken fortune or unprincipled adventurers, and their[50]

44. Gourlay, op.cit.Vol.I,p.140; Rolph,Statistical Account,p.138; Can.Arch. Pamphlet List,No.2510, p.5,No.1483,p.2 ff,No.1682,No.1110,No.974, p.4, Hills, Emigrants, p.73.
45. McTaggart, Canada, Vol.II, p.259; Christie, Emigrant (1821),pp.20-27.
46. MacDonald, Voyage to Quebec, p.3
47. Abbott,op.cit.pp.243-44; Christie, Emigrant,p.28; Pamphlet No.1103 (1834) p.29 ff.
48. Moodie, Mrs., Roughing It, Vol.I,p.lX.
49. Abbott, op.cit.p.24.
50. McGregor, Pamphlet No.941,p.35; Montreal Gazette, June 7,1832.

conduct has been justly execrated by people on both sides of the Atlantic,[51] because of certain practices in a traffic that savoured of the slave trade.[52]

The usual method followed by these agents,[53] particularly during the early period of emigration, was to travel among the labouring classes, enlarging upon the advantages of emigration "that offers you every advantage, and is replete with every comfort."[54] Johnson in 1773, says that "he that cannot live at home as he desires, listens to the tales of fortunate isles and happy regions, where all may have their lands and eat the product of their labour without a superior." Even as late as 1833, many emigrated under the impression that Government would supply them with free lands, tools and rations.[55] It was partly to counteract these lies that Government appointed agents to collect and distribute accurate information.

The prospective emigrant pledged himself to sail in the agent's vessel. Those who could afford to do so deposited half their passage money; those unable to do so assigned all their property to the agent at his own valuation, to be converted into cash on the southern markets. Only then would a vessel be chartered; the result was uncertainty and delay in sailing; indeed it was quite usual to detain such vessels in port for days and even weeks after the advertised date, for no other reason than to compel the emigrants to spend their savings in boarding houses belonging to the shipping companies.[56] The result was that many landed not only penniless in Quebec, but they arrived too late in the season to sow a crop for the needs of the coming Winter, thus imposing an added burden either upon the government or upon other settlers.[57]

The account of the passage across the Atlantic, in the majority of cases, forms a dark chapter in the annals of emigration. Previous to 1803, there was no legislation to restrict the business of transporting emigrants, and the efficiency of the service was maintained by the spirit of competition among the various ship-owners. But as economic distress increased and the number of emigrants multiplied, there was no need to compete for passengers by offering low fares and comfortable accomodation: competition existed only among the passengers for berths. The ship-owners became independent and careless, and unseaworthy ships were often commissioned and a reckless disregard both for the comfort and safety of the emigrants was shown.

So numerous were the instances of extreme suffering that an enquiry was instituted in 1802-03.[58] The subsequent report demonstrated the immediate need of

51. Q 303, pp. 160-62, Sir Geo. McKenzie to Colonial Secy. July 31, 1805.
52. Q 135, p.106, James Campbell, Emigration Agent for Scotland, to Bathurst, 1815; McGregor, op.cit.p.35.
53. Abbott, op.cit.p.218; Selkirk, op.cit.p.143.
54. Abbott, op.cit.p.25.
55. G 26, p.306, Hay to Aylmer, May 1, 1833, concerning false information by shipping agents; Report of Commissioners on Emigration, Mar.15, 1832.
56. Kingston Chronicle, Oct.22, 1831.
57. Nova Scotian, Sept.25, 1832; Montreal Gazette, Aug.16, 1831; Q 135, p.157, 178.
58. The Coast of Scotland Naval Enquiry Committee, 1802-1803.

preventive legislation. Deaths from bad or insufficient water were numerous; food was often scarce and unwholesome; passengers in many a vessel slept in relays, so overcrowded was the accomodation.[59] Nor were these conditions peculiar to the earlier period. Durham found the same conditions "in full force even to the present moment."[60] In some cases the ships had no food left when they reached port; again others had to borrow from passing ships in mid ocean.[61] The worst of all were the Irish emigrant ships, where "the typhus fever and measles prevailed in a most depressing degree...engendered by the filth and pestilential exhalations arising from the crowded state of their holds."[62]

It was difficult, however, to check these abuses because of the political and financial power of the ship-owners, and of private interests. Landowners, clearing their lands of surplus population, denounced any attempt to raise the cost of transportation.[63] The Highland Society, founded in 1784, would support any measure that would prevent Highland emigration. Reluctantly, Parliament passed the First Passenger Act of 1803 (43 Geo.3,c.56), which enacted that passenger ships must carry twelve weeks' food supply and only one person for every two tons of their unladen capacity. Hence, the Acts of 1823 and 1825 were framed (4 Geo.4,c.83; 6 Geo. 4,c.116), which imposed severer regulations. There was to be only one person for every five tons burden; passengers were to embark at authorised ports only; Government officials were given power to board and inspect vessels met on the high seas and report their condition. The Acts were very unpopular; they increased greatly the cost of transportation and were repealed in 1827. For six months shipping was free with consequent evils of the worst kind. Overcrowding and typhus fever went hand in hand. In 1828, overcrowding was declared illegal, but without any effect upon the emigrant trade, and paupers continued to be landed sick, filthy and helpless upon the shores of Canada.[64] Goderich suggested to the Lieutenant-Governors of Lower Canada, New Brunswick and Nova Scotia, that masters of vessels pay a per capita tax at the port of landing, to be doubled in the case of all

59. Macdonald,op.cit.; Montreal Gazette,June 5,1834; Wright, Views of Society, (1822), p.243; McGregor, op.cit. p.35.
60. Q 248, pp.192-93, Jan.11,1839.
61. Ibid, p.230.
62. M 173, 1831; Montreal Gazette, June 5,and Aug.14,1834; Niles, Weekly Register, XXXII,p.387 (Abbott,Select Documents,p.16); The following description of a voyage in 1750 was also true of the condition of those Irish emigrant ships - "But during the voyage there is on board these ships terrible misery, stench, fumes, horror, vomiting, many kinds of seasickness, fever, dysentry, headache, heat, constipation, boils, scurvy, cancer, mouth-rot, and the likes, all of which come from old and sharply salted food and meat, also from very bad and foul water, frost, heat, dampness, anxiety, want afflictions and lamentations, together with other troubles as: the Lice abound so frightfully especially upon sick people, that they can be scraped off the body."
63. A Royal Charter was granted in 1787, Home Office (Scotland), Entry Book Warrants, Vol.2, May 21,1787, see Meikle's Scotland and the French Revolution, p.84; Scot. Hist. Rev. Vol.17, p.74; Selkirk, Observations, p.135 ff.
64. G 23, p.323, Goderich to Aylmer, Dec.15,1831; M 173,1831; Montreal Gazette, Oct.18,1831, Quebec Grand Jury on overcrowding.

emigrants who left without Government sanction. This would mean Government control and a fairer distribution of their departure and landing;[65] but when later the tax was imposed, the poor emigrant had to pay it in increased fare.[66] In 1835, as a result of Colonial pressure and criticism, an act was passed to prevent these serious conditions.[67] It continued in force till 1840, and provided for the inspection of all passenger vessels before sailing and a surgeon for every vessel carrying a hundred or more passengers. At the suggestion of Mr. Buchanan, Emigration Agent at Quebec, a list of all passengers' names, ages, occupations - was to be supplied to the customs, and at the recommendation of the Commissioner on Emigration of 1832, passengers were to be provided with food from the advertised date of sailing, whether the ship sailed or not.[68]

In spite of all these salutary precautions, emigrants had to guard against many kinds of fraud practised on the unwary. Tickets were sold for non-existing vessels, or for those which had already sailed.[69] Dishonest captains doctored the rations once clear of port, extorted money for necessities, or supplied uncooked food in order that the sailors might be bribed to permit access to the cooking stoves.[70] Others advertised their vessels as calling at ports on high roads to the desired destination of emigrants, and often landed their human cargo at the wrong port hundreds of miles from their destination.[71] For these deliberate offences, Canada had to pay heavily in various ways. Durham claimed that if all the facts had been known, emigration would have ceased.[72]

For political reasons the attitude of the Imperial Government to emigration, up to 1815 at least, was distinctly unfavourable, if not hostile, and the surest way to condemn a colony was to show that it would diminish the population of the Mother Country.[73] The unstable equilibrium of European politics did not countenance a policy that drained the Island of its manhood. After 1783, the antipathy to an emigration that increased the manpower of the new Republic was quite natural and intelligible. During the French Revolution and Napoleonic era, the defence of the Empire demanded restrictions upon the movements of large bodies of people; the question of emigration was not pressing during this period since the surplus population was employed, as a century later, in the various branches of the fighting

65. G 23, op.cit.
66. N.S.C.O. 217,p.57, Maitland to Goderich, Feb.16,1832.
67. Pamphlet List, No.1447, pp.75-80; No.1448, p.31; Q 201,p.86,Aylmer to Goderich, Feb.25,1832; Q 216,pp.15-41, Corr.relating to passenger ships; Emigration,Vol. 30, p.35 ff; Q 217, p.716 ff.
68. G 26, p.316, Aug.5,1833.
69. Ibid, p.313, 319, Buchanan to Craig, Civil Sedretary, Aug.5,1833.
70. Johnson, Emigration, p.101 ff.
71. Montreal Gazette, June 23,1817; G 26, p.319, Buchanan, Aug.5,1833.
72. Durham's Report, p.86.
73. G.L.Beer, British Colonial Policy, 1754-1765, p.133.

forces. It was only after 1815 that emigration was viewed as a safe means of removing the redundant population, minimising pauperism, reducing the poor rates and relieving unemployment.[74]

Within this period various solutions, short of emigration, were suggested to relieve the depressed state of the country. Some would turn the unemployed to improve the waste lands, drain the marshes and cultivate the millions of acres ready for the plough, but kept fallow because of the embargo of tithes and taxation that was laid upon them.[75] Cobbett condemned the bad laws and heavy taxes, and found ~~the~~ an antidote to the emigration fever in improved home conditions - still the dominant idea.[76] The actual remedy fell far short of these expectations. England tried the easy path of parish rates and the Speenhamland system, which provided a temporary relief. Ireland and Scotland lacked both. In the case of Ireland, education and improved moral and prudential habits of the community were urged to elevate character and instil a dread of becoming dependent upon charity, together with some effective prohibitory legislation against the reckless improvidence of easy and early marriages, as the first step towards rescuing her lands from their uncultivated state, and capturing some of the capital that was being invested in the United States. In the case of Scotland, relief schemes were proposed out of public but mistaken philanthrophy. At the instigation of the landlords, the Government compromised between self interest and the dictates of humanity. Plans were made to cure the emigration fever and retain the Highlands as a recruiting ground for the army by the undertaking of great public works in the north; the reclaiming of moors, fit only for the red deer and grouse; the encouragement of the fisheries, and by the still more futile and impossible idea of introducing manufacturing industries.[77] But not one of them was applicable ~~el~~ to the circumstances of those inclined to emigrate, or could afford to do so. The Caledonian Canal, from Inverness to Fort William - largely built by Irish labour, public roads and bridges gave temporary relief only, and left the ultimate question unsolved: viz. whether the dispossessed would remain where they were and starve, or emigrate, or remove to the manufacturing and congested south. Not only were the disposition to emigrate and the causes inseparable, and no tentative schemes could dispose of a permanent evil. Gradually the landlords awaoke to the alarming fact that by throwing obstacles in the way of emigration, their own estates were consumed by

74. Mills, Colonization, p.26.
75. Abbott, op.cit. p.67.
76. Cobbett, Weekly Political Register, Mar.3, and Nov. 3, 1827, March 29,1828, March 20,1830, March 13 and 31, 1831.
77. Selkirk, pp.91-111; Abbott, p.88.

useless and increasing population, and made them as eager to get rid of their people as formerly they were to retain them.[78] And since there was no reasonable hope of preventing emigration from the Highlands, and since it must continue until the class of small tenants was drained off, it seemed desirable to retain the Highlanders within the Empire. There were strong military reasons why Canada should receive a large influx of that class of emigrants. The United States were looked upon with grave suspicion;[79] the loyalty of the Gael was unquestioned, while his language established a barrier against alien contamination.[80] What more natural than that the needs of Canada should be satisfied by a policy that relieved the Highlands of some of their surplus population and the Government of a vexed problem. Not only would Canada's defence be improved,[81] but her waste lands would be developed. These were some of the motives that induced the Government to favour the colonising schemes of Selkirk and Talbot. But the motive of the Government was not to foster the spirit of emigration, but to remove to Canada "the thousands in the Highlands who are bent on emigration and only await the opportunity,"[82] and divert them from the United States.[83]

In 1815, the nation entered upon a period which in many ways is reminiscent of the present day social and economic dislocations: it had to adapt itself to peace conditions, and from being a leader in industry, trade and finance, found itself among competitors, without the stimulus created by the needs of war. Peace threw thousands out of enployment; the articles which labour produced were in many cases now unnecessary, and the demand for, and the price of the remainder was reduced by the cessation of military operations, combined with the great reduction of naval and military departments. The result was a period of acute industrial and agricultural depression accompanied by wide-spread social and political discontent. It was comparatively easy in such an environment to convince anxious officials that a surplus population was a burden on the wheels of industry and that emigration on an extended scale was an unfailing remedy for every defect of the social system. From that day to this the minds of responsible statesmen have been directed to the discovery of some systematic and extended emigration as the means of affording effectual relief to impoverished people and of reducing the financial burden upon the nation and raising the general level of prosperity. At the same time there was a vigorous revival of the emigration spirit among the masses on a larger scale

78. Laing, Mss.Vol.II, p.755, Alexander Macdonald to Selkirk, March 26,1819.
79. L.C."S" Feb.11,1809, May 8 and 18, 1809.
80. Q 253, p.53, 251 ff.
81. Q 135, p.3.
82. Q 123, p.167-69, Selkirk to Sidmouth.
83. Q 319, p.242; Q 123, pp.207-211; G 6, pp.27-29, Oct.29,1813.

than ever before in the history of modern civilisation. But the endeavour to relieve distress by emigration has never succeeded because it has never been found practicable to adopt "the splendid speculation of wholesale emigration."[84] The centuries have linked hands, and similar causes have produced the same crop of dragons teeth. Fortunately for the Empire, in 1815 there were available for the hungry and restless thousands millions of acres of fertile lands in distant colonies.

The industries most affected by post war disturbances were agriculture and the cotton trade. But the former was by far the largest occupation; "not a twentieth part of the families of England had a member in the cotton industry" when Peterloo was fought."[85] To help agriculture, the Corn Laws were imposed in 1815, forbidding the import of corn until the home price reached 80/- per quarter, whereas the pre-war prices, as recognised by an Act of 1791, were between 44/- and 54/-. The cure was as bad as the disease. The 80/- limit produced very violent fluctuations in the price of corn, which in turn reacted disastrously upon the standard of living of low paid labourers, while the small farmers who were not forced into liquidation by a marked drop in the price of corn, were ruined by the high rates or deserted their farms to escape the burden, thus increasing the wandering bands of begging and rioting labourers. Even Peel's sliding-scale of duty from 23/8 down to 1/- designed to keep prices between 60/- and 70/-, was too high in relation to wages, while a policy of repression simply accentuated the desire to emigrate.[86]

The textile industry was affected no less seriously. The removal of industries from villages to urban centres owing to the revolution in machinery and organisation, and the enclosure of commons and open fields, occuring simultaneously, affected the whole economy of village life, accelerated the pace of the exodus townwards, and swelled the ranks of the unemployed just when the labour market was being flooded by cheap Irish labour, who brought with them a lower standard of living and wages, which accounted for the frequent riots and animosity against them.[87] The weavers were particularly affected. The work was easily learned and the number engaged in it was excessively large. While the advance in the cotton trade was rapid and sustained, the number of unemployed weavers was comparatively small, but a temporary check in the trade through a diminished demand for cotton, together with improved machinery, fell heavily on those who could not be converted into power-loom weavers.[88] Competition for work lowered wages to starvation point. In Lanark the average

84. Hansard, Parliamentary Debates, Vol. CXCIV (3rd Series,1870) Cols.10002-7, Emigration as a means for Economic Distress, Speech by Torrens, 1870 (quoted by Abbott, p.172 ff.)
85. Trevelyan, History of England, p.605.
86. Johnson, The Disappearance of the Small Landowners, and Hammond, The Village Labourer, deal with the problem in detail.
87. Galt, Annals of the Parish, p.203; Hammond, The Skilled Labourer, p.8; Malcolm, Enquiry concerning Emigration, Pamphlet No.916, p.3.
88. Report of the Select Committee on Emigration, 1826-1827.

wage in 1805 was 21/- per week, and in 1838 it was 9/6, while thousands starved on 5/- a week for a fourteen hour day.[89] Strikes and riots only aggravated the issue and soured the tens of thousands of unemployed. In 1815, the Government helped a few thousand of them to emigrate to Canada, but hesitated to subsidize a large-scale emigration of weavers fearing that some, if not the majority, would find their way into the United States where work was available. Besides the unemployed there were many who were eager to leave Scotland because of their well-known radical ideas and active participation in the struggle for an extended franchise. Canada gained thousands of such settlers from the Lowlands of Scotland to augment the ranks of the reformers.[90]

The form of relief given by Government to the Lanark weavers to enable them to begin life again in Canada, though tentative, was important because of its possibilities of indefinite expansion. Slowly the idea of emigration as a relief to unemployment and destitution gained converts. The issue was forced upon Parliament by the colossal burden of increasing expenditure to relieve unemployment with its crippling effects upon industry and agriculture. In 1801, the cost of poor relief in England and Wales amounted to £4,017,871, or 9/1 per capita of the population.[91] In 1803, 1,234,000 were on the rates, and in 1819, the cost rose to £7,870,000, while distress was increasing.[92] In 1831, the sum spent was still £6,789,838, or 9/9 per capita. These ruinous figures compelled Parliament to investigate the causes. A Committee of 1817 reported that the poor relief unless reduced would bankrupt the nation, and recommended the utmost liberty to labour to seek employment whether at home or in the Colonies. The report of 1819, while endorsing the recommendation, favoured the cancellation of all able-bodied relief.[93] Thus the close relation between unemployment and emigration was admitted, and in 1819, Parliament, without discussing the policy of the Cabinet towards the problem, voted £50,000 - their first public subsidy to emigration - to relieve the distressed weavers, but more as a temporary relief than as the result of a matured conviction that emigration and government aid must go together.[94] In 1820, however, the question of emigration in all its bearings was discussed in Parliament as a form of relief for the prevailing social distress.[95]

The growing interest in emigration is reflected in the years subsequent to 1820, regardless of the fairly general belief that it "was contrary to the spirit

89. Abbott, p.65.
90. Hunter, Simcoe County, Vol.II, pp.54-57.
91. Mills, Colonization, p.25.
92. Parliamentary Debates, 1807, Vol.8, p.865 ff, (Cowan, British Emigration to British North America, p.59); Parliamentary Report, 1818 (358),p.20.
93. Parliamentary Report, 1819, (529), Vol.II, p.249, (Cowan, p.60).
94. Parliamentary Debates, 1819, Vol.40, p.1549. (Cowan)
95. Hansard, Vols.XII; XIV, XVI.

of our laws and opposed to many of our most ancient regulations."[96] In 1826, R.J. Wilmot-Horton brought the subject before Parliament and secured the appointment of two select committees in 1826 and 1827, with himself as chairman, for the purpose of enquiring "into the expediency of encouraging emigration from the United Kingdom." Their reports constitute the first public documents of any consequence or authority that have fully investigated and discussed emigration as a great national issue. In the first report three general principles are stressed: (1) the redundancy of the population, the excess of the supply of labour beyond the demand in certain districts and the consequent distressing effects; (2) the capabilities of the Colonies to provide for this surplus; (3) the beneficial tendency of emigration to develop the colonies and increase national wealth. The Committee of 1827 sustained the findings of 1826, entered more fully into the nature of the prevailing distress and its causes, and pointed out more specifically the character and extent of the assistance it would recommend to be given from national sources. They attributed much of the destitution in England and Scotland to the ceaseless influx of Irish paupers into the labour market, claimed that the stream would continue in the same direction unless deflected to North America, and, in words that are reminiscent of Lincoln's Gettysburg address, said that "two different rates of wages and two different conditions of labouring classes cannot permanently exist; one of the two appears to be inevitable; the Irish population must be raised towards the standards of the English, or the English depressed towards that of Ireland." To alleviate these evils and forestall worse, they recommended the removal by emigration of that class who increased the annual consumption without adding to the annual production - men with hands but destitute of property; an exodus of voluntary paupers under fifty years of age. The expense of their removal would be borne in the one case by Irish proprietors, and in the other by the overseers of English parishes. Such as settled on the land would be helped to the extent of £60, secured by a mortgage upon the lot and improvements and redeemable by an annuity of thirty years, to assist them to build homes, secure stock and implements and purchase food. To carry out the scheme, together with agents to inspect and receive the emigrants, a Board of Emigration under the direct control of Government was to be appointed. The Committee justified their report on the grounds of the saving effected at home by the removal of the unemployed and the increased market for British goods.[97] It was in connection with this scheme that Colonel Cockburn was ordered, on January 26,

96. Abbott, p.66.
97. P.P. 1837-38, XL, p.3 ff; Report Committee of 1826, IV,404, p.1-382; ibid, 1826-27,Vol.88,p.1 ff; ibid, Vol.550,p.223,880; Final Report,p.39 ff; G 62, p.264, Emigration Committee Report, Aug.12,1826; Mills,Colonization, p.40; Nova Scotian, Dec.20,1827, recapitulates the facts and principles contained in the Third Report of the Committee of 1826-27; Hansard, Vols.XII, XIV, XVI; North American Review, Vol.18,p.15 ff, Fourth Report on Emigration.

1827, to survey 300,000 acres in the Maritime Colonies and to make preparations for the reception of 10,000 settlers. A few months later the project was abandoned on the plea that a sufficient quantity of suitable land could not be found; the settlers could repay their indebtedness only in kind because of the scarcity of specie, or avoid their liability altogether by re-emigrating to the United States. The recommendation to appoint emigrant agents bore in time a richer harvest.[98] On July 24, 1828, A.C.Buchanan arrived at Quebec as Resident Superintendent and Agent for Emigrants, at a salary of £300 per annum,[99] and constituted the first step ever taken by Government to manage emigration with care. On February 1,1832, because of his good services, his salary was raised to £400.[100] In 1831, A.B.Hawke was appointed Superintendent for Upper Canada, with a salary of £300.[101] Buchanan's official duties were heavy and difficult. He was to receive the emigrants on landing, give out the landing money if any, clothe and feed the starving, hear complaints and bring proceedings against defaulting ship-masters, bring employers and employees together, help the newcomers to find their friends and tranship them to their destination, of which he kept a faithful record. He exceeded his official duties by compiling valuable information regarding available locations, state of roads, distances and expenses. He invited landowners to register their saleable property with him.[102] His office became an indispensible clearing house for distressed and anxious strangers, and saved them from being exposed to the gross misrepresentations of land jobbers and other sharks of a similar complexion, while his annual reports to the Colonial Secretary, to whom alone he was directly responsible, constitute storehouses of invaluable detailed information of the social and economic development of the Colonies.

On the basis of the evidence of these committees, Horton, on April 17,1827, introduced into Parliament a bill "to enable parishes to mortgage their poor rates for the purpose of providing for their able-bodied paupers by colonisation in the British Colonies," as being cheaper than supporting them at home and since those emigrating voluntarily would forfeit all future claims upon parochial support.[103]

98. M173, A.C.Buchanan to Wilmot-Horton, Feb.20,1827.
99. G 17,p.41,May 8,1828, Salary £300; Wakefield, The Public Land, p.67.
100. Emigration, Vol.20,p.35, Vol.22, p.353, Vol.23, p.105. Dalhousie thought these appointments premature:"another appointment has recently been made and sent out upon me:- a resident agent to assist emigrants arriving - this again may be in time made useful but as we are now situated, without lands to give, without means to point out our lands, the resident can give no assistance. On the contrary he can only give promises which will never be realised and stops the progress of these paupers towards the United States which is the most desirable mode in my opinion of getting rid of them. (Vol.17, Dalhousie to Douglas,Aug. 25,1828.
101. G 27,p.162, Goderich to Colborne, May 30,1831; C.O. 324/90,p.1, Hay to Colborne May 12,1831, sanctioning the appointment of an Emigration Agent for U.and L.C.; ibid, p.75 ff, same to same, June 12,1832.
102. L.C. "S" Oct.1828.
103. Enquiry into causes and remedies or pauperism, 1830, First Series; Third Report in Accounts, etc., 1826-27, Vol.V.p.223.

To Horton, colonisation meant relieving the British Isles of their surplus population and shipping them to the Colonies where their labour was needed, thus converting a British curse into a Canadian blessing. Hence emigrant paupers would get a free passage to Canada, 100 acres of land, agricultural implements and food for one year, subject to conditions of cultivation and a quit rent of 2d per acre, after five years, to be used for local development,[104] The scheme, though defective had the merit, if merit it was, of regarding all the emigrants as prospective farmers, and settling them immediately on land where they could take root, rather than leaving them to wander through Canada across the international border. But Horton made the sad mistake in grouping all paupers together and in thinking that because they were unemployed, they resembled each other in every other way. He did not realise that the same factors that made for failure in England would probably make for failure in the Colonies. There was no thought of fitness and no selective process as Wakefield so strongly urged. He overlooked the problem of waste land and the difficulties of pioneering. Small wonder the bill failed to secure a second reading. The House of Commons opposed the scheme as theoretical, visionary and expensive,[105] imposing a certain and permanent public charge for a problematical future benefit. It would not solve the difficulty; the number withdrawn would soon be made good by the natural increase of population, the labour market might improve and the parishes were not too eager to shoulder responsibility.[106]

A bill, similar in principle to Horton's, was introduced by Howick on February 22,1831, and met the same fate. It aimed at cooperation between the Government and the various localities and private individuals for the removal of needy persons to the Colonies; the Government to provide passage and food to their destination, and the means of obtaining employment; the localities to guarantee certain specific semi-annual sums towards the removal of their own surplus population. The merits of the plan were that its provisions were limited to able-bodied labourers and their families; guaranteed employment on necessary public works that tended to develop the resources of the provinces and hasten the economic independence of the emigrants. But in 1831, a Government Commission on Emigration reported that emigration was very successful without Government assistance, and that to duplicate individual effort would require the expenditure of a vast amount of money.[107] The Commission,therefore,

104. Mills, op.cit. p.30.
105. Enquiryinto causes and remedies of pauperism, 1830, 4th Series, p.111 ff; ibid, 3rd Series, p.22, quoted in Mills, op.cit., p.43 ff.
106. Quarterly Review, March 1828; Edinburgh Review, Jan.1824, Dec.1826,Jan.1828; Westminster Review, Jan.1828, from Mills, op.cit.
107. G 22, p.622, Aug.1,1831, The Commission was oomposed of the Duke of Richmond, Viscount Howick, R.W.Hay, Francis Barring, Henry Ellis.

limited its activities to the collection and dissemination of accurate information on emigration; in 1832 the work was taken over by the Colonial Office, consequently Government assistance was confined to the conveying of poor emigrants to their destination, supplying rations to the needy, providing shelter and work on public roads and clearing and cultivating waste lands. The idea was to discourage charity and encourage initiative.[108]

It was a great delusion, however, to think that unregulated emigration made any permanent difference to the nation. At best it was a temporary relief, not a cure for the prevailing evils. What really happened was that voluntary emigration drained off the young and the strong and left those who were liable to become a public charge. Fifty-two per cent of the emigrants were between twenty and thirty-five years of age, and since the majority of them settled in the United States, their departure was regarded not merely as a national loss, but as increasing the economic and military strength of a rival power.[109] On the other hand, if these emigrants settled within a British Colony, the Mother Country gained in being relieved of the cost of their upkeep and in their consumption of British manufactured goods.[110]

Emigration from 1815 to 1841 was of two kinds - assisted and unassisted. Up to 1815 the former was almost negligible. After 1815, assisted emigration took various forms. By 1827, the Government had financed about 7,000 persons, largely Irish and Scots, and settled them in Upper Canada at the Rideau and Rice Lake Settlement, but the plan was considered too costly to be encouraged,[111] and apart from military pensioners the field was left open to other agencies. The parish-aided schemes were confined to England, and were fairly common as early as 1821, when several parishes deported numbers chargeable to the rates.[112] By 1829, the volume of pauper-aided emigration of this kind to the United States, because of cheap fares, was so extensive as to exasperate the American authorities, who accused John Bull of squeezing his oranges and insolently casting the skins on the American shores, as the "most economic disposition that they could make of their poor." Uncle Sam, however, derived some consolation from the fact that while England was casting her refuse on American shores, Ireland was doing the same to England.[113]

108. G 23, pp.107-117, Goderich to Colborne; G 24,pp.240-247,C.O. to R.Symes, March 29,1832; U.C."S" April 11,1832, E.McMahon to James Grey concerning the amount of Government help to the poor; Kingston Chronicle, May 19,1832.
109. North Amer. Rev. No.134 (1882), pp.346-351,361-367.
110. John McGregor in British America (2nd edition, Edinburgh,1833), Vol.2,pp.517-519, 538-541, 550-556, see Abbott, op.cit.p.83.
111. Report on Emigration, 1832; Johnson,op.cit.p.19, the grants by Government were in 1819,£ 50,000; in 1820,£ 68,760; in 1823,£ 15,000; in 1835,£ 30,000; in 1827,£ 20,480; Total £ 184,240.
112. Abbott, op.cit. p.563, quoting Niles Weekly Register, Vol.XXIV, p.113, ibid, XXXIV, p.411, Aug.23, 1828.
113. Abbott, op.cit.p.564, July 21,1827.

To prevent this dumping of "idiots, lunatics, the lame, the aged and infirm... destitute of everything," and filling the poor-houses, several of the States adopted protective and preventive measures to keep them out. Massachusetts set the example . The colony, as early as 1639, later the province, and finally the state, "had in succession asserted an unlimited power over paupers and pauperism..., expelled from their territory paupers who belonged elsewhere, denied to such the right to come in, and also shut out convicts, felons and infamous persons." South Carolina and New York States protested against the bringing in of convicts and felons and imposed severe penalties.[114] Later not only was a head tax of $3 per capita imposed by Pennsylvania and $2 by Massachusetts which had to be paid before the alien pauper could be permitted to land, but shipmasters had to provide a bond against the possibility of their cargo becoming a public burden within two years.[115] New York favoured the deportation of the helpless and infirm; in 1833, Baltimore was burdened with the number of mental defectives and diseased paupers from Europe - of whom the majority were British - who crowded the almhouses, increased the poor rates and were a positive danger to the peace of the State.[116] These restrictions prevented to some extent the landing of paupers in the United States seaports, but were no guarantee against these same classes finding their way into the States through Canada. In the thirties, as the result of American restrictions and the higher fares,[117] crowds of paupers from England were landed on the shores of Canada. During 1831-32, at least 20,000 arrived.[118] Some were provided with landing money, as in the case of those from Wiltshire and Yorkshire, 3,000 of whom were settled by Colborne in the townships of Oro, Douro and Drummer, set apart for the purpose.[119]

A good example of parish-aided emigration was from Sussex, particularly those sent out by the Earl of Egremont in 1832, at his own expense; and he was so satisfied with the results that he meditated large-scale colonisation in the vicinity of Lake Huron.[120] He made careful plans for their comfort during the voyage, and sent them in charge of superintendents who remained with them till they were settled in the townships of Adelaide and Warwick in Upper Canada. Those from the counties of Suffolk, Hampshire and Lincolnshire were not so fortunate. The years 1832 and 1833 were

114. Ibid, Select Documents, p.102,148.
115. Abbott, op.cit. p.573.
116. Ibid, p.565,572, 1834, from Niles, op.cit. XLIII,

Paupers to U.S.A. Report on Charity.

	New York	Philadelphia	Baltimore	Boston	
NATIVES	1,893	1,676	675	542	
FOREIGNERS	2,093	1,895	479	841	Bulk were British

117. Abbott, Emigration, Select Documents, p.116, Report on the U.S.Consulate at Dublin, Sept.1,1836, p.117, Report from Londonderry Consulate,Sept.19,1836.
118. Buchanan, Emigration Report.
119. Q 357,p.80, Colborne to Goderich, Sept.5,1831.
120. Q 387,p.249 ff, Colborne to Glenelg, Oct.3,1835; Can.Arch.Pamphlet List No.1056 (Phillips) and No.1213; Q 377,p.653, Colborne to Hay, July 12,1833.

bad years in the history of Canadian settlement. There was an overwhelming tide of emigration of poor settlers, together with an alarming prevalence of cholera. In the vicinity of Port Stanley, the earlier settlers, fearing contagion, would give the new arrivals neither shelter nor work, thus creating a serious and embarrassing situation to the Government. In all 423 families were immediately moved to Adelaide and Warwick at a cost of £7,558, or £17 17/- per family. Among them were 176 commuted pensioners and their families in utter destitution and without any further claim upon Government, "but the alternative was either to afford them assistance or allow them to perish." Roads had to be constructed from Loba to Adelaide, and from Caradoc to Bear Creek, linking the townships with St. Thomas in order to facilitate settlement and procure supplies. Without these roads "the emigrants must have perished for want of food," but their construction for that purpose increased the cost of establishing these townships.[121]

In spite of the fact that the Poor Law Amendment Act of 1834 legalised the practice of mortgaging parish rates upon a fixed amount,[122] to send the indigent to Canada, and the Government offered to advance the necessary capital and appointed emigration agents at the principal ports of embarkation in Great Britain and Ireland,[123] there was a distinct reduction in the number sent between 1834 and 1841. This was due in part to the discontinuance of parish relief to able-bodied paupers, which compelled them to find employment or relief elsewhere, and to a certain stigma attached to parish-aided emigration. In 1837-38, political upheavals in Upper and Lower Canada diverted emigration elsewhere. The provision was, however, acted upon to a limited extent, and within this period the English and Welsh Boards of Guardians spent £51,111 in defraying the passage of about 10,000 persons, half of whom were sent in 1836.[124]

The number was increased from Scotland. The Marchioness of Stafford shipped her surplus tenants to America at her own expense.[125] The Duke of Hamilton (1828-31) sent three batches from his overcrowded Arran estates to the townships of Leeds and Inverness in Lower Canada. A number was sent out by Emigration Societies and were settled in Upper Canada on free grants of fifty acres of land. During the severe depression in the agricultural districts of Scotland during 1836-37, £70,000 were collected for their relief to which the Government contributed.[126] From Ireland the stream flowed deep and strong. Between 1815 and 1837, that unfortunate island was in a particularly bad economic condition.[127] Evidence of

121. Q 378,p.185 ff, Colborne to Stanley, Sept.14,1833; Ibid, p.187, Report by Roswell Mount to Peter Robinson, Aug.31,1833.
122. Abbott, Select Documents, p.148.
123. Johnson, op.cit. pp.85-87.
124. Ibid, p.88, Report of Poor Law Commissioners, 1837-38; Abbott,op.cit.p.286.
125. Abbott, op.cit.p.69; in Montreal Gazette,Aug.16,1831,for other instances.
126. Johnson,op.cit.p.86.
127. Abbott, Select Documents,p.116 ff; Report of Select Committees of the House of Commons,1824-1826.

the prolonged destitution of the working classes of Ireland is to be found in every authentic document that describes the condition of the country. In 1837, a Parliamentary Commission of Enquiry reported that almost three million persons of the labouring population were in distress thirty weeks of the year from want of employment, and that the average wage throughout the year was less than 3/0 per week. To a disorganised agricultural system was added a political and religious bitterness which accentuated the desire to emigrate. The Colonial Office was deluged with petitions for assistance, which was not forthcoming. Failing that, large numbers were sent out by public subscription or by landlords. Between 1815 and 1820, about 20,000 went to the United States. Peel would have welcomed an exodus of Irish Catholics ten times as large. It was different with regard to Ulster Protestants whose departure was considered distinctly unfortunate since the majority of them ~~also~~ went to the United States. Buchanan, the British Consul at New York, was instructed to divert over 3,000 of these to Canada, where they were settled in the townships of Cavan and Monaghan and there prospered.[128] Many of the Irish emigrants, attracted by the low fare of 25/- to 30/-, went to the British North American Colonies, whose protests against such inhuman deportations of helpless people passed unheeded and unrelieved. Fortunately, poverty in the Colonies need not long be the lot of the strong and thrifty, and the great majority of these undesirables soon joined their compatriots. It was, however, after 1841 that the practice of subsidized emigration developed on a colossal scale,[129] but the number up to that date was small compared to the total emigration.

Previous to 1841, the settlement of the British North American Colonies was not performed by the assisted, but by the unassisted, voluntary class of emigrants, who gradually and in increasing numbers entered to possess the land, and settled as chance, choice or necessity dictated; the tiny rivulet of 700 in 1815 had swelled to 66,339 in 1832. Altogether between 1815 and 1841, almost 600,000 British emigrants landed, while within the same period abour half a million went to the United States, and about 110,000 to Australia and New Zealand, giving a grand total of 1,200,000.[130] These figures take no account of the ships that left without obtaining customs clearance. From 1815 to 1910, British emigrants to the number of 2,918,328 have gone to Canada, and 9,789,934 to the United States, while Australia and New Zealand have claimed over 2,000,000, a grand total of almost 15,000,000, and that number is

128. M 173, Dec.1828; U.C. "S" Jan.10,1817, Bathurst to Sherbrooke; ibid,Jan.30, 1817, Bathurst to Gore, against sending any more. Buchanan had been authorised to spend £2 per capita in forwarding them to Upper Canada.
129. Johnson, op.cit. p.62 ff.
130. Ibid,pp.344-346; Q 243,p.158, Destination of emigrants sailing from the United Kingdom, and comparative statement of numbers arriving at Quebec, 1829-1838.

steadily increasing. It is creditably asserted, however, that the majority of those landing in Canada up to 1841, ultimately drifted into the United States.

It must not be assumed that the poor alone emigrated; there were other incentives to emigration than unemployment and poverty. In fact the claim was often made that the unassisted voluntary class was composed of the most virile and ambitious of the population.[131] Many were attracted by the free grant of land and the cheap passage, and while it is true that the slow progress of the British Colonies as compared with the United States was largely due to lack of capital among the emigrants, by 1818 emigration had assumed a totally different character. It was no longer the poor who were planning to leave their native land; men of capital, of industry, of sober habits and regular pursuits, the thrifty who saw no means of bettering their economic status at home, the discontented with political conditions and public measures, left for the Colonies. Numerous examples could be given to confirm that testimony. Up to 1825, fully 25% of the Scottish emigrants had money. The majority of small farmers and crofters had cattle and sheep to dispose of. In 1819, the emigrants from Argyll brought £12,000 into the Colonies, and those of 1820 brought £30,000.[132] Cobbett says that in 1830 as much as £3,000,000 would leave the country through emigration, and that a great proportion of the emigrants was composed of farmers, mechanics, manufacturers, who left the country without a sign of regret.[133] Between 1832 and 1834, it was estimated that the sum of £1,700,000 was brought in by prosperous farmers landing at Quebec;[134] of the better class 75% went to Upper Canada.

There were no restrictions placed upon emigration from the British Isles while the number was small; the crowds that arrived in the thirties compelled official examination of a phenomenal problem. Emigration was planned primarily in the interest of the Mother Country. There was no attempt made to regulate the number of emigrants that left for the Colonies in any one year, or preparation made for their reception. Struggling colonies, financially embarrassed, were expected to provide for these helpless crowds and assimilate them in the best way they could. It need scarcely be a matter of surprise if this dumping system of pauper emigrants was viewed with suspicion and even hostility, and that steps were taken to arrest that type of immigration. Lower Canada and New Brunswick, upon whom the burden chiefly fell, were particularly critical of whatever was done through the poor

131. Abbott, op.cit. p.89,249.
132. Parliamentary Report,1825 (129) VIII,p.12; ibid,1826 (404) IV,p.79; Scots Magazine,1819,various pages; Nova Scotian,Vol.5,p.74; Quebec Mercury,Aug.8, 1820, (quoted by Cowan,p.123).
133. Abbott, op.cit. p.71 ff.
134. Buchanan's Report, Emigration, Vol.31,p.76 ff; further information in Papers on Emigration, No.696,Aug.20,1833, No.616,Aug.14,1834, No187,Mar.27,1835, No.76,Mar.4,1836, No.132 March 21,1836, No.358,June 1,1836, all presented to the House of Commons.

rates and looked upon all assisted emigrants as undesirables, protested against their arrival and took legislative measures to protect themselves against such innundations. As in the United States, the main idea was to debar the unfit and any liable to become a public burden. They welcomed the industrious and the intelligent.[135] It was important to the Colonies that the right kind[136] should emigrate, while no greater evil could befall them than an influx of idle, depraved and helpless paupers, cast forth by those bound by natural law and justice to provide for them.[137] Particularly undesirable were the fever-stricken and friendless Irish, who year after year were thrown in shoals upon Canadian wharves from ships which received the name of "itinerant pesthouses" and the "Workhouse Line." Landing they crept into any untenanted hovel or filthy cellar and subsisted for months half-starving on charity or Government aid. Those who were able moved slowly inland, spreading beggary and disease as they travelled.[138] The sick remained in the urban centres, a burden upon public sympathy. From one end of the province to the other, New Brunswick was under the necessity of erecting hospitals, lazarettes and pest-houses for the reception and care of those suffering beings. A far heavier burden fell upon Quebec and Montreal. In 1831 alone, over 50,000 landed at Quebec, but as early as 1823,[139] the city was tired of the constant drain upon its resources by pauper emigrants from Britain, and apprehensive of the future should they continue to arrive.[140] The Quebec Emigrant Society, finding ~~financial aid~~ its resources totally inadequate to cope with the need, petitioned the Government for financial aid,[141] protesting loudly against such a policy that imposed this burden upon them. The French Press made a political issue of the indifference of the Colonial Office to colonial problems,[142] and supported the protest of the Emigrant Society. Colborne and the land speculators in Upper Canada, immune from the initial difficulties and problems created by the crowded condition of Quebec and Montreal during the height of the emigration seasons,[143] advocated the open door, claiming that to discourage emigration in any way imposed an extra burden upon the settlement of their colony. The question of relief, however, was partly solved as a result of Goderich's Circular Despatch of December 11,1831, to the Lieutenant-Governors of the Colonies,[144]

135. N.B.C.O.188,Vol.41,p.184,189; Ibid (197) Vol.IV,pp.417-419,Nov.27,1831, Campbell to Goderich,From 1819-1831, 37,000 arrived in New Brunswick.
136. N.B. A Vol.35,part 4,pp.751-59, Douglas to Goderich,Oct.16,1827.
137. M.B.C.O. 188,Vol.33,p.286 ff, 299 ff, Nov.11,1826; Pamphlet No.913,p.32, (1828); Montreal Gazette, Sept.25,1832.
138. Bigsby, op.cit.p.23.
139. Q 152, p.387, Oct.11,1819, dealing with the poverty of the majority.
140. Q 276,pp.36 ff,Mar.24,1826,statement of expenses of relief; Q 166,p.368 ff, Dalhousie to Bathurst,Apl.28,1823; Quebec Mercury,Dec.11,1830; G 22,p.633ff, Goderich to Aylmer,Aug.3,1831.
141. Q 261,p.20,Jan.14,1834; Q 357,pp.130 ff,pp.213 ff,Report on Emigration,1831; M 173,1831-32,deals with these reports.
142. Quebec Emigrant Soc.enclosed in Aylmer's to Goderich,Feb.27,1832; same to same Nov.18,1831; Quebec Mercury,Dec.11,1830; G 24,pp.237-239,Sept.30,1831; ibid, pp.627 ff,July 31,1832,Robt.Gough to Howick,no provision in Quebec for crowds
143. Can. Arch. Report, 1900, p. xxxiii ff.
144. N.B. Despatches Rec'd. Vol XI, pp.418-26, Dec. 11. 1831.

which authorised the local legislatures to impose a poll tax, not exceeding 4/- per capita, upon all emigrants to be paid by the masters of the vessels, and to be doubled unless permission for embarkation had been received from Government. The purpose of the tax was to raise a fund to be applied to the expense of receiving and forwarding them to their destination, and for the support of hospitals at the port of landing. The necessary legislation was in due time passed.[145] Already on November 30,1831, the Lower Canada Legislature had voted £2,734 for relief,[146] and as a result of the poll tax, the hospitals in Montreal and Quebec received the sum of £13,829 between 1832 and 1835.[147] These sums were totally inadequate in view of the strain upon their resources. The Montreal Hospital alone received 2,410 sick emigrants in 1833, and gave relief to over 5,000 more, but from 1831 to 1840, the Montreal Emigrant Society relieved the needs of 61,511 persons.[148]

Thus, through overpopulation and destitution, engrossing and higher rents, industrial disturbances and agricultural depressions, unemployment and low wages, a restricted market and high taxation, hunger and discontent, the way was prepared for large-scale emigration, unless other means could be found to relieve the social and economic paralysis that gripped the nation during the first half of the nineteenth century.

The departure of so many thousands from an old civilisation to begin life anew under the most primitive and unfamiliar conditions, is not so startling a phenomenon in itself as that they could be absorbed so quickly by young colonies, and that in a comparatively short time, by industry and thrift, the great majority were economically independent. Many of them were in poverty through adverse home circumstances, and only needed the spur of the opportunities which the Colonies offered to raise their standard of living. On the other hand, the Colonies were able to absorb them so readily because of the great demand for labour to push back the curtain of forest in the old and new townships, build homes and make roads, through the creation of public works by Government, the lumber trade, the fertility of the soil that required only to be scratched to produce abundantly, and due in a large measure to the ability to thrive on the simplest fare and in the exercise of thrift in the husbanding of resources. Their standards of living were not ours. The

145. G 24, p.405, June 2,1832, Goderich to Aylmer,announcing legislation; Q 201, p.86, Feb.25,1832, Aylmer to Goderich, the Poll Tax Act passed; G 24, pp.411 ff, June 5,1832, Committee of Trade at Quebec protesting against the tax; N.S.C.O. 217, (154), pp.57-59, Maitland to Goderich,Feb.16,1832; N.B.C.O. 188 (197), Vol.IV, p.458, Feb.29,1832; Wakefield, The Public Land,p.68.

146. G 24, p.237.

147. Johnson,op.cit.,p.131 ff.

148. Montreal Gazette,Dec.24,1840; ibid,July 14,1832,relief given to 987 English 244 Scottish, 1,909 Irish and 57 Welsh emigrants; ibid,Jan.5,1833, relief given to 8,763 viz. 2,365 English, 6,854 Irish, 856 Scottish, 169 Welsh; Q 201, pp.100-130, Feb.27,1832, Aylmer claims that the information of the Quebec Emigrant Society is faulty, its reports misleading, and the great distress it portrays untrue to fact; Montreal Emigrant Society, Dec.24,1840,total number of emigrants 1831-40,247,885, number relieved 61,511.

point of saturation was not reached - it has not yet been reached; there was always work for the willing and strong, but problems of transportaion, distances and costs, often prevented anxious emigrants from reaching the places where their labour was in demand. Even as late as May 1841, the Editor of the Montreal Gazette lamented the inadequate preparation made to receive and distribute the crowds flocking into Canada. As a result of such defective organisation, the older sections and those nearest the seaports were often crowded, multiplying their problems without relieving the needs of the newcomers, while even a greater number could easily obtain employment if they had been distributed through the more distant parts of the interior. The congestion along the few available routes to Upper Canada and the unhappy condition of many of the travellers can be better imagined than described.

Unsystematic emigration was open to other and equally serious criticism. Up to 1825, emigration from Great Britain was not officially encouraged, and those who left did so largely at their own responsibility. In a few instances emigration had been tried by way of experiment, backed by public opinion and public money; in every case it had been found defective and it is not surprising that the practice was quickly abandoned. Many of the emigrants were practically devoid of every quality necessary for the trials awaiting them. A body of broken weavers and "brutal Irishmen" were the persons expected to produce the needed sacrifice, skill and moral stamina to conquer the wilderness and found colonies. The interests of the Mother Country alone were primarily considered; instead of a wise selection the practice was to remove those whom certain districts wanted to be rid of,[149] whereas successful emigration demanded a union of steadiness, accurate information and endurance, to which the British Government seemed entirely ignorant and equally indifferent. It followed, therefore, that emigration was unregulated, uncontrolled and haphazard. About the only interest the Imperial Government took in the subject was to divert the settlers from the United States to Canada, not so much for the good of the emigrant, or because adequate preparation and attractive opportunities awaited him there, but simply to retain British subjects within the Empire and prevent an accession of strength to a rival nation.

To be advantageous to the individual and the nation, emigration must be conducted upon an enlightened, liberal and national basis, suitable means must be employed to secure desired ends, regard must be had to the future welfare of the emigrant, as well as to the inhabitants of his adopted country, otherwise a grave act of injustice is inflicted on both. It should not have been possible that so many thousands were allowed to leave their former homes without some preparation

149. Nova Scotian, Dec.20,1827.

being made for their reception and comfort in their new homes. Instead of the system pursued, a national scheme should have been adopted, comprehensive enough to embrace every step in the emigrant's journey to his final destination. The numbers to emigrate each year should have been ascertained, their place of settlement determined, suitable preparation made for them, and they should have been despatched early in the season. But it was not the fault of the colonists and others interested in colonisation that a policy of neglect was so long pursued.[150] Many were able to distinguish between unregulated emigration and systematic colonisation. The former meant the influx of a vast number of people, without capital or experience, into a new country and thrown upon their own resources; the latter meant the same people would be planted on a soil prepared for their reception.[151] Such a constructive policy was of vital interest to every person in the Empire, for it meant the wise disposal of surplus population, the diminution of public burdens, the application of surplus capital to ends mutually helpful that were expected to increase commercial prosperity, relieve industrial distress, assist the shipping industry, develop natural resources, form new and stimulate old settlements, introduce a loyal, peaceful and industrious class of settlers, cement the colonial bonds and consolidate the distant portions of the Empire.[152] Instead of a policy of systematic colonisation, emigration was neglected and defined as "a policy of drift characteristic of the Government and the nation."[153]

150. Montreal Gazette, March 23,1837, and July 30,1839.
151. Ibid, May 3,1830; Richard's' Report, 1831; Bigsby, Vol.I, p.81,
152. Quebec Mercury, Dec.11,1830; Buchanan's Report, Dec.1831; Canada Literary Magazine, May and June, 1833; Montreal Gazette, June 1,1833, and March 28, 1840; The Patriot, March 28,1834; Rolph, op.cit. pp.129-30.
153. Montreal Gazette, March 23,1837.

II.

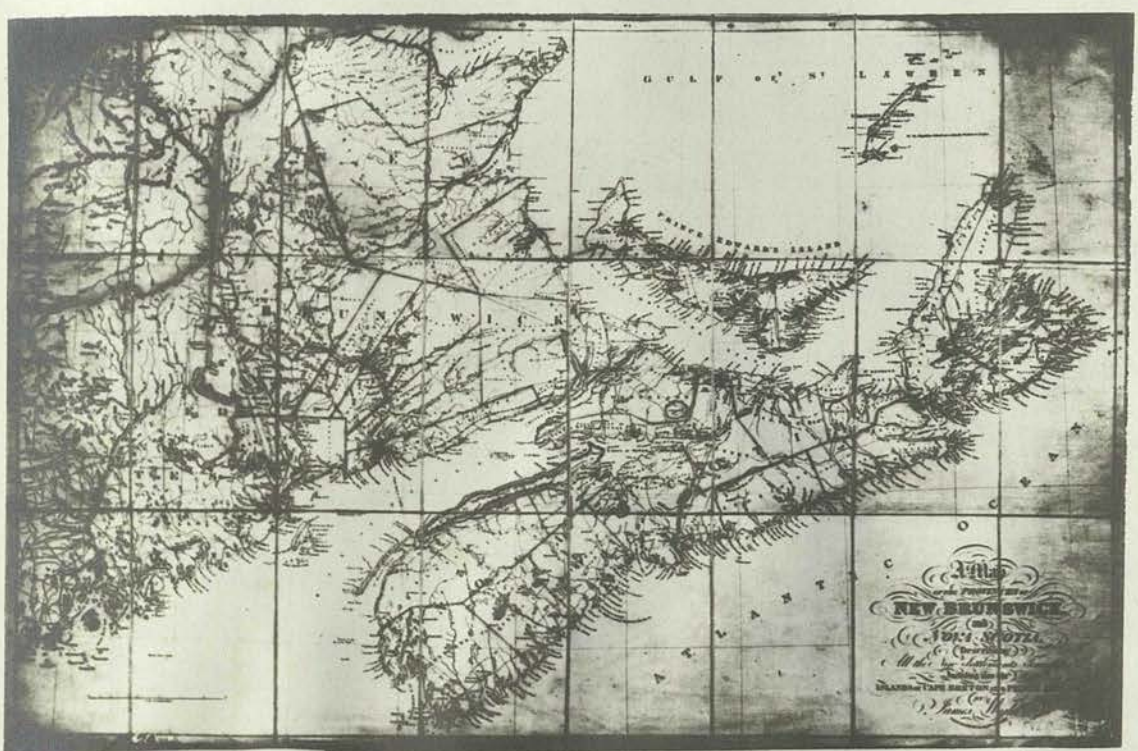
GRATUITOUS MILITARY GRANTS

A Factor in Imperial Defence.

In the chapter on Emigration and Immigration I have tried to give a survey of the various social and economic forces at work, both in the Old Land and in the New, that fostered and stimulated the desire on the part of so many people to emigrate, distinguishing between the conditions prevailing in the various sections of the British Isles, the limitations that ignorance of the New World imposed upon Imperial officials in shaping colonial legislation and in drafting land regulations, the extent of official encouragement and assistance, and the classes of people most affected. This chapter and the next trace the initial application of the Imperial Land Regulations to the North American Colonies as they affected two classes of settlers, showing the obstacles to settlement, the influence upon the land policy of the three wars in which Great Britain was engaged between 1756 and 1815, the mistakes made by local officials in interpreting and enforcing the regulations, and some of the worst consequences. This chapter deals with the attempts of Government to induce ex-soldiers, or potential soldiers, to accept grants of land in situations open to attack either as a reward for services rendered or in anticipation of such services. The next chapter deals with the land policy of Government towards the usual run of immigrants: i.e. of a non-military character.

The practice of rewarding military services, actual or potential, by a grant of land is an ancient but mistaken custom. The Romans made extensive use of it; Bede claims that the primary use of folcland was a reward to soldiers. Cromwell paid up the arrears due to the Commonwealth army in Ireland by grants of land out of confiscated Irish estates. It was a well-established custom in the English, French and Spanish Colonies where defence was a prominent and pressing need, and the extension of settlement a precarious experiment without it. The main purpose was to secure the defence of the colony through settled communities. Waste lands constituted not only a domestic problem, they were a standing temptation to encroachment by a rival power. Thus the desire for security involved a land policy.

In early English colonisation this widely used practice may be accounted for by the scarcity of specie and the ease with which continents could be parcelled out by governments. Beginning as a means of compensating men for past services it developed later into a policy of anticipating such services by forming compact settlements on the frontier by men able to defend them. Virginia made such grants as early as 1646, and again in 1679 and 1701, on condition of arming and keeping in constant readiness a certain proportion of the settlers. Massachusetts aimed at


GULF OF ST LAWRENCE
PRINCE EDWARD ISLAND
NEW BRUNSWICK

settlement more than reward. Both Connecticut and Maine granted frontier townships to men who had fought in the Indian Wars (1675-76), usually known as "King Philip's War," and in 1755 Pennsylvania offered lands to all persons who would join in an expedition to expel the French.[1] In the West, General Amherst recommended that Detroit be established as a separate government to watch the Indians, and in 1763 the Imperial Government planned a settlement of discharged soldiers and sailors on the Mississippi for a similar purpose.[2]

The origin of the first British Colony in modern Canada can be traced, in part at least, to the same practice. In September 1621, King James (VI) I granted Sir William Alexander, Secretary of State for Scotland, all the vacant territory beyond the northern limits of the Virginia and Plymouth Companies, in order to prevent the French from gaining an ascendancy in the Western Hemisphere.[3] It was a grant in 'capite' for which Sir William promised to pay annually one penny of Scottish money and one-tenth of the gold and silver ore found there. No doubt he had great hopes of future profit by means of quit rents from the counties, precincts and baronies into which his property was divided. To secure capital for the enterprise he wrote a book entitled "Encouragement to Colonies," and, in view of the financial success attending the creation of "the" baronets of Ireland towards the development of the Ulster plantation, he approached King James to create one hundred and fifty baronets of Nova Scotia to whom land would be given upon the payment of £150 stg. and the settling on each grant six men, armed and supported for two years.[4] Other privileges were granted in later patents up to 1632. Expeditions were actually sent out in 1622, 1623 and 1624; but no permanent settlements were formed till 1629 when a few families settled in the vicinity of Annapolis Basin. The scheme was quite in accordance with the spirit of the age, and might have succeeded had Acadia been less dominated by the French. The settlement was abandoned in 1632, when the Treaty of St. German-en-Laye restored Nova Scotia to France, and the only memorials that remained of this initial and unsuccessful attempt are the name of the province, the title the grant established, and the tangible sum of £10,000 paid to Sir William for the loss of his grant.[5]

1. Ford, Colonial Precedence, p.100 ff.
2. Alvord, The Mississippi Valley, Vol.I, p.99, quoting Franklin Papers, Vol.I.p.94, Aug.22,1764; Amherst to Egremont, Secy.of State, Nov.30,1762.
3. Can.Arch.Report, 1894, p.1 ff, quoting Acts of Parliament of Scotland, Vol.V, p.43, giving Sir William's title to Nova Scotia which was annexed to the Crown of Scotland; ibid, p.53.
4. Ibid, p.VII, 1, 11; on July 11,1630, the Estates of Scotland confirmed the Order of the Baronets of Nova Scotia, and on Oct.14,1710, the Council of War memorialised the Queen to renew the Order; Essays in Colonial History (Yale Univ. Press, 1931), p.21.
5. Can.Arch.Report, 1894, p.3; British Dominions In North America, Vol.II, p.3; Trans. Rs.Soc of Canada, Vol.V, p.34 ff; Brown, Cape Breton, p.64 and 74; Beckles Wilson, Nova Scotia, p.13.

For over a century no further efforts were made by Great Britain to colonise Nova Scotia. The Treaty of Utrecht (1713) made Nova Scotia a British Colony once again without any immediate attempt at its development. But between 1745 and 1749, when a permanent settlement was made at Halifax to offset Louisburg for strategic purposes, assure New England of protection for her fishing, and as a "part of a great plan"[6] for the protection of the Colony against the inroads of the French, several ambitious schemes for colonisation were formed by anxious officials and interested speculators. The Waldos of Boston, for instance, proposed to introduce about 66,000 European families at a profit of £475,000, in addition to twenty million acres for distribution among the promoters.[7] After the Treaty of Aix-la-Chapelle, Governor Shirley of Massachusetts urged an immigration of six thousand families to be located at Anapolis, Minas, Chignecto, for the defence of the Colony, at a total cost of £131,700;[8] but the time was not propitious for such ambitious schemes. Shortly afterwards, the Lords of Trade announced a plan of settling three thousand ex-soldiers and sailors on six townships in strategic centres,[9] on grants according to the size of the family, and their rank and ability, to cultivate the amount of land asked for.[10] Following somewhat after French methods in Quebec, the settlers were to be supplied with arms and ammunition, free transportation, rations for twelve months, bedding, agricultural implements and building material, and thereby was introduced into the history of land regulations and settlement a necessary though much abused practice.[11]

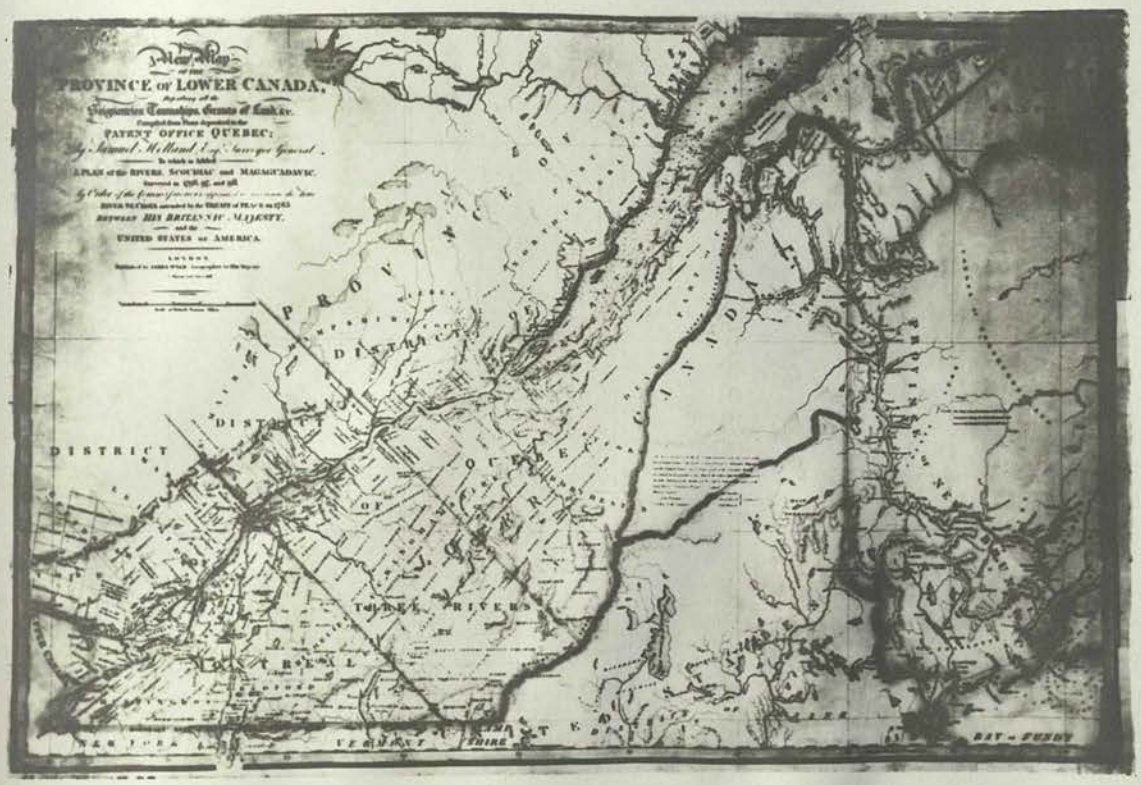
These spasmodic efforts at military settlements punctuated by French and Indian attacks, were rather disappointing. A few straggling settlements, living in constant fear of being massacred,[12] were formed and protected by troops or by armed settlers. The settlers, on the whole, were "abandoned" and mutinous, useless either for the development or defence of the Colony.[13] Attempts were then made to secure European protestants of "high moral and physical standards"[14] but proved a comparative failure; the response was meagre and the quality poor. The Swiss, for instance, being "vile fellows," were promptly rejected.[15] The Germans from the Palatinate "miserable

6. Can.Arch.Report 1894, p.12, 153, Admiralty and War Office, I,Vol.596, Whitehall, March 9, 1750.
7. Can.Arch.Report, 1886, p.XI,A and W,1, Vol.594, Fo.199,Aug.5,1745.
8. Can.Arch.Report,1894,p.135, A and W, 1,Vol.63,p.108, March 3,1749.
9. Ibid,p.136,A and W 1,Vol.595; B.T.N.S.Vol.33, p.339, Apl.6,1749;ibid,p.138, B.T.N.S. Vol.34, p.1,Apl.29,1749.
10. Ibid,p.140, op.cit. p.129, May 15,1749,and p.231,April 10,1750.
11. Can.Arch.Report,1894, p.136, B.T.N.S. p.404; Col.Corr.N.S. Vol.15,pp.304-307.
12. Can.Arch.Report,1894,p.157, B.T.N.S. fo.p.148, Cornwallis to Lords of Trade, April 30, ~~1715~~1750.
13. Ibid,p.153, BTNS, Vol.9, fo.111, Bearcroft, Secretary to the S.T.G. to the Lords of Trade, Feb.26,1750.
14. Ibid, p.146, B.T.N.S. Vol.34,p.163,Lords of Trade to Cornwallis,Oct.16,1749; ibid,p.150,same to Mr.Dick,Dec.22,1749,B.T.N.S.Vol.34,p.176; Lords of Trade to Cornwallis, Feb.16,1750,op.cit.p.189; Dick to Lords of Trade,op.cit.Vol.9,fo.112, March 6,1750; ibid,B.T.N.S.Vol.9,fo.115,Richard Oswald to Lords of Trade,Mar.8, 1750; ibid,p.160, B.T.N.S. Vol.34,p.256, Lords of Trade to Cornwallis,June 8,1750.
15. Ibid,p.175, G 101, Aldworth to Lords of Trade, June 3, 1751.

creatures," many of them old, decrepit and fit only for the alms-house, were settled in 1750 and 1753 at Dartmouth and Lunenburg.[16] This plan was therefore abandoned and for the next few years the only immigrants into Nova Scotia came from the British Isles and New England, and were settled at Halifax, Minas, Riviere de Canard, Pisiquid, Cobesquid, Chignecto, Merligash, on excellent land, at a huge expense to Government and with poor success - in three years the enormous sum of £240,750 was spent in sustaining and defending a white population of 5,200 settlers.[17] During the Seven Years' War settlement was not only brought to a standstill, but hundreds of settlers left their homes through lack of protection. With the return of peace the British Government made special provision for reduced officers and disbanded troops who had seen service in North America and were willing to settle there.[18] Grants of land subject to the usual conditions of cultivation and improvement and free of quit-rent for ten years were made both to Imperial Regulars and Colonial Militia: to Field Officers 5,000 acres, to Captains 3,000, to Subalterns 2,000, to non-commissioned officers 200, and to privates 50 acres, by warrant of survey wherever the applicant desired, every officer being allowed a distinct survey for every thousand acres - Pennsylvania's plan of laying out donated lands in contiguous lots and New England's method of rectangular tracts with immediate survey having been rejected.[19] But as colonisation increased the value of the waste lands the liberality of Government became less lavish except in the case of the last two classes. The new scale gave a Lieutenant-Colonel 1,200 acres, a Major 1,000, a Captain 800, a Subaltern 500, a non-commissioned officer 200, and a private 100 acres.[20] According to this scale lands were alloted to military settlers while the system of gratuitous grants prevailed. Even under the policy of sale adopted in 1828 exception was often made in their favour.[21]

In anticipation of settlement the Governor of Nova Scotia was instructed, as early as 1759, to reserve the lands vacated by the Acadians (1755) and certain frontier townships suitable for settlement. The result was that in the fertile

16. Ibid, p.184, B.T.N.S. Vol.13, Hopson to Lords of Trade, Oct.16,1752; ibid, p. 192, same to same, May 26, 1753.
17. Ibid, p.206, A and W,1, Vol.605, Lords of Trade to Lords Justices, Aug.29,1755.
18. Calendar of Home Office Papers, 1760-1765, No.1036, Oct.13,1763, Earl of Halifax to Attorney-General; Alvord, Mississippi Valley, Vol.II, p.186, Dec.15, 1773, Order by Earl of Dunmore.
19. Alvord, op.cit. p.186, Dec.15,1773, instructions by Lord Dunmore regarding land grants to Colonial Regiments; Ford, op.cit.p.39 ff.
20. Q 26, B, p.221 ff, Additional Instructions to Haldimand, July 16,1783; Q 133, p.89, Drummond to Bathurst, Sept. 23,1815.
21. N.B.C.O. 188 (152), Vol.V, p.447, Bathurst to Lt.Gov. May 8, 1829; G 10, p. 150; British Dominions in North America, Vol.II, p.196 ff.


PROVINCE OF LOWER CANADA.
PATENT OFFICE QUEBEC:
A PLAN of the RIVERS SCOUDIAC and MAGNOUADAVIC
DISTRICT
DISTRICT
DISTRICT
TWEED RIVER
VERMONT
BAY - CHEMY

districts of St. John, Gagetown, Fredericton, and Woodstock, there settled, between 1763 and 1804, fourteen regiments of Colonials, Loyalists and Highlanders.[22] Lieutenant Owen and his English followers settled on Campobello Island. Colonel Fraser's petition for 146,000 acres on the Island of St. John on his own behalf and that of the officers of the 78th Regiment, and Lord Egmont's petition (January 16,1764) for a feudal grant of the whole Island, for himself and certain military and naval officers, on condition of securing one thousand two hundred men for its defence, were refused because public interests could not be served there.[23]

Similar reservations were made in Quebec, where the question of settlement was subsidiary and accessory to the main object of defence. Fraser Highlanders were settled at St.Machael, Levis, Beaumont, St.Andre, Riviere-de-Loup, Restigouche, and Matapedia. The best known settlements by this famous regiment were those of Murray Bay and Mount Murray, in the County of Northumberland, on the north side of the St. Lawrence. Both grants were made "en fief et seigneurie" by General James Murray in 1762, and named in his honour, the former of three thousand acres to Captain John Nairne and the latter of two thousand acres to Lieutenant Malcolm Fraser.[24] In both cases the land, though "convenient for the carrying on of salmon and whale industry" offered few attractions for cultivation and was completely isolated except by water during the navigable season;[25] but in spite of these initial obstacles the grantees were joined by their former soldiers and soon a Scottish colony flourished along the shore and upon the highlands of this picturesque spot. In 1815,[26] it boasted a fairly good road, a church and parsonage, grist and sawmills, In 1832 these settlements were reported as "the comfortable habitations of more than three thousand souls." To-day Murray Bay is a famous summer resort for wealthy American and Canadian visitors.

The Peace of 1763 closed one epoch and opened another and far more important phase in the history of colonisation and development of North America. The removal of the French menace was followed by the Stamp Act that focussed attention upon and

22. Johnson, Emigration from the United Kingdom, p.192.
23. N.S.C.O. A 79, p.104 ff, March 7, and May 23,1767; S 717, Letter Book, Provincial Secretary, Quebec,(1765-1771), Military Letters, Murray, 1763, An account of H.M.'s Bounty and Sword money to men of 78th.
24. L.C."S" April 27,1762; Attorney-General's draft of letters patent to Malcolm Fraser,for Mount Murray, May 22,1815; Register Office of Enrollment at Quebec in the English Register "E" p.909; Bouchette, Topographical Description,p.561; Munro, Documents, p.195 for Title Deed.
25. L.C."S" Quebec, Aug.20,1807, Dpy.Sur.Genl.'s Report, Letter of Malcolm Fraser to the Executive Council.
26. Bouchette, op.cit. p.561 ff,; L.C. First Report, 1821, p.31: Mr. McNicol was co-seignior in right of his wife.

magnified the grievances of the "Older Colonies," finally precipating a revolution and the loss of the first Empire. Canada was affected no less remarkably. The Revolution directed to its shores a much needed increase of population, followed by an immediate and extensive distribution of waste lands to reward and accomodate all those to whom the faith of the Government had been pledged or had suffered in the cause of the Empire, and crystallized into a rigid system the unfortunate policy of disposing of waste lands under the plea of settlement, by which millions of acres were removed from government control.

When the smoke of battle cleared away and peace again reigned over the North American continent, the British Government was faced with the pressing problem of providing homes and sustenance for the thousands of Loyalists who had flocked to Canada from the revolted and now independent Colonies, (Sept.20,1783), and at the same time a second chance was provided to build up a greater, a better and a more enduring British Commonwealth. These refugees entered in two main streams, the larger and wealthier by sea to Nova Scotia during 1782-83,[27] the smaller, to the number of about 6,000, having left their property in the hands of the enemy, travelled to Quebec via the St. Lawrence River, Lake Champlain, Oswego and Lake Ontario.[28] Those who arrived in Quebec during the struggle were sent to Machiche, on Lake St. Peter, and there provided for, or were enrolled in provincial regiments serving in Canada during the war, such as Sir John Johnson's Ist and 2nd Battalion Royal New York Regiment; Butler's Rangers; Jessop's King's Loyal Americans; Peter's Queen's Loyal Rangers; McAlpine's Royal Americans; Leake's Loyal Volunteers. At the end of the war the "unincorporated loyalists" receiving rations numbered 3,204.[29]

Of these regiments that of Sir John Johnson's deserves special mention. It was recruited from Highland emigrants who had left Scotland after 1745 and settled in the Mohawk Valley, New York, on the invitation of Sir.William Johnson, who owned an extensive tract of land there and required settlers seasoned to war to defend it from Indian attacks. They expected peace and plenty in their new homes; they found war and much suffering. The claim is made that, on the eve of the Revolution, General Howe asked Sir John, who had succeeded to the title and family estates in

27. Q 282, p.659; Can.Arch. Report, 1894, p.404 ff; ibid, 1895, pp.33-39, 43,46; Shelburne Papers, Vol.LXXXVIII, pp.93-125; The Winslow Papers, St.John, Raymond, ed.
28. Shortt & Doughty, Constitutional Documents, Vol.II, p.971; Q 386, p.115, Petition against a Land Tax, May 11,1835; Cruickshank, A Study of Disaffection in Upper Canada, p.42; Report on the Ms. Lists in the Canadian Archives, relating to the U.E.Loyalists, 1919, p.8; Haight, The Coming of the Loyalists Toronto, 1899.
29. Kingsford, Vol.VII, p.217.

1774, to persuade the Highlanders to remain faithful to the royal cause. Sir John pictured the rebels as devoid of means and allies and helpless before the British forces. The Highlanders, remembering keenly and perhaps bitterly their sentimental allegiance to a worthless Stuart and the Disarming Acts consequent upon "1745," had no desire to oppose constituted authority a second time and remained true in their allegiance.[30] When the war began Sir John led a large band of followers, chiefly drawn from his tenants, into Quebec, and thus constituted himself the leader of the Loyalist movement into that part of Canada. He was them commissioned by the Governor, Sir Guy Carleton, to raise a Fencible Regiment to be called "The King's Royal Regiment of New York," for the defence of the province and as a protection to other refugees on their way to Canada.[31] His own followers formed the nucleus of the regiment and remained in active service during the war, afterwards settling in Glengarry.[32]

Of equal significance to the future of Canada was the 84th or Royal Highland Emigrant Regiment which consisted of two battalions, originally embodied in 1775, and numbered the 84th in December 1778. The first battalion was raised by Lieutenant-Colonel Allan MacLean of the 104th Highland Regiment among the Fraser and Montgomery Highlanders who had been disbanded in 1764 and had settled in various parts of Quebec and Nova Scotia; the second was raised among Highland emigrants arriving in Nova Scotia, who were persuaded to enlist for the duration of the war.[34] Each volunteer was promised a personal grant of 200 acres, 50 for his wife and 50 for each child, free of quit rent and patent fees and all public burdens, exclusive of the quantity of land each was already entitled to as officers and privates serving in North America agreeable to the regulations of 1763. These terms were more generous than those given to any other regiment, regular or provincial, and became a bone of contention with less fortunate regiments till 1788 when at the solicitation of Sir John Johnson, grants similar in quantity and conditions were made to the reduced officers and men of the King's Royal Regiment of New York.[36] Ultimately 200 acres became the usual grant to all settlers, civil and military.

30. McLeod, a brief review...Upper Canada...p.32.
31. The Ist Battalion raised in April 1776, the 2nd in July 1780, Doughty, p.174,n.1.
32. Q 386, p.115.
33. M 318, p.122, Boston, June 12,1775, General Gage to Lt.Col.Allan MacLean empowering him to raise two battalions of Highlanders or such loyal subjects to be called The Royal Highland Emigrants and rendezvous at Lake Champlain or Boston as found most practicable; G 16, p.41, Germaine to Haldimand; Coupland, op.cit.p.176.
34. Patterson, Pictou, p.119, Appendices G to H, p.462; Brown, History of the Highlands, Vol.IV,p.309; Gibbon, Scot in New France, p.22 ff.
35. L.C. "S" 1799, Proclamation by Sir Alland MacLean, Lt.Col.commanding the 84th.
36. Q 39, pp.74-78, Sir John Johnson to Dorchester, Sept.23,1788; Land Book (1788-91), p.42, Executive Council, Oct.22,1788.

In 1783, however, the conditions upon which grants were made to Loyalists and disbanded soldiers who had participated in the Revolution, differed slightly from those of 1763. Private soldiers were to receive 100 acres instead of 50 as in 1763, but unlike 1763 all disbanded troops were included in the clause permitting 50 acre lots for every person in the family. These grants being privileged were made free of all expenses, and no mention was made of settlement duties. In Quebec all grants were to be made in "distinct seigniories or Fiefs, to extend from two to four leagues in front, and from three to five leagues in depth, if situated upon a navigable river, or otherwise to be run square, or in such shape and in such quantities as shall be convenient and practicable." Sir John Johnson, who had charge of the settling of the U. E. Loyalists, was informed that the surveys must not be called townships or given names, but were to be numbered as Royal Seigniories and held under feudal tenure.[37] And to guard against disaffected persons becoming settlers in Canada, all applicants for land were required to take an oath of allegiance, as was customary in Spanish colonial regulations. Lord North instructed Haldimand to explain to the Canadians that the declaration did not confer upon Parliament the power of taxing the Colonies,[38] (July 24,1783).

With the promulgation of the preliminary article of peace, which announced the situation of the Loyalists in America, preparations were made for their immediate settlement within British territory, together with the disbanded troops to whom the faith of Government had been pledged. The patriotic claims of the Loyalists to the most favourable treatment was acknowledged in the generous provision made by the Government for their reception and comfort in their new homes. As already pointed out, the available waste lands and the confiscated grants in Nova Scotia were placed at their disposal, and similar provision was made in Quebec.

The actual number that settled in Nova Scotia was about 30,000,[39] and surveys were made for them on escheated lands on the "St. John River from 150 miles up and on all the great branches...Port Roseway, the district of Shelburne, Port Mouton and the Coast between that and Shelburn...Annapolis Basin, St. Mary's Bay, Clare, Conway and Bear River...Pasmaquoddy...Newport...Dartmouth."[40] Every harbour in the province was settled by fishermen from New England, and the ring of the pioneer's axe was heard in the counties of Shelbourne, Sydney, Pictou, Hants, Halifax and Cumberland,[41]

37. Haldimand Papers, "B" 65, p.34; "B" 50, p.133.
38. Q 26,B, p.221 ff; Shortt, op.cit.Vol.II,p.730 ff, additional instructions to Haldimand, July 16,1783; Q 284, pp.220-223, Russell to Prescott, Jan.21,1799.
39. N.S.C.O. A 104, p.14; ibid, 103, pp.236-46; Lucas, History of Canada, 1763-1812,p.225; Kingsford, Vol.VII, p.218 ff; N.S.C.O.Vol.12,p.248, Dec.1784, the total given as 20,400, and in Nov.1785, as 26,317, see Can.Arch.Report 1894, p.438; Trans.R.S.C. Vols.VII-X; Miss.Hist.Rev.Vols.I,II,VII; Ohio State Univ. Bulletin,Vols.XVII,XVIII, XXI,XXIV,XXVI.
40. Ibid, 1884, p.XLI; N.S.C.O. Vol.15, p.115.
41. Emigration, 22, Parliamentary Papers, 1828, XXI, p.383 ff.

particularly in the townships of Aylesford, Barrington, Clemens, Digby, Guysborough, Lawrenceton, New Edinburgh, Parrsboro, Preston, Stormont, Wilmot, Weymouth and others.

In July 1783, North informed Haldimand that grants of land in seigniories and fiefs were to be made to the Loyalists in Quebec according to the regulations of 1763, subject to quit-rent of ½d an acre, but free of all other expenses.[42] Already Haldimand had instructed Major French to explore the upper part of the province "on the bank of the River Ottawa...from Carillion upwards as far as Cataraqui," where grantable lands were found "of as good soil and in a favourable climate, sufficient not only to settle the provincial corps when disbanded, but all such Royalists as may come from the southward with a view to find an asylum from the tyranny and oppression of their countrymen."[43] In this district by the Spring of 1784, thirteen townships had been surveyed, eight east of Cataraqui and five west of it.[44] The frontier townships were to be left in their original state of wilderness as a barrier to another American invasion, and settlements were to be made away from possible danger. On these surveyed townships in the counties of Glengarry, Stormont, and Dundas, above the old French grants, on the north bank of the St. Lawrence, Sir John Johnson, during the summer of 1784, settled the majority of the disbanded troops and Loyalists,[45] though a considerable number settled opposite Niagara where others had pitched their camp as early as 1776.[46] In the district of Hesse, the township of Malden was set apart for the officers of the Indian Department; Colchester, Gosfield and Mersea for disbanded soldiers; Dover, Chatham, Camden, Raleigh, Harwich, Howard and Oxford for Loyalists. In the districts of Nassau, chiefly in the county of Lincoln, eighteen townships were set apart, and in some measure occupied by soldiers, Loyalists and others during this period. Others settled at Kingston in 1789, and at Oswego in 1795. South of the St. Lawrence, the townships of Godmanchester, Hemingford, Hinchinbrook and Huntingdon, were set apart for military settlers,[47] and in the Eastern townships, Clapham on the St. Frances River, Watford on the Chaudiere, Farnham on the Yamaska, and Sutton and Potton townships on Lake Memphremagog, were designated for Loyalists. To the defenders of Quebec during the seige of 1775 were given the townships of

42. Q 284, p.220,No.42, Russell to Prescott, Jan 21,1798.
43. B 56, p.201, Haldimand to North, Nov.6,1783; B 103, pp.182,203; Fisher, The Critical Period of American History,p.120,130; Bigelow, Franklin, III,pp.314-315; Letters of John Quincy Adams, Vol.10, p.63.
44. Kingsford, Vol.VII, p.217; Munro, Seigniorial, p.214.
45. Q 282, p.658 ff; Q 24, p.163, Disbanded Troops and Loyalists upon the King's Lands in the Province of Quebec in the year 1784.
46. B 168, pp.38-41, July 20,1784, List of those wishing to settle opposite Niagara; P.F.76,No.16, p.4; Simcoe Papers,I, Cartwright to Simcoe, Oct.12,1792.
47. L.C. Land Book H, p.128, 131; L.C.Land Papers, Aug.10,1795; Q 75, pp.196-199.

Granby, and Milton in Shefford County.[48] In the lower part of the province, extensive surveys were made during 1784 and 1786, and allotments made in 1786 and 1787. In the meantime, the Loyalists and disbanded soldiers were rationed, clothed, housed, but confined, as at Gaspe, to the cultivation of their own town lots except a few families who were allowed to settle on their farms while supported by Government. The others had to begin clearing their farms without any support, with the result that the majority left in spite of the favourable situation and climate of the Gaspe district.[49] Of the unincorporated Loyalists who had been supported at Machiche since 1778, about 600 joined their friends at Chaleur Bay in 1784, 200 went to Cataraqui; others settled at Lachine, Chambly and Montreal.[50] More recent arrivals from New York, artisans and traders, were granted lands in the seigniory of Sorel, which Haldimand had purchased for the Government for £3,000, and because of its strategic position was originally intended for disbanded troops. By October 1784, 5,401 were in receipt of daily rations in Quebec province; a year later the number rose to 6,300,[51] many having been in receipt of Government assistance for two years.[52] By a fine spirit of accomodation, comrades in arms were in many cases settled on adjoining farms. The mode of distribution was usually by lot, each person attending, or more frequently two persons in conjunction, received a certificate signed by the Governor and countersigned by the Surveyor-General or his Deputy, which assigned a definite lot and outlined the conditions of the grant.[53]

Having already suffered the dangers and losses incident to a successful rebellion, the Loyalists were called upon to face anew the hardships of pioneer settlements in remote wildernesses without a road or horse to assist them, without bread to eat until Government came to their assistance with gifts of food, clothing

48. Caron, op.cit. p.164 ff.
49. L.C. Sixth Report (1823), p.120.
50. Siebert, The Temporary Settlement of the Loyalists at Machiche, p.407; B 168, p.47, 51 ff, 57 ff, 99 ff.
51. Q 26, p.116, Muster Roll, Jan.1,1786.
52. Q 24, p.64, Haldimand to Sydney, March 3,1785; ibid,p.212, Sydney to Lord George Hamilton,April 27,1785; Q 25, p.238 ff, Henry Hope to Sydney, Nov.5, 1785; "The total outlay on the part of England during the war and after it closed for the Loyalists in food and clothing, in temporary relief and annuities, in establishing them in Nova Scotia and Canada, and in money compensations amounted to not less than $30,000,000, see Flick, Loyalism in New York, quoted in E.L.Taylor, Refugees to and from Canada, p.234; Can.Arch.Report, 1921,Appx.E; ibid, 1886, p.387, 393, 399; ibid, 1888, p.648, 732-34, 742; ibid, 1890, p.80, 87, 96; for indemnities to the Loyalists see Galloway, Claims of the American Loyalists, London, 1789; Ryerson,(Editor), Royal Commission on Losses and Services of the American Loyalists, 1783-1785; Ontario Bureau of Archives, 1904; Q 62 A, p.339 ff; B 67, p.109,168; Q 44,p. 224; Read, Life and Times of Sir John Simcoe.
53. Q 282, p.102, ff, Simcoe to Portland, July 23,1795, state of landed property in U.C.

and money, implements of agriculture, portable mills for grinding corn, and a cow between two families.[54] These gratuities, however, were available only to those who had remained faithful to their King in adversity, and who had given renewed proof of their attachment to the Crown. Under no circumstances were those who had left the revolted colonies for purely personal reasons to be assisted.[55]

In tracing their subsequent history, it is difficult to distinguish between the Loyalists and the disbanded soldiers, particularly in the history of Quebec; many appear in both roles, and in the majority of cases were settled together in the same district, as in the thirteen royal townships west of Point Boudet, where the King's Royal Regiment of New York and others received grants of land. The first battalion numbering 1,462, occupied townships 1 to 5, immediately west of the old French grants in what is now Lancaster, Charlottenburg, Cornwall, Osnabruck, and Williamsburg, while the second battalion was settled in townships 3 and 4, above Catarqui. Captain Grass's party occupied number 1, and the disbanded regulars and Germans number 5.[56] Others settled near Montreal and Chaleur Bay.

Of all the disbanded troops, the 84th regiment was originally the most highly favoured by Government in pre-enlistment pledges. It served throughout the war and was reduced in 1784. Four years later, to fulfil these pledges, the township of Chatham on the north side of the Ottawa River, was set apart for the first battalion free of all expenses on condition of actual settlement and improvement. The officers received their quota according to the proclamation of 1763, and the privates 200 acres each.[57] From the point of view of location, soil and timber, the township was in many ways desirable. By 1793, all grantable land in it, and within thirty miles of it, had been alienated.[58] Few lots, however, remained for any length of time in the hands of the original settlers. The soldiers sold out to their officers; Colonel Daniel Robertson alone acquired by grant and purchase 13,800 acres,[59] and "as an old subject," petitioned Government either for the remaining parts of Chatham to form an unbroken township of ten miles square, or for a family grant of 3,000 extra acres.[60] By 1812, 34,669 acres were in possession of six officers and[61]

54. Macdonell, op.cit. p.1; N.S. A 107, p.121, Parr to Sydney, June 11,1785; Kingston Gazette, July 27,1816; Simcoe Papers, Vol.I,p.241; Raymond (Editor), Winslow Papers; Papers and Records of the Ont.Hist.Socy. Vol.XVIII, pp.59-90, (1920); Collection of N.S.Hist.Socy. 1887-88, Vol.VI, p.53 ff; Conant, Upper Canada Sketches, pp.30-51.
55. Q 25, p.39, Sydney to Hope, Aug.22, 1785.
56. Q 23, pp.348-366; Q 24, p.163; Q 39, p.74; B 168, pp.42, 60-98; Q 244, p.296;[52] Kinsgford, op.cit. Vol.VII, p.222; Maddonell's Sketches of Glengarry, p.22,46,
57. L.C. Land Papers, Aug.23,1787, Petition from reduced officers of the 84th Rgt. for land; L.C. "S" ~~Report of Land Committee, Jan.8,1793.~~ Oct.2,1788,Surveyor-General John Collins to P.McNiff; Q 39, p.74 ff; L.C.Land Book,1788-91,p.42, Oct.22,1788.
58. L.C. "S" Report on Land Committee, Jan.8,1793.
59. Ibid, Robertson to Milnes, March 7,1803; ibid, Oct.30, 1811.
60. Ibid, Oct.16, 1792.
61. Ibid, March 12,1803.

two-thirds of the township locked up in large grants.[62] Robertson, however, was one of the few who formed an extensive settlement. In 1804, there were fifty families on his land in the first range.[63] The rest of the township remained a wilderness.

After many delays and misunderstandings, the second battalion settled in Nova Scotia.[64] There was considerable dispute as to the amount of land each class was entitled to. A petition for 275,000 acres, presented on behalf of the officers, was refused on the grounds that "former monstrous grants of land to individuals have been the greatest curse of the Province," and that several had already sold their grants and returned to New England. Their grant was therefore reduced from 5,000 acres to 1,000, with an additional 50 for each member of the family.[65] There was an immediate protest and widespread discontent from the outraged officers to whom Carleton had promised the full quota of land according to the Proclamation of 1763. Governor Parr complained that it was impossible to satisfy the officers of the 84th who insisted on their pound of flesh.[66] Finally, their full claim of 99,500 acres was portioned out of the 281,450 reserved for military settlers. The greater number settled around Pictou, some in Douglass township, Hants County, thirty miles from Halifax. A few went to Prince Edward Island. On the whole, like their countrymen of the 82nd (Hamilton's) Regiment who settled on the south side of Pictou Harbour, they proved a sober, industrious lot, cleared immense tracts of land and "raised large families."[67] Grants were also made to the provincial troops, to volunteers from Maryland, and to the Duke of Cumberland's regiment.

It was undoubtedly a mistaken policy to reward soldiers by grants of land, the only excuse being that it was the easiest way out of a pressing obligation in a day when money was scarce, taxes hard to get and land cheap. Under those circumstances it was both simple and popular to alienate huge tracts of it under slight provocation. Between 1783 and 1907, the United States Government, in order to satisfy pledges to military claimants, surrendered almost 70,000,000 acres, exclusive of the expense of survey, with serious and prolonged consequences to the government and nation.[68] In

62. Ibid, March 16, 1824, Bouchette's Report.
63. Gourlay, Statistics, I, p.604; L.C."S" Feb.20,1804; Bouchette, Topographical Description, p.247.
64. Can.Arch.Report, 1894, p.406, Secretary of State to Governor of Nova Scotia, Aug.7,1783.
65. Ibid, p.417, Parr to Nepean, April 10,1784; ibid, p.418, April 29,1784, Return of Grantees etc.; May 1, 1784, Parr to Nepean.
66. A 107, p.43, June 21,1784, Col.Allan MacLean to Sydney; Col.Cor.N.S.Vol.17, p.431, Mem.by same to Governor Campbell; A 108, p.331 ff, April 21,1786, Sydney to Parr; ibid, pp.171-78, Parr to Sydney, June 2,1786.
67. Roger, op.cit. p.~~132~~; The leaders of the American Revolution made grants of land according to rank averaging from 500 to 100 acres. These grants were supplemented by State grants. Later this scale was raised four-fold in the case of privates and ten-fold in the case of officers, Ford, p.107;Sato,p.131.
68. Hibbard,op.cit. p.116, 132:

general the soldiers returned to their homes and sold their warrants, as in the days of Cromwell, to their own officers and to land speculators. The result was the creation of gigantic land companies. The military reserves, however, remained largely unoccupied, while the millions of acres thus alienated and sold for less than the minimum price asked for by government, impaired the sale of public lands. Neither the soldiers nor the nation benefited to the extent anticipated; taxes and interest had to be paid, money was both scarce and dear, and many of the speculators went bankrupt.[69] Results similar in kind were duplicated in Canada. Many of the soldiers never settled on their grants, some re-enlisted, others failed to comply with the conditions, while some sold to land-jobbers for a mere pittance. As in the United States, the general result was a maximum injury to the Colonies, and a minimum benefit to the soldiers.

The coming of the Loyalists exercised an abiding influence upon the social, political and religious life of Canada. In view of the uncertain temper of the continent it was hoped that such a compact body of loyal settlers, the wards of Government, could be useful in many ways: They would help to keep the "Six Nations" friendly, and prove "no small support to the interests of Government."[70] Judiciously settled, they would secure for the Empire the Fur Trade routes, while their knowledge of farming would enable them to raise large quantities of wheat and other grains in Quebec where crops were precarious and liable to be engrossed by a few designing traders.[71] They did not disappoint these high expectations; Canada gained immeasurably by their industry and loyalty. They provided an Anglo-Saxon aristocracy that offset the influence of French culture, and in subsequent years repaid with interest any considerations showed them in the hour of their adversity. Twice they rallied to the defence of Canada; by the irony of fate, they formed the centre of resistance to the American invaders in the War of 1812, and in 1837-38, they were equally successful against MacKenzie and Papineau. As farmers they transformed the face of the country for fifty leagues beyond the old settlements,[72] and broke down the barriers of the forest, blazing a path for the feet of others in the westward extension of settlement. It is true that a few were prone to idleness and returned to the United States after Government rations ceased;[73] but the more determined persevered and in time added two new Colonies to the Empire. They

69. Treat, op.cit. p.244 ff; Sato, op.cit. p.131; Hibbard, op.cit. p.209 ff.
70. Q 38, p.164, Dorchester to Sydney, Oct.14,1798.
71. Q 23, p.5 ff, Haldimand to North, Nov.6,1783.
72. Simcoe Papers, I, p.167, June 20, 1792; Q 305, p.46, Gore to Windham, Oct.1, 1806; Q 38, p.164, Dorchester to Sydney, Oct.14,1798; see also W.L.Smith, The Pioneers of Old Ontario; Edgar (Editor), The Ridout Papers; Wild, Travels, I, p.293.
73. Parliamentary Papers, 1828, XXI, p.383; Can.Arch.Report, 1912, p.239.

formed the first great influx of population into the territories now included in the Maritime provinces and Ontario, and were forerunners of greatly increased immigration of later generations.

The Loyalists, nevertheless, created serious problems alike in the land system and in the social and political life of Canada. After the American Revolution the primary object of British statesmen was directed against the further dismemberment of the Empire and towards the adoption of every expedient that would keep the revolted colonies. Thus, the nationality of the French was cultivated by the retention of their language, laws and religious institutions, as a means of perpetual and entire separation from their neighbours. The same idea was supplemented by the policy of forming new settlements of Foreign Protestants, and later by the separation of the habitants from the British immigrants. Colonies were to be governed by division; they were to be broken down as much as possible into petty isolated communities, incapable of combination and too weak for individual resistance to the Empire. The result of such a policy was the creation of the colonies of New Brunswick and Ontario.

To buttress this plan still further an attempt was made to build up in every colony a body of opinion friendly to the Imperial connection. The Loyalists supplied this necessary element. They were regarded "as proper objects for distinguished benefits and privileges." A mark of honour was put upon them by order of Lord Dorchester in 1789. Henceforth they were to be discriminated from the rest of the community by the pround title of"United Empire" Loyalists and their names entered in special registry books as a perpetual remembrance.[74] Their loyalty won for them the confidence of the Canadian Governors, who for years bestowed upon them every office worth holding - a monoply of power that later won for them the unpopular title "Family Compact." As an added compensation for their timely services to the Empire, and to offset the rising tide of colonial democracy, the Government attempted to create a landed aristocracy by giving an additional grant of 200 acres of land free of expense to all who had entered Canada before July 28, 1798, and to their sons and daughters of the first generation together with the usual family land of 50 acres for each individual brought into the Colony before Februsry 17,1789, provided that there had been no default in the due cultivation and improvement of the lands already assigned to the head of the family; but no family land was to be given to any person whose personal property was 1200 acres or more.[75]

74. Q 44, p.224.
75. Report of the Inspector General to His Excellency the Lt.Gov. regarding the claims of the U.E.Loyalists, Toronto, May 15,1834, U.C. "S"; Surveyor-General Thos. Ridout to Maitland, Aug.22,1818, ~~U.C."S"~~; P.F. 71, 1837, Address to H.M. on the subject of U.E.Loyalists' rights by tthe Provincial Assembly, March 4, 1834; Q 44, p.222, Order-in-Council.

Thus it will appear, in spite of all arguments to the contrary, that however much it was desired to distinguish the U.E. Loyalists by giving free grants of land to their children and having their own names enrolled for future remembrance, it was plainly stipulated that the lands so granted should be improved in order to prevent injury to the colony. They were all therefore put upon an equal footing with respect to the settlement and improvement of their grants under the new regulations.

The subsequent history of these grants forms an unpleasant chapter in Canadian development, particularly in that of Upper and Lower Canada. Owing to political and other circumstances the regulations were by no means rigidly enforced. It was found that persons having lots assigned to them under these rights would be much inconvenienced by removing to them as in many cases they were far remote from the older settlements. For the convenience of those claimants, therefore, performance of actual settlement was much overlooked although the right of transfer of certificates or Location Tickets was not at any time sanctioned. The injurious effects produced by so many uncultivated grants dispersed throughout the different townships soon became evident, and an attempt was made to enforce the actual residence duties originally required. An Order-in-Council of October 20,1818, required "that a habitable house should be erected on some part of the grant and sufficient clearing under fence be made thereon in the proportion of five acres to each hundred." Other Orders-in-Council modifying these restrictions were passed at various periods until May 1832, when it became obvious that owing to the progress of the Colony waste grants constituted a most serious problem. To compel their development an Order-in-Council of April 6,1833, was issued stating "that no patents should be issued to individuals who received Location Tickets, till...a resident settler was established on some part of the grant." At the same time Loyalists were granted the privilege of fulfilling the settlement requirements by residing personally upon any of their 200 acre lots and placing a resident settler for two years upon every other lot of 200 acres, when a patent for the whole would issue in their own name. Not only so, but Loyalist grants were articles of traffic in the public market, purchased by speculators at a very reduced rate for the purpose of placing a settler upon a small portion of each grant and retaining the remainder for future disposal when the value of lands had been increased through the accession of settlers and other causes.[76] Among these speculators were members of Council and of the House of Assembly, and other officials.[77] In Upper Canada, all further locations were stopped by new orders in December, 1833, which aimed at protecting

76. Q 396,p.279 ff, W.Rowan to S.P.Hurd, Sur.General Oct.15,1833; Durham,op.cit. p.79; Order-in-Council, York, Oct.25,1832, Nov.13,1832.
77. Order-in-Council, Dec.12,1833.

the interests of the Loyalists still more by providing for the sale of their lots through the agency of the Commissioner of Crown Lands, free of all expense, and thus enable them to receive a higher price. Whether this course would have satisfied all parties concerned when reduced to practice is impossible to state since the troubles leading to, and issuing from, the Rebellion of 1837 suspended all action. It has even been claimed with considerable justification that the political situation which led to the Rebellion arose in part out of these grants and other concessions shown to the U.E. Loyalists by a Government largely controlled by them. It was undoubtedly true that the Loyalist influence in the political and economic life of the province, prior to 1841 at least, was not of the best. One recognises the reasons and in a measure sympathises with the necessity, while regretting the selfish use made of their opportunities. They controlled the bench, the banks, the Anglican Church, and had a monoply of power and patronage; opposed to responsible government, they forced the majority of the immigrants into the ranks of the opposition to secure the franchise in order to influence legislation. And while colonial executives were endeavouring to rectify the mistakes of such a wasteful land system, the Imperial Government was preparing further plans to add to them.

The question of defence against possible attacks from the now independent Colonies remained acute. The efforts of the revolutionists to undermine the loyalty of the Canadians during the War of Independence; the misunderstandings during the French Revolution and Napoleonic Wars, and the unfortunate interruption of relations in 1812; the dispute over the Maine boundary, and the immigration of crowds of land-hungry settlers from the Republic into the Colonies - vehement foes of British institutions and eager to introduce a republican form of government - forced home upon the Colonial Office the urgency of establishing settlements at strategic points near the frontier. For this purpose three thousand Loyalists were deflected from Quebec to Cape Breton as being exposed to attack, much to the annoyance of the New Englanders who saw their monoply of the fisheries threatened by such a large settlement. Haldimand recommended a similar plan for the defence of Detroit.[78] Disbanded regiments were settled in Nova Scotia and New Brunswick, and as a measure of safety and comfort to the upper posts on the St. John's River and the utmost utility of all the Colonies, and as a means of providing for the

78, Q 23, p.102, June 7, 1784; ibid, p.361, Haldimand to Sydney, Oct.3,1784; Kingsford, History, Vol.VII, p.218,222; M 410, p.90, DesBarres, July 17, 1785.

safety of the royal mail and the transferring of troops for mutual assistance in the event of war, a military road was planned by way of the River St. John to the St. Lawrence.[79]

Lower Canada was seriously concerned over its exposed frontier and long chain of settlements, and various plans for its defence were suggested. In 1780, the Seigniory of Sorel, which commanded the highway between Canada and the "old colonies" was purchased by Haldimand for £3,000 on behalf of the Government.[80] Lord North recommended that a line of defence be formed east of the St. Lawrence.[81] For this purpose the Scottish Highlanders were considered the most suitable. Their language would form a barrier to intimacy with the Americans and their clan loyalties would render them more immune from the infection of republicanism than settlers of English extraction and democratic tendencies. Their coming was therefore always facilitated and theif claims, in whatever form presented, received favourable consideration. The time was opportune. The process of engrossing small farms into larger and more profitable grazing areas was denuding whole Highland districts of their native population, and driving them into the industrial centres or across the Atlantic. Men like Father Macdonell, Lord Selkirk and Thomas Talbot, urged upon the Imperial Government the wisdom of a policy that would divert a sufficiency of them into Upper Canada to form a bulwark for the protection of the North American possessions, and into Lower Canada as an effectual check upon the disaffected habitants.[82] Others urged that the frontier townships between Lake Champlain and Montreal, whose pathless area would form an effective barrier to aggression, be left unsettled, or settled by men who could, when necessary, combine farming with fighting.[83]

In response to this need, the Lower Canada Executive set apart several frontier townships, where every head of a family being a native of Scotland would receive immediately 100 acres free of all expense, 100 to his wife and 50 to each child upon the same terms "without any prejudice to any application for such further quantity as the case of each individual may afterwards be found to merit." To enable the settlers to take immediate possession of the lands located for them, the members of the Executive Council, resident in Montreal, were to constitute a board to grant location certificates. The deed would issue as soon as proof of location was

79. M 403 F, p.20 ff, Daniel Lyman to the Lt.Govr. 1793.
80. Haldimand Papers, B 55, p.4, Townships of Hemingford, Sherbrooke, Godmanchester Hinchinbrook.
81. Ibid, Germaine to Carleton, March 26,1779, (B.M.Add.Mss.21698); ibid, War Office to Haldimand, April 5,1779 (B.M.Add.Mss.21708); ibid, same to same, June 9,1783, Aug.8,1783 (B.M.Add.Mss,21710).
82. L.C. "S" Feb.11,1809; Selkirk Papers, Vol.52, p.91, Paper to Sir George Shee, March 27,1806.
83. Bathurst to Sherbrooke, July 1,1814.

supplied. Agents familiar with the Gaelic language were appointed to proceed to Scottish settlements in the United States to induce the settlers to transfer their allegiance. As a further inducement 200 acres were reserved in each township for the support of a minister and a schoolmaster.[84]

To Upper Canada the problem of defence was equally urgent. The sparsely settled districts proved a constant menace to safety, tempted invasion, and by its contiguity to the expanding frontiers of a progressive, energetic republic, invited the American speculator. Simcoe's correspondence shows constant anxiety owing to the lack of troops, the exposed condition of the colony and the slender means at his disposal. He had participated in the Revolution and shared the fears and resentments common to his day. He believed an attack by the Americans was simply a matter of time and favourable opportunity. Yet he was no alarmist; the American Government was building western forts and was severely critical of British Colonial policy. General Wayne was hammering the Indians and threatening to embroil in his campaign the British military posts in the West. Dundas agreed with Simcoe that the first object of Government in Upper Canada must be the defence of the Colony. It was to be purely defensive, however, and warned him to refrain from any hostile action or views towards the United States, and to discourage the tendency in others.[85]

As in Lower Canada and Nova Scotia, the formation of settlements was always subordinate to that of defence. "To give countenance and support to the civil government," military establishments were to accompany or precede that of settlement,[86] Simcoe therefore favoured filling up old settlements, such as Niagara and Kingston, rather than forming new or frontier ones; that Long Point on Lake Erie be garrisoned before any grants of land be made in that region, and only then to settlers on whose loyalty and active support the Government could absolutely rely. For the same motives, he would withdraw all British settlers from American territory at Detroit and concentrate them on British soil.[87]

Simcoe's best service to the settlement of Upper Canada, originally intended for defence, was the construction of Yonge and Dundas Streets to link up strategic centres, away from the international boundary. The former from York to Lake Simcoe, thirty-six miles, connected with Hollands River, then to Lake Huron via Gloucester Bay and Penetanguishene Harbour; the latter was a continuation of the "King's

84. L.C. Land Book "F" pp.132-136, May 18,1809, Townships of Hatley, Compton, Clifton, Auckland, Newport, Eaton, Ascott, Orford.
85. Simcoe Papers, Vol.I, p.27,72; Vol.II, p.66, 81, 82, 165, 324; Q 286-1, p. 45, Russell to Portland.
86. Q 281, p.386, Simcoe to Portland, July 31, 1795.
87. Simcoe Papers, Vol.III, p.161, Simcoe to Dundas, Feb.23,1794.

Highway" from Montreal along the banks of the St. Lawrence and Lake Ontario to Dundas, thence to Chatham near Lake St. Clair. An immediate road joined Detroit and the Niagara settlements. In this way he linked together such extreme points as Lakes Huron, Erie, Ontario, and the towns of Niagara, York and Montreal. Along these roads the peaceful trader passed to and fro from the fur posts of the West and loyal emigrants were settled; troops and stores could be more easily transferred to danger zones without the fear of interruption by an enemy. From a military point of view the scheme was a failure; its supreme importance lies in the stimulus provided for the development of the colony. The lack of roads was always a serious handicap in a new country; their absence meant the stagnation of settlement and poverty amongst the settlers, while their presence invariably meant the reverse. But these military roads helped to shape the future destiny of Canada by emphasizing the importance of certain sections of the colony. York, Kingston, London, Niagara and Long Point districts, because of their situation, soils and strategic advantages, were to be formed into compact settlements protected by blockhouses, to become pivotal points either for offensive or defensive purposes.

An integral part of Simcoe's scheme was a mobile force which was intended to augment the defence of the colony and hasten settlement. The Queens' Rangers fulfilled his expectations. They opened both Yonge and Dundas Streets, constructed bridges and public buildings, cleared lands and in many ways proved a most useful acquisition to the development of the colony. Simcoe also expected that their training in habits of industry and their familiarity with pioneering life would make them useful citizens when disbanded. Their inadequate reward was to be a free grant of 50 acres after five years' service. Later they were put on the same footing as other disbanded regiments, and in 1796, ceased to be soldiers and became settlers.[88]

The War of 1812 justified the fears of the alarmists and demonstrated the need of continued vigilance. Preparations were made to cope with future aggression. Regulars serving in Canada were offered lands "along the frontiers of either province in districts the most open to invasion and in the islands in the vicinity of Kingston;" and the Glengarry Fencibles and Canadian Voltigeurs were similarly offered grants "out of those parts of the townships of Lower Canada which may be most exposed to attack,"[89] where between 1817 and 1823, 257,000 acres had been set apart for

88. Simcoe Papers, four volumes, various pages.
89. G 6, p.43 ff, Bathurst to Prevost, July12, 1804; ibid, p.47 ff, same to same, Sept.8,1814; Q 319, p.73, Major-General Robinson to Bathurst, July 29,1815; C 625, p.73, Bathurst to Drummond, June 13,1815; ibid, p.74, Bathurst to Prevost, Oct.15,1815; Can.Arch.Report, 1896, p.74 ff.

the militia in the townships of Aston, Chester, Dudswell, Frampton, Halifax, Ham, Horton, Inverness, Ireland, Kilkenny, Kingsey, Shekely, Upton, Warwick, Weedon and Wolfstown.[90] In Upper Canada, Maitland having in view the general development of the colony and its future strength and defence, offered grants at reduced rates to settlers who would open a road within two years through the townships of Eldon, Fenelon, Verulam, Harvey, Douro, Dummer, Belmont, Burleigh, Lake, Tudor, Grimsthorpe, Angelsea, Barrie, Clarendon, Palmerston and Methuen, between Lake Simcoe and the Ottawa.[91]

Not only were barriers built against aggression from the United States, even their peaceful penetration was inhibited, inspite of the pressing demand for settlers. The reason was political. As settlers the Americans were welcomed because of their skill in clearing the forest land and because many of them had capital to invest in land. The peaceable and industrious Quakers and Dutch farmers from Pennsylvania were always sure of a good reception; objection was raised to those who violated the laws of hospitality by bringing with them "the very worst principles of their own constitution,"[92] and were "industriously endeavouring to dissiminate them" among the other settlers.[93] The problem arose out of certain defects in the land system whereby too much land had been alienated without imposing judicious and enforceable conditions of settlement. The Loyalists received more land than they could use, often in scattered lots, and since the local officials in charge of the disposal of the waste lands received fees on all privileged grants, the temptation to multiply them proved irresistible, and hundreds of lots were deeded to persons who never had the least intention of developing them. The natural consequence was that the quantity of saleable land on the market increased beyond all proportion to the demand and the price fell extremely low. At the same time settlements in New York and other American states were spreading progressively back till they reached the frontiers of Canada, while the high price of land, which rose in proportion to the advance of population, proved a continual temptation for the restless Americans to remove into Canada, affecting in so many ways its social and political life. As early as 1805 Selkirk claimed a sprinkling of those Americans were to be found in Upper Canada in the townships of Ancaster, Beverly, Burford, Camden, Charlotteville, Chatham, Delaware, Dorchester, Dover, Flamboro, Gore, Howard, Harwich, Oxford, Raleigh, Railham, Townshead, Walpole, Walsingham, Windham, Woodhouse.[94]

90. L.C. "S" March 17,1823, List by Bouchette; L.C.Sixth Report,pp.102-03.
91. U.C.State Book G, pp.192-94, Oct.18,1821; Q 331,pp.14-17, Maitland to Bathurst, June 23,1822.
92. Q 305, p.47, Gore to Windham, Oct.1,1806.
93. Q 281, p.386, Simcoe to Portland, July 31,1795.
94. Selkirk Papers, Vol.52, p.83, July 29,1805, Selkirk to Pitt.

To check the progress of this evil, it was by no means sufficient to stop the abuses which had given rise to it. To retain Canada as a British colony, it was decided to crush out and repel any democratic spirit from the United States, and finally to stop all intercourse with them. In Upper Canada, after the War of 1812, American settlers were registered and the oath of allegiance refused except by special authority.[95] In Lower Canada, Drummond opposed the policy of issuing deeds to leaders of extensive grants, like Felton, before the conditions of settlement and improvement were fulfilled, as otherwise "great facility will be afforded to Americans to creep gradually into the province" as purchasers of these grants. The British agent at New York was informed that persons who had resided in the United States during the war would not be accepted as settlers.[96] In 1817, the most drastic step of all was taken. Orders were issued to prohibit all settlement from the United States - a stupid act of interference so common then. If there was one point on which interference could be sensibly felt and resisted, it was when settlement was hampered by arbitrary and ill-advised regulations. Land then constituted almost the only form of wealth, and the most effective means of disposing of it was to newly arrived settlers. To the average individual, any measure which prevented its sale was a grievance, while the stoppage of a fertilising stream of immigration into the country meant that progress and its attendant prosperity was delayed, keeping the country stationary, fettering all effort at advancement, and exercising a depressing influence upon the whole colony. What Canada needed was a landed aristocracy and the introduction of capital to develop its natural resources and at the same time safeguard its institutions. Selkirk and Talbot recommended a policy of extensive grants, judiciously bestowed, on leading individuals, men of property, able to improve the land and prepared to wait for returns and responsible for the loyalty of the men they introduced, as productive of more salutary effects than the profusion of small grants indiscriminately given to the poorer settlers. Such a conviction explains Dorchester's extra grant of family land to all those who had already improved their original locations,[97] and the official encouragement given to the emigration of respectable British families, and meritorious army officers, who were offered an opportunity of disposing of their commissions as a preliminary step to their settling in any of the North American Colonies on grants of land graded according to their respective ranks, and averaging from 500 to 1,200 acres, on

95. Q 319, pp.117-22, Gore to Bathurst, Oct.17,1815.
96. Q 133, p.111 ff, Dumond to Bathurst, Oct.30,1815; Q 320, p.319, Gore to Buchanan July 31,1816.
97. Q 38, p.164, Dorchester to Sydney, Oct.14,1788; Q 282, p.102, Simcoe to Portland July 23,1795; Selkirk Papers, Vol.52, p.91, Paper to Sir Geo.Shee, March 27, 1806.

EX BIBL. UNIV. EDINBURGEN

condition of actual residence and cultivation of their grants within a limited period.[98] Even after the principle of sale of all waste lands had been adopted, officers could still avail themselves of former privileges in a circuitous way. By new orders they could purchase lands at the public sales and later secure remission of the purchase money at which their land was valued, in proportion to their rank and period of service,[99] whereas the Australian method considered length of service only. For instance, a Field Officer of twenty years service settling in Canada received a remission of £200, and a Lieutenant £150, but in Australia all officers of the same length of service, regardless of rank, received £300. In January 1832, however, it was ruled that "whatever may be the value of the land, no greater quantity than would fetch in market £100 can be given gratis."[100]

The scheme met with indifferent success. In the Maritime provinces many of the officers disregarded the conditions of settlement, sold their grants immediately or simply removed the timber.[101] On the other hand Upper Canada where ninty-two had settled (1831-1833)[102] "derived so much advantage from their exertions" that Colborne suggested in vain the inclusion of any officer, civil or military, who desired to settle there.[103]

The final attempt at Military Settlement by the Colonial Office before 1841, was even more open to criticism. In October 1830, plans were hastily prepared to send thousands of Chelsea Pensioners to the Colonies, not as a reward for services rendered or in the hope that they would develop into useful citizens, but rather as a cheap alternative to the small pension paid to them. Each emigrant was given a sum of money, equal to four year's nett pension, as a cammutation in lieu of all future claims upon the Government. Part of this sum was given as soon as he booked his passage and the balance on arrival in the colony. No other assistance would

98. N.B.C.O. 188 (157), Vol.X, General Order, Horse Guards, July 18,1829; see also June 8,1826, May 16, and Aug.24,1827; Feb.24,1831; ibid,Vol.XIV, p.227, Aug.15,1831 - size of grant.
99. G 22, p.255, Goderich to Colborne, March 6,1831, transmitting General Orders of Feb.24,1831; N.B.C.O. 188 (158), Vol.XI, p.97, Goderich to Campbell, advising cancellation of free military grants to officers; ibid, p.101, General Order, No.504; G 396, p.306, Horse Guards, Aug.1,1831.
100. C.O. 324/90, R.W.Hay to Lt.Gov.Campbell, Jan.10,1832; "I have no hesitation in stating to you that when the regulations were altered it was only for the sake of uniformity that any change was adopted in regard to the military and naval officers; and that there was no intention whatever of giving them any additional advantages in the acquisition of land, still less of granting to them any money payment in consequence of the claim which they might have upon the land. Whatever may be the value of the land, no greater quantity than would fetch in the market £100 can be given to them gratis."
101. N.B.C.O. 188 (160), Vol.XIII, p.469, Stanley to Campbell, Oct.3; ibid (197), Vol.IV, p.677 ff, Campbell to Stanley, Nov.26; ibid, p.693 ff, Campbell to Stanley, Sept.17,1833.
102. P.F. 67, No.12, p.6, Dec.9,1834: Return of the names of officers who have settled in Upper Canada, P.Robinson, Commissioner of Crown Lands.
103. Q 381, p.433 ff, Colborne to Stanley, March 21,1834.

be given beyond a grant of land. In the circular announcing these terms, a note of warning was sounded to the effect that success required physical energy and a certain amount of capital.[104] The response was not gratifying, for out of 80,000 out-pensioners in 1831, only 1,745 availed themselves of the offer. Of these, 1,392 with their families went to Canada.[105]

The Government, however, neglected its own warning and allowed the infirm and aged to emigrate. The preparation in the Colonies was left to local officials. The Maritimes, deluged with paupers, refused all responsibility; Colborne in Upper Canada, offered locations in Bathurst, Newcastle, Home and London districts, where work was available with free transportation from the port of arrival.[106] The outcome was far from being successful. The advanced age, intemperate habits and diversified nature of these Pensioners had not prepared them for successful colonisation. Neither they nor the colony derived any benefit from the attempts to convert them into farmers; many crowded together in hovels in the towns, discontented and troublesome, maintained at public expense, too indolent or unable to support their families.[107] Colborne, deeply sympathising with all struggling pioneers, claimed that it was cruel to tempt an old soldier to become a pioneer settler by a bait of about £50, and that those sent should have had their pensions continued for two years on condition of clearing a certain amount of land to support their families. In 1835, he rescued about seventy of them who had been living in misery in Toronto, and placed them on small lots in Penetanguishene, supplying them with rations in the hope that their children might have a better opportunity in life. The Imperial Government refused any further assistance to these hard fighting, hard drinking, worn out subjects, and left the severe Canadian winters to weed out the unfit. The few exceptions developed into useful citizens.

On the whole the method of settling ex-soldiers on waste land has not been a success. They constituted a class of men least likely to succeed as settlers; they soon wearied of the drudgery and self-sacrifice inseparable from successful farming. Recent and remote experience confirms this statement. In the Canada of a century ago, as in Kenya since 1918, some of the beneficiaries never claimed their farms; some sold out at whatever price they could secure; others neglected to improve their grants, while many of those who took possession of their lands later

104. C.O. 217, Vol.159, March 1,1821, Memo for the information of out-pensioners desirous of commuting their pensions with a view to emigration. (Cowan)
105. Cowan, British Emigration to British North America, 1783-1837, p.196.
106. C Vol.632, p.45, July 5, 1832, Notice to discharged soldiers; Canada Archives Report, 1900, p.XXVII.
107. Q 374, p.890 ff, Colborne to R.W.Hay, Nov.6,1832; Q 377, pp.17-19, Colborne to R.W.Hay, Jan.1833.

abandoned them.[108] There were many reasons for this wholesale neglect; the difficulties, inconveniences, and extra labour occasioned by the many obstacles in the way, the intricate forms that had to be complied with before a grant issued, the legal expenses, the distance from older settlements, the lack of roads and the scarcity of capital. A policy that sought the defence of Canada by grants of land as rewards for military service while plausible, was thus doomed to failure by the very elements in the situation. It was the easiest answer to an urgent question and appealed to responsible officials, ignorant of actual conditions in the Colonies, and to a Government hard pressed for necessary funds. The best defence of Canada was to be found in its contented and prosperous inhabitants.

108. Q 207, p.415 ff, op.cit.; Leys, Kenya, p.144; McGregor Ross, Kenya from Within, pp.81-83.

III.

GRATUITOUS GRANTS TO IMMIGRANTS UP TO 1815.

The policy of making free grants of land to attract settlers was practised very extensively in early colonial days. Land was presented to various classes of people and for various reasons, sometimes in small tracts, sometimes in large, usually on certain definite conditions of settlement.and improvement. But no uniform method was followed. The inducements offered varied with the needs of the times and local circumstances. In 1614, Virginia offered all married immigrants one hundred acres with a house and twelve acres fenced, and in 1754 offered lots of one thousand acres, free from quit rents for ten years, west of the Alleghanies. Baltimore, in 1633, offered two thousand acres to any person who introduced five adults into Maryland. New York followed the Dutch practice of making large manorial grants, while New England, particularly in its earlier stage, favoured the compact, continuous township system under approved proprietors. William Penn sold his extensive grant. In the Carolinas the original grants varied from one hundred to one hundred and sixty acres; later, under pressure from speculators, large grants to men of wealth were made, while Georgia limited its general allotments to fifty acres, with exceptions of five hundred acre grants to men of property. Within the same period waste lands in Quebec were surrendered in fief and seigniory.

Prior to 1763, the land regulations of the British North American Colonies were closely linked up with the problem of defence. The expulsion of the French made such a policy unnecessary, but the urgent problem of settling the millions of waste acres remained. In no other way could the Colonies be developed. The Home Government, loaded with debt after so many years of war on three continents and seeking some measure of relief from the burden of taxation, had no spare funds to encourage colonisation, and no other inducement to attract settlers from the more attractive and developed Colonies to the south than a free grant of one hundred acres to the head of the family and fifty for each person in his family; and since emigration from the British Isles was not encouraged - in fact forbidden after May 1766,[1] and the attempts to secure acceptable European Protestants had proved such dismal failures, colonial governors were instructed to look to the Older Colonies for settlers.[2] But the inducement was not sufficient to tempt men to leave a

1. N.S.C.O. A 77, p.108 ff, Lords of Trade, May 15,1766.
2. N.S.C.O. 217 (165),p.836; ibid, A Vol.76 (M464), pp.69-74, April 30,1765; Proclamation by Lawrence, 1758.

developed for an undeveloped region. Nova Scotia, and Upper and Lower Canada thirty years later, was thus committed to a practice familiar to New England of inviting settlement by responsible men of capital who would undertake to introduce at their own expense a certain number of settlers within a given time and settle them upon a definite tract of land.

The formation and development of these communities constitute an important chapter in the history of political and social institutions of New England, and later in Canada, though their remote origin is difficult to trace. The immediate cause may be found in the arrival of shiploads of emigrants from the same locality in the 'Mother Country' who desired to settle together. At all events, the greater part of the land disposed of by the Massachusetts Bay Company and much in Maine was to associations of settlers under responsible leaders. But the comparison with Canada ends there. Unlike Nova Scotia and Upper and Lower Canada, new plantations were managed in New England in strict subordination to the interests of the whole community through commissioners who alloted the lands and admitted settlers, thus ensuring conformity to the general policy. Settlement was insisted upon, and the making of other grants was contingent upon that.[3]

Governor Lawrence was familiar with the working of this method of settlement in the 'Older Colonies' long before he issued his proclamation inviting settlement by leaders and associates on condition that one-third of the whole grant be planted, enclosed or improved within ten years and the remaining two-thirds within thirty years from the date of the grant; one-fourth of the land was to be settled the first year in the proportion of one Protestant family to every 200 acres and the whole within four years on pain of forfeiture. To enforce cultivation, only those prepared to settle and able to cultivate their grant would be accepted.[4]

The response to the proclamation was most encouraging. Already in 1754, a grant of 20,000 acres had been made, and twenty New York capitalists offered to colonise a huge tract.[5] In 1759, contracts were made with New England companies to settle the townships of Annapolis, Amherst, Horton, Liverpool, Onslow, Sackville, Truro, and Yarmouth, and thousands of settlers were introduced.[6] On the same conditions huge grants continued to be made up to 1773, to English lords and baronets as in the 'Older Colonies.' Lord Egmont, the Duke of Richmond and there associates were put into temporary possession of the islands of St. John and Cape Breton respectively. Benjamin Franklin and his associates, Major-General James Murray,

3. Eggleston, Land System of New England, pp.27-35; Ford, op.cit. p.100.
4. N.S.C.O. 217, Vol.146, p.94; ibid, Vol.163, p.345; ibid, A 77 (M465), pp.87-93, April 25, 1766, Board of Trade on McNutt's Plan.
5. Can.Arch.Report, 1894, p.198, Lawrence to Lords of Trade, June 1,1754, H 252, B.T.N.S. Vol.15.
6. N.S.C.O. Vol.A 78 (M466), p.16, Sept.2,1766.

Governor of Quebec, and Lieutenant-Governor Debrisay of Prince Edward Island participated in the scramble for estates.[7]

The most outstanding and typical of this class was Alexander McNutt, an enthusiastic, persuasive adventurer from the North of Ireland who was so liberally encouraged by Government in the allotment of land that almost a million acres were granted to him and his associates in situations of their own selection.[8] Arriving in Halifax in 1759, in response to Lawrence's proclamation, he obtained from the enthusiastic Governor the reservation of six townships of 100,000 acres each on the Basin of Minas, 200,000 acres at Roseway near Cape Sable, and 17,500 acres in Grenville township, on the Annapolis River, with a promise of further grants should he introduce more settlers than necessary for the grants made.[9] The conditions were that he should settle 100 families from the North of Ireland within four years on each township and pay a quit-rent of 2/- per 100 acres. Each family was supposed to get a farm of 500 acres, leaving 50,000 acres in each township for the grantee.[10]

In 1765, after the dust of battle had subsided, McNutt became active again. This time he introduced into Nova Scotia a number of leaders of associations from the 'Older Colonies' for the ostensible purposes of large-scale farming, fishing and shipbuilding, together with the growth of hemp to be exported in exchange for British manufactures.[11] To procure a sufficient supply of labour they offered to divert the stream of German settlers from Pennsylvania etc. to Nova Scotia. These were consumations devoutly to be desired by Governor Wilmot who saw in "these frugal, laborious and industrious people" the means of improving and enriching the province, and in their commercial scheme a means of diverting attention from the discontent due to government opposition to any colonial manufactures.[12]

The Lords of Trade, in approving these large plans, fully conscious of the great and manifold abuses consequent upon the alienation of large tracts of land to individuals in the 'Older Colonies,' were swayed by the Governor's expressed confidence in the ability of the leaders to fulfil their promises; by the expectations of numerous benefits to Government and a weak struggling colony from the acquisition of so large a number of useful colonists at the expense of the grantees, "productive of those national advantages which were the objects of its original establishment;" by the knowledge that the same terms had appeared in former grants "under which

7. Can.Arch.Report, 1894, pp.243-45, 250, 261, 277, 293, 296.
8. Parliamentary Papers, 1828, XXI, p.385.
9. N.S.C.O. VOL. A, 76 (M464), p.64 ff, April 28,1766; ibid, Vol.A,77,pp.66-83, McNutt to Commissioners of Trade and Plantations, April 17,1766; ibid, p.104 ff, May 6,1766; C.O. 217, Vol.165, p.836 ff; C.O. A 111, pp.178-84, List of Grants.
10. N.S.C.O. Vol.A,77, p.65, pp.108-129, May 15,1766, Lords of Trade to the Crown.
11. Ibid, pp.13--35, McNutt to Lords of Trade, May 16,1765.
12. Ibid, Vol.A 76, pp.64-66, Wilmot to Lords of Trade, April 30,1765.

flourishing townships have been settled," and by the ease with which the lands could be escheated if the terms remained unfulfilled.[13] Their enthusiasm outran their discretion - or perhaps their knowledge of actual conditions was insufficient to enable them to judge accurately the value of the promises of the average land speculator. As the result of these schemes, 200,000 acres were granted at Pictou to the Philadalphia Company, and in addition a reservation of over one million acres in other parts of the Colony.[14] Their original plan was to acquire twenty-one townships of 100,000 acres each.[15] A grateful but deluded government, as a reward for the zeal of such an ardent coloniser, included McNutt's name with each and every association wherein he happened to have been concerned, with the result that his name appeared in grants for about sixteen townships. Altogether from 1760 to 1773, when the population of the colony was only about 13,000, there were alienated to individuals and companies living in Great Britain and the 'Older Colonies,' 5,416,849 acres of the most valuable land in the colony, in the most convenient situations bordering on the coast, principal rivers and harbours.[16]

These terms, even if the grantees had been sincere, and circumstances favourable, were practically impossible of fulfillment in a day of small and controlled emigration and keen competition for settlers. Commendable progress was made in some of the townships occupied by the New Englanders.[17] McNutt failed utterly to meet the conditions. He had promised to introduce thousands in four years, he actually secured four hundred in six years, and left them stranded and starving on the hands of the local government and citizens of Halifax. They were settled and supported at public expense in the townships of Onslow (1761), Truro(1762), Londonderry (1763), and Shelburne (1764).[18] His schemes cost the Government thousands of pounds and added to the difficulty of maintaining peace and order within the province. In spite of this, he sought by endless correspondence and numerous interviews with the Lords of Trade to persuade the Government to fulfil their promises to him to the letter. On the basis of false expenditure, misrepresentation of facts, unjustifiable complaints, and presumptuous promises, he tried to retain control of all the townships in which he was interested. Finally he secured a grant of 200,000 acres because of pledges made to him before

13. Ibid, A 77, p.118-129, Lords of Trade to Wilmot, May 16,1766, pp.87-93, April 25,1766.
14. Ibid, A 76, p.92, Abstract of Applications for Lands in Nova Scotia made by Alexander McNutt and others, May 1,1765.
15. Ford,op.cit. p.37, quoting Franklin, Writings (Biglow, Federal Ed.1904), Vol. 5, p.417.
16. Can.Arch.Report 1894, p.403, Memo respecting lands in Nova Scotia, N.S.C.O. Vol.15, p.296 ff.
17. Liverpool, Cornwallis, Horton, Cumberland, Falmouth, Sackville, Annapolis, Granville, and to a less extent in Chester, New Doublin, Barrington, Newport.
18. Parliamentary Papers, 1828, Vol.XXI, p.385, 389, 392.

1765, and on the strength of which he brought in the settlers.[19]

How far these first proprietors could have succeeded in settling their extensive grants is impossible to say. The American Revolution cut off immigration precisely when they were making their greatest efforts to fulfil their promises to the Government. The result was that the land was either abandoned to its few inhabitants or suffered to remain in its natural state. Every attempt by the local government to reinvest these unimproved grants in the Crown failed till provision had to be made for the Loyalists. Already, on April 17,1773, to enable the Lords of Trade to revise the whole land policy because of inherent abuses in it, an order-in-council forbade all governors to issue any warrant of survey or pass any patent for lands in the Colonies till further instructions.[20] The new instructions, the last before the Revolution dismembered the Empire, issued in February 1774, annulled all former regulations and established an entirely new method of disposing of the waste lands in all the royal colonies, except Quebec. All free grants were prohibited, the governor was instructed to survey tracts suitable for settlement, divide them into lots of 100 to 1,000 acres each and sell them at public auction to the highest bidder at a minimum price of 6d per acre, subject only to the usual fees of office and a quit rent of 4/- per 100 acres. The attitude of the Colonies was distinctly unfavourable to the policy of sale, and Jefferson's outspoken protest was symptomatic of the growing opposition to royal interference in the domestic affairs of the Colonies. The fictitious principle, he claimed, that all lands belonged originally to the King was accepted by the colonists as real while the conditions on which grants were made remained modest; the new regulations made the acquisition of land difficult and would retard the development of the colony: the time was opportune to inform the King "that he has no right to grant land of himself".[21]

The outcome in Nova Scotia was a fit commentary upon the foolish ~~policy of disposing of~~ alienation of so much of its waste lands. The Government offered for settlement the lands at its disposal. A large, fertile and convenient tract on the Basin of Minas and along the road leading from Patridge Island to Cumberland was surveyed into lots of 500 acre farms and offered for sale.[22] Public notice was given in ample time in Nova Scotia and the neighbouring provinces, without attracting a single purchaser. The reasons were obvious. The unprogressive nature of the province discouraged purchasers; poor emigrants had no money to buy land and squatting, or illegal possession, was easy and customary; the growing discontent in the 'Older Colonies' checked all transactions in land; finally, on July 1,1775,

20. N.S.C.O. 217, Vol.146, p.94 ff.
21. Alvord, op.cit. Vol.2, pp.212-216.
22. Parliamentary Papers 1828, XXI, p.395.

19. N.S.C.O. Vol. A 78 (M466) fo 16-36. Sept 2. 1766. Lords of Trade in answer to McKellis charges; Extracts from the Register of Lands. N.S. 1744-67.

Lord Dartmouth, by royal command, suspended the instructions of February 1774, and set apart Nova Scotia "as a happy asylum" for refugees from the old colonies to whom gratuitous grants were to be made.[23] To provide sufficient land for them, Courts of Escheat were set up which confirmed certain titles and threw open for settlement the remainder of the undeveloped grants.[24] Altogether, 1,945,372 acres were escheated in the counties of Cumberland, Halifax, Hants, Pictou, Shelburne, and Sydney.[25] In 1790, an order, which remained in force till 1808, forbade all further grants of land in Nova Scotia and New Brunswick.[26] Its provisions, however were circumvented by squatting, or by the official custom of granting a licenee of occupation to actual settlers. On August 31,1807, additional instructions were issued revoking the restraining order of 1790, and authorising grants limited to 500 acres to any one party, subject to a quit rent of 2/0 per 100 acres, and the usual conditions of settlement and improvement within a given period.[27]

These instructions, good per se, were foredoomed to failure because of the evils associated with large undeveloped tracts and the large number who had taken illegal possession. So many and so conflicting were the pretensions of the numerous claimants that in 1826, Lieutenant-Governor Kempt appointed land commissioners in each district, to determine by strict investigation the facts of each case, and thus enable him to ascertain who were legally entitled to a grant and who were simply squatters, whom he would compel to carry out the conditions of settlement or forfeit their claims. And by demanding payment in future of all fees on a grant when the warrant of survey was issued, as was the practice in the other colonies, he hoped to secure compliance with the conditions attached to the warrant of survey.[28] Before the result of his action could become apparent, the principle of sale was substituted for that of gratuitous grant. Conditions somewhat analogous existed in the land affairs of Quebec.

In 1763, in order to deflect and attract settlers from the 'Older Colonies' and institute English culture and institutions, English land tenure was established in Quebec and free grants of land were offered indiscriminately to all settlers according to the number of persons in the family and the ability of the grantee to cultivate his grant. But it required more than a gratuitous grant of land to

23. See page.
24. Durham's Report, Appx.B, p.12; Can.Arch.Report 1894, p.406, July 24,1783, Order-in-Council. N.S.C.O. A 106, p.143, Lands escheated, July 1782 – Dec. 1784;
25. Emigration, Vol.22, (Par.Papers); ibid, A 111, pp.178-184, July 18,1789, Enquiry by Sydney; Can.Arch.Report 1894, p.443, Lands escheated Mar.1783, to Sept.1785.
26. Ibid, p.466, Parr to Secretary of State Grenville, June 11,1790; N.B.Despatches Received 1800 to 1807, Vol.III, pp.627-629.
27. N.S.C.O. 217, Vol.146, p.94 ff; N.B. Despatches Received, Vol.III,op.cit.
28. N.S.C.O. 217, Vol.146, p.82 ff; James Kempt, Sept.14,1826, Memo relating to the disposal of Crown Lands in Nova Scotia.

divert the British settlers from the warmer and less alien character of the 'Older Colonies' to Quebec, where the language, religion and culture of the conquered persisted as a barrier, raised still higher by the Quebec Act of 1774, restoring the Custom of Paris. Apart from that, the American Revolution suspended settlement; thus for thirty years the colonisation of Quebec by British subjects, confined largely to military settlers and Loyalists, was almost negligible, in spite of the considerable transfer by purchase of French seigniories into the hands of British subjects, civil and military.[29] In 1791, the dream of the Colonial Office became possible.

The Act of 1791 superseded the constitutional provisions of the Quebec Act, and recognised the claims of the British minority to the right of living under British laws and institutions, leaving French culture supreme in Lower Canada where land grants made prior to 1763 could continue to be held under the provisions of the Custom of Paris or be converted into fee simple. All vacant land, however, in both provinces, would for the future be granted only according to English laws and custom, Dorchester's instructions, in so far as they deal with land, simply reproduced the regulations of 1763 with a few minor additions necessary to provide for certain changes that had taken place since 1776.

As in 1763, settlers must be in a position to cultivate and improve the lands asked for. An exact survey, paid by the Government and grantee, was required and the warrant returned within six months. To defeat the speculator, individual grants were limited to 200 acres, with an additional thousand at the discretion of the governor. Patents were to be given free, except for the fees of office. Timber fit for the Royal Navy and all coal and minerals were reserved for the Crown. A report was to be made of all tracts suitable for the production of hemp and flax. To provide for religion and revenue, two-sevenths of all land granted was reserved for the clergy and the Crown, so interspersed "that they may rise in value by the improvement of the parcels subjected to private grant."[30] To prevent disloyal persons entering Canada from the United States, the settlers, besides taking the usual oaths prescribed by law, were required to "promise and declare that I will maintain and defend to the utmost of my power, the authority of the King in this Parliament as the supreme Legislature of this Province."[31] A proclamation embodying these conditions was issued on February 7,1792, and circulated throughout the New England States and Canada.[32]

29. Q 40, pp.25-28; Q 62-A2, pp.404-406; List of Old Subjects, Seigniors and Proprietors of Fiefs and Seigniories in the Province of Quebec.
30. Report of the Whole Council, March 14,1792, for a discussion of the Reserves see ch.
31. G 181, p.1 ff; Doughty & McArthur, pp.21-23.
32. State Book "A" L.C. pp.17-20; Q 59, p.42 ff; Quebec Gazette, Feb.16,1792.

These few simple rules, through a certain vagueness in their phrasing, exercised an unfortunate influence in the history of land settlement. It was possible to hold conflicting and opposite views as to their real intentions. After lengthy discussions between the Land Department and Executive Council, it was decided, with the approval of Secretary Dundas, that the aim of the regulations was the security of Canada and the general weal of the Empire. France lost Canada by neglecting to people it. To prevent a similar fate, the Crown was surrendering five-sevenths of the waste lands to settlers of approved loyalty. The safest construction then that could be placed upon the new regulations, was that it aimed at the speedy settlement of the province. And since the individual far from markets was helpless against the forest, settlement would be undertaken, as previously in Nova Scotia, by associated companies under the aegis of a leader financially able to carry out the necessary surveys and improvements and introduce the settlers, receiving compensation out of the shares of land given his associates. By this means the Government would be relieved of the expense of surveying the township - usually a costly business - and the poor settlers of financial embarrassment.[33] Somewhat analogous to this method was the Spanish system of granting lands to Empressarios in Texas. The Empressario received a grant of land by application to government, upon which he ~~constructed~~ contracted to settle at his own expense within six years a specified number of families, in return for which he received a premium of about 23,000 acres for every hundred families ~~his contract~~ he introduced up to 800. Should he fail to introduce at least 100 families, his contract lapsed.[34] In both cases these leaders were looked upon as subordinate stewards of the Crown enhancing the value of the land, and the dangers of monopoly were regarded as negligible since waste lands were profitable only when settled and cultivated. As a further precaution against abuse, no patent would issue in Quebec till all the preliminary requirements of settlement and improvement had been fulfilled.[35]

The most crucial difficulty of all was the size of the individual grant. Would it be 200 acres or 1,200? What did the discretionary power of the governor really imply?[36] In this, as on other questions, there was wide divergence of opinion between the official point of view and the expectations of the settlers. Obviously the larger grant meant a larger reward to the leader and the greater the ratio of land alienated to the number of settlers introduced by each leader. It was the difference

33. Q 359, p.561, A Statement by Bouchette, Surveyor-General.
34. Miss Rather, De Witt, p.5, 7, 23.
35. Q 62, p.1 ff; Quebec Gazette, March 22,1792, A notice concerning the mode of applying for land; Simcoe Papers, Vol.3, p.344; Q 79, pp.390-92; Q 80, p.298; ~~Q 80, p.55.~~
36. Q 62, p.5 ff, Ogden to Governor Clarke, Oct.30,1792.

between a compact and a scattered form of settlement. The Council ruled that the normal grant would be 200 acres; the extra 1,000 acres were to be a matter of grace and reserved for those appearing, or known, to be persons of merit. The settlers claimed that on these terms the scheme would fail and asked for a more liberal interpretation of the regulations.[37] They argued, cogently, that in settling a new country only the most generous terms could induce people to leave a developed community. Generally speaking, people leave older countries only when prospects of bettering their material conditions so far excel what they could gain by remaining where they were. The compensations to be derived from the new venture must th therefore be greater than the additional fatigues and inconveniences of pioneering settlement. A grant of 200 acres in an isolated, undeveloped district was not a sufficient inducement save to the impoverished, who were the only class available at those terms and who were helpless without the financial assistance a leader could give. And as the profits from such financial outlay were all in the uncertain future and waste land was sold from 6d to 1/3 per acre, the inducements to men of capital must be all the more tempting. The extra 1,000 acres were considered sufficient attraction to undertake settlement on a large scale.[38]

On the basis of these arguments, a test case was made by Isaac Ogden, a leader for the township of Stanstead, offering to settle upon the five-sevenths part of the township forty approved settlers in five years and pay all necessary expenses, provided 1,200 acres were granted each of his associates, and that to reimburse him for his expenses each would reconvey to him 1,000 acres. Mutual benefits were expected to follow; in five years without any expense, the Government would obtain forty settlers who would attract others; progressive settlement and the value of property would thus advance side by side.[39] The plan was approved by Secretary Dundas and the way was opened to a most sensational chapter in the land-granting history of Canada.[40]

Two other embarrassing problems awaited solution - the location opened for settlement and the nationality of the associated. The tract selected, from the River St. Frances to the international boundary, was a vulnerable spot in the defance of the province. The character of the settlers would make it either a barrier against aggression or an open door to the enemy into the heart of the country. To debar admission to undesirables, commissioners were to be stationed at convenient places to enquire into the attitude of the applicant during the

37. Q 284, p.224,ff, Prescott - Mr.President Russell, April 21,1798.
38. A 79, p.380 ff.
39. Q 62, pp.13-39, Ogden to Clarke; Q 63, pp.197-200, Finlay, May 25,1793, in answer to petition of Moses Cowan of Cambridge, N.Y. John Bishop, Vermont, J.Sewell Jr.
40. Q 63, p.1 ff; Q 65, p,319 ff, Dundas to Dorchester, Oct.2,1793

American Revolution, into his nationality, social standing, religious beliefs and political principles. Discretionary powers were given to the commissioners and council to reject all who did not appear likely to become loyal and industrious settlers[41] - an admirable selective process not unlike the present immigration laws enforced by the Canadian and American Governments, with such good results, but impracticable in the Canada of that day.

In a day of restricted immigration it was easier to secure the grant of a township than associates who would fulfil the purposes for which they were intended. The usual mode of procedure was for a number of persons to organize themselves into a company and select the wealthiest - generally the only capitalist in the group - to act as leader or "agent," bear the necessary expenses and otherwise satisfy the regulations. He must then obtain a certificate from some reliable source testifying to the respectability of his character and establish his authority as agent by presenting a petition, usually signed by ten to fifty persons, for a grant of 1,200 acres to each person on condition of actual settlement, setting forth at the same time, the peculiar claims of the applicants to the favour requested. These claims almost invariably related to losses suffered during the American Revolution. It was, however, in connection with the method pursued in securing signatures to petitions for land that the evils occured and proved so difficult to detect and overcome.

Practically the only available source of securing associates was from the New England States and Lower Canada.[42] The supply was inadequate to satisfy the demand. The result was that in many cases the associates were simply fictitious names, ~~borrowed~~ lent gratuitously or sold for a trifling consideration.[43] In the majority of cases they were introduced, with the consent of local officials, to augment the grant to the leader, usually the only person seriously interested in the grant. In each case a bond, or obligation was executed by which the leader, contrary to the

41. L.C.Land Book C, pp.178-186, 376 ff, July 23,1794; Q 75, pp.72-77; L.C."S" Minute of Executive Council, Oct.20,1794; Simcoe Papers, Vol.III, p.344, Frances Le Maistre to Simcoe, Apl.9,1795; Q 75, p.76, Composition of the Board of Commissioners for administering the oaths: "Henry and John Ruiter, Philip Luke and Jesse Pennoyer, our Commissioners by us appointed for making inquiries into the characters and circumstances of all and every applicant for any part of our unoccupied waste lands, lying within our said province of Lower Canada, and for administrating and receiving the several oaths." L.C.Sixth Report, pp. 81-82, Commissioners enquiring into the principles and character of applicants for lands.
42. L.C.Second Report, (1821), p.24, 39 ff.
43. Second Report, p.26, 30: Poor associates sold their 200 acres for as low as 10/6 to 30/-.

original meaning of the regulation, secured possession of the entire 1,200 acres, or at least of the extra 1,000 as a liberal reward for his expenditure.[44] The instrument by which this evasion was made possible was prepared by the Attorney-General and sold publicly by the stationers of Quebec, and the principal intermediate agent was the Assistant-Surveyor-General of the province.[45] In this way a leader often secured possession of the entire township for speculative purposes, which nominally had been applied for by all the associates.[46] The only persons who immediately benefited by the transaction were the officials of the Land Department who divided the fees and who were fairly justly accused of encouraging, for that reason, a land policy that increased enormously their own incomes.[47]

The response to an official policy that was "earnestly considered, anxiously expected, and ardently sought after,"[48] was immediate and startling. Long lists of associates were presented for townships and the business of alienating waste lands was reduced to a system without much thought for the future. Among the first to be disposed of were the petitions "in favour of the gentlemen of the Legislative and Executive Council and of other officers of Government"[49] and their friends. Responsible officials interpreted their function as that of giving away immense unsurveyed areas in the quickest time possible. They seemed incapable of acquiring wisdom from the sad experiences of the 'Older Colonies' to the South or East, and opened the way to a rush of applicants that overwhelmed the land department for years and retarded the development of Canada for a century. Lieutenant-Governor Clarke alone issued warrants of survey for 150 townships comprising about seven million acres.[50] By February 1796, "almost all the good lands have been petitioned for;"[51] and by August 1798, applications for twenty million acres had been received.[52]

This extraordinary activity of the Land Department, however, was not accompanied by a corresponding increase in population and general prosperity. No legal title to the soil was given; the primeval stagnation continued practically unbroken. The explanation is found in part in the failure or inability of the local officials to

44. L.C.Second Report 1821), p.9 ff, 49 ff.
45. Durham, op.cit.p.79; Q 284, p.224 ff, Prescott to Mr. President Russell, April 21, 1798; L.C.Second Report (1821), p.30, 39 ff.
46. 1764-1830, Bouchette s Report, L.C. "S" 1831; L.C? "S" Aug.18,1836, Surveyor-General, List of Grants to Individuals; ibid, Nov.4,1826; N.A.Rev. Vol.18, pp.13-14.
47. Out of the fees charged for the patent of a township of 45,000 acres, the Clerk of the Council received £58, the Attorney-General £45, the Secretary £119.
48. Q 80, p.413, Petition of Wm. Grant of St.Roch, to Prescott for a township July 25, ~~1789~~ 1798.
49. Simcoe Papers, Vol.IV, p.338, Simcoe to Portland, July 20,1796; L.C.Second Report, p.28.
50. L.C."S" March 24,1815, Oct.22, 1822, Surveyor-General's Reports; L.C. Second Report, p.82 ff; Sixth Report, p.73.
51. Q 75, p.109, Dorchester to Portland, Feb.20,1796; State Book L.C. "A", pp. 339-342, May 18,1793, Report of the Committee of Council.
52. L.C. Land Papers, August 9,1798.

agree upon or complete the necessary machinery for issuing of legal title.[53] Whatever the intentions of leaders and associates may have been, settlement languished because of official negligence. Upwards of one hundred and fifty warrants of survey for townships were issued before the commissioners were appointed to administer an oath previously required by the regulations. No legal settlement could commence until the warrant of survey had been returned, and no warrant could be returned until the location of the Crown and Clergy Reserves, in the various townships applied for, had been determined upon, and no patent could issue until the fees of office had been fixed.[54] (The former was disposed of in October 1794, and the latter in August 1795.) It is not surprising, therefore, to find that from such a halting, confusing administration of the land system, complicated results both to bona fide applicants and to the province should follow.

In 1794 two significant events in the history of the disposal of the waste lands occured: the waning hopes of the long list of waiting petitioners was revived, and the Executive Council was reconstituted.[55] Two approved leaders for townships petitioned Dorchester on March 3, on behalf of all the leaders, for a definite pronouncement regarding the various obstacles to the completion of their grants.[56] On March 15, the Council replied that each approved associate would receive 1,200 acres on condition of actual settlement and improvement. The reply was interpreted as being a general rule intended for all similar cases and gave great satisfaction to all bona fide settlers, many of whom had either leased temporary farms or taken possession of the townships applied for, relying upon the faith and encouragement of Government, while others had returned to the United States dissatisfied or had surrendered their claims to others.[57]

It is a matter of more than passing interest that the reconstituted executive council assumed control when the labour of the settlers had increased the value of the land in certain townships. Immediately one meets a new attitude to the whole land problem. The claim was made that the proceedings since February 1792, were contrary to the original instructions; that the individual scale of 1,200 acres was not meant to be the general rule, but only intended for meritorious and loyal applicants. The Council announced a new orientation that would repair past damages, correct past mistakes and prevent new ones. Settlement duties were to be strictly enforced and townships of defaulters thrown open to new applicants.

53. L.C.Land Book C p.323; L.C.Second Report, p.82 ff,
54. L.C.State Book A, pp.339-342, Report of Committee of Council, May 18,1793; Q 63,pp.197-200, Land Comt.Report on Cowan etc., May 25,1793.
55. Q 79, p.359; L.C.Land Book D, p.146, 157; Q 80, p.59; L.C.Second Report, p.82.ff.
56. Asa Porter for Bolton Townships, and Nicolas Austin for Brone; Q 80, p.413, W.Grant of St.Roch to Prescott for a townships, July 25,1798.
57. Q 63, p.197, Petition of Cowan and others to Clarke, May 17,1793; Q 79, p. 356 ff; Q 80, pp.57-61; Q 80, p.302 ff; Q 67, pp.378-379.

All those who settled on the land without legal title were declared to be simply squatters who had taken "robust possession." They merited no official consideration. The slate was to be wiped clean and a new start made; new rulings were to replace past pledges and official encouragement. The dilatory policy of the executive since 1792 would not be accepted as a lame excuse for the non-fulfilment of contract.[58] To test the sincerity of the applicants however, and afford the bona fide an opportunity to complete their plans, public notices were inserted in the Quebec Gazette on the 10th October, 1794, and 17th July 1795, calling on all classes of claimants to fulfil the terms of the grant before the 1st of August or forfeit all claims to their lots.[59] ~~To test the sincerity of the~~

When the report of the Council became public there was an immediate protest from the old applicants who maintained they had given incontrovertible proof of the sincerity of their intentions in regard to the settlement and cultivation of the lands petitioned for.[60] They had kept faith, the Government had not. They had placed such confidence in the Government's "encouragements, invitations, incentives, expectations and positive orders in their favour,"[61] that they disposed of their property in the States and entered into possession of their townships, not conceiving it to be possible that the subsequent delays and difficulties could ever have been suffered to occur.[62] With few exceptions the desired lists were furnished by the applicants, but only those personally known to the commissioners were certified to take the oaths. The others were rejected and their lands adjudged open to new applicants. The result was that the great part of the townships formerly applied for, and for which warrants of survey had been issued since February, 1792, were thrown open for new settlers.[63] It was the easy, though not the ideal, solution of an unpleasant situation, and faith in Government became simply as "a scrap of paper."

In June 1796, the land situation in Lower Canada entered upon a still more violent and decisive stage, when Dorchester left Canada and its problems to his successor Robert Prescott, whose stormy career as Governor has been the subject of keen controversy ever since. To some he was the friend of the honest settler and the enemy of the mere speculator; to others he was a madman - but it was madness[64] with method in it. He had already established a reputation for ability and tact

58. L.C.Land Book "C" p.367,391; L.C."S" Oct.20,1794; Quebec Gazette, Oct.16, 1794; Second Report, L.C. (1821), p.61 ff;, Report of a Committee of the Whole Council respecting the Waste Lands of the Crown, June 20,1798; Sixth Report, p.71.
59. L.C. Second Report, p.82; Land Book "C" p.367.
60. Q 79, p.366, Prescott to Portland, Nov.3,1797.
61. Q 80, p.413, Petition of Wm.Grant of St.Roch to Prescott for township of Grantham, July 25,1798.
62. Q 79, pp.365-66, 372-73, Prescott to Portland.
63. L.C.Land Book "D" p.146, 157; Q 79, pp.362-63; Q 80, p.62 ff; Second Report p. 83
64. Q 286, p.494, Hunter to King, July 24,1794.

in the Island of Martinique, before being called upon to administer the government of Upper and Lower Canada. To reduce to order that tangled maze of land petitions and claims was a delicate and difficult task. It required patience, ability and a deep knowledge of the ways of man, which many denied to Prescott. Perhaps he had too much of the soldier's directness and abruptness to succeed peaceably in satisfying the demands of those interested in the vacant areas of Lower Canada. That did not prevent him from trying faithfully and forcefully to do justice to all concerned. He sought information from every available source regarding the granting and settling of the waste lands. He discovered that though the Land Committee had reported upon, without disposing of, over a thousand applications, the only claim confirmed by legal title since 1763, was that of the Chairman of the Executive Council and his thirty-nine associates.[65] In the course of his enquiries he was led to suspect the integrity of certain members of the Executive Council, who used their influence and official position in association with other persons of property "for the puspose of monopolizing immense quantities of the waste lands;" to include even "townships that had been actually settled on and rendered valuable at the labour and expense of the former applicants."[66] A flagrant example was that of Hugh Finlay, Chairmand of the Land Committee of the Executive Council, later Postmaster-General,[67] and at one time interested in land speculation in Nova Scotia. He succeeded in securing two townships in Lower Canada. In collusion with John Ruiter, a commissioner of the Land Board, he sought to secure 2,000 associates for people of capital in Montreal and Quebec, who were negotiating through him for a tract of land of half a million acres, thirty miles south of Quebec and ten from the River St. Lawrence.[68] Agents were employed to visit various parts of the United States to secure people who would lend their names as nominal grantees and be depended upon to reconvey at least 1,000 acres each to the monopolists. These agents blundered into giving certificates to such nominal grantees stating that the bearers were entitled to certain quantities of land in the new townships of Lower Canada. The unquestioned authority of these agents gave the certificates a value almost equivalent to patents. Many of them changed hands, and the question Prescott had to solve was what should be the Government's attitude to those who had purchased these certificates in good faith?[69]

65. Q 75, p.72 ff; Q 78 p.188; Q 79, p.352, Prescott to Portland, Nov.3,1797; Q 284, pp.224-240, Prescott to Mr. President Russell, April 21, 1798; L.C. Land Book "D" p.146, 157.
66. Q 80, p.402, Q 81, p.277 ff, 299 ff; Q 84, op.cit.; Caron, p.168.
67. Q 19, B.T.N.S. Vol.24, June 5, 1767.
68. Q 80, p.296 ff, Prescott to Portland; ibid, pp.302-307, 311, 313-316,Finlay to Ruiter, Oct.16 and 30, 1795; See L.C.Second Report, p.24 - a report of Finlay's shady methods of securing associates;~~-Q-81,-p.277-ff.~~
69. Q 81, p.277 ff.

To the dilemma of the Governor the speculators , greedy of gain, were quite indifferent.[70] To cloak their designs they attached Osgoode, the Chief Justice of the province, to their party thus covering their misdoings by the prestige of law. As a further precaution "the leading members of the council were disposed to have records of the council kept secret," violating a standing order to the contrary. They even tried to keep Prescott in ignorance of actual conditions and prevent copies of the minutes from being forwarded to the Home Government.[71] Reluctantly, Prescott was compelled to report to Portland "circumstances which I should otherwise have wished might be buried in oblivion."[72] In these exposures he found the key to the official conduct of the Land Committee in reversing the policy of 1792, and inhibiting just and equitable settlement for personal ends,[73] resulting in the stagnation of settlement and general discontent.[74] Finally, Prescott openly accused his Council of jobbery, speculation in land and malpractises in office; this was followed by bitter mutual recriminations, which involved the honour of the Imperial Government, but in the end resulted in a fairly satisfactory settlement of the various claims for townships.[75]

Prescott's methods may not have been diplomatic enough to solve amicably so difficult a problem, but he had the facts on his side and his hands were clean, his intentions honest. He was impatient of the casuistry of unscrupulous land speculators and more so when they were found within his own household.[76] To the arguments of the council that, as the terms on which lands had been offered were conditional, the faith of government was not pledged to any applicant for land who had failed to comply with the conditions in the Proclamation of February 1792, and subsequent advertisements, and that only those who had obtained particular orders of the Governor-in-Council should be considered,[77] Prescott replied that ever since 1783, public invitations had been given to people to encourage settlement in Lower Canada, and that in 1792, they were actually expected by the provincial government to take possession without waiting for a legal grant.[78] Ever since then they had been petitioning for the grants which the Government had encouraged them to expect. It was hardly consistent with honest intentions to invite settlement and refuse legal title.

70. Q 281, p.294.
71. Q 81, p.277; Q 80, p.407; L.C.Second Report, p.6.
72. Q 82, p.401, Aug.1,1798.
73. Q 80, p.404; Q 81, p.299; L.C.Land Papers, Executive Council to Prescott, July 20, 1798.
74. Q 80, p.402; Q 81, p.277.
75. Q 83, p.306, Memorial from the Ex.Col.complaining of the conduct of Prescott, Quebec, Jan. 9,1799; L.C.Land Papers, Portland to Prescott, April 10,1799.
76. L.C.Land Book "D" p.146, 157; Second Report L.C. pp.56-120, giving both sides of the issue.
77. Q 80, p.49, Prescott to Portland.
78. L.C.State Book "C" pp.163-167, July 13,1792; Second Report, L.C. (1821), pp.66-7.

Prescott was not merely a destructive critic, he was also a constructive thinker. It was due to the defects of the whole land system that his solution of the problem proved a misfortune to Canada. He proposed to Portland a plan based on the principle of "distributive justice" by which the difficulties in the Land Department might be solved, and the size of the grant proportioned to the expenses incurred by the applicants. The plan had the merit of distinguishing between the bona fide settler and the speculator. The claimants were therefore divided into four classes. The first included those who had actually settled and improved their grants and were recommended for a township at the rate of 1,200 acres each. The second class was comprised of those who had gone to the expense and trouble of surveying their township; they received half a township. The third numbered those who had merely secured the signatures of associates; they were to receive a quarter of a township. And finally those who had purchased or acquired the claims of others were to stand in the place of the originals and to be treated as they would have been. Prescott's contention throughout the whole dispute was that all who had invested their labour or money or both on the strength of the pledged faith of Government must be dealt with justly, and that new regulations could not be made retroactive in their effects. The plan was approved by Portland, subject to the approval of the Council.[79] It was acceptable to the claimants who realised the justice of the distinction that based reward upon duty performed.[80]

Though Portland approved the plan, he censured the author, and recalled him in July 1799. Unity of council had to be maintained even at the price of wrong-doing. Prescott, however, was allowed to retain the emoluments of office till 1807. His policy had been vindicated, and in exposing the glaring defects in the township system of settlement, he dealt a blow from which it never recovered. Before he resigned he had the satisfaction of writing its epitaph.[81] The difficulty was to apply his ideas. His successor, Sir Robert Shore Milnes and his Council granted approximately one and a half million acres to sixty individuals, when there was not in the whole province sufficient population to develop a fraction of the land alienated and immigration was almost negligible.[82]

It is easy to expose obvious mistakes and criticise a policy the consequences of which hampered the development of Canada for many years; once legal title was given there was no machinery to enforce the legal conditions of settlement and

79. Q 79, p.379; L.C.Land Papers, Portland to Prescott, Oct.11,1798; Land Book "D" P.404; Second Report, L.C. (1821) pp.57-59, Minutes of Council, June 11,1798.
80. L.C.Land Papers, Portland to Prescott, No.15, Feb.7,1798; Q 80, p.408 ff, W.Grant to Prescott, Aug.15,1798.
81. Q 80, pp.423-434, Portland to Prescott, Oct.11,1798; Q 82, p.2 ff, same to same, April 10,1799; Q 83, p.306.
82. Durham, Report, Appx.B, p.4; L.C.Second Report, p.8; N.A.Rev. Vol.18, p.13; Caron, op.cit, p.143, 149, 153, 169, 175, 177, 308 ff.


A MAP
of the
UPPER CANADA.
LOWER CANADA
LAKE HURON
LAKE ONTARIO
UNITED STATES
UNITED STATES

improvement.[83] The original mistake was in surrendering the patent before all the conditions had been fulfilled. Leaders, purchasing the shares of their associates, should have been held liable to do that which had been imposed upon all. But the system had merits; it was intended to introduce capital into the province as the only means of progressive settlement. It succeeded admirably in Massachusetts, but failed in Lower Canada because it was badly administered and because in the great majority of cases the transaction was regarded merely in the light of speculation; many assumed the obligations of associates without any intention of becoming actual settlers.[84] The simple remedy, either of escheating all undeveloped grants or taxing them sufficiently to compel cultivation, was considered too drastic a policy by a government more or less controlled by land speculators, with the result that as in Spanish Texas, the greater part of the land was left "wholly uncultivated."[85] Conditions somewhat similar prevailed in Upper Canada.

The establishing of Upper Canada under a separate government is explained only in part by the racial antipathies that precipitated the Canada Act of 1791. There were other motives equally compelling. The Peace of 1783 had humbled but not destroyed the pride of Empire. A new beginning could be made on the same continent that saw the origin, development and downfall of the first; and the new colony was to become the nucleus around which the shattered fragments would be saved from further dissolution and built into the fabric of a second Empire. But the custody of English institutions could scarcely be entrusted with safety to those of an alien race, not too friendly to the British connection and unaccustomed to the delicate and explosive method of government by popular assemblies seeking control over their executive. If the Imperial Government was to retain its position as a colonial power on the North American continent, a strong aristocratic society, purely English in habits of thought and principles of government, had to be built up, that would be immune from the levelling doctrine of revolution - so insidiously preached by her former subjects - and a counterbalance to the preponderating influence of French culture. Within this purely English colony past and present loyalties and services would be generously recognised and rewarded by liberal grants of land. Self-interest would become the strong ally of the Imperial connection and an effective guarantee against subversive propaganda. Revenue for the civil expenditure of the new colony would be provided partly by the Imperial Government and partly by the sale of certain tracts of land reserved for the purpose.

83. Q 79, p.352 ff.
84. L.C. Second Report, p.26, 41, 44.
85. L.C. "S" Bouchette's Report, 1824.

The territory set apart was in every way promising.[86] Its natural advantages were generously ample for the accomplishment of the hopes of its founders. Its location, between the French, Ottawa and St. Lawrence Rivers, the Great Lakes, Ontario, Erie and Huron, was in every way admirable, providing natural frontiers of immense advantage and affording easy means of communication and trade. The soil was fertile and abundant, and the climate temperate. The absence of physical barriers facilitated settlement. Except for the comparatively few townships assigned to the Loyalists in 1784, millions of rich acres were available for the surplus population of Great Britain, who were urged to leave their miseries and emigrate to Upper Canada which contemporary writers pictured as a land where work was available for willing hands, where industry was encouraged, labour rewarded, ambitions stimulated and merit recognised. It offered sport to the sportsman, inspiration to the poet, excitement to the brave, health to the delicate, unfailing abundance to the destitute and a home for the homeless. It was immaterial that these advantages were still in the future, or that the new colony needed churches, schools, public libraries, banks, roads, "more good beer and less bad whisky." Imagination was free on rosy promises and hope saw beyond immediate dismal discomforts to the days of plenty.

The early history of Upper Canada was shaped by the dominant personality of its first Lieutenant-Governor, John Graves Simcoe.[87] His experiences in the American Revolution familiarised him with the geography of the district he was later called upon to administer. He realised its immense strategic importance in the defence of Canada and became a persistent advocate of its colonisation by loyal settlers. Shortly after his appointment in June 1790, he announced his policy to be that of extending the utmost protection and encouragement to the Loyalists and other bona fide settlers, organizing a mobile force to assist him in the civil government and by military roads and settlements secure the defence of the colony.[88] His reputation as a colonial governor rests upon the merits of his policy, the methods used to enforce it and its influence upon settlement.

Simcoe arrived in Quebec on November 11, 1791, and remained there until the end of May, becoming familiar with his colony and the regulations of 1775 and 1786, under which grants of land had hitherto been made. On February 7,1792, he issued a proclamation, identical in terms with that of Lieutenant-Governor Clarke of Lower Canada, "to such as are anxious to settle on the lands of the Crown in the Province

86. Simcoe Papers, Vol.I, p.28; II, p.56, 110; III, p.57, 194; Q 280, p.320 ff, Simcoe to Lords of Trade, Sept. 1,1794, a long report of possibilities.
87. Simcoe Papers, Vol.I, p.67, Dundas to Dorchester, Sept.16,1791, expressing confidence in Simcoe's ability to administer wisely the colony.
88. Simcoe Papers, Vol.I, p.20 ff.

of Upper Canada," that marks the first step in the disposal of its lands as a separate province.[89] The land regulations of the two provinces were thus identical and with slight variations continued in force till 1825. Any exception was usually exercised in the interests of the friends of government and of councillors as reward for public services.[90] The interest in these regulations lies in their administration and influence upon the development of the provinces.

To prepare for settlement, a division was made of the province suitable to the form it was meant to take. By proclamation on July 16, the surveyed portion was divided into counties. District boundaries were revised and their German names gave place to more domestic English names of Midland, Home, London, and Western. In subsequent years other districts were created. The local legislature, in 1798, added those of Eastern, Johnstown, Newcastle and Niagara; and in 1816, those of Ottawa and Gore, the former carved out of the Eastern and the latter out of the Home and Niagara districts. Land boards were continued in office and their number increased to correspond to the new divisions;[91] Lieutenant David W. Smith, "a very able gentleman," was appointed Surveyor-General.

The way was now opened for settlement on a large and progressive scale. Canada was to be made safe for the Empire. The difficulty was to secure settlers in a day of keen competition with Lower Canada and with the United States offering inducements of wages and a degree of civilisation much superior to conditions prevailing in Upper and Lower Canada. Even as serious was the restriction, if not actual prohibition, placed upon emigration from the British Isles in view of the dangerous claims of the French Revolution. British emigrants must receive official permission before they could legally sail, or leave without permission which rendered them liable to summary treatment on arrival in Canada. In the absence of reliable statistics before 1815, it is impossible to state precisely the total emigration to Canada, but there is strong presumption that comparatively few settled in Upper Canada during Simcoe's administration. Under the circumstances, the only available source of immigration was the United States whose citizens had a mania for acquiring land and where land speculation had become a national obsession. Shortly after reaching Upper Canada, Simcoe wrote to Dundas: "There is every prospect of very great emigration taking place out of the United States into the British dominions;" but only those "whose affections are centred in the British Government and the British name," or those willing to become loyal settlers were acceptable. Particular

89. Ibid, p.108 ff.
90. Q 284, p.223 Russell to Prescott, Jan.21, 1798; Q 28, p.212, July 16,1799, Council returns thanks for larger grant.
91. Simcoe Papers, ibid, p.174; Q 278, p.199; Q 282, p.665; U.C. "S" Surveyor-General Ridout to Maitland, Aug.22,1815.

inducements were to be offered to settlers from Vermont and Connecticut, both circumscribed in their needs for sufficient land, both swarming westward, checked for the moment by Indian dangers. They were to be settled in townships under their own clergymen, "of the Church of England or of those Puritans who would embrace its doctrine." Political and economic expectations of far-reaching consequences were entertained from an accession to the population of a type of settler so desirable. Already 817 persons from the States had entered the colony and settled in the districts of Niagara, Kingston and Lunenburgh between May 1789 and November 1791. Simcoe expected thousands of Quakers from Pennsylvania on the assurance of certain privileges and exemptions, and as many from New York State, to apply for lands in Upper Canada.[92] The Proclamation of February 7, was to be printed in newspapers circulating in the neighbouring country and "trumpeted" by special agents "all over New England."

Such extensive advertising received a mixed response. The possible unfortunate consequences of attracting settlers by methods so artificial were pointed out to Simcoe by men familiar with the usual trend of land settlement and speculation on the North American Continent. Dundas diplomatically informed him that his methods were not altogether acceptable to the Imperial Government; that an "ingrafted" population always lacked that element of "regularity and stability, which all, but particularly colonial governments, require;" that if the lot of the settlers were made comfortable and happy "the fame of their being so will naturally spread itself and produce sufficiency of emigration from other States," and that it was worse than useless for Upper Canada to compete with the United States for settlers, quite apart from the retaliatory measures that that country might adopt.[93] Simcoe, in his eagerness for immediate success, thought otherwise and unconsciously opened the door for an influx of American settlers with political consequences of a disturbing character in the history of the colony for years to come.[94]

In Upper, as in Lower Canada, the demand for land by "leaders" and their associates was enormous. The number of applications, however, was of less importance than the motives of those involved and the ease with which land was parcelled out in those days. It was an era of vast speculative enterprises in land; to resist that practice was like breasting a strong current. Simcoe was familiar with the system before he left Quebec; he had even suggested to Dundas a scheme somewhat analogous to it before he left England for Upper Canada. But he never approved of it in practice, adopted it with misgivings, and after a brief trial was willing

92. Q 280, p.319, Simcoe's Report, Sept.1,1794.
93. Simcoe Papers, Vol.I, p.113 ff; Q 278, p.172 ff, Dundas to Simcoe, July 12, 1792.
94. Ibid, Vol.II, p.162, Simcoe to Dundas, Feb.23, 1794.

to abandon it. He therefore acted cautiously, making grants only to those leaders who appeared likely to carry out the terms imposed. As a consequence, the number of rejected applications for townships was quite numerous; but human nature is fallible, and promises were made which few, if any, intended to fulfil. Nor was it an easy matter to enforce the regulations, especially in the case of persons of social influence.

It is difficult to get away from the unhealthy atmosphere of land speculation in spite of Simcoe's cautious policy. Within a few months millions of acres were applied for by various persons, or were reserved for specific purposes, in tracts varying from one township to thirty. The township of Chatham was set apart for British subjects who were compelled to seek new homes because of boundary disputes with the United States. Land was promised to one hundred Loyalists from New Jersey as soon as they arrived in the province. A township was set apart on Lake Erie, near Burlington Bay, for French emigrees supported by the charity of the English people, and later cancelled because of revived, though short-lived, royalist fortune in France. Robert Hamilton, a Legislative Councillor, acquired 100,000 acres in various ways. Edmund Milne and John Musser of Philadelphia applied for six townships to form a settlement of German Moravians, " a moral, frugal, industrious, exemplary sect;" but since the leaders would not become British subjects their application was rejected. William M. Duncannon petitioned for twelve townships on Lake Erie near Long Point, for the purpose of accomodating five hundred loyal settlers and promising "to comply with the necessary and customary form of settlement." But Long Point was reserved for approved settlers untainted by contact with American principles of democracy and not for settlement en masse. One of the most notorious monopolists of the day was Ebenezer Allen, formerly an officer in the Indian Department under Colonel Guy Johnson. Before receiving a large grant on the River Thames, near Chatham, he had been leagued with the arch-speculator, Gouverneur Morris of New York, for a grant of 100,000 acres of Indian lands for which Morris promised him 35,00 acres in any unoccupied part of the United States. Later, in conjunction with Robert Randall of Philadelphia and others, he tried to obtain possession of twenty million acres from the Indians in Michigan. Being discovered in negotiations for the sale of his own grant to New Yorkers before the settlement conditions had been fulfilled, he forfeited all claims to it.[95]

In spite of repeated failures and the large number of shady characters seeking short cuts to fortunes, some of the finest settlements in Upper Canada were the result of these forlorn hopes. Of such was the township of Markham, York County,

95. Simcoe Papers, ibid, p.167 ff; Vol.II, p.189 ff; Vol.IV, p.31 ff.

settled by William Berezy and his German followers in 1794. This settlement is important because it illustrates the usual methods followed by large-scale speculators and because of the pleasure Simcoe derived from the arrival of the settlers. Berezy and his associates petitioned for a grant of "two million acres or more," of which they promised to surrender 200 lots of 200 acres each free to actual settlers; 200,000 acres were to be offered for sale in Germany at 1/6 per acre. Every fourth lot of 200 acres was to be reserved for the future disposition of the company. Ultimately, a grant of 64,000 acres was made on the usual conditions of actual occupation and cultivation. After the initial hardships of pioneering, the settlement prospered, but the leader being unable to fulfil his contract to open up Yonge Street for traffic, lost his grant. Five years after his death, he was awarded compensation in land for his expenses in establishing the township. Simcoe derived grim satisfaction from the arrival of Berezy and his followers, partly because they had previously settled upon the lands of British investors in the Genesee County of New York State, and partly because of political reasons in connection with the situation of those lands and the anti-British activities of their agent.[97]

Charles Williamson, the able and energetic agent, was born in Dumfriesshire, Scotland, about 1750, entered the army and in 1776 was a Captain in the 25th Regiment of Foot;[98] imprisoned in Massachusetts during the American Revolution, he retired from the army after 1783, became an American citizen and the agent of a Scottish group of land speculators in the purchase of 1,200,000 acres in Central New York from Robert Morris in 1791 and 1792. The most influential of the group was Sir Wm.Pulteney (nee William Johnstone), later Earl of Bath and one of the greatest landed proprietors in Great Britain, who provided three-fourths of the necessary capital. Williamson acted with his customary energy, opened roads, built a sawmill, houses for the settlers, engaged extensively in lumbering and offered to supply Upper Canada with cattle, wheat and flour.[99] His plans, however, were too ambitious and costly for his employers, who in 1800, under an Act enabling aliens to hold lands in the United States, took over their property and recalled their agent.[100]

Simcoe's attitude to the Genesee settlement was at first friendly since in peace time its produce would be available for Upper Canada settlers; and in case of war it "would afford the most accessible and defensible magazines;"[101] from it he expected a constant stream of valuable settlers who were becoming increasingly resentful of the exactions of land speculators.[102] But when Williamson extended his

97. Simcoe Papers, Vol.II, p.189, 257, 263, 411.
98. Ibid, Vol.I, p.130.
99. Ibid, Vol.I, p.213, to Simcoe, Sept.21,1792; Vol.II, p.393, n.1.
100. Rochester Hist.Soc. Vol.6,1927. (A.C.Parker, Charles Williamson).
101. Simcoe Papers, Vol.I, p.160, Simcoe to Dundas, May 28,1792.
102. Ibid, p.109, same to Dorchester, Dec.2,1793.

activities and began a settlement at Sodus,[103] reputed to be the best harbour on the south side of Lake Ontario,[104] denied British claims to Oswego and supplied arms to its besiegers,[105] Simcoe protested against the cession of the Genesee tract to the United States since it might become a base for an attack upon Upper Canada, and against its purchase by Pulteney as a most injurious use of surplus British capital.[106] Apart from that, Williamson's attitude and his occupation of Sodus strengthened in Simcoe's eyes the claims of the United States during the negotiations that led up to Jay's Treaty.[107] To prevent further encroachments upon what Simcoe regarded as British territory, he wrote Williamson protesting against the formation of any settlements on the Lakes,[108] and even favoured the destruction of the Genesee settlements as an act of self-defence in the interests of the security of Upper Canada and to impede the progress of Wayne's army.[109] Williamson sent the protest to Secretary Randolph who informed John Hay that he regarded it as a challenge to the United States and accused Simcoe of accumulating irritation upon irritation.[110] In the meantime Williamson complained to his superiors in London, suggesting that Simcoe's conduct be brought to the attention of Pitt and Dundas. The latter, either because he feared the effect of Simcoe's aggressiveness upon Anglo-American relations, or because he favoured the Scottish land speculators, urged Simcoe to act cautiously.[111] Jay's Treaty of November 1794 disposed of the issue leaving the disputed territory in American hands.

Meanwhile, the settlement of Upper Canada proceeded slowly. As in Lower Canada, the original purpose of the Proclamation of 1792 was lost sight of, and in nearly every instance the townships granted to leaders were secured for speculative purposes. The crowds of settlers expected from the United States did not arrive. It follows that an experiment so disappointing was doomed whenever sufficient evidence of failure was brought to the attention of the Executive. A report of August 1795 by the Surveyor-General was intended to force the issue; on certain townships no settlers had been placed. In May 1796, a proclamation was issued that forfeited and opened for settlement all townships in default:[112] "I apprehend that

103. see below

104. Ibid, p.190.

105. Ibid, p.189, 263, 266, 411.

106. Ibid, Vol.I, p.398, Simcoe to Lt.Gov.Clarke, July 24,1793; Vol.III, p.56, Simcoe to Lords of Trade and Plantations, Sept.1,1794.

107. Ibid, Vol.II, Simcoe to Hammond, July 18,1794.

108. Ibid, p.363, 364, 385.

109. Ibid, p.353, Simcoe to Dundas, Aug.5, p.366, July 23, p.383, Aug.16,1794, Simcoe to Dorchester.

110. Ibid, p.393, Aug.16,1794; Vol.III, p.17, Aug.30, p.27, Randolph to Hammond, Sept.17,1794.

111. Can.Hist.Rev. Vol.IX, No.4, p.229 ff.

112. Simcoe Papers, Vol.IV, p.276, May 25,1796: The escheated townships were Clarke, Huntingdon, Kitley, Loughborough, Montague, Murray, Osgoode, Raddon, Russell, Whitby, Windham, Wolford; also Vol.III, p.55, Sept.1,1794, Simcoe to Lords of Trade.

103. Ibid. Vol.II, p.278. Simcoe to Dorchester, June 17, p.281, to Dundas, June 20, p.300, to Dorchester, July 3,1794; Sodus, 25 miles from Oswego, 9 75 from Niagara.

ultimately this will be the case of most of the land promised in townships throughout the province," Simcoe commented.[113] The expected happened. In August 1797, a second report by the Surveyor-General resulted in the abandonment of the plan. Even the grants made were rescinded and their temporary owners received a grant of 1,200 acres each. A plan that surrendered 200 acres to a leader for every settler he introduced into the colony was too costly, even if it were necessary In his final report to Portland, Simcoe claimed that it was not necessary to make large grants to attract settlers to Upper Canada; that he was opposed to any land system that put a land speculator in a better position than army officers who risked their lives for their country; and that usually the settlements begun by these speculators were out of harmony with the normal development of a British colony.[114]

The experiment of trying to dispose of the waste lands of both provinces by such dubious methods having been discredited the regular grant was fixed at 200 acres. Before 1815, however, owing to the vicissitudes of war, there were comparatively few transactions in real property in any of the provinces. Simcoe left the colony before the effects of his policy could be fully ascertained. It is possible to be too critical of his methods and of some of the results. He was perhaps over-enthusiastic for the success of his own plans; but he had good ideas and considering his brief tenure of office he did remarkably well. By a selective process he hoped to build up a landed aristocracy that would strengthen the British connection, weaken democratic secessionist influence from the United States, and build up a better type of settler. For the same laudable reasons, lieutenants of counties, chosen for their social standing, loyalty and ability, were appointed.[115] He limited land-jobbing on a large scale and saved the colony from many of the evil consequences of such a practice. He was ever solicitous on behalf of struggling settlers. He stressed the importance of building grist and saw-mills, as an aid to settlement, and the wisdom of a policy of providing rations during a reasonable time, and agricultural implements to prevent local merchants from fleecing poor settlers. It is a well attested fact in pioneering days that the lack of the necessities of life made existence often unbearable and drove settlers by the thousands across the border into the United States. If it is necessary in the twentieth century to subsidize emigrants as an inducement to settle on the vacant lands of the Empire, it was infinitely more imperative in the Canada of the

113. Ibid, Vo.IV, p.77, 276, July 20,1796, Simcoe to Portland; Q 282, p.508; Can.Arch.Report, 1891, p.103.
114. Simcoe Papers, Vol.IV, p.339; Q 351, p.385; Durham's Report, Appx."B", p.8,9.
115. Simcoe Papers, I, p.245, 251, Dec.24,1794.

eighteenth and early nineteenth centuries. It was an era of experimentation or of drift or of indifference. Colonial Office officials merely duplicated in Canada land regulations that had been such costly failures in the "Old Thirteen." The next chapter on "Gratuitous Grants to Civil Officers and Political Favourites" will illustrate the system from another angle.

IV.

GRATUITOUS GRANTS TO CIVIL OFFICIALS AND POLITICAL FAVOURITES.

It would be a mistake to suppose that the army was the only branch of the public service that was rewarded by grants of land; practically all public servants, especially members of the judiciary and of the executive and legislative councils, were remunerated in this fashion.[1] The practice was almost contemporaneous with the founding of colonies. In Quebec, under the French regime, ninety-one seigniories into which the colony was divided in 1712, belonged mainly to religious orders, to members of the council, to judges and other officials; the balance to military officers, merchants, traders and others.[2] In contemporary New York colony large grants were made by Colonel Fletcher to the councillors, of whom five out of eight were interested in land speculation.[3] In Virginia, the councillors were all large landowners and speculators. William Blathwayt, King William's favourite Secretary at War, and member of the Council of Trade, was concerned in a bargain to secure control of the greater part of New Hampshire and large portions of Massachusetts.[4] Similarly, the Lieutenant-Governor and Council of Nova Scotia in 1763 made grants to themselves at Minas and Chignecto which remained undeveloped and free of quit-rent till they were forfeited to provide for those who had fought in the Seven Years' War. The practice survived, and in 1765 the Attorney-General and Collector of Customs were included in grants for townships,[5] and later Governor Parr made large grants of the same nature. In New Brunswick, up to 1832, councillors recommended by the Lieutenant-Governor received a grant of 2,000 acres, worth about £200, and justified on the grounds that it was the cheapest form of compensation to men who received no other remuneration and were away from home for long terms.[6]

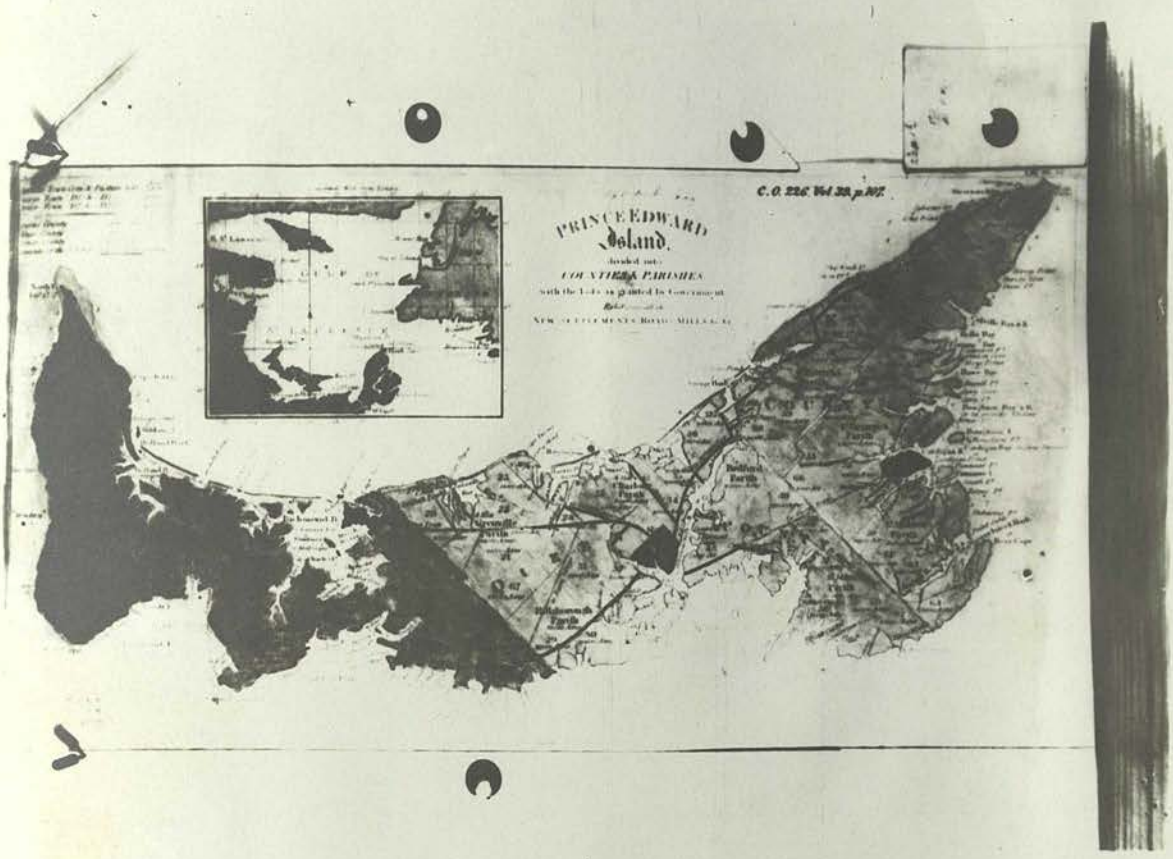
In Upper and Lower Canada the Executive Governments, by violating or evading the instructions which they had received from the Secretary of State, appropriated "immense quantities to members of His Majesty's Council etc."[7] In Upper Canada particularly, the giving of free grants was implicit in the origin of the colony. To reward "U.E." Loyalists grants were made without fees according to rank, and all who were attached to the British Government were invited to enter in and possess the land on paying a small fee for the grant. Most of the Crown appointments were

1. Q 69, p.212, Aug.11,1794, A Member of the L.C.Council desiring to know "the quantum meruit of my past services" in the public business of the province for the past eight years.
2. Munro Seigniorial, pp.46-47.
3. Colonial Papers, 1700, p.582.
4. Ibid, p.XXII.
5. Order-in-Council, May 29,1765; N.S.C.O.Records, Dec.18,1764, Archives Report, 1894, p.279; A 76 (M464), p.107 ff.
6. N.B.C.O. 188, Vol.43, pp.129-132, Campbell to Goderich, Feb.28,1832; Ibid, Vol. II, p.390, Goderich to Campbell, Dec.2,1831, and Vol.XII, no.37, May 2,1832, same to same.
7. Q 359, p.11.

filled with subordinate officers from the provincial corps, disbanded at the Peace of 1783. These officials, during the regime of Simcoe and Russell, secured for themselves, their families, relatives, friends and followers, large grants.[8] Wherever towns were to be laid out they secured the town and park lots, and even where the principal towns had been already established, they were surrounded by grants given to favourites and held at high prices. Thus, in 1796, Simcoe directed that a special grant of 100 acres be made near the town of York to each of the principal officers of Government to assist them in building a house suitable to their station.[9] When gluted with lands, they became anxious for fees and subsequently raised the expense of the deed of grant to about £8 for 200 acres.[10] Next the Surveyor-General was directed to prefer the persons who were able to pay fees, and in laying out townships the best portions were ordered to be reserved "to 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."[11]

Originally, both in Upper and Lower Canada, the maximum grant to civil officers was 1,200 acres, but in 1792, several petitions in favour of members of the Executive and Legislative Councils had been made and granted; in 1796, Simcoe recommended that "some of the civil branch of the government" be placed on the same footing, in respect to the grants of lands, as military officers, and Lord Dorchester would include respectable magistrates and members of the Land Boards.[12] The same recommendation was made in 1798 by President Russell, at the request of the Executive Council of Upper Canada,[13] with the result that the first executive councillors, at least of that colony, received 6,000 acres each, exclusive of such lands as they were respectively entitled to as military claimants for which no fees were paid.[14] In Lower Canada, an excuse for increasing the landed property of the Executive Council was found in connection with the dispute over the claims of the numerous band of leaders and their associates for townships, in which Prescott figured so prominantly, and which added considerably for a time to the "laborious and important duties of the Executive Council" for which Portland suggested that it would be "both

8. Q 319, p.126, Talbot to Gore, Sept.25,1815; Can.Arch.Report,1896, p.21.
9. Simcoe Papers, Vol.IV, p.219, Mar.19,1796.
10. Can.Arch.Report Pamphlet List, No.639, by John Mills Jackson.
11. Q 27, p.983, Dorchester to Sydney, June 13,1787.
12. Simcoe Papers, Vol.IV, pp.338-341, Simcoe to Portland, July 20,1796.
13. Q 284, p.223, Russell to Prescott, Jan.21,1798.
14. U.C. "S" Ridout to Maitland,Aug.22,1815; Q 286, p.212, U.C.Council Chamber, Jan.16,1799: Pres.Russell and Councillors James Baby, Aeneas,Shaw, John Elmsley, Chief Justice Alexander Grant, John McGill and D.W.Smith, thanking the King for an increase of grant.


C.O. 226 Vol 38, p. 167.
PRINCE EDWARD
Island.
COUNTIES & PARISHES

just and reasonable that some additional allowance should be made to the members out of the revenues that shall arise from the value of the waste lands of the Crown, and from the additional fee for the public service to be taken on all future grants."[15]

On August 14, 1800, after the land committee of the Council had "made a concluding and summary report on all the petitions for townships, as well as on the whole of the cases referred to them by General Prescott on his leaving the province," Governor Milnes brought the matter again to the attention of Portland. In view of the "great additional trouble which the due execution of the regulations has made to their important duties," Milnes suggested that a township with the usual number of associates be given to each of the six members who had performed the major part of the work,[16] and to the other members who attended very irregularly, or not at all, such reward as Portland might think fit. A grant of a township was not considered too much according to Milnes, "considering the respectability of these gentlemen, and their rank in the province, compared with those to whom townships have generally been granted." Portland in reply wished to know the relative values of the recommendations made as a mark of the royal favour to members who had "laboured with so much ability, diligence and success;"[17] no reward was to be given to those who had not attended any of the sittings of the committee. Ultimately, Milnes received 48,000 acres, each member of the Executive Council 12,000 acres, over and above their shares as leaders or associates for townships. Nor were these the only beneficiaries. Friends and relatives of Government received about 100,000 acres, others for reasons unknown, about 300,000 acres - bona fide settlers fared worse than the monopolists.[18]

The very principle of such grants was bad; by alienating large tracts beyond the needs of the community, and greatly beyond the grantees' means of cultivation and improvement, it added incalculably to the mischief already implicit in the land system, and produced a degree of injury to actual settlers that was scarcely conceivable. The classic example of this method of rewarding political services by grants of Crown Lands is found in the history of Prince Edward Island, whose 1,400,000 acres were granted within a few years (1768-72), in 20,000 acre lots, to members of the British aristocracy, military officers and others having claims upon the gratitude of Government. On the recommendation of the Lords Commissioners for Trade and Plantation, this plan of settlement was approved by the King in 1769, and carried

15. Q 80, p.432, Portland to Prescott, Oct.11,1798.
16. Chief Justice Osgoode, the Lord Bishop, Messrs. Finlay, Baby, Dunn, Young.
17. Q 85, pp.169-173, Oct.17,1800.
18. Q 86, p.139, Portland to Milnes, June 6,1801; Q 85, p.169, Milnes to Portland, Aug.14,1800; a Memorandum of Lands granted to the Civil Officers, Upper and Lower Canada; Q 112, p.9, Craig to Castlereagh, Jan.15,1810; Q 330, p.193, Gore to Gouldburn, April 17,1821; G 25, pp.97-101.

out by Lord William Campbell, Lieutenant-Governor of Nova Scotia.[19]

In many ways the Island was desirable property.[20] Its general appearance is flat and gently undulating. There are no mountains and the hills do not rise to any considerable height. It is well drained, the harbour facility is excellent, and its insular position in the Gulf of St, Lawrence gives it a very genial climate. The soil in its natural state was poor, "and favourable to the production of almost nothing but timber,"[21] which covered the whole Island.[22] The date of its discovery has been questioned. The French Government included it in New France, and granted it in 1663 to Sieur Doublet, a naval officer, for fishing purposes. In the eighteenth century it became the home of a few Europeans, and when in 1758 it came into British possession the population was about 4,000. It was included in Nova Scotia in 1763, and deprived of its inhabitants except a few who concealed themselves in the woods.[25] Captain Holland completed its survey in 1769, divided it into three counties,[24] and these into sixty-seven townships of about 20,000 acres each.

The terms upon which these lands were alienated by Lieutenant-Governor Campbell were quite specific, the difficulty was in enforcing them. The grants were subject to quit rents varying from two to six shillings per hundred acres, payable on half the lands at the end of five years,[25] and on the whole at the expiration of ten years. In addition to that it was stipulated that within ten years each township should be settled by foreign Protestants, or by British subjects who had lived in the "Older Colonies" before 1763, in the proportion of one person to every 200 acres of land, and that unless one-third of each township was so settled in four years the whole would be forfeited.[26] A reserve of 130 acres in each township was made for religion and education.[27] Upon town lots a quit rent of five to seven shillings per annum was charged, and two to three shillings on pasture lots. Previous to obtaining a patent, the owners of town lots were compelled to erect a house 12 x 16 feet, while the grantees of pasture lots cleared and fenced three acres within three years. On the plea of facilitating and hastening the settlement of the Island, a request was made to erect it into a separate government from that of Nova Scotia. In order

19. Public docs. concerning P.E.I. apl.23,1840: evidence before the committee of 1832.

20. Bouchette, British Dominions, Vol.II, p.172.

21. C.O. 226, Vol.43, p.17, Ready to the Colonial Office, Feb.11,1826; P.P.1828, Vol.XXI, pp.429-434: Extent, quality and terms of the grant; A series of letters descriptive of Prince Edward Island addressed to the Rev.John Wightman, Dumfriesshire, by Walter Johnstone, Dumfries, 1822, second letter dated Murray Harbour, P.E.Island, June 27,1820.

22. Ibid, third letter, dated Charlottetown, P.E.Island,Oct.20,1820.

23. C.O. 226, Vol.48, p.521 ff, July 15,1831, An account of the Island.

24. Ibid, Vol.43, p.17, enclosed in the Lt.Governor's Dispatch of Feb.11,1826: The exceptions were lots No.1 and 48, which included about 23,000 acres each, lots No.21 to 23, 31, 65, about 21,000 acres each, lots No.49 and 54, about 22,000 acres each, Lot no.66, 6,000 acres, and No.67, 28,580 acres.

25. A Vol.29, p.25, Aug.6,1767; M 566 (1803), p.388 ff; C.O. 226, Vol.43,p.795 ff, Mar.31,1826; ibid,Vol.49, p.522, stating the terms of the grants; Public Documents concerning Prince Edward Island, April 23,1841, p.63.

26. M 406, pp.67-109, Hill to Van Sittart, 1801; M 564, (1802), pp.27-84, 113-127; M 567, (1804-05), Vol.17, pp.129-148; Cockburn's Report, 1827; Martin, Nova Scitia,p.180 ff; McGREGOR, Prince Edward Island,p.88;Rogers,op.cit.p.54.

to meet the hesitation of the Colonial Office, certain proprietors undertook to anticipate the payment of their quit rents and pledged them as a fund for the payment of the civil government of the Island.[28] Walter Patterson, instrumental in procuring the separate government, ~~of the Island~~ became the first Lieutenant-Governor, and arrived on the Island during 1770.[29]

In no other way could the Island be developed in those distant days than through the investment of large sums of money by men of capital, and because of the risks involved, the nominal value of waste lands, the poverty of the average emigrant and the uncertainty of financial returns upon invested capital, the conditions were not too generous. They were feasible if honestly carried out, but instead of being a "boon and a blessing" they proved a distinct handicap. The Crown failed to enforce these conditions; scarcely any of them was satisfactorily fulfilled by the grantees, only five of whom resided on the Island.[30] Some lacked capital, and a few sold out for about £1,000. To the majority it was merely a speculative proposition.[31] In no instance was the restriction regarding European Protestants observed[32] - the conditions of the times rendered it inoperative. The Canadian Colonies were unable to compete with the older and better developed colonies, and emigrants preferred to settle near their friends and relatives. Even actual proprietors found it difficult to attract purchasers for their lands while neighbouring colonies offered free grants, and with few exceptions, the proprietors were unwilling to invest capital in the development of their grants or in helping their settlers. And instead of securing Protestants, they introduced large numbers of Roman Catholics from the Highlands, and a few Protestants from other parts of Scotland.

There were various causes directing Scotsmen to Prince Edward Island. The proprietors most active in the settlement were Scotch, and in 1769, a number of the disbanded Fraser Highlanders settled there and sent home such glowing accounts of their prospects that many of their friends were persuaded to join them.[33] Captain John Macdonald, Chieftain of Glen-Aladale and Captain in the 84th regiment, disposed of his own estates and purchased townships No.35 and 36, for the purpose of forming a large settlement of Highland Catholics. Between 1770 and 1773, he introduced about 300 families, former tenants in Moydart and Uist, and settled them at Tracady

28. C.O. 226, Vol.48, p.522; Dalhousie Papers, Vol II, pp.587-589: Arguments in favour of a separation from and in favour of union with Nova Scotie.
29. M 406G, pp.59-61; M 564 (1802), Vol.15,pp.113-127.
30. C.O. 226, Vol. 48, p.522.
31. M 564, Vol.15, pp.113-127; Stewart, Prince Edward Island, p.163; Martin,op.cit. p.184.
32. C.O. 226, Vol.43, pp.13-15.
33. Brown, Cape Breton, p.424.

on 999 year leases and very low rental.[34] By 1802, he had done more towards the settlement of the Island than all the other proprietors put together, and not only had he settled his own lands but he had been the means of an accession of inhabitants nearly equal to a third of its total population.[35] He was one of the few who took up residence on the Island and spent his capital in its development, devoting much attention to farming on shares. At the same time, Chief Baron Montgomery of Scotland sent 120 families, and Mr. Peter Stewart had arranged for 500 persons to settle on Lot No. 18.[36] In 1772, so many arrived without provisions, suffering incredible hardships, that several died of starvation in Prince Town. By 1773, there were settlers from Argyllshire at Richmond Bay, from Morayshire at Cavendish, from Perthshire at Cove Head and St. Peters, from Dumfries-shire at Three Rivers, and Roman Catholic Highlanders at Tracady.[37] If the conditions of settlement had been carried out, there would have been 100 settlers upon each of the townships by 1779, or 6,700 settlers and their families upon the sixty-seven townships. But in that year, fifty-one out of the sixty-seven townships were without a settler, and every lot was liable to forfeiture.[38] During the American Revolution eighteen of the proprietors offered to surrender twenty-five per cent of their lands in order to attract a large number of Loyalists.[39] Instructions were sent from the Colonial Office to extend the same generous treatment to them in provisions, implements and lands, as were given to Loyalists elsewhere in Canada. But the proprietors had neglected to instruct the Lieutenant-Governor to alienate the lands, and there were no funds on the Island available for the purpose.[40] Out of the hundreds expected, only sixty families settled there.[41] In 1790, another colony of Highland Catholics arrived under the direction of Father Aeneas B. MacEachern, who later became bishop and died there on April 23,1835.[42] He did for the Maritime Provinces what Father Macdonell did for Upper Canada - both were instrumental in diverting the Highland emigrants from the United States to the British Colonies. So successful was MacEachern that in 1818 there were 600 families where in 1790 there had been only 40. But in 1797, thirty-two years after the original grants had been

34. Can.Arch.Pamphlet, No.1484, p.2 ff; M 404, p.258, Dupont to Hillsboro, Sept.3, 1771.
35. M 564 (1802), Vol.15, pp.274-278, J.Hill, Oct.14,1802; Q 269, p.175.f
36. M 404, pp.151-156, Patterson to Hillsboro, Oct.24,1770; ibid, p.195,same to same, April 23,1771.
37. M 404, p.79, Patterson to the Lords of Trade, March 28,1772; Rogers, op.cit. p.54 ff; McGregor,op.cit. p.91; Can.Arch.Report, 1895-96, p.3; Patterson, Memoirs of MacGregor, p.209.
38. M 404D, p.77, 79 ff; M 406A, p.12 ff, April 15,1788; M 406D, p.104 ff, Oct.14, 1783; M 404D, p.115-117, Patterson to John Stuart, Dec.17,1783.
39. Ibid, p.118, March 26, p. 153, May 7, p.158, May 23, p.181, June 30, 1784.
40. Ibid, pp.115-117.
41. Selkirk Papers, Vol.56, Fol.14932, Nov.18,1807; Stewart, Prince Edward Island, p.177 ff.
42. G 313, p.252, Lt.Gov.to R.W.Hay, June 9,1835; A Vol.33, p.82 ff, MacEachern to the Prince of Wales, June 25,1818.

made, twenty-three townships were still in a complete state of nature, twenty-six only had fulfilled the terms of the grant by introducing one person to every 200 acres. On twelve townships there was one person to every 1,123 acres, and on six townships one person to every 413 acres.[43] Compared with the progress of settlement in the other British Colonies, however, the emigration into Prince Edward Island was fairly satisfactory. Indeed there was no criticism on that score until trouble developed from another direction.

The complaint arose from the non-payment of quit rents which had been pledged to the payment of the civil expenses of government. For years the amounts paid had been insufficient to pay the salaries of local officials, and the few settlers were unable and unwilling to bear the cost of local government. Combined action on the part of the proprietors would have equalised the burden, but even those who were willing to pay withheld their rents because so many neglected their obligations. In 1774, the local assembly passed an act which was confirmed by the King in March 1776, to regulate and enforce the future payment of quit rents and authorised the Receiver-General to distrain for arrears and sell the lands.[44] Action was postponed because of the outbreak of the American Revolution, and because the proprietors in London petitioned the Secretary of State for the Colonies to put the civil establishment of the Island on the same footing as other colonies which were provided for by Parliamentary grant. The grant was made, but quit rents were still to be paid and the land of defaulters to be sold.[45] At the same time the Lords of the Treasury ordered that, from August 1776 to May 1779, arrears of quit rent and future payments be applied to salaries, and the balance, if any, to local improvements. Some of the proprietors encouraged by the great facility with which their demands were granted, interpreted the action of Government in making the grant as relieving them of further payments, or at least that Government would not strictly enforce them. Attempts were made to cancel quit rents altogether. As a result of further concessions during the Revolution, some sold their lots to advantage; upon every concession made by Government profitable sales followed. The settlement duties were overlooked, while the absentees continued to retain their lands.[46]

In March 1781, however, the lots of those proprietors who had pledged themselves to defray the cost of the separate government were proceeded against for arrears of quit rent. Some were sold and the remainder reserved for future disposal.

43. C.O.228, Vol.48, p.523, Evidence before the Committee of 1832 showing the state of settlement in 1779 and 1797,quoted in Public Documents concerning P.E.Island, April 23,1841.
44. A Vol.17, p.205.
45. M 404D, pp.79-81, June 29,1783; M 564 (1802), Vol.15,pp.113-127; C.O. 226,Vol. 21, p.282, H. W. Knox to Lord Auckland, July 23,1806; M 406G, p.61.
46. M 564, Vol.15,op.cit.

The Governor, Attorney-General and Chief Justice were the principal purchasers, securing 200,030 acres between them.[47] On the basis of the illegality of the proceedings of sale the proprietors petitioned the King-in-Council for redress,[48] with the result that in July 1783, not only were positive orders sent "to put a stop to all further proceedings for the recovery thereof," but a draft of a bill was sent out to Patterson declaring the sale voidable and instructing him to lay it before the local Assembly for ratification.[49] The bill allowed the original proprietor to regain possession after paying the purchase money, interest and legitimate charges incurred by the purchasers, together with a fair allowance for any improvements made on the lands since the sale thereof. At the same time instructions were sent to mitigate the terms of the quit rents from May 1,1783 to May 1, 1789, and for ten years thereafter, and to repeal the Act of 1774.[50] Patterson ignored the commands, disolved the Assembly which had already dared to question his conduct and threatened to investigate his administration, and called for new elections in March 1784, hoping to procure a House that might be trusted to reject the bill, and thus escape the responsibility of doing his duty. The new House simply tabled the matter. In the meantime, there were further petitions from proprietors who were debarred possession of their lots. Patterson's arguments against restoration were rejected by the Privy Council, and a sloop of war was sent in February 1785 to St. John with peremptory orders to lay the bill immediately before the House, only to be ignored a second time. In March 1786, a more tractable Assembly confirmed the sales of 1781, thus allowing the purchasers of the lots "to plead the Act in bar against the proprietors." On November 14, however, Patterson persuaded the Assembly to disallow its own action, and to pass a private act annulling the sales and restoring the lands to their original grantees.[51] But Patterson's regime was over. His opposition to royal commands and the criminating complaints against him and his Council, resulted in their dismissal in 1786; but because of his popularity with his own party, he kept control of the Government till 1788, when he finally left the Island. He died shortly afterwards in England, a bankrupt in great distress.[52] He was succeeded by Lieutenant-Governor Fanning; the proprietors had scored another notable victory in the struggle to control the affairs

47. M 404F, pp.96-129, Capt.John Macdonald to Lord Sydney, Nov.5,1785,giving a fair statement of the whole issue.
48. Ibid, Vol.D, p.23, Oct.19,1782, Capt.Macdonald to Lords Commissioners of the Treasury; ibid, pp.25-29, Oct.25,1782, same to E.Nepean.
49. Ibid, pp.115-117, Dec.17,1783, Patterson to George Stuart, acknowledging receipt of instructions.
50. Ibid, pp.25-29, Oct. 19 and 25, 1782, Capt.Macdonald suggesting the cancellation of quit rents because of military service; A Vol.17, p.207 ff.
51. Ibid, p.218 ff.
52. M 406G, pp.63-65, 90.

of the colony.

Edward Fanning - once a colonel of an American regiment, later a Lieutenant-General in the British Army - began his administration under difficulties. Patterson's acts had distracted the Island, divided it into parties and shaken the confidence of the proprietors in their title to their lands. Settlers turned to political contentions to the neglect of their farms. Fanning should have shown firmness in meeting the situation instead of falling a prey to existing factions. He joined forces with Patterson, pledging mutual support on condition that he would provide for the support of some of Patterson's friends, and restore others to their rank in his Council, only to quarrel with him when the whole questionable proceeding was exposed by Patterson's brother. In order to control local affairs through the Assembly - which was decidedly partisan to Patterson - Fanning dissolved it, elected another in 1789, and it being equally irreconcilable, dissolved it also. In 1790, he issued a proclamation for a new Assembly, and to conciliate his enemies or counteract their designs, circulated information that the proprietors by nonfulfilment of the settling conditions had forfeited their grants, and that if his friends were elected, a law would be passed establishing a Court of Escheat, which would restore the land to the people in farms of 200 and 300 acres. The peasantry believed the report and elected the Governor's friends to the Assembly which sat for years, a tool of the Governor, passing any measure he suggested. His policy differed in no respect from that of Patterson, except that he was more cautious in pursuing it. Impetuous Patterson took such an active and open part in the measures of his Government that their origin was never in doubt. Fanning wisely abstained from playing the role of chief actor, fortified himself with the resolutions of his chief advisors, and thus destroyed every attempt to convey the real situation to the Home Government. During his administration there were many instances of flagrant abuses. Fanning's part in them must be looked for in the nature of the transactions, even though it could hardly be established in a court of law.

To conceal the real nature of conditions, the Governor sent glowing accounts of the progress and prosperity of the Island: there was a great increase in immigration, in agriculture and in mills. These reports were coloured by the writer's imagination and were intended to deceive the Colonial Office, for no other voice was heard to the contrary. Unfortunately such a flattering picture had not the least resemblance to the original. A true account would have resulted in an investigation of facts with serious consequences to the Executive. Fanning would have had difficulty in explaining the decreasing population,[53] the utter illiteracy

53. M 404F, p.98, Macdonald to Sydney, Nov.5,1785; M 406E, p.70 ff; M556,Vol.16 pp.147-160, Feb.26,1803, T.Cochran on the state of the Island; C.O. 226,Vol. 43, p.796 ff.

of the people, the lack of trade and the scarcity of the necessaries of life, the steady decline in the export of lumber, and that in 1796, the amount of land under cultivation had scarcely increased since the Island was ceded to Great Britain. Nepotism was rife, justice and law perverted through collusion in fraud between the Chief Justice and his friends. Governor Fanning, copying his predecessor in office, purchased Patterson's property sold under execution, paying £98 for 48,000 acres of land and a saw-mill. Any prominent and fair-minded person bold enough to complain of these proceedings, or inform the Home Government, was immediately marked out for prosecution, tried before a justice and jury interested in the case, the damages imposed being "used to wipe off debts existing between parties interested in the trial."

In 1796, a determined attempt was made to deprive the proprietors of their land. Papers were circulated among the settlers accusing the proprietors of neglect and of being natural obstacles to the progress of the Island, demanding rent from their tenants without paying the quit rents stipulated in their charters, and hinting that a popular petition to the King through the Assembly for the creation of a Court of Escheat would find official favour. The prospect of the future was alluring; the tenants already saw themselves their own landlords. The suggestion became an incentive to lawlessness, tended to make the people discontented with their lot, and fostered the belief that by their own efforts they could secure control of the property of others. The plan was all the more feasible since the author of these opinions was a member of the Legislative Council, and since magistrates and members of the Assembly presided at the meetings called to discuss the situation. It looked like a deliberate attempt to indiscriminate forfeiture of all the grants because the conditions in their entirety had not been fulfilled. In 1797, signatures were solicited to ask the Governor to convene the Assembly to receive applications from the people and to petition the Crown for a Court of Escheat. The whole Assembly was actively interested in the project and in the spoil. This was followed by petitions from the settlers calling for the fullest investigation into the conditions of land settlement. A committee was appointed which made several reports, distinguishing between those proprietors who had fulfilled the terms of their grant and those who had not, claiming that the failure of the latter was ruinous to the settlers and the prosperity of the Island alike, that the forbearance of Government to the defaulting proprietors resulted only in affording them speculative opportunities at the expense of the settlers and of the energetic landlords. Emphasis was placed on the future prospects of the Island under conditions similar to those in Nova Scotia which flourished as a result of escheat and forfeiture, and regranting the land in small farms to actual settlers. The committee

advised that representation be made to the Colonial Secretary to petition the King to warn the defaulting proprietors that unless the settling conditons were fulfilled, their lands would revert to the Crown, and that to encourage the settlement of the Island the land would be divided among actual settlers.[54] There was general rejoicing when the report reached the Island that the petition concerning escheats had been laid before the King, followed by a general refusal to pay rents - Judge Robinson leading by refusing to pay his rent to Baron Montgomery.[55] Such was the chaotic situation in 1800: property was unsafe, justice and law misnomers, malpractices of officials resulting in the stagnation of agriculture, trade and commerce, was keeping the Colony in a perpetual state of turmoil.

It is difficult to disentangle the strange and incompatible state of affairs in Prince Edward Island at the beginning of the nineteenth century. Lieutenant-Governor Desbarres in 1805, found himself "seriously at a loss how to arrange any state of them." As in Quebec in 1837, there were two parties struggling for control; the one composed of the settlers, men of slender property "who seem to vie with each other in the determination, by any means, to move heaven and earth for obtaining an universal 'partitio bonorum' of their landlords." The other composed of landlords, many of whom had been unable to improve their lands in any manner likely to benefit themselves or the public. The former contended for a democratic, the latter for an aristocratic basis of society. And the crux of the problem was the failure of the proprietors to pay the quit rents without which salaries could not be paid, or adequate provision made for public improvements. In 1790, the Receiver-General had been instructed not to enforce their payment till further orders,[56] with the result that in 1802, the arrears totalled £59,162, a sum more than double the price the Island would sell for, and which the proprietors declared their inability to pay. These arrears rendered it impossible for the proprietors either to cultivate or sell any portion of their lands, as every part was liable for the whole arrear. A drastic reform was needed.

Already a Committee of the Privy Council had taken under consideration the confused affairs of the Island. The result was the compromise of 1802, by which

54. Public Documents concerning Prince Edward Island, April 23, 1841, p.67.
55. M 406G, pp.65-167, A Report on the Island; M 406E, p.117, Portland to Fanning, Feb.8,1798: Complaints to be brought speedily before His Majesty's confidential advisors.
56. M 566, 1803, Vol.16, pp.375-381.

those would pay least who had settled the greatest number of settlers on their land.[57] Failure to comply with the new regulation involved legal proceedings to reinvest the land of defaulters in the Crown either for non-improvements, non-payment of rents, or non-performance of any of the conditions of the grant, which would be regranted to actual settlers. These liberal terms, freeing the land from heavy claims, had an almost instantaneous effect on the social and economic state of the Island. Some of the proprietors, like Selkirk, in order to place their lots in the most favoured class of composition, introduced a large number of settlers. Others objected to the measure because, in their opinion, it would lead to their own ruin;[58] some, hoping for easier terms, refused to pay the composition, petitioned for better terms and thus laid their lands open to escheat.[59] The Receiver-General welcomed the compromise because it would not only realise more money, but would throw nearly half the land into the hands of Government and make it more difficult for other proprietors to secure settlers.[60] He then notified the absentees of the terms upon which their arrears could be paid.[61] Acting on instructions from Lord Hobart, in March 1803, the House of Assembly passed an Escheat Act similar to that already so satisfactorily in operation in Nova Scotia,[62] by which the Lieutenant-Governor was authorised to appoint a commissioner of escheats who would be empowered on information supplied him by the Attorney or Solicitor-General, to enquire through a jury concerning the degree in which the terms of the grant had been performed. The proprietors were at liberty to traverse the inquisition taken by the commissioner within twelve months from the date thereof.[63] Accordingly on February 29, 1804, the action was taken to

57. M 564, Vol.15, pp.169-172, April 6,1802, Lords of Privy Council for Trade and Plantations on Wm. Know's Plan of Feb.1802; Hobart's "Plan of Abatement of the Arrears of Quit Rent," and a Memo showing the state of cultivation of each tract of land and the amount of quit rent due thereon; Col.Cor. P.E.Island, Vol.15,p.9 ff; ibid, pp.134-136, Knox, Agent to Lord Auckland would penalise individual proprietors in proportion to their arrears and release from all quit rents any and all lots broken up into farms and cultivated, and reduce the quit rent to 2/- per 100 acres as in New Brunswick and Nova Scotia; M 564, Vol. 15, p.175, Addington to Sullivan, April 15,1802; ibid, pp.39-42, Aug.6,1820, Colonial Office to Fanning; A Vol.30, p.125, April 7,1802, gives the composition:- 1769-1801.
    1st Class Lots fully settled to pay 4 years rent in lieu of all arrears from
    2nd " " with half the quota of settlers to pay 5 years rent
    3rd " " with one quarter of the quota of settlers to pay 9 years rent.
    4th " " with less than one quarter quota to pay 12 years rent
    5th " " totally unsettled to pay 15 years rent.
58. M 564, Vol.15, p.274 ff, J.Hill to Sullivan, Oct.14,1802.
59. Ibid, p.254, Sullivan to Van Sittart, Aug.13,1802.
60. M 566, (1803) Vol.16, pp.375-81, undated: "Observations upon the plan for a composition for the arrears of quit rent due on lands of Prince Edward Island."
61. M 564 (1802) Vol.15, p.238.
62. M 567 (1804-05) Vol.17, pp.114-122: Address from the Assembly to the Crown, Sept.20,1805; Public Documents concerning Prince Edward Island,op.cit.p.40 ff; Young, G.R., Astatement of the Escheat Question in the Island of Prince Edward, (1838), p.8.
63. M 567, op.cit. pp.227-235.

escheat the whole or part of seventeen lots.[64] In connection with this action it was urged with some degree of justification that by selecting these lots out of others equally in arrears, the imputation of favouritism on the one hand and particular persecution on the other could scarcely be denied, and that if the receiver had collected arrears on all the others he could not plead lack of funds to pay local salaries.[65] The settlers were eager for escheat that they might have an opportunity of making advantageous purchases. The possibility was, however, that in veiw of the lack of capital on the Island and the comparative poverty of the settlers, a capitalist or a local official would secure these lots and thus change the owner but continue the mischief. A radical change in the system that would distribute the land among the settlers was considered imperative in order to induce population, stimulate trade and promote general prosperity.

There was widespread alarm among the proprietors at this new but scarcely unexpected turn of events in their fortunes. They pleaded their service to the cause of Empire, the interruption of settlement through political causes, the expensive and long infancy of a new settlement as sufficient reasons for more lenient treatment, and attributed the backwardness of the colony to the unstable state of its politics due to the levelling principles of the French Revolution which spread baneful influences over the whole Island, and manifested themselves in a concerted movement, encouraged by local officials, towards a general escheat of all landed property with a universal objection to the payment of rent. This war by officials upon the defaulting proprietors kept the Island in a ferment and accounted for the spirit of disunion in the colony, for the contested elections and the dissolution for the control of the Assembly. It destroyed all confidence in the security of property and retarded settlement since the proprietors were reluctant to carry out the original terms, fearing the loss of all their investments while their title to the land was disputed. Once again such plausible arguments arrested measures for escheat, and all proceedings against defaulting proprietors were suspended through the exercise of the same influence.[66]

64. Ibid, pp.12-14, lots proceeded against:-

2nd Class	No.25,	for £150,	No.55,	for £300			£ 450
4th "	4,	" £590,	No.5,	" £506 10/-,	No.6,	for £680	1,676 10/-
5th "	2,	" £360,	No, 3	" £340	" 8,	" £720	
	9,	" £450,	No.12,	" £360	"15,	" £1,800	
	45,	" £360,	No.46,	" £360	"52,	" £352 10/-	
	57,	" £360,	No.59,	" £360			
					Total.		5,102 10/-
							7,229

65. Ibid, p.160, March 6,1804, an unsigned letter.
66. Public Documents concerning Prince Edward Island, op.cit. p.40 ff, Resolutions of the House of Assembly, Nov.20 and 26, 1805.

The usual official answer to colonial grievances was to change the executive. Fanning, who favoured escheat, was recalled.[67] But to redall the Lieutenant-Governor and leave the causes of complaint untouched simply aggravated the issue. Lieutenant-Governor DesBarres (1805-1812), though favourable to thos proprietors who had shown any practical desire to meet their obligation,[68] advocated the escheat of the lands of all defaulting landlords.[69] In this he was supported by Chief Justice Palmer, who shortly before his appointment, founded the society of the "Loyal Electors" for the purpose of influencing the settlers to secure the election of "men of disinterested integrity to the Assembly," and thus extiripate landlord influence from local politics,[70] as the only way to compel speculating proprietors to contribute towards local improvements and lighten the financial burden of the poor settlers.[71] Not only did the "Loyal Electors" condemn absentee landlordism, they opposed all local officials who would enrich themselves by purchasing defaulting townships instead of granting them to the settlers.[72] Gradually, the Society attracted to itself, as might be expected, the reformers of every colour who would work through constitutional means, and the discontented and extremists whose professed object was to obtain the escheat and forfeiture of landlord property, encouraging the settlers to withhold the payment of rents due and making the recovery of rents impracticable. Small wonder that the Society was looked upon by its political foes as the mere vituperation of a misguided brain, and composed of philosophers, preaching liberty and equality, who used their influence to swing elections in order that they might secure political domination.[73] To its friends, the Society became the means of "material service in promoting an active spirit of improvement" in the colony.[74]

The landlords once again took up this challenge to their vested interests and petitioned the Colonial Office either to cancel the quit rents altogether or reduce them to a mere nominal acknowledgement to the Crown, as was customary in the Southern Colonies before 1776. Failing this, they asked that the rents be reduced and the proceeds be applied for ten years to the construction of public improvements as an encouragement to a better class of emigrants to enter.[75] Since they had no direct control over the action of the local Assembly, they asked permission to

67. Ibid, p.40, quoting Fanning's speech of Nov.2,1802, favouring escheat.
68. M 567, Vol.17, p.123 ff,DesBarres to Edward Cooks, Dec.4, and 5,1805; Ibid,pp. 124-48, Proprietors to Desbarres protesting escheat.
69. A Vol.29, (C.O.226,Vol.30), pp.197-251.
70. A Vol.27, p.179 ff.
71. Ibid, pp.163-70, May 16, 1811.
72. Ibid, pp.171-78, Aug.16,1811.
73. A Vol.29, pp.95-105, April 24,1812.
74. A Vol.27, pp.169-70.
75. M 567, Vol.17, pp.268-77, Proprietors to Earl Camden, April 13, 1805.

resign their patents in favour of others with more practicable conditions of settlement, or that an act of Parliament be passed confirming the original grants so as to remove all ambiguities and encourage the proprietors to proceed with settlement.[76] The result of these petitions was that all means to escheat the lands liable to seizure were frustrated by interested and influential friends living in England.[77] Desbarres was recalled and Palmer dismissed in 1812;[78] but their ideas lived on to trouble the life of the Island for a generation. The Escheat question became the burning issue of local politics. The Assembly made no attempt to defend the landlords interests; the tenants acted accordingly. A determined feeling of resistance to vested rights developed and illegal combinations were formed to prevent the Sheriff from enforcing the law. It was difficult to collect taxes sufficient to pay local assessments. Even tenants able and willing to pay their rents were afraid to do so being threatened by dire vengeance of having their buildings burned.[79]

It would be both tedious and useless to follow further in detail the various aspects of the struggle down to the second compromise of 1818. The character of the struggle was the same; no new arguments were advanced in 1816 when Bathurst informed Lieutenant-Governor Smith that "the payment of any sums on account of Quit Rents" accruing between 1802 and December 21, 1816, was dispensed with,[80] and that for the future the rents be collected half-yearly after the new scale had been fixed, of which he would be notified in due time. No such notice was sent, and in January 1818, Smith instructed Carmichael, the acting Receiver-General, to commence proceedings for enforcing the payment, on the old scale, of all arrears due since 1816. Many paid, others were distrained and their goods sold. Lots number 15 and 55 were reinvested in the Crown.[81] In answer to the complaints of the aggrieved proprietors,[82] Bathurst ordered all proceedings to stop and announced a modification of the original terms by which the Nova Scotia scale of quit rents of two shillings per hundred acres was universally adopted. Proprietors who had made partial payments between 1803 and 1816, were allowed a remission of the new quit rent in proportion to the sum paid. All payments over two shillings per hundred acres were

76. Ibid, pp.123-125, Desbarres to Cooks; A Vol.30, p.169, W.Johnston to Lt.Gov. Dec.28,1816, submitting a copy of the original grants and noting in the margin "such additions as may be necessary in the new grants which are intended to be given to the proprietors."
77. Ibid, p.114 ff, Address of the Assembly to the Crown, Sept.20,1805; Selkirk Papers, Vol.56, Fo.14,981, Capt.Macdonald to Selkirk, April 23,1810; that the only safeguard for the proprietors was for those living in Great Britain with influence with Ministers would prevent adverse legislation; "There must be no sleeping in the sentry box."
78. A Vol.30, pp.10-46, J.J.Holland to Lt.Govr.Smith, Dec. 2, 1815.
79. Selkirk Papers, Vol.73, Fols.274-278, Rev. John MacLennan, Nov.24,1837, Feb. 14 and April 30, 1838; C.O. 226, Vol.54,p.733 ff.
80. A Vol.33, pp.17-22, Colonial Office to Smith, May 20, 1818.
81. C.O. 226, Vol.49, A return of all lands remaining at the disposal of the Crown in Prince Edward Island, Mar.3,1832.
82. Ibid, Vol.48, p.73 ff, Feb.10,1825: A statement of grievances of certain proprietors to the local Assembly concerning Smith's action of January 1818.

to be refunded to those who had paid cash; but no redress was made to those whose goods were sold for a third of their value together with legal costs far exceeding the amount claimed.[83] Further, the proprietors were released from the nominal obligation of settling their grants with foreign Protestants, "providing that within ten years from December 1816 the lands shall have been settled by other persons in the proportions specified in the original grants."[84] A proclamation to this effect was issued by Smith on July 28, 1818.[85]

Such obvious partiality to the interests of the proprietors simply intensified the political situation.[86] A fluctuating policy is always unwise. It reduced land holding in Prince Edward Island to a game of chance and strengthened the case for a general escheat of all defaulting estates in the interests of the settlers. The argument in favour of escheat was regarded conclusive when township 55 was divided among its settlers in 100 acre farms in fee simple from the Crown, subject to the payment of the usual fee of £5 and an annual quit rent of 2/-, while tenants upon adjoining townships, which were equally liable to escheat, were still subject to an annual rent of £5 and upwards per 100 acres, over and above the quit rents and other assessments, and without any better security for the lands they occupied than if they were tenants at will.[87]

From July 1818 to March 1823, the quit rents were allowed to accumulate uncalled for,[88] and the sudden demand for arrears, amounting to £7,007, caused considerable distress to those proprietors whose settlers were either unable or unwilling to pay their rents. They complained of the severity with which local officials pressed for collection when abandoned in other colonies, and of the ruinous legal expenses incurred when the quit rents were not paid within the prescribed period. Not only so but justice was biased. It seemed scarcely fair to compel the proprietors to pay their rents for cultivated lands while their tenants were protected in their refusal to pay their rents for these lands. But though the law was a dead letter, so far as the interests of the proprietors were concerned, Bathurst on May 10, 1823, informed Lieutenant-Governor Smith "that the Collector of Quit Rents may for the present limit his demands to the current year,...and that the levy of the arrears may be suspended until you have transmitted to me an account of the sum due by the different proprietors with the reasons which have induced you to allow them to

83. Ibid.
84. A Vol.33, pp.17-22, Colonial Office to Smith, May 20,1818; C.O. 226, Vol.39, pp.583-92,: Memo relative to the demand for payment of the arrears of quit rents lately made by Mr. Carmichael; Ibid, Vol.43, p.13 ff, Feb.11,1826, and p.795 ff, March 31, 1826.
85. Ibid, Vol.39, July 28, 1818.
86. C.O. 226, Vol.43, p.13 ff, Feb.11, 1826.
87. Public Documents concerning Prince Edward Island, p.51 ff; Evidence before the Committee of 1832; C.O. 226, Vol.43, p.796 ff, March 31,1826.
88. C.O. 226, Vol.40, p.691, 695.

accumulate instead of collecting them half-yearly as you were instructed to do in 1816."[89] These orders were received on July 4, but instead of producing the desired effect, Smith on the next day filed information in the Supreme Court and obtained judgment against various lots for four and six years' arrears, then sold them on August 27 at public auction. On November 3, he obtained judgment against other lots and sold them the following January to as many as there were purchasers, among whom was Mr. Carmichael and his Deputy. £3,980 of arrears were collected - by voluntary payments - of which £3,310 were absorbed in legal expenses.[90] On March 81,1824, Bathurst ordered Smith to stay all proceedings for the recovery of rents due prior to January 1, 1823,[91] and shortly afterwards these arrears were entirely remitted.[92] From that date payments were to be strictly enforced and the lands of defaulters proceeded against legally at the end of six months, but only where there was reasonable prospect that the rents could be recovered over and above legal expenses.[93] Smith followed the way of his predecessors into disgrace. His administration was severely criticised by the Montreal Gazette in its columns of December 6, 1823; the proprietors stated that his misdeeds could not be duplicated in modern times in the history of British colonisation - an accusation that seemed to be borne out by the voluminous petitions from the Island.[94] The irohy of it was that he was granted a pension out of the quit rents.[95]

In all these disputes and cancellations the Secretary of State acted independently of the Treasury. In July 1826, the latter desired to know why all proceedings for the recovery of arrears of quit rents in 1818 and 1823 had been stopped and the arrears up to January 1823 had been remitted, and recommended the advisability of a settled policy for enforcing payments from all alike and the immediate forfeiture of all defaulting lots. But Bathurst pursued the even tenor of his way and in September 1826, announced that it was the intention of His Majesty's Government to substitute for the existing settlement duties others"of a more easy and commodious nature."[96] What that intention was remains a matter of conjecture, and while Bathurst pondered over the unsolved problems of the Colonies, quit rents

89. Ibid, Vol.49, p.61 ff, Receiver-General Stewart to Lt.Govr.Ready, Oct.26,1830.
90. Ibid, Vol.45, p.395 ff, Lt.Govr.Ready to Sir Geo.Murray, Sept. 17,1828, and p.399 ff, July 24,1824, £1,600 legal expenses in suits involving only £116-18/-; ibid, Vol.48, p.73 ff, Feb.10,1825: A Statement of Grievances by the Proprietors to the Assembly; G 313, p.18, Ready to Hay, Nov.9,1830, A statement of arrears since January 1,1823.
91. C.O. 226, Vol.40, p.175, Smith to Bathurst, June 8,1824.
92. Ibid, Vol.43, p.23, Bathurst to Ready, Sept.11,1826.
93. Ibid, p.445 ff, W.Hill, on behalf of the Lords of the Treasury to the Receiver-General of Prince Edward Island, Oct.21,1826.
94. Ibid, Vol.41, Proprietors to Bathurst, Mar.1824; Stephen to Horton, Mar.29, 1824, annalysing the petitions of grievances against Smith from the settlers.
95. Ibid, Vol.45, p.395 ff, Ready to Sir Geo.Murray, Sept.30,1828; G 312, p.259 ff, Despatches from the Lieutenant-Governor.
96. Young,G.R. op.cit. p.11; C.O. 226, Vol.43, p.19,Bathurst to Ready,Sept.11,1826.

remained unpaid till 1828 when arrears totalling £10,000 were ordered to be collected. The arguments advanced in 1818 and 1823 against payment of arrears were used by the proprietors and the Lieutenant-Governor with the same telling effect in 1828: Capital was scarce and to seize the lands of defaulters would involve a most cruel sacrifice of property, which the Executive was unwilling to inflict upon the inhabitants.[97] The example of Nova Scotia was quoted where all arrears had been cancelled up to January 1827, and ~~where~~ all payments were suspended pending an answer to the Assembly's petition for complete remission. The result of these arguments was that the Lords of the Treasury, on the recommendation of Sir George Murray, Secretary, remitted all arrears of quit rents in the Island up to January 1, 1827.[98] Altogether over £120,000 were remitted by the Crown to the proprietors.[99]

In the meantime various suggestions were made whereby this bone of contention might be removed from the sphere of local politics. The local Legislature remained firm in its settled conviction that the only remedy which the facts of the case warranted was forfeiture, and in 1832 legislated for the regulation of the proceedings of a Court of Escheat. But the Imperial Government disallowed the Act on the ground that it would be both difficult and costly to prove who were defaulters.[100] To maintain that a township contained a certain number of acres and did not contain a certain number of settlers merely begged the question. When land could be so easily acquired on freehold tenure in neighbouring colonies, few settlers would care to remain mere tenants in Prince Edward Island; and even if they did remain there were no positive prohibitions to prevent them from leaving their farms and squatting on another estate. Squatting was an outstanding feature in the settlement of every colony on the North American Continent. Thus it happened that proprietors who had satisfied the conditions of their grant by sending out the stipulated number of settlers, many of whom later changed their residence to other lands, would forfeit their grants under the plan proposed by the Assembly, while defaulting proprietors might find their land occupied by the prescribed proportion and thus escape the penalty of their neglect. The obligation therefore which was assumed by the proprietors was to all intents and purposes inoperative. In fact Glenelg admitted that this very inconvenience was foreseen when the grants were made and implicit in the condition which exacted, on pain of forfeiture, the settlement of the estates in a prescribed form. But sixty-seven years after the grants had been

97. C.O. 226, Vol.45, p.395 ff; G 312, p.259, op.cit.
98. C.O. 226, Vol.46, p.307 ff, J.Stuart, Treasury Chambers, to R.W.Hay.
99. Resolutions of the Assembly, April 23,1841; C.O. 226, Vol.42,p.121 ff, Ready to Horton, May 9, 1825.
100. Young, op.cit. p.11, Glenelg to Sir John Harvey, Aug.10,1836, and Goderich to Lieutenant-Governor Young, Aug.1,1832.

made, it would be difficult to prove how far "the wilful neglect of the proprietor" was responsible for the uncultivated state of the Island.[101] And even supposing escheat had been allowed, the tenants would still be liable to quit rents since "the Crown would...step exactly into the place of the former proprietors, and would enforce the observance of every contract" entered into between them and their tenants.[102] A solution of the difficulty, so far as the proprietors were concerned, was found in the extension to Prince Edward Island of the commutation plan recently adopted in New Brunswick and Nova Scotia, by which the proprietors on the discharge of their financial obligations would receive grants in free and common socage of their lands, discharged of quit rents and terms of settlement.[103] The proprietors were given five years to accept or reject the offer, during which time all claim for quit rents was suspended.[104]

The repeated attempts, however, of the local legislature to compel the forfeiture of these grants led the Colonial Office to recommend that a tax should be imposed upon all wild lands. The Assembly regarded the substitute measure as inadequate and declined to entertain it while there was any hope of securing escheat. When the last flicker of hope died in 1833, they passed an Act that imposed a tax of 2/- per 100 acres upon cultivated land and 4/- per 100 acres upon waste land, in the hope that defaulters would either sell their lands at a fair price, lease them on good terms, or contribute to the general expenses of government.[105] Stanley admitted "the justice of making the owners of the land contribute largely to the internal expenses and improvement of the colony," and favoured "a tax, in the nature of a penal assessment upon non-cultivation" as both just and politic, even while he realised that the possible effects of the non-payment of the tax would be to flood the land market and reduce the price far below the value of the land.[106]

The proprietors had no objection to a land tax of 2/- per 100 acres as an equivalent to and in lieu of a quit rent, and they paid it on that understanding. But they objected to a land tax that was applied indiscriminately both to cultivated and wild lands, and particularly because the Act was at variance with the equity and policy of an Act passed by the Upper Canada Legislature which imposed a tax of one penny in the pound upon all assessed property and provided for the sale in satisfaction of any arrears of so much land as would cover the debt. The satisfactory working of the Upper Canada system to meet the object in view, led Glenelg,

101. Young, op.cit.p.10, op.cit. 102. Young, op.cit. p.11.
103. C.O. 226, Vol.50, p.557, Goderich to Lt.Govr.March 22,1833; Young,op.cit.p.48.
104. Ibid.
105. G 313, Despatches from the Lieutenant-Governor, p.141, April 27,1833; C.O. 226, Vol.48, p.524; Ibid, Vol.51, p.697, January 1834, a list of lands sold account of the Land Tax.
106. Young, op.cit. p.60, Stanley to Lt.Govr., May 28,1834.

with the approval of the proprietors, to recommend its extension to Prince Edward Island.[107]

Accompanying the land tax was a Road Compensation Act which empowered the Government to make and alter roads through waste lands at the expense of the proprietors, and to sell so much land as would realise a sum equivalent to the cost of constructing such roads. The justification for this step was found in the failure of many of the proprietors to make any provisions for roads, leaving the tenants to bear the entire burden. Statute labour had been tried and found wanting; the income of Government was inadequate for all public improvements.[108] And since the new roads were to run through lands suitable for immediate settlement, it was felt to be just and reasonable that the proprietors who would benefit the most, should bear the expense, but since there was no condition ~~for~~ of road making in the original grant, the proprietors objected to the plan as being too ambitious and unnecessary; they claimed that the new roads should be made only where they might serve public utility and at the request of the owners of the lands through which they passed; that since the cost was to be borne by the proprietors, there would be no incentive to economy and lands would be sold at whatever price the settlers cared to pay for them,[109] and that the jury of assessment, composed of interested persons, would be utterly incapable of doing justice to the interests of the proprietors - really[110] the only valid objection to the Act. The Colonial Office, whose ear was ever open to the plaintive cry of privilege, amended the Road Act to read that no proprietor would be expected to pay any money until the road was contracted for and completed, thus enabling him to become his own contractor, use his own labour and prevent undue prejudice on the part of local juries.[111]

The importunity of the Local Assembly, seconded by the Rebellion of 1837, convinced at least some of the landlords that the time for concessions had come. Acting on the recommendation of Lieutenant-Governor Fitzroy and his predecessor, and approved by the Colonial Secretary, the proprietors offered not only to sell their lands at easier rates and upon better terms than either the Government or the local Assembly could do if the lands were forfeited and placed under their control, but, to remove all pretence of complaint, they voluntarily offered to carry out an extensive system of emigration from Scotland. In return they expected that their lands would be placed upon the same basis as that of others and no longer selected as an exclusive subject for partial and unequal taxation.[112] In this belated

107. Ibid, p.54, Glenelg to Harvey, Aug.1,1836.
108. G 312, Prince Edward Island, Corr.Bk. March 20,1827.
109. C.O. 226, Vol.51, p.627 ff, July 31,and p.53, Jan.1834, and p.381 ff, and p.87 ff, Sept.12,1833.
110. Ibid, p.627 ff, July 31, and p.53, January 1834.
111. Ibid, p.381 ff, May 10,1834.
112. Young, op.cit. p.63.

attempt to fulfil their obligations they claimed they were actuated not from any apprehension of the final outcome of the prolonged controversy, but from a sincere desire to promote the welfare of the Island. But to make a virtue of necessity has little merit.

Accoring to this plan the townships offered for sale would be surveyed as the demand arose in lots of 100 or 200 acres and sold at an upset price of 6/3 to 20/- per acre. The purchaser was expected to pay 25% of the price down and the balance in five equal instalments with interest at 5% per annum. Occupying tenants would be given the option of purchasing their farms at twenty years' purchase based on the current rent per acre, and to be allowed the same liberal conditions as the other class of purchasers. Emigrants were offered leases for two or three lives, on condition of occupying their land rent free for the first two years, paying 3d per acre for the third year and 1/- per acre after the sixth year, or £5 per 100 acres, with the right of purchase at any time within the period of the lease. In all cases tenants were expected to pay the quit rent of 2/- per 100 acres and all taxes chargeable upon the land. Rent could be paid either in money, in the produce of the farm at current market prices, or in labour.[113] On march 16, 1838, Lord Glenelg forwarded these terms to Lieutenant-Governor Fitzroy with instructions to recommend them on all proper occasion.

The uncultivated state of the Island was the chief problem against which the measures of the Assembly were specially directed. It was made an excuse for the quit rent issue and blamed for the high cost of government, for the general depression of trade and for the discontent which generally prevailed throughout the Island. How far is this criticism justified by the actual state of settlement? Lord Glenelg in 1836, admitted that the ministers of the Crown were "fully alive to the serious injury which is caused to the Island by a want of sufficient number of settlers,"[114] and that "the advancement of Prince Edward Island has hitherto been delayed by the inadequacy of its population." But the same criticism could be passed upon the progress of settlement in all the British American Colonies, which were in a position to offer more attractive opportunities for settlement than Prince Edward Island. Unlike Nova Scotia and Upper Canada, where government help was available for the making of roads, churches, schools and other public improvements, Prince Edward Island, in all its early history received no public encouragement and little of public money. Apart from Lord Selkirk, Chief Baron Montgomery and Captain Macdonald,

113. Young, op.cit. p.29 ff: The proprietors who made these offers were A.Colville, for Selkirk, Sir.Geo.F.Seymour, Sir Thomas S.Sorrel, David Stewart, Robert Stewart Robert Bruce Stewart, Rev.T.H.Langton, Henry W. Hemsworth, Richard J.Todd, John and Harriet Hill, Samuel Cunard, H.Winchester, Earl of Westmorland, and Lord James Townsend.

114. Ibid, p.54, Glenelg to Sir John Harvey, Aug.1,1836.

the proprietors spent little capital in the development of their lands. Up to 1825, no capital had been applied to agricultural needs and the average settlers had none to spend.[115] The results were serious.[116] The majority of the settlers were in debt to the shopkeepers for life's necessaries and to the landlords for rent. It could scarcely be otherwise judging from the contemporary information regarding the absence of steady industrious habits among many of the settlers, their ignorance in clearing and managing the land and the deplorably rude state of their agricultural implements.[117] And since the only means of paying rent or debts was by the produce of the soil, which in the absence of a regular market and the competition from other colonies made it difficult to dispose of, debts tended to accumulate and settlers fearing eviction or distraint, neglected to improve their property.[118] About the only means of obtaining ready money was through fishing or lumbering, but to engage extensively in either meant that agriculture was neglected thus retarding the progressive cultivation of the whole community.[119] To all this must be added the prevailing ignorance due to the lack of schools, and the low price of rum and whisky which debauched so many of the settlers.[120]

Notwithstanding all these disadvantages Prince Edward Island, in 1837, had a denser population to its superficial extent than any other British American Colony. It had one person to every 42 acrs, while Nova Scotia had only one to every 72 acres, Cape Breton one to every 166 acres, New Brunswick one to every 255 acres, Lower Canada one to every 332 acres, Upper Canada one to every 367 acres, and Newfoundland one to every 387 acres.[121] The population of the Island had progressed comparatively rapidly. In 1806 there were 9,676, in 1827 there were 23,766, and in 1838 there were about 40,000. Similarly in comparing the quantity of cultivated and uncultivated land in the various colonies, Prince Edward Island makes a better showing than all the other colonies except Nova Scotia. One fourteenth of its total area was under cultivation, while Nova Scotia cultivated the thirteenth part, Cape Breton the thirty-fourth part, New Brunswick the forty-second part, Upper Canada the forty-eight part, and Lower Canada the thirty-eight part.[122]

Yet when all these favourable comparisons with other colonies are admitted, it is scarcely open to question that the land situation of Prince Edward Island offered one of the best examples of the evils of a proprietory colony, and illustrated the

115. C.O. 226,Vol.42, p.338 ff, Cockburn's Report, 1827.
116. Ibid, p.121 ff, Ready to Horton, May 9, 1825.
117. A Series of Letters descriptive of Prince Edward Island addressed to the Rev. John Wightman, Minister of Kirkmahoe, Dumfries-shire, by Walter Johnstone, 1822, p.12, 13, 40, 44, 52-55.
118. M 565, (1803), Vol.16, p.147 ff.
119. C.O. 226, Vol.43, p.9 ff, March 1825, A Petition by 863 settlers.
120. G 309, p.95 ff, Despatches from Lt.Gov.Smith, Feb.7, and June 13,1815; C.O. 226, Vol.28, p.97, Smith to Bathurst, Sept.13,1814; A Vol.33, pp.121-25, Nov.26,1818, MacEachern to Bathurst; McGregor,op.cit. pp.66-70; Can.Arch. Pamphlet, No.895, p.56; Bouchette, op.cit.p.177; Stuart, op.cit. p.122,253.
121. Charlottetown, Royal Gazette, July 18,1837.
122. Bouchette. British Dominions in North America, Vol.II, p.235.

enormous influence a few active and influential proprietors, living in London, were able to exercise in the domestic affairs of the colony, and how helpless a small and struggling community was in its attempts to secure the attention of the Imperial Government. This peculiar situation in which the Island stood in relation to the proprietors forms the key to the prolonged struggle between the local Legislature and the absentees over the escheat question. It entered local politics, divided the community into factions and distracted the minds of the settlers for decades. The right of the Crown to alienate the land was not impeached, but the Legislature contended that an impartial government would not infringe or set aside the claims of third parties, and that no real prosperity or lasting peace could be expected until the land tenure was improved in the interest of the agriculturists.

The case for the Legislature was strengthened in other ways. Not only was the agrarian discontent and political agitation confined to the lands of the defaulting proprietors who had refused to grant their tenants liberal terms, but their tenants were the least prosperous and most deeply in debt for rent. On the other hand the considerate proprietors had no trouble with their tenants, having sent out a good class of settlers to whom they gave generous terms. On their property the most extensive improvements were made. The remedy therefore lay with the delinquent proprietors, but instead of compelling them to fulfil the conditions of their grants, and thus relieve in a measure the various economic and financial burdens, they were allowed not only to retain their grants in the hope of future profits, but practically all their quit rent had been remitted to them, while during the whole period their tenants were expected to pay their rents and do all the local improvements. Naturally the proprietors were regarded as profiting from the proceeds of lands that did not belong to them, and every indulgence extended to them was condemned as levying a tax upon the settlers.[123]

Nor were these the only grievances. There were others common to all the British American Colonies. Under the prevailing system of representative government, with an appointed executive responsible to the Imperial Government alone, and an elected Legislature responsible to the electors, friction was inevitable. Prince Edward Island had other disagreeable features in its constitution. The control of its lands rested in the hands of absentee landlords, and the Legislative and Executive Councils were composed of proprietors, land agents and their connection, and persons strongly biased in favour of the vested interests in the Island, while the agents of the proprietors were appointed to fill every office in the gift of Government. In addition a strong family influence bound the members of the Councils

123. Public Documents regarding Prince Edward Island, April 23,1841.

together, justifying the accusation of the Assembly that a "Family Compact" existed to monopolise power and its emoluments.[124] Such was the predominating influence of the proprietors in local politics that the Legislature felt it was useless to legislate while the control of the purse and the landed property of the Island were beyond their power. Thus a constitution that placed all the burdens upon the struggling settlers, while denying them the control of their own government, and placed the power in the hands of a few persons who exercised it to their own political interests, stood condemned in Prince Edward Island as in all other North American Colonies. The eighteenth and early nineteenth centuries thought otherwise.

The full responsibility for these evils, however, must not be laid at the doors of the proprietors. The whole colonial system must be blamed, and the various Colonial Secretaries responsible for the land regulations and their enforcement were culpable. Land speculation was one of the main incentives to colonisation. The proprietors were human enough to seek to escape not only settling conditions but the payment of a quit rent that had never been regularly collected in any British colony. Thus the extreme improvidence in making the grants was matched by the neglect of Government to enforce the conditions attached to them. But extenuating circumstances cannot relieve the proprietors wholly from the censure attached to their selfish neglect of accepted obligations, nor the responsible officials from the timely criticism which their policy of experimentation called forth.

124. Resolutions of the House of Assembly on the Grievances of the Colony, April 24,1839, April 25,1840, April 23,1841; Table showing the family connection and influence of the proprietors in the Legislative and Executive Councils:-

EXECUTIVE COUNCIL

Hon.Geo.Wright, father-in-law of the Prothonotary who was the brother-in-law of the
Hon.Robert Hodgson, a Legislative Councillor and cousin to
Hon.John Brecken, a Legislative Councillor and brother-in-law to
Hon.T.H.Haviland, Colonial Secretary, who was brother-in-law to the Hon. Donald Macdonald and also to the
Hon.James Peake,
Hon.Joseph Pope, a Government partisan,Proprietory Agent and related to George Wright,
Hon.J.S.Macdonald, cousin of Donald Macdonald,
Hon.Ambrose Lane, brother-in-law to the Treaurer who in turn was brother-in-law to Robert Hodgson.

LEGISLATIVE COUNCIL.

Hon.Robt.Hodgson, Solicitor to a Proprietor and cousin to the
Hon.John Brecken, brother-in-law to
Hon.Donald Macdonald, a Proprietor and brother-in-law to Brecken, Peake and Haviland.
Hon.Charles Worrell, a Proprietor,
Hon.J.S.Peters, Agent of Samuel Cunard, a Proprietor,
Hon.George Dalrymple, Receiver or Rents for a relative who was a proprietor.
Hon.J.Levitt, W.Macontosh, J.M.Hall,
Hon.G.R.Goddman, Collector of Customs
Hon.P.S.McNutt.
Hon. Charles Young.

0.226. Vol. 50

Prince Edward Island

1833

245

CENSUS of the Population, and Statistical Return, taken under the authority of the Act William IV. C. 7, Anno Domini, 1833.

Feb. 1827

Townships Nos.	Males. Under 16 years	Males. From 16 to 60	Males. 60 and upwards.	Males. Total	Females. Under 16	Females. 16 and upwards.	Females. Total.	Number of Insane Persons	Number of Acres of Land occupied.	Number of Acres of Improved Land occupied.	Number of Cows owned.	Number of Oxen owned.	Number of other kinds of Neat Cattle.	Number of Horses.	Number of Sheep.	Number of Hogs.	Produce raised during the last year. Number of Bushels of Wheat.	Number of Bushels of Barley.	Number of Bushels of Oats.	Number of Bushels of Potatoes.	Number of Grist Mills.	Number of Saw Mills.	Number of Schools.	Number of Scholars. Males.	Number of Scholars. Females.
293 - 1	111	107	9	227	138	91	232		7220	1463	197	54	250	102	1047	470	2654	239	2728	18080	1				
138 - 2	51	35	1	87	47	39	86	2	2460	649	81	21	97	39	401	189	731	171	738	6153					
50 - 3	25	24	1	60	31	20	51		1700	112	22	11	39	10	69	36	224	6	359	2710			1	17	7
92 - 4	56	38	4	98	36	35	71		2850	371	85	32	115	33	330	108	858	18	1221	7022					
122 - 5	60	58		118	52	43	95		2657	707	73	47	91	43	405	169	818	73	1106	7704	1	1			
136 - 6	41	20	2	69	39	23	62		1661	580	50	25	59	25	230	109	369	60	666	4775					
54 - 7	22	23	2	47	29	23	52		2850	234	33	17	46	1	108	84	660	13	382	4090					
37 - 8	25	24	2	51	27	22	49		2150	216	39	17	44	5	70	36	510	51	376	2818					
26 - 9	12	7		19	5	9	11		850	62	16	3	22	6	39	18	140	49	98	1200					
42 - 10	10	8	1	19	7	10	17	1	500	77	11	4	10	6	45	25	145	20	81	1130					
122 - 11	56	34	4	94	32	37	69		1895	517	66	40	88	17	224	108	672	100	679	5085			1	16	4
92 - 12	29	49		78	29	20	49		1397	259	22	27	25	9	95	79	370		172	2346			1	11	12
211 - 13	72	75	8	155	56	61	120		4197	1211	117	100	139	45	534	253	1424	162	1878	10933	1		1	12	6
233 - 14	107	72	8	187	104	76	180		6221	1407	164	101	217	50	707	333	1669	204	2057	14230	1		1	14	10
426 15	171	124	8	303	148	124	272		6800	1426	147	81	168	99	696	344	1503	198	1185	18224	1	1	2	38	21
231 16	114	95	4	213	106	90	196		5983	1447	164	102	202	68	682	284	1565	104	2005	12076			2	29	28
716 17	228	199	17	444	197	194	391	1	14409½	3671½	293	169	422	158	1405	614	4481	780	8220	32151	2	2	2	32	33
713 18	174	176	14	364	197	192	389	4	9570	3961	376	211	505	167	1974	598	4203	1160	9215	26168	3	1	1	34	27
491 19	208	173	3	389	191	157	348		12677	2443	280	198	383	104	1325	424	3764	830	8863	27212	2	1	1	24	14
405 20	193	137	10	340	175	140	315	2	9392	2297	241	100	287	93	986	349	3209	825	5469	17947			1	13	14
467 21	162	132	17	311	153	142	300	2	7940	1873	293	72	310	118	1321	560	3556	1334	6714	25152			1	21	9
104 22	52	52	8	112	56	53	109		3070	524	84	31	90	30	303	126	956	325	2241	6962					
235 23	144	132	9	285	144	119	263	5	7011	1106	191	29	193	84	799	264	2451	851	5043	20220					
722 24	289	245	13	547	265	190	455		13714	2918	353	41	281	199	1600	730	4942	1206	6386	50382	1		3	39	35
245 25	103	71	5	192	97	70	167		8320½	1850	170	177	240	60	862	525	1426	767	3681	14530			2	24	18
374 26	111	110	20	241	101	113	214		10186	2632	212	119	311	125	1141	497	2521	886	5154	22870	1	1		18	9
414 27	117	77	12	206	89	79	168	2	7158	1439	115	76	134	52	481	302	1423	342	1913	11830		1	1	4	6
720 28	246	227	22	495	221	204	428		15402	4151	437	227	297	213	1814	882	4675	1271	8780	54430	2	3	4	78	48
402 29	141	149	18	308	148	119	267		7741	2069	190	131	210	84	939	418	3417	1110	4285	28240	3	4	2	23	26
94 30	49	33	2	84	51	21	75	1	2960	499	60	31	52	11	173	49	604	37	716	6170			1	14	14
229 31	90	84	7	181	81	86	167		5563	864	159	13	84	76	550	187	894	111	2373	15370			1	11	12
608 32	187	207	13	407	185	182	367		11025	2291	403	57	259	136	1666	527	3225	470	8874	40519	1		2	22	27
316 33	141	123	19	283	122	116	238	2	12302	1767	245	87	229	124	1007	315	2193	1714	6355	22598	1	2	2	41	22
885 34	340	275	28	643	321	303	627		18271	4169	592	157	603	290	2139	652	6484	1887	16318	62647	2	2	4	69	48
460 35	87	191	58	336	150	171	321	3	12013	1993	403	63	390	177	1286	406	2687	1042	2681	32975			1	18	9
276 36	105	118	12	235	101	113	217		9129	1038	213	32	186	76	554	258	1523	522	3738	15047			1	2	2
433 37	99	105	10	214	84	106	190	1	7320	1525	211	45	199	86	581	220	1310	335	3442	15900	1		2	20	16
287 38	76	83	12	171	60	91	151	1	6053	997	245	18	233	97	859	339	1051	552	3820	15394			2	35	13
828 39	93	77	4	174	74	82	156		5033	1291	204	51	170	87	755	248	932	393	2180	11809			1	18	15
324 40	112	113	13	238	86	84	170		4575	1319	217	32	240	105	841	378	1785	1064	4727	21877	3				
269 41	72	76	12	160	71	87	158		2511	797	191	12	181	85	750	320	1053	1035	2093	13746					
265 42	96	68	15	179	84	95	179		2929	1008	228	20	208	105	697	337	1276	1074	4080	14870			1	13	2
535 43	111	105	9	226	132	115	247		5666	1221	245	19	251	126	697	485	2200	959	6005	25199			1	15	1
495 44	114	119	11	244	114	126	240	1	5052	1133	197	40	169	95	635	428	1718	861	3787	19816	1		1	17	3
263 45	129	153	6	288	122	112	234	1	6391	856	189	27	129	82	607	288	1512	665	3478	15232	1		2	32	10
216 46	54	63	5	127	72	66	138		3890	479	134	2	110	58	378	163	916	559	2741	8866					
625 47	186	183	14	383	180	192	372		15233	1580	445	20	326	160	1401	540	2798	1781	8512	31132	3		1	14	6
433 48	116	135	14	265	126	124	250	2	8250½	1626	283	109	218	117	960	359	2390	934	12273	36535	1		1	30	20
671 49	241	190	21	452	218	188	406	2	10315½	2704½	405	55	358	152	1125	507	3949	579	8882	45109	2	3	1	16	9
645 50	215	206	20	441	209	207	416	2	12827	3534	549	24	471	170	1422	622	4924	399	8494	40925	3	4	2	32	16
12 51	48	43	2	93	40	38	78		2690	275	55	2	49	15	133	104	437	43	721	6903					
190 52	47	53	8	102	72	44	116	1	4215	525	93		79	26	199	140	598	100	890	9335	1				
260 53	71	110	8	189	60	70	130		3397	771	129	6	90	58	609	183	1119	418	2628	8438					
64 54	36	23	3	62	31	28	59		2000	315	89	7	62	20	230	87	457	25	888	5775					
224 55	102	73	13	188	82	92	174	1	4007	981	201	2	166	79	655	269	1449	1041	2172	12555			1	7	2
395 56	162	105	10	277	125	114	239	3	5797	1009	233	5	221	101	781	359	1971	409	3304	19762	1		1	17	7
537 57	273	249	25	547	286	266	552	1	15211	2572	528	7	337	115	1316	456	3105	659	6580	38168		1	3	46	25
464 58	167	135	13	315	140	135	275	2	7020	1732	297	13	167	82	820	296	2008	123	4059	21450	1	1	2	34	18
240 59	75	93	10	178	69	78	147		3959	729	140	8	135	51	427	218	1121	461	3220	12273	2	1	1	23	12
202 60	86	75	8	169	84	83	167	3	5676	276	188		70	47	412	144	1287	81	1354	13699			1	16	7
198 61	48	59	7	114	62	55	117	4	2678	477	87	8	101	39	257	175	856½	477½	1440	9031		1			
262 62	94	84	14	192	81	83	164	2	5091	1016	179	3	120	58	586	163	1183	51	2731	15670					
173 63	60	63	4	127	75	56	129		3093	599	104	12	125	53	271	274	1352	1047	2814	11986	1		1	18	7
350 64	118	151	9	278	119	131	250		6743	1243	141	46	172	67	552										
571 65	223	200	17	440	197	183	380		11782	1954	338	74	250	140	1068	554	2832	208	5864	37714	1				
4 66	17	10		27	19	10	23		1050	72	13		13	4	23	24	129	24	146	1501					
67	29	39	3	71	26	22	48		3200	155	21	3	12	3	13	58	365	7	272	3840					
Total of Townships,	7609	6945	675	15129	7137	6659	13796	52	382303	89757½	13185	3267	12624	5866	48076	19864	121032½	37300½	246049	1208766	44	29	65	1127	641
Charlotte-Town,	431	524	17	972	456	557	993	1	734	419	81	12	59	152	77	93	763	40	1299	4590			6	133	99
Charlotte-Town Royalty,	138	152	15	305	130	141	271	2	3845	1877	273	30	149	129	878	277	2980	407	7650	28740	2				
Georgetown,	9	22		31	13	15	28		70	23	3		2	5	6	12	20			100			1	24	16
Georgetown Royalty,	55	41	1	97	48	40	88	1	429	303	85	6	34	31	260	91	657	205	1355	6181					
Princetown,	4	8		12	1	3	4		22	28	9		9	5	25	4	48	20	130	270					
Princetown Royalty,	128	109	5	242	115	101	216	1	2508	1993	191	60	272	115	1029	296	2455	769	4528	16860			2	80	84
Boughton Island,	6	10		16	13	10	23		400	65	15		11	9	52	38	127	71	188	2140					
Panmure Island,	3	4		7	4	7	11		700	60	15		8	5	68	12	124	28	286	1015					
Rustico Island,		4		4					400	30															
St. Peter's Island,	10	5		15	8	5	13		500	63	10	1	10	2	41	15	75	10	190	1100					
Governor's Island,	4	5	1	10	5	4	9		205	13	3	1	4				69			801					
AND TOTAL OF P. E. ISLAND,	8297	7829	714	16840	7910	7542	15452	57	387616½	94631½	13869	3377	13182	6299	50510	20708	128350½	38850½	261664	1310063	46	29	74	1264	812

1833 population in the Townships, 28,925 : Total population, 32,292
1828 " " " " " 20,651 " " " 23,266.

The phase of the Land Regulations to be dealt with next is concerned with the activities of capitalists and government agents, who in various ways and degrees influenced the early history of Canada. It illustrates the latent flexibility of the regulations and the spirit of the age, and has much in common with previous experiments in the field of colonisation. Leaders of townships, for instance, were under obligation to procure a definite number of approved settlers in return for a township of 48,000 acres in whole or in part; the McNutts of Nova Scotia received townships of 100,000 acres on the same conditions; while in Prince Edward Island townships of 20,000 acres became the absolute property of proprietors who either rented or sold the land to Protestant settlers, whom they were expected to introduce. Talbot received a magnificent grant to begin with and seventy-five per cent of all land he settled in two townships, while Selkirk was bound to introduce a maximum number of settlers for the townships placed at his disposal.

V.

GRATUITOUS GRANTS TO CAPITALISTS AND GOVERNMENT AGENTS.

(I) The Talbot Settlement.

An Incident of Benevolent Despotism in Canadian Land Settlement.

With the dawn of the nineteenth century several proposals were submitted to the consideration of His Majesty's Government from persons who with different objects in view, were desirous of employing their capital in the settlement and cultivation of lands in Canada. The Imperial Government was not averse to proposals of this kind by approved leaders. It was a day of extensive colonisation; wealthy and aristocratic British subjects were again dreaming of a great Empire. The example of William Penn was often quoted, and it was popular to praise the names of famous Empire builders who divided the glory of the nation with its distinguished soldiers and sailors.

Among these Imperialists, Lord Selkirk and Thomas Talbot merit particular attention, not alone for their character and convictions, but also because of their social status and the nature of their plans. Selkirk, a literary and philanthropic Scotsman, had made an extensive and thorough personal study of the social and economic evils that afflicted Scotland since 1745, and offered convincing and satisfactory remedies.[1] Talbot, an Irishman, could claim at thirty years of age, a fine military record and an accurate knowledge of the province in which he planned to labour. Dalhousie, who knew Talbot personally, says that he was a curious character, full of speculation and wild schemes, strange fancies and deep laid plans, but very easily outwitted by his countrymen who in time settled about him. By means strangely similar Selkirk would relieve social and economic pressure at home, and Talbot would make Canada safe for the Empire. Both offered to stimulate the production of hemp, so essential to the maintenance of the Royal Navy;[2] both were concerned with the formation of compact national settlements on exposed sections of Upper Canada as an effective means of checking the spread of American influences and political ideas in the North American Colonies, and attracting British settlers to Canada instead of to America, and ~~by~~ repatriating British

1. Selkirk, Observations on the Present State of the Highlands of Scotland.)1805). This book was criticised by Robert Brown, Strictures and Remarks, and by Amicus, Selkirk, and by Alexander Smellie in his Remarks in 1806.
2. Q 293, pp.248-255, Talbot to Sullivan, Oct.27,1802; Q 294, p.37, Hobart to Lieut.Govr.Hunter, Feb.15,1803; Q 376, p.395 ff.(see my Article on Hemp in the Canadian Historical Review

subjects already settled in New York and other states.[3] On the same day, and in almost identical terms, their respective grants were made out.

Thomas Talbot, the founder of the Talbot Settlement in Upper Canada, was born at Malahide, Dublin County, Ireland, in 1771. His ancestors had been distinguished for centuries among the great families of Ireland and conspicuous among the famous soldiers of England since 1066. He entered the army and served on the staff of the Marquis of Buckingham, Lord Lieutenant of Ireland; he spent a year in garrison in Quebec when Edward, Duke of Kent was there, and he won the confidence and the affection of Lieutenant-Governor Simcoe who employed him as his aide for six years.[4] It was in this capacity that, in February 1793, he followed the trail of the Winter Express from Niagara to Detroit in the first expedition made to survey the district, attended a council of the Confederated Indians on the River Miami in August, and in April 1794, accompanied Simcoe to the Miami Rapids to erect a fort for the purpose of checking General Wayne. In the same year he returned to England to serve in Flanders as Major of the 85th Regiment.[5] He had thus ample opportunity of knowing the district between Lake Erie and the River Thames before he sold his commission and retired from the army at the Peace of Amiens, with the ranke of Lieutenant-Colonel, "with a veiw of settling in Upper Canada, having become much attached to that province during his residence in the family of General Simcoe."[6] He arrived at Port Talbot on May 21, 1803, and cut down a tree to commemorate his landing to take possession of his estate.[7]

Talbot's resolution to establish a settlement on the shores of Lake Erie was the sensation of the hour amongst his friends.[8] Young, wealthy, attractive, a general favourite with royal princes, his motives in divorcing himself from his world to live the life of a pioneer settler in the wilds of Upper Canada, became a subject of keen speculation. The interest attached to his name received a further impetus from reports which filtered through from time to time regarding his new home. His dress, conduct, employment, his collection of log huts, and his visitors all interested those who once knew him. Sufficient explanation however for his romantic career may be found in his own letters and petitions, in the history of his life between the time of his first landing at Port Talbot and twenty years later when success had crowned his efforts before his faculties were fettered

3. C 620, pp.128-133, Simcoe to Hobart, Feb.11,1803; C.O.Ermatinger, Historidal Sketches of Elgin.
4. C 620, pp.128-133, Simcoe to Hobart, Feb.11,1803.
5. Ibid, op.cit.
6. Q 332, p.533 ff, Talbot's own account of the origin of the settlement.
7. Ermatinger, Life of Talbot, p.17.
8. Coyne, The Talbot Papers, 1908 and 1910, gives many interesting details of the man and his plans.

by the prejudices which controlled him in old age and warped by the political asperities which produced them. Lastly the explanation may be found in the colonising zeal of his day.[9] Like others, Talbot chose the career of a coloniser rather than that of a soldier, building on the foundation already laid down by Simcoe, in whose service he had learned of the beauty and fertility of the western peninsula, and lamenting the policy that surrendered improvident grants of it to friends and favourites which "if left in their hands would continue for ages a howling wilderness." Nevertheless when Talbot approached the Duke of Cumberland in 1801 with a view that Cumberland should secure a township in his own name, exempt from fees and obligations of location, to be legally transferred to Talbot after the royal patent had been issued,[10] he found it much more difficult to acquire large tracts gratuitously in Upper Canada that in 1796 when Simcoe left without signing a warrant for a township in Talbot's name as he had originally intended.[11] It was probably on this account that the Duke of Kent, as Commander-in-Chief, used his personal influence with Lord Hobart, Secretary of State, to secure for Talbot a township on the terms he desired, adding that the Duke of Cumberland would be glad if the utmost indulgence were shown him, "and that he will consider himself personally obliged to you by anything done in his favour."[12] Simcoe strongly recommended him as a man well suited to carry out his plans, and inculcate the principles of loyalty, obedience and industry among the settlers.[13] The difficulty was finally over come by placing Talbot in the "most favoured" class of grantees. By a liberal interpretation of a land regulation, framed before he was born, which permitted military officers serving in North America during the Seven Years' War to receive a grant of land according to rank, Talbot received 5,000 acres outright, and by being appointed an agent of the Government he was allowed, as in the case of Selkirk, 200 acres for every settler he introduced to whom he surrendered a free gift of 50 acres,[14] thus reviving a much abused principle of land settlement in Canadian history. In actual practice this meant that short of executive veto, the only limit upon the amount of land he could acquire was his ability to secure settlers who would be willing to accept his terms. Later, however, the Executive Council ruled that Talbot must surrender the free grant of 50 acres to the individual

9. "Charlevoix," he told Mrs. Jameson, "was, I believe the true cause of my coming to this place...he called this the Paradis of the Hurons, now I was resolved to get to Paradise by hook or crook, so I came here."
10. Q 291, p.517, Talbot to Duke of Cumberland, May 16,1801.
11. Q 291, p.517, op.cit.
12. Ibid, pp.514-516, Duke of Kent to Hobart, Oct.11,1801; Q 293, p.246, Oct.27, 1802, Simcoe advised that the order for a grant be sent at Cumberland's request to the Duke of Kent who would made application to the Secretary of State.
13. C 620, p.128, op.cit.
14. Q 294, p.37, Hobart to Hunter, Feb.15,1803, ordering the grant to be made; ibid, pp.54-57, Hunter to Hobart, May 15,1803, informing him that the grant had been made; Land Book E, Upper Canada, May 7,1803, the matter before the Executive Council; C 620, pp.125-127.

settler out of his own personal grant of 5,000 acres,[15] which would limit the Government's obligation to 20,000 acres.[16] But since the official memorandum at the time of the exact conditions upon which Colonel Talbot was first encouraged to undertake the settlement could not be found, the real meaning of the terms in subsequent years became a matter of bitter dispute between Talbot and the local Government.[17]

The Talbot Settlement began with the personal grant of 5,000 acres in a solid block west of Port Talbot, in the township of Dunwich, almost equidistant from the extremities of Lake Erie and about thirty miles beyond Long Point. From the point of view of situation, climate and soil, the settlement was admitted to be superior to all others in the province.[18] Originally the half of the townships of Aldboro and Dunwich were reserved for his settlers, and in 1818, because of his success in improving the land under his charge, the whole of the ungranted lands of these townships was reserved for five years for his particular settlers.[19]

The most remarkable features of the Talbot method were the settling conditions, so successfully practised years before by Simcoe in the construction of Yonge and Dundas Streets. Under both regimes the first necessity was a good road. Talbot Settlement was about seventy-five miles from any inhabited part of Upper Canada,[20] hence road-making became an elemental part of the system.[21] For this purpose the land in these townships was surveyed into lots of 200 acres. Each male settler over sixteen years of age received a free grant of 50 acres on condition that he would, within three years, clear and sow ten acres, build a habitable house 50 x 20 feet, and open for traffic half the roadway in front of his lot. These duties constituted the minimum requirements that common sense suggested every person seriously disposed to become an actual settler should undertake to produce the necessary supplies for himself and family. The balance of 150 acres could be purchased at 12/- per acre. After having performed the settling duties each settler obtained on application a certificate from Talbot to that effect, describing the lot and the date of location to regulate the fees of office.[22] Talbot's insistence on road-making as a condition of settlement distinguished his method from the official policy of his day. Under ordinary circumstances, and in actual practice, the settling duties could be performed in one day by cutting down and clearing the timber from the road and "slashing" but not burning the timber within the prescribed area on each lot. The

15. Q 352, p.228 ff, Colborne to Sir George Murray, Nov.10,1829; Q 352, p.304, same to same, Oct.12,1830.
16. G 59, p.3, Bathurst, Feb.26,1818; U.C.Land Book J, pp.211-213, Executive Council, June 5,1817.
17. Q 322, p.348, Talbot to the Administrator of U.C., Nov.6,1817.
18. Q 359, p.57 ff; U.C. "S" Ridout to Drummond, March 8,1815.
19. G 59, p.3, Bathurst, Feb.26,1818.
20. Q 332, p.533,ff, Talbot's Account.
21. U.C.Land Book L, pp.491-92, Talbot to Major Hillier, the Gov.Secy, Nov.26, 1823,
22. Q 332, p.515, Talbot to Major Hillier, Oct.6,1820.

result was that in a few years the lot and the road were in a much worse condition than if the timber had been left in its primitive state. Talbot insisted that the road be made and kept passable, and it was that novel phase of his work - so necessary to successful colonisation - that settlers at first considered as most arbitrary and strongly objected to, but which was later praised, even by those who had grumbled most. Nowhere was the lack of road more keenly felt and the need greater. Already £250 had been voted by the Provincial Government in 1804 to open a road through the Western district to Long Point. The sum was totally insufficient because of the great distance and the sparsely settled character of the townships. Talbot suggested to Lieutenant-Governor Gore a plan by which the road could be completed within a reasonable time, with little if any expense to Government. To connect the Detroit and the Niagara Settlements, he recommended that a road be made through the unsettled country on the same conditions as demanded of his own settlers.[23] And since much of the land through which the road must pass was reserved by the Crown for education and other purposes,[24] not only militated against continuous settlement and the maintenance of means of communication, but was liable to remain unproductive for years, he advised that all reserves be removed further back and laid out in large blocks away from the road.[25] The Executive Council approved the plan of finishing the road as promising considerable advantage to the province: it would increase the value of the land in its vicinity and attract a "numerous population where there seems no other means of obtaining it."[26] According to Talbot, however, Gore claimed that the Executive Council, who were also officers of the Provincial Government, were more interested in the fees of office than in opening up the country, and in making grants of land to any person who applied for it without insisting on actual residence and improvement. It was simply paper settlement in the Surveyor-General's office, since the majority either sold out or left their grants waste.[27] To overcome these difficulties, Gore suggested that Talbot assume the supervision of certain townships in the London and Western districts, locations to be on the road fronts only and on 100 acre lots.[28][29] Talbot consented "for the

23. Q 319, pp.126-130, Talbot, Sept.25,1815; Q 358, p.674,ff, Talbot to Goderich, July 29,1831.
24. Land Book H, p.110; Q 332, p.521, townships of Southwold, Yarmouth, Houghton, Middletown, and Westminster, reserved for a school fund, others for endowing an institution for soldiers at York.
25. Richards' Report, p.6, states that the reserves were so made; U.C.Land Book H, p.105, May 9,1809, concerning Talbot's letter to Gore of Feb.9.
26. Q 319, pp.136-140, Council Chamber, York, Feb.11,1809.
27. Q 358, p.674 ff, op.cit.
28. Land Book I, pp.24-43, March 15,1815, authority to settle Bayham and Malahide; Q 332, p.533 ff, Talbot's Account; Talbot Folio, March 21,1812, and Aug.10,1816; Land Book I, pp.174-178;
29. Q 319, p.149, Gore to Talbot, Oct.13,1815; Land Book L, p.491, Nov.26,1823, a Report of the Council on Talbot's Petition for Lots of 200 acres on the Middle Road.

benefit of this part of the country, in order to prevent improper characters from getting possession of the Crown Lands and to see that each lot should be occupied by an actual setters," and no longer held in monopoly.[30] Gradually he secured the absolute control of these townships with an unrestricted choice of settlers together with the fulfillment of their engagements.[32] Later this arrangement became a bone of contention between Talbot and the local officials who argued that it was an unnecessary departure from the regular method of granting land, that the Government was kept in utter ignorance of the actual state of things, that an invidious distinction was made in favour of Talbot's settlers who alone were exempted from the personal visit to York demanded of all emigrants for land, and from the payment of the fees of office at the time of location as insisted upon in the case of other settlers.[33] In spite of these criticisms, by various orders-in-council and the entire approval of the Home Government and the Prince Regent, the original grant was extended and Talbot was given supervision of twenty-four townships in the London and Western Districts.[34] His power over this huge tract was apparently quite as absolute as that of the Canada Company, and although there was not any stipulation in the arrangement with Talbot by which the unsettled portions of the townships would be exempted from any subsequent regulations formed by Government, yet the whole tract was tacitly excluded from the operation of the Treasury instructions of 1827.[35] By 1836, the Talbot Settlement included twenty-eight townships.[36]

To be intrusted with an authority more extensive and independent than bestowed upon any other individual in the country and to use it wisely in the interests of the colony and settlers was a fine tribute to pay to Talbot's commendable sense of duty and strength of character, even though in his dealings with the settlers he acted the part of a benevolent despot. None could obtain land without applying to him and the conditions and price were uniform and absolute. He admitted no applicant into his house, but when he felt disposed to listen to him, he opened a small compartment of his window which he closed and secured the instant he had delivered his reply. If the application was granted, the name was inscribed in pencil on a plan and upon the identical lot chosen by the applicant. Should the settler desert his lot or

30. Land Book J, pp.211-213, Upper Canada Council; Q 322, p.361 ff.
31. Q 395, p.492, Bathurst to President Smith, Feb.26,1818; Q 390, p.395; Q 358,p. 685 ff; Land Book J, p.1, Talbot's Petition, Aug.13,1816.
32. U.C. "S" Oct.16,1815, Instructions to Surveyor-General Ridout; Talbot Folio, Proceedings of the Executive Council, Aug.10,1816.
33. Q 395, p.492, op.cit.; Q 390, p.395; Q 258, p.685; Land Book T, p.1, Petition by Talbot, Aug.13,1816.
34. U.C. "S" Talbot Volume, Feb.22,1818, Bathurst to Smith; Blue Book 1834; Canada P.F.66, p.302, 420, Jan.1,1831, a list of lands to be settled by Talbot; Q 390, pp.386-395, Talbot to Glenelg, March 26,1836; Q 336, pp.5-18, Maitland to Bathurst, Nov.10,1824, concerning 5,800 acres placed under his charge; U.C."S" Nov.9,1829; Mrs Jameson, p.105.
35. Durham Report, Appendx.B, p.9.
36. Q 350, pp.416-17, Talbot to R.W.Hay, April 28,1818; Q 352, p.136, Colborne to Sir Geo.Murray,Sept.25,1829; Mrs.Jameson,op.cit.

attempt to sell it or neglect to perform the settlement duties, Talbot took a piece of indiarubber which was attached to his pencil, and as he very justly expressed it, "rules him out," from which moment the man became as much "a nonentity as the flame of a candle which has been blown out." Thus by the pencil and indiarubber Talbot governed in solitude - by the one he rewarded and attracted, by the other he punished and repelled the settlers, and as he was judge, jury and executioner of his own law, his power was unquestioned.[37] On the other hand he was the consistent friend of all honest, industrious settlers, and the uncompromising enemy of humbugs. His settlers were generally of the poorest; not one in twenty had any money and the majority were in debt for their passage. To such he was ever indulgent, helping them on their arrival when help was really necessary. His house and stores were open to them until they could support their families, and few managed to clear their lands without some help from him.[38] He protected them from the local merchants who not only charged exorbitant prices for all necessaries but took mortgages on their crops and cattle, and he encouraged domestic industries and peace amongst them.[39] Similarly he championed the resident settler against the absentee and the emigrant against the Executive Council,[40] and as he took no fee for his trouble in allocating Government lands, settlers flocked to him for information regarding disposable lots or to effect an exchange. It is therefore not at all surprising that considering his solitary situation and despotic powers he should sometimes assume a severity of manner to prevent vexatious applications and defeat imposters and speculators.

Talbot's system was admirable during the infancy of the settlement when the main idea was to form compact settlements, to prevent the settlers selling out to speculators, and to induce continual improvements by which settlers became familiar with and attached to a definite spot as their home, by the performance of labour exacted and living there for a number of yeafs.[41] Futhermore, no large and undeveloped blocks of land were left between the settlers to obstruct progress. So successful was he that his arrangements were imitated by the Provincial Government, commended by the Home Government, and accounted for the repeated favours shown him by the Colonial Office. In the hands of an unscrupulous person however, the system could be grossly abused, but less so in his case than that of any government agent of his day. Nevertheless the time came when for the sake of Colonel Talbot

37. Q 398, pp.37-47, Bond-Head, Sept.20,1837.
38. Q 354, p.304 ff, Colborne to Sir Geo.Murray, Oct.12,1830; Ermatinger, op.cit. pp.69-70.
39. Prices in 1807:- Broadcloth $5 per yard, printed cotton 4/- per yard, green tea 8/- per lb.,tobacco 4/- per lb.,board nails 1/- per lb.,salt £2-8/- per bushel,(during the war of 1812 salt was sold in Hamilton for £15 per barrel) usually 18 bushels of wheat were paid for one barrel of salt.
40. Coyne op.cit.p.35.
41. Q 395,p.492, op.cit.

and the settlers changed conditions demanded changed methods of a prudential character, and in the event of his death the greatest possible confusion would ensue. Not only did the old settlers neglect to apply for deeds for their lands, trusting entirely to his word, but many of the names inscribed by him on his chart were illegible to anyone but himself. If his chart should be lost or destroyed, his own property, which was entwined among the lands of the settlers, would run the risk of being lost. Again, no return of settlers made by him to the Land Office could be regarded as final or conclusive - "it being liable to daily alterations occasioned by frequent casualties"[42] - due to the enforcement of such a rigid system. In many instances he assigned the same lot to six persons before he obtained a faithful settler; the defaulters were grouped into three classes - the thrifty, the lazy, and the heedless who neglected to improve their lots and those who tried to sell their lots without having fulfilled the conditions.[43]

The Talbot Settlement has often been quoted as the only monument to the successful efforts of an individual colonising on a large-scale in Upper Canada, and important because it demonstrated what well-directed enterprise could do in a young country by a Talbot, left at liberty to carry out his ideas unfettered by theoretical regulations. This measure of success could not have been achieved however without the exercise of great discretionary power to ensure actual settlement and prevent imposition, and without the enforcement of a more rigid routine than Government could or would exercise. But in developing his plans, Talbot had many serious handicaps to contend with. In 1803, the area between Long Point and Amherstburg was an unbroken forest; some years elapsed before he attracted any settlers, and it was difficult to secure and retain good settlers. His nearest white neighbour was sixty miles to the east and seventy-five miles to the west. In 1809, there were only twelve families in this pathless district and no provisions nearer than Long Point. Talbot built a blockhouse at modern Port Stanley and deposited provisions there for the settlers. By 1812 there were about thirty families on the Talbot Road.[44] The War, which devastated the infant settlement, brought added prominence to its founder. As Colonel of the London and Western Militia, Talbot became peculiarly obnoxious to the enemy - some of whom had personal grievances against him in connection with land grants - resulting in two expeditions being sent against his settlement, General MacArthur in 1813 and a marauding band of Kentuckians in 1814, to pillage the country with the avowed purpose of destroying

42. U.C. "S" Talbot, July 5,1817.
43. Q 332, p.515 ff, Talbot to Major Hillier, Oct.6,1820; Talbot Folio, Nov.10, 1815, Talbot to Ridout; U.C. "S" Oct.28,1817; ibid, June 24,1825, Talbot to Hillier.
44. Q 319, pp.122-135, List of Grantees since 1811.

all mills and cutting off all supplies from the British forces.[45] They carried away Talbot's farm implements, produce, cattle and horses, in fact everything except his gold which they missed; they burned his mills and laid waste his farm.[46] All settlement and improvement was stopped and the settlers were reduced to utmost poverty; not until 1817 was he able to repair the damage.[47]

Settlement began in earnest in 1815 with the return of peace and stable conditions. In a few years Talbot was beseiged by a crowd of hungry land-seekers, many of them sent from New York by Mr. Buchanan, the British Consul; others from Caledonia, New York, moved into the township of Aldboro and settled along the blazed trail of what later became the Talbot Road, then a mere ox-sleigh path, winding around standing and fallen trees, swamps and marshes.[48] Between 1817 and 1820 these were joined by about 100 families from Argyllshire and Perthshire, Scotland, who emigrated on the faith of the glowing reports sent home by Mr. McNab, one of their number. About the same time a few families from the Red River settled in Aldboro.[49] In January 1820, Talbot notified Maitland that he had completed the settlement of Aldboro and Dunwich according to the instructions of the Imperial Government on his behalf,[50] by placing settlers to the number of 240 on 50 acre lots,[51] and asked for a patent for 48,000 acres. This number was subsequently raised to 298, increasing his grant to almost 60,000 acres, exclusive of a grant of 1,200 acres for his services during the War of 1812. In 1821, a partial grant in trust was made of so much land as would enable him to convey 50 acres each to the settlers,[52] and the remainder on payment of the fees of office which were reduced in his interest to £5-11/- per 1,000 acres, together with his bond to the King for the survey fees "in order that the Lords of His Majesty's Treasury may exercise their discretion in remitting, delaying or enforcing the payment."[53] In this way he was relieved of several augmentation of fees charged upon grants to other people.[54]

The same notable success marked the settlement as a whole after the initial difficulties of huge distances, lack of roads, the fevers of 1819 to 1821, and the prevailing hunger had been successfully overcome. Talbot was able to communicate his own pioneering enthusiasm and indomitable perseverance to his settlers, that

45. C 686, p.187, P.L.Chambers D.A.Q.M. General to Major-General DeWaterville, Long Point, Nov.10,1814.
46. Ibid, p.139, Captain Bostwick,Talbot Road, to the C.O.at Long Point,Nov.3,1814.
47. Richards' Report, p.6, op.cit; Ermatinger,Hist.Sketches of the County of Elgin, p.10 ff; C 685, p.208 ff, Gordon Drummond to Capt.Fraser, Sept.9,1814.
48. Q 322, p.361 ff; Ermatinger, op.cit.p.62.
49. Reminiscences of George Munro of Aldboro, in a letter to Bishop Fuller at Niagara, Nov.28,1879; Ont.Hist Socy.Vol.III, p.170 ff; Memoirs of John Gillies, Early Settlers in Elgin, 1820, pp.94-96, First Assessment Roll of Aldboro.
50. U.C."S" Jan.24,1820.
51. U.C.Land Book K,pp.357, 379; Q 321, p.159, March 12,1821, the Council calling for a map showing locations in Aldboro and Dunwich; ibid,p.161,Talbot to Maitland, Deed of Trust; Land Book L,pp.35-40, settlers' names.
52. U.C."S" Dec.1834, Chief Justice on Talbot Settlement;.
53. U.C."S" Dec.1834,op.cit. 54. Q 331,p.145 ff,Maitland to Bathurst,June 29, 1822.

in a comparatively short time there was brought into cultivation a fine tract of country, in a manner highly creditable to himself and much earlier than it would have otherwise been.[55] The modest beginning of 1817, when a few settlers were placed on the Talbot Road in the townships of Oxford, Howard and Yarmouth only, became in 1822 "the most compact and flourishing settlement in Upper Canada;"[56] in 1832 it was quoted as a conspicuous instance of successful colonisation and far superior to the military settlements.[57] Richards spoke of the fine appearance of the country, with "new homes and barns either building or finished, good roads in straight lines, the openings about a mile wide." This was said to be the case all along the 250 to 300 miles of the Talbot Road - once an old Indian trail a few miles north of Lake Erie - which his control of the two districts enabled him to establish, passing through about thirteen townships with a population of 30,000, the great majority with clearing averaging from 30 to 100 acres.[58] In 1836 there was not an unlocated lot on the whole of the Talbot Road, and the population had grown to 40,000 or 50,000, with about 100,000 acres under cultivation. Mrs. Jameson spoke of the constant succession of farms on both sides of these roads, and where a few years before wild ~~flowers~~ forests only were to be seen, villages, schools and churches were springing up.[59]

The supervision of this extensive tract, over 300 miles long, cost Talbot £20,000, without any expense to Government or those immediately benefitted.[60] Ostensibly he received no compensation for his services, though he succeeded later in getting an allowance of 3% on sales of school lands and Crown and Clergy Reserves, situated in the London and Western districts.[61] In 1826, after twenty-three years of service to the province, his capital spent, he asked for adequate remuneration as government agent in settling the lands.[62] The Home Government was anxious to reward such services.[63] Bathurst informed Maitland that in view of Talbot's zeal and expenses in settling poor emigrants, and the flourishing settlement he had

55. Q 351, p.98, Colborne to R.W.Hay, April 2,1829.
56. Gourlay, op.cit.Vol.II, p.460; Q 324, p.112, Gore to Adam Gordon, Jan.26,1818, concerning the rapid progress of the settlement; Q 332,p.533 ff.
57. Bouchette, British Dominions, Vol.I, p.104; Martin, Upper and Lower Canada, p.233; Gourlay,op.cit. Vol.I, p.135 ; L.C. "S" 1829, Buchanan's Report.
58. Picken, The Canadas as they ..commend themselves to emigrants, p.300.
59. Mrs.Jameson, op.cit.p.105 ff; Views of Canada, p.15, 73; Coyne,op.cit.p.88; Gourlay, op.cit.p.352.
60. Q 332, p.533 ff, Talbot says that up to 1812 he had spent £15,000 and had "never in any one instance charged either the Government or settlers a farthing for my labour." See ibid, p.515 ff, Talbot to Hillier.
61. Q 324, p.112, Gore to Adam Gordon, Jan.26,1818.
62. Q 337, p.509, in 1824, 194,828 acres of school reserves sold in London district.
63. Q 343, p.631, Talbot to Bathurst, April 3,1826.

created, a life pension of £400 per annum, in addition to his percentage, would be granted him out of the proceeds of the public lands sold to the Canada Company.[64]

Talbot's independent position, due to the support of the Home Government, was a perpetual source of annoyance to local officials who questioned his unlimited power. The relationship was not improved by his cold and scornful attitude towards them; satisfied with the correctness of his proceedings, sanctioned by the Colonial Office, he was little disposed to submit to any interference from local authorities. The quarrel was of long standing, embraced many aspects of the situation, and finally resulted in Talbot's removal from his position as Superintendant of the settlement.

The trouble originated, according to Dr. Dunlop, when Talbot refused permission to the Executive Council to carve "estates for themselves, their kith, kin and allies" out of the townships placed under his supervision. Before he assumed control of the settlement, "the chief parts of the townships of Lobo, Carradoc, Ekfried and Mosa were culled and located by God knows who at York," but not five actual settlers could be found in the last three.[65] Talbot could not see the propriety of continuing a practice which could confer on monopolists the fruits of the labour of struggling settlers, and his brief answer, "I'll be damned if you get one foot of land here," was taken as an ultimatum that could not easily be misconstrued. War was declared between him and the local officials anxious to control his flourishing settlement; various means were used to inconvenience and annoy him personally and misrepresent his proceedings at Home.[66] The first complaint arose out of the question of the fees of office, which according to the regulations under which Colonel Talbot settled the townships of Aldboro and Dunwich, could not be demanded until the settler found it convenient to pay for his deed.[67] In March 1817, on the initiative of the Receiver-General, Talbot was requested to transmit all fees actually paid by, and all sums due from, his own settlers for their patents and survey fees, amounting to about £4,000, otherwise the land would be opened to other settlers.[68] In June, the Executive Council enquired into the real meaning of Hobart's letter of February 1803, and concluded that Talbot's grant was limited to 20,000 acres, and all his settlers must come from Europe since the restraining order of 1815 excluded American citizens.[69] Already he had

64. State Book H, p.29 , Hillier to the Executive Council, Mar.15,1825; Q 352, p. 228 ff, Colborne to Sir George Murray, Nov.10,1829; G 62, p.163; Seventh Report on Grievances, p.123.
65. U.C. "S" Talbot to Colborne (private), Oct.28,1830.
66. Jameson, op.cit. p.104, quoting Dr. Dunlop to a friend of Talbot.
67. Q 352, p.230, Colborne to Murray, Nov.10,1829; ibid, p.242, Colborne to Talbot, Oct.28,1829.
68. Q 322, p.359, 371 ff.
69. Land Book J, pp.211-213, June 5,1817.

actually received 15,800 acres, under the scheme of settlement.[70] The Executive Council recommended that without waiting to complete the settlement, he should select 4,200 acres in Aldboro and Dunwich to make up the full allowance for 100 settlers as originally intended, the residue to be thrown open to ordinary settlement. Since the decision of the Executive Council differed entirely from the original intention of Hobart, Talbot went to London in order to ascertain His Majesty's pleasure on the subject.[71] His departure on such an errand precipated a further enquiry into the origin, character, scope of his instructions, and subsequent career.[72] Naturally the Executive Government resented an appeal over their heads to the Imperial authorities on a matter which they considered well within their competence to deal with. The occasion was opportune to do what was rather a pleasure to them - discredit Talbot and secure the control of the settlement. The Council therefore claimed that the original grant to Talbot was to enable him to cultivate hemp, and the reserves of land made to him were intended to enable him to introduce settlers for that purpose. An investigation was called for and commissioners were appointed to enquire into the actual condition of settlement and improvement under Talbot, the character of the settlers, whether natural-born subjects or otherwise, how many of them had received grants elsewhere in Upper Canada, how many of them had paid their fees and taken the oath of allegiance.[73] As a result of the investigation the Council ruled that after six months all vacant lots were to be thrown open to other settlers. The matter remained in abeyance for years. Talbot pointed out the scarcity of money and the difficulty of paying for deeds in a country where barter was almost the sole medium; he claimed that he looked more to the happiness and prosperity of the settlement than the mere satisfying the needs of officials at York, whom he justly accused of being more interested in the fees of office than in the development of the colony;[74] that from evidence in the Executive Council's Office, no fees had been paid on, or deeds taken out for, thousands of grants made thirty or forty years before; that he could not compel any settler to take out his deed, his function being merely to certify that the settlement duties had been performed.[75] In the first encounter Talbot

70. Q 331, p.1584, Lands granted and described to Colonel Talbot; U.C."S" 18 21, Talbot Folio, May 26,1827.
71. Q 322, p.348, Talbot to President Smith, Nov.6,1817.
72. Ibid, p.361 ff, Nov.8,1817.
73. Ibid, p.361 ff, op.cit.; Land Book J, pp.320-321, April 16,1818; Q 322, p.347, Smith to Bathurst, Nov.18,1817.
74. Q 358, p.647, Talbot to Goderich, July 29,1831.
75. Ibid, p.680 ff, Talbot to Colborne, July 29,1831; G 67, p.68, Goderich to Colborne, Feb.5,1831; Q 354, p.304, Colborne to Sir George Murray, Oct 12, 1830; Q 386, p.177, regarding Talbot's Deeds; C.O. 324/90, p.75, Hay to Colborne, June 12,1832: "I am very glad to find that my friend, Colonel Talbot is able to give such a good account of the state of things in his part of the province."

emerged victorious.

Of far more serious consequence to Talbot was his power to dispossess any settler who, in his judgment, had neglected to perform the conditions of the grant. This claim on the part of Talbot was made an issue in provincial politics, emphasizing the prevailing antagonism between the local Assembly and the Councils, and in the end enabled the local Government to assume control over the settlement. The trouble came to a climax in 1832 when Levi Lewis, William Jackson and John Ardill, who had been settled by Talbot in London township, dispossessed by him in 1832, ostensibly for failing to fulfil the conditions, but really for political reasons, petitioned the Lieutenant-Governor for justice.[76] On being informed of their action Talbot suggested to Colborne that a general answer be made to this and any future petitions of a similar nature, to the effect "that His Majesty's Government having placed the Talbot Settlement under the control of the Hon. Thomas Talbot, the provincial government does not interfere with his plans or regulations."[77] Colborne sent the petition and Talbot's suggestion to the Colonial Office. Mr. Stanley stated in reply that while "fully aware of the great public benefit which has arisen to the province from Colonel Talbot's exertions in the settlement of emigrants to Upper Canada," and without wishing to interfere in the private arrangements entered into by Talbot and his settlers, he felt imperatively compelled to repudiate decisions concerning lands grounded upon political motives. He instructed Colborne to enquire carefully into the merits of each case, and if fully satisfied that wrong had been done to any or all of these men, to restore them to the lands of which they had been deprived.[78] The issue entered provincial politics on May 4, 1835, when a committee of a radical Assembly reported its opinion that a manifest and very serious injustice had been done to these men. In answer thereto, the House of Assembly called for evidence, affidavits, accounts, and as was to be expected in view of the partisan condition of local politics, found that "there is not the most remote evidence that anything was wanting on the part of these three" honest, loyal and industrious persons in the performance of the conditions imposed by Talbot; that they had been in possession of their lands for at least nine years, had paid taxes and completed the statute labour, and that Talbot had acted hastily from partial evidence in depriving them of their lands.[79] Attention was drawn to the "irresponsible nature of our Government which defies control either by the people or their representatives," and suffers outrages with impunity. The House

76. Q 378, p.98, ff Petition to Colborne, Aug.20,1832
77. Ibid, p.100, ff, Talbot to Colonel Rowan, Governor's Secretary, Oct.31,1832.
78. Ibid, pp.53-102, Aug.10,1833, a Statement of the Issue involved; U.C. "S" R.W.Hay to Colborne, Dec.8,1833.
79. Q 390, pp.436, 458, June 14,1836, the case stated by the Assembly.

of Assembly went on record as opposing a policy that left almost a quarter of the richest and most flourishing part of the province at the sole disposal of one individual, who was independent both of the Executive Government of the province and of its legislature, and acting under a verbal authority without specific instructions or limit to his power. The House then petitioned the Home Government to do justice to these men by reinstating them.[80] Glenelg found no clear evidence to decide the guilt, and this forced home the responsibility of the decision upon the provincial government. Strange as it may seem, the Executive Council in this dispute took the side of Talbot against the Assembly, and claimed that Talbot having been placed in charge of the settlement by His Majesty's Government, eminently successful in promoting the ends in view, should not be lightly interfered with,[81] and left in his hands the power of deciding questions of detail regarding the performance of the settlement duties required.

On September 20, 1837, final action was taken by Lieutenant-Governor Head in a despatch to Glenelg in which he summed up the facts of the case,[82] and recommended that Talbot be required by His Majesty's Government, without loss of time, to wind up his affairs and hand over to the Executive Government the entire management of the Talbot Settlement. His reasons for this action were that Talbot's power of nomination had the same effect as location, thus taking the place of the provincial government in the eyes of the settlers; that the Executive Council were ignorant of the control, if any, they had over Colonel Talbot's proceedings; that Talbot claimed to exercise his power without contradiction or interference, and that the settlement duties he exacted were those agreed upon in February 1809. Glenelg, in acquiescing in this decision, wished it to be done as gently and graciously as possible to save Talbot the pain inseparable from such a surrender of privileges, and to express to him the Government's gratitude for his services.[83] Glenelg's wish was meticulously carried out by Head and accepted in the same spirit by Talbot,[84] who, before he surrendered his stewardship, desired to examine each lot "so as to place beyond doubt the actual state of the Talbot Settlement."[85] In 1840, however, Talbot was still in charge owing to the Rebellion of 1837, and in answer to the Government's demand that he wind up his affairs, pleaded the disturbed state

80. Q 395A, p.123, Glenelg to Head, Aug.10,1836; Land Book T, pp.21-23, Aug.12,1836.
81. Ibid, p.410 ff, Feb.4,1837.
82. Q 398, pp.37-47, Head to Glenelg, Sept.20,1837; U.C.Land Book L, pp.98-99, W.D.Powell, July 12,1821, "the confidence reposed in him by Government almost identified his acts with those of the Provincial Administration."
83. G 83, pp.56-58, Glenelg to Head, Nov.10,1837.
84. U.C."S# Feb.27,1838; G 85,p.145, April 30,1838, Sir George Arthur conveys to Talbot the thanks of the Government for his cordial manner in acceding to the Government's proposal.
85. U.C. "S" Feb.27,1838.

of the province, the poverty of the settlers, the high prices and the number of his settlers on military service whose lands were kept open for them.[86]

Talbot's dismissal from authority, in view of the bitter struggle for power between a responsible House of Assembly and an irresponsible Executive Government, and the unsettled state of the province that culminated in the MacKenzie-Papineau Rebellion, seemed an act of political necessity. His downfall, however, in no way detracted from the permanent value of his splendid achievements, or from the very favourable opinion held by settlers whom he had helped, and by leading contemporary officials. The former looked upon him as the founder, patron and friend of the settlement, and "in grateful remembrance of your unexampled hospitality and disinterested zeal in our welfare, contemplating with interested feelings the astonishing progress of our increasing settlement," unanimously appointed the 21st May as the Talbot anniversary.[87] Other settlers commended the resolution "which few could have summoned, and the perseverance which none could have exceeded," with which he faced and overcame the obstacles in his path.[88] The Rev. Dr. Stewart said that Talbot "has been more conducive than any other person towards the establishment of a well-regulated system of granting and locating lands in Canada in a judicious and beneficial manner, the effects of which is plainly exhibited in his neighbourhood and by the general appearance of the country."[89] A similar tribute came from a New Brunswick official,[90] while from the concurrent testimony of successive Lieutenant-Governors of Upper Canada in the records of the Colonial Office, there was ample evidence of his devotion to the cause of Empire and of the great advantages the province reaped from his supervision and control over the settlement, resulting in extensive cultivations, good roads, the defeat of the monopolists, and the general prosperity and contentment of the districts.[91] From the Imperial side, Glenelg testified to the "confidence which has ever been reposed in him by His Majesty's Government."[92]

The achievements of this eccentric and remarkable man from his arrival in Upper Canada form a subject apparently more suited to a romantic treatment than to the colder and less impassioned pages of history. Many people have been driven by sheer necessity to live a life of hardship and seclusion; but it has seldom

86. Ibid, Feb.15, 25, 1840.
87. On June 30,1926, a memorial cairn was dedicated to commemorate his services to the London District, see Vol.XXIV of the Papers and Records of the Ontario Historical Society.
88. Q 322, p.371 ff, Mar.8,1817, Address by the settlers to Talbot.
89. Q 159, p.474, Stewart to Bathurst, Jan.23,1821.
90. N.B.C.O. 188, Vol.IV, pp.253-55, Wm.Black to Goderich, May 2,1831.
91. Q 351, p.97, Colborne, April 2,1829; Q 352, p.242, Colborne to Talbot, Oct.28, 1829; ibid,p.136,137, Sept.25,p.228, Nov.10,1829; Q 354, p.304, Oct.12,1830, Colborne to Sir George Murray; Q 359, p.74, April 19,1824; Emigration, Vol.31, p.63, Sir George Arthur to Lord Sydenham, Dec.26,1840.
92. Q 395A, p.127, Glenelg to Head, Aug.10,1836; Land Book T, pp.21-23.

happened that a gentleman possessing the singular advantages which belonged to Colonel Talbot, has voluntarily exchanged the enjoyments of the English Court for a solitary existence in the backwoods of Upper Canada, where he gradully rose to be cook and milkman to his own workment.[93] Although he gave life and political existence to a vast, beautiful and fertile tract of country, stretching from east to west along the shore of Lake Erie, over which he was sovereign de facto if not de jure, yet the mode of life adopted on his arrival remained unaltered when he left the country almost fifty years later. And although the possessor of immense property, he continued to live in a log house, the sordid appearance of which was redeemed by its commanding situation on a high cliff overlooking Lake Erie,[94] and to sit on his hard, straight-backed, uncomfortable kitchen chair. His "cell" contained little furniture except sheepskins, sacks of corn, and rude implements of husbandry. Amidst such surroundings he dispensed hospitality to his poor settlers whom he facetiously called his "land pirates," to Mrs. Jameson, who left such a glowing account of his strange existence, and to members of the British aristocracy, such as Lord Stanley, Mr. Stuart Wortley and Mr. Labouchere. In his own neighbourhood he was incomprehensible; some declared him to be a misanthrope, others that he merely detested women, but all feared him and looked upon him rather as a wizard than a man.[95] The welfare of his settlement became the ruling passion and sole interest of his life. Even when shorn of his power, his chief concern was not for himself but for his settlers, many of whom still needed his sage and fatherly advice in the development of their property.[96] To the success of his plans he devoted the labour of a life and showed a degree of energy and perseverance which in any pursuit would have ensured distinguished success.[97]

The keynote of his character is found in his pride of birth and in his military and court training. He was by nature domineering, unflinchingly loyal, hospitable and generous. From his log-hut he ruled with despotic powers, admitted no equal in his vicinity, associated only with inferiors or dependents whose interests rested on his will from which there was no appeal.[98] In all things honourable, in money matters scrupulously honest, refusing to appropriate to his own use by way of salary any money received from settlers - a striking exception to the prevailing practice of his day among many officials.[99] But he lacked initiative, and borrowed his ideas

93. Mrs. Jameson, op.cit. p.102.
94. Richard's Report, p.6; Shafreff, A Tour through North America, p.183; Sullivan, Rambles in North and South America, p.50.
95. Q 398, pp.37-47, Head to Glenelg, Sept.20,1837; Mrs. Jameson,op.cit. p.100 ff.
96. U.C. "S" Feb.27,1838.
97. Bouchette, British Dominions in North America, Vol.I, p.104 ff; Mrs. Jameson op.cit. p.108 ff.
98. Ibid, p.98 ff; E.A.Talbot, op.cit. p.105 ff.
99. Ermatinger, op.cit.p.54.

of settlement and road making from Simcoe. To reform movements of any kind he was as blindly opposed or contemptuously indifferent as he was to all matters outside his own settlement. Dynasties rose and fell; kingdoms passed from hand to hand; battles were lost and won - he neither knew nor heard nor cared. No post or newspaper brought to his forest hut tidings from the outside world, and "with the stream of events there flowed by equally unmarked the stream of the mind," the progress of social improvement and the changes in social and public opinion. He dated all events from his associations with Simcoe, the War of 1812 - in which he narrowly escaped being taken prisoner by the enemy - and his occasional flights to England to plead his cause before the Colonial Office. He seemed to regard with supreme contempt the world he had left behind him and with considerable satisfaction the world he had created.

The only really damaging criticism passed upon his work, apart from the Lewis and Jackson episode, was in connection with his own personal property. He dropped the hemp business and settled many of his people on ungranted Crown Lands instead of surrendering 50 acres for each out of his own original grant of 5,000 acres.[100] On principle he denounced the retention of reserves which interfered with the rapid formation of compact settlement: "in all my labours," he wrote Colborne, "nothing mortifies me more than impediments that so frequently occur by land remaining waste and not available" for settlers.[101] In practice he reversed this principle in connection with Aldboro and Dunwich, which he claimed for himself to be disposed of as he wished. He scattered the settlers along the Talbot and Middle Roads on 50 acre lots taking 150 for himself, which he ~~claimed~~ systematically held back in its waste state from settlement and sale to the detriment of the community. Continuous improvements were impossible where so much of the land was unoccupied. His policy was bitterly resented by his Gaelic settlers who had emigrated through proclamations that promised at least 100 acres from Government, only to be inveigled into occupying 50 acres from Talbot. When these facts became known to the settlers there was much discontent which injured Talbot's reputation.[102] In 1819, one hundred and thirty-two of these petitioned for a township on the River Thames, where Gaelic could flourish,[103] or for a grant of 100 acres of waste land for each on the plea that their small farms were surrounded by Talbot's lands which could be secured only at 24/- an acre. Talbot claimed that unless this petition was answered, he could not with personal safety reside in that part of the country. At his importunate personal solicitations and his picture of serious discontent prevailing in the

100. U.C. "S" Dec. 1834, Remarks of the Chief Justice concerning Talbot's method.
101. U.C. "S" Talbot to Colborne (private), Oct.28,1830.
102. Q 321, p.161, June 29,1821, in connection with the Deed of Trust.
103. Howison, Sketches of Upper Canada, 1821, p.123.

settlement, "a grant of 100 acres at the current fee was awarded to each of these persons."[104] This criticism of Talbot's method seemed to have justified Maitland's remark that Talbot was self-regarding and that Government had been unduly generous to him, and Coyne's statement that the Talbot Road and Settlement were mainly incidental to the main selfish objective of acquiring a large landed property, might be a fairly accurate judgment only by neglecting other aspects of the situation. But there were far worse offenders than Talbot - men who neither improved 50 acres out of every 200 of their immense property, nor made roads through it; and an expenditure of £20,000 and almost half a century of one's life in the cause of colonisation should deserve generous compensation.

In spite of these minor criticisms, Talbot stands preeminently as the greatest single coloniser in the history of Canada, for whose welfare he laboured with character, determination and at great personal sacrifice in opening up for speedy settlement two of its finest districts. His achievement made the Talbot Settlement synonymous with foresight and success. It was the best administered section in Canada, its fame attracted thousands of settlers who arrived in poverty, and by his example and encouragement transformed the forest into a veritable garden. Government officials and private individuals used it as an illustration or standard of comparison. It was an incident in 'Benevolent Despotism,' where each case was tested on its merits, where a few individuals might suffer but the greater plan succeeded. His work as a founder of Canada gives him a secure niche in the annals of that country, and retains him as a person of consequence in Canadian History. By his life and work he is one of the picturesque and outstanding figures among the makers of Canada.

104. Land Book L, July 11,1821; Q 331, p.145,ff, Maitland to Bathurst, June 29, 1822; U.C. Land Petitions, Jan.3; 26, 1820; Ibid, John Small to Malcolm Robertson, Aldboro, June 20, Aug. 1, 1820.

(2). S E L K I R K: MISDIRECTED EFFORT.

Selkirk, a man of ample means and philanthropic temperament, was an early convert to the merits of organized emigration and systematic colonization as safety-valves to social unrest. He took an active and extensive part in maturing these ideas both as a land speculator and colonizer.

His active interest in colonization developed as a result of his tour through the Highlands in 1792. His warm interest in the welfare of the natives led him to recommend emigration as the only solution of an intolerable economic situation. It may have been in this connection that he purchased about 1796, a tract of land at the mouth of the Great Salmon River on the Southeastern corner of Lake Ontario, close to Fort Oswego.[1] But the possibility of carrying out any immediate constructive plan of colonization was prevented by the Napoleonic Wars. He recommended the same relief to Ireland in connection with the dangerous political unrest there during the closing years of the eighteenth century, and as the result of the corrupt methods used to carry the Act of Union in 1801,[2] that left the great majority of the people "so obstinately dissatisfied that no concession" could pacify them. To Selkirk it was of the utmost importance to devise any means by which, in a period of tranquility, such a change could be made in the internal state of Ireland as would render it less open to an invader. The remedy lay, not in a policy of conciliation which would be defeated by old and deep-rooted prejudices and recent violences, not in a military coercion which would only aggravate the situation, but in the removal of the restless and discontented, who incited others to rebellion, to some "alluring field for the enterprise and ambition of such characters" in some part of North America, where they could start a new colony exclusively for Roman Catholics, whose place in Ireland would be filled by English and Scottish Protestants. To carry out this plan, Selkirk would "devote his personal exertions and the best years of his life to the service of his country...providing he were assured of effectual support and that a situation were chosen possessed of those natural advantages which are requisite for success." He therefore asked for an inland situation "at the Western extremity of Canada, upon the waters which fall into Lake Winnipeck" and empty themselves into the Hudson Bay which the Indian traders represented as fertile, with a climate far more temperate than the shores of the Atlantic under the same parallel, and where settlers with a moderate exertion of industry would be assured

1. The Canadian Historical Review, Vol.IX, No.4, Dec.1928,p.299 (Miss Cowan).
2. Melbourne, Memoirs, Vol.I, p.253.

of a comfortable existence.[3] Even the distance could be converted into national gain. Since grains could not be profitably exported, the attention of the settlers would be directed to the cultivation of hemp which the Maritime Colonies had neglected because of the facility of growing and exporting agricultural produce. "As an ostensible motive for the purpose of settlement," Selkirk offered to enter into a positive agreement to furnish from the Red River a sufficient quantity of hemp annually.[4] And since the greatest impediment to the establishment of a colony was the monopoly of the Hudson's Bay Company, founded in 1671, for the purpose "of trading, fishing and mining over Labrador, the Davis and Frobisher Straits and Baffin's Bay, with permissions to catch whale and sturgeon,"[5] Selkirk proposed to open the North West Fur Trade to all able to pay an annual duty for a trading license, out of which the Hudson's Bay Company could be compensated for the surrender of its monopoly without any expense, perhaps even with advantage, to Government. Thus the incentive to individual profit would extend the Fur Trade and increase the revenue, open up the country to British influence over the Indians, secure the peace of the colony and link the Pacific with the Hudson Bay. But since Government was opposed to the formation of a new colony in such a distant region, and to colonization en masse by Irish Catholics, preferring Scottish and German Protestants,[6] Selkirk represented to the Secretary of State for the Colonies the probability of extensive emigration from the Highlands of Scotland to the United States of America, and the practicability of diverting them to Upper Canada.[7] He met with an encouraging response, being informed that if he would take the necessary measures to enduce any of the people to settle in Upper Canada, His Majesty would grant them a tract of land there in proportion of 200 acres for every person he would undertake to settle upon it.[8] Selkirk accepted the offer and proceeded to take the necessary steps for performing the conditions by circulating through certain Highland districts the attractive terms upon which he would convey emigrants to Upper Canada. Reduced transportation and provisions at cost were offered to each individual; to each male adult either a grant of 100 acres on a 999 year lease at an annual rental of 24 bushels of wheat, the first two years free, or lots of 20 to 100 acres at 2/- to 4/- per acre.[9] Employment would be provided for those who desired to work for wages and money would be advanced to purchase a cow. Single men could procure passage as indentured servants in

3. Q 293, p.178 ff, Selkirk to the Secretary of State, April 3,1802: Observations Supplementary to a Memorial relative to the Security of Ireland.
4. Ibid, p.169, Selkirk to Pelham, April 4,1802.
5. Basil Williams, William Pitt, Vol.I, p. 13.
6. Q 293, p.167, Whitehall, May 27,1802; Selkirk Papers, Vol.52, p.294, Selkirk to Pitt, July 2,1805.
7. Ibid, Vol.52 (14149) p.313, Selkirk to Pitt, 1807; Q 293, pp.219-222, Selkirk to Hobart, Aug.2,1802.
8. Selkirk Papers,Vol.52 (13857) Hobart to Selkirk,July 30,1802.
9. Ibid, Vol. 76,p.26 (19990-91),Oct, 1802.

return for wages or land after a certain time had elapsed.[10] The active working members of the families were to precede the others to prepare land for cultivation, erect the necessary buildings, and have a crop ready for the subsistence of the others on their arrival.[11] He set the example by instructing that a large tract of his own demesne be cleared and sowed with wheat, potatoes and maize.[12]

Selkirk's colonizing activities seemed to have alarmed the Highland landlords who saw in his success the wholesale departure of their own tenants. They accused him of encouraging emigration where it was unnecessary, and they forced the Government to take preventive action. He was informed by the Secretary of State that any plans for forming new settlements by British subjects in North America would be countenanced only in those cases where the intention to migrate had already manifested itself and where the only consideration was to direct their course to British colonies,[13] that it would be more satisfactory if his emigrants were settled in a Maritime colony rather than in Upper Canada, and suggested Prince Edward Island where lands of sufficient quantity could be purchased from the original grantees.[14]

In deference therefore to the well-known desire of the Imperial Government to people the Maritime in preference to the "inland colonies of North America,"[15] Selkirk altered the destination of the majority of his settlers from Upper Canada to Prince Edward Island which in his "opinion was not a bad country," where he purchased on advantageous terms certain lots from their original proprietors shortly after the Compromise of 1802, which reduced the arrears of quit rents in proportion to the number of settlers on each lot.[16] He was assured that his purchases would "be placed in the first rank of composition" providing he would fulfil the terms of the original grant,[17] but that if the Government were satisfied with his sincerity, the exact letter of these terms would not be too rigorously adhered to.[18] This explains the large number of emigrants introduced by Selkirk before 1806, and ranks him amongst the earliest organisers of systematic colonization in the nineteenth century.

His first colony consisted of about 800 who reached the Island in three ships on the 7th, 9th and the 27th of August, 1803.[19] The greater part of them came from

10. Ibid, pp.2-3.
11. Ibid, pp.18-20 (19982-84)Aug.13,1802; Ibid, p.16, Aug.3,1802, terms offered to the settlers from Skye.
12. Selkirk Papers, Vol.53, (14279-80), Selkirk to WmBurns, March 12,1804, dated from Albany, New York.
13. Ibid, Vol. 52 (13849), Hobart to Selkirk, Feb.12,1803.
14. Ibid (13845-46) Selkirk to Hobart, Nov.30,1802; Q 293, p.201, Selkirk to Hobart, July 6,1802.
15. Selkirk Papers, Vol.52, p.25 (13861) Selkirk to Hobart, Feb.26,1803; Ibid, p.313 (14149) Memo by the Earl of Selkirk; M 565, 1803, pp.172-174.
16. Vide, Chapter V.
17. Selkirk Papers, Vol.52, p.313, op.cit.
18. Ibid, p.25 op.cit.
19. Ibid, Vol.76 (14190) William Mure to Wm.Burns, Marc.20,1803.

Skye,[20] a few from Ross and the Island of Uist, some from Argyll and the interior glens of Inverness-shire. They landed on the site of an old French village destroyed by the British in 1758. Selkirk himself arrived a few days after the first group had landed. Provisions being procured, settlement began in clusters of houses for purposes of mutual help and protection. Land was sold at a very moderate price in lots of 50 to 100 acres, and poorer settlers were allowed three or four years to pay for it. Before returning to Scotland in 1804, Selkirk revisited the settlers and found considerable progress which afforded him great pleasure. There was enough food for all and in one year they had made themselves independent of any supplies that did not arise out of their own labour.[21] He lost no time in securing additional settlers. Already in 1804, a ship called at distant Stornoway, Cantyre, and the Lochiel districts where evictions on a wide scale were in progress.[22] Fresh arrivals came to the Island in 1807,[23] and in June 1808, Mr. Robertson secured hundreds from Perthshire for the Selkirk Settlement. These were settled in inland lots in the neighbourhood of Woods Island, and on lot No.31. Orders were sent to the superintendant to have surveys ready, provisions secured, and if necessary a few acres cleared before their arrival.[24]

In six years Selkirk's settlement was the most progressive on the Island; the settlers were more temperate than their neighbours, and avoided disputes, so common then. Grist and saw mills had been erected, roads constructed at 4 per mile, and timber prepared for building purposes. Clearings were quite extensive and the value of the land had risen to 9/- per acre.[25] The handicaps, though serious, were only temporary. Scarcity of specie made settlement difficult; to convert cattle and grain into money was risky; wheat was marketable byt difficult to grow. Newly arrived settlers required assistance. In 1806 the crop was largely destroyed by mice and in 1807 by grasshoppers,[26] entailing great hardships to the settlers and serious loss to Selkirk. In spite of these difficulties the settlers were fairly contented.

In view of the national importance of the services he had rendered, Selkirk petitioned the King for compensation. He claimed that he had far exceeded the letter of his contract with Government by accompanying the emigrants in person,

20. Ibid, p.16, Aug.3, 1802.
21. Edinburgh Review, Vol.7, pp.~~108~~ 180-190, Observations of the present state of the Highlands of Scotland (1805), quoted in Johnson, op.cit.p.8 ff.
22. Selkirk Papers, Vol.56, (14902), Nov.24,1804.
23. Ibid, (14945), J. Williams to Selkirk, Dec.1,1807.
24. Ibid, (15103), Selkirk to Williams, May 2,1808; Col.Corr.P.E.Island, Vol.20, p.207, (1808), List of passengers.
25. Selkirk Papers, Vol.56, p.37, Aug.4,1805.
26. Ibid, (14981), April 23,1810.

sparing neither labour nor expense to remove the obstacles in their path, and remaining with them until he had seen their success confirmed beyond all doubt. And that in persuading them to choose the British Colonies he did not augment the general mass of emigration which peculiar circumstances had rendered unavoidable in the North of Scotland. Conduct so meritorious deserved recognition. He therefore asked that certain lots reinvested in the Crown because of failure to comply with the conditions of the grant, would be re-granted to him upon condition of paying the same rate of composition charged upon the other lands settled by him.[27] Ultimately he acquired by purchase lots No.10, 15, 31, 53, 58 59, 60, 62, or parts thereof, totalling 143,000 acres.[28] His expenditure amounted to £35,000, whereas the value of his properties, according to current prices for similar tracts, was only £12,000. The subsequent history of these lots, of which one or two later reverted to the Crown,[29] ~~will be considered in connection with~~ belongs to the history of Prince Edward Island. In 1838, his heirs still held 97,000 acres worth about £24,000, badly managed and yielding only small returns. A scheme was proposed, in which the Cunards were interested, of forming a Land Company which would include Selkirk's property and settle all the ungranted lands on the Island within seven years by Germans and Scots.[30]

Selkirk did not confine his attention to the Maritime Province. After leaving Prince Edward Island he visited New York State where extensive colonization was in progress. He paid attention to the quality and price of land, the construction and cost of roads, and the methods of sale and settlement. He was particularly interested in the experiment being carried on in the Genesee County by his fellow-countryman, Charles Williamson, from whose success and failures he learned many valuable lessons, among others the folly of hasty extension, that land speculation in the United States was not as profitable as he imagined, and that it would be wise to dispose of his Salmon River property.[31]

In the meantime Selkirk had been negotiating with Lord Hobart, Secretary of State, for a tract of land in Upper Canada to enable him to keep faith with some families who, on the assurance of Government, had accepted his invitiation to emigrate to Upper Canada before his plans had been altered,[32] and to recompense him for the more liberal terms he had been compelled to give his Prince Edward Island settlers in order to overcome their disinclination to the changed plans.[33] Whatever reasons Hobart may have had to cause a reversal of policy are not clear, but instructions

27. Ibid, Vol.52, pp.313, 335, Memo by Selkirk to the King, 1807.
28. C.O. 226, Vol.43, p.13 ff, Lt.Govr.Ready to Horton, received Feb.11,1826.
29. G 313, Despatches from the Lt.Govr.p.113, July 14,1832.
30. Selkirk Papers, Vol.73, Folio 19279-280, A.Colville to Selkirk's Heirs, April 7,1838.
31. Simcoe Papers, Vols. 1 to 3, Various pages.
32. Q 293, pp.256-58, Selkirk to Hobart, Nov.30,1802.
33. Selkirk Papers, Vol.76, pp.18-20, Aug.13,1802.

were sent to Lieutenant-Governor Hunter to set apart a township there to be granted to Lord Selkirk progressively in the proportion of 200 acres for every family he should bring into the colony within the space of five years, under a proviso that 50 acres out of the 200 should be surrendered to the settler. A personal grant of 1,200 acres was ordered for Selkirk.[34] These terms were less generous than those originally promised.[35]

Selkirk's original choice of a settlement in Upper Canada was a tract of land adjoining the Falls of St. Mary, the dividing point between Lake Superior and the mainland.navigations of Lakes Erie, Huron and Michigan.[36] The idea of making a settlement there came from Father Burke of Halifax, a former missionary among the Indians in that district, who praised the country and urged its settlement by Europeans to forestall the Americans. He also pointed out the necessity of securing the passes at Detroit and the River St. Clair to preserve the trade of the upper country, and even offered to secure settlers from his own congregation.[37] Selkirk's real interest in the district was that it occupied a strategic position and formed a valuable link in the internal commerce of Canada: "Through that Strait the most valuable part of the fur trade passes," and except through the United States, "it is the only communication between His Majesty's eastern provinces and the north-west territory." Its occupation would prepare the way for extensive colonization in that remote region.[38] The Colonial Secretary approved his plans for St.Mary, but preferred a policy of "salutary neglect" so far as the fur trade was concerned.[39] The St. Mary region was found on investigation to be unsuited for agricultural purposes,[40] and Selkirk turned his attention to the London district, but as no entire township could be found in a desirable situation in that district,[41] the ungranted parts of those of Dover and Chatham, between Lake St. Clair and the River Thames, were reserved for him - the most valuable parts of these townships fronting the river were held by absentees.[42] To claim this tract he promised to settle 250 emigrants upon it within five years. In June 1804, he arrived at London, Upper Canada, to inspect his newly acquired property.[43] At the same time the available lands in the townships of Harwich, Howard and Yarmouth had been reserved for him by Governor Hunter for the purpose of settling several hundreds of the

34. G 294, p.35, Hobart to Hunter, Feb.15,1803; G 54, pp.90-92, Feb.28,1830; Selkirk Papers, Vol.53, Fo.14305; ibid, Vol.76, pp.42-45.
35. Ibid, Vol.52, p.309, Oct. 8,1806, a Memo by Selkirk.
36. Q 293, p.201, Selkirk to Hobart, July 6,1802.
37. Selkirk Papers, Vol.75, pp.298-303, Memo by Selkirk.
38. Q 293, pp.219-222, Selkirk to Hobart, Aug.21,1802.
39. Ibid, p.83, and G 54, p.61, Hobart to Hunter, Sept.4,1802; Otto Fowle, Sault-Ste-Marie and its Great Waterway, (1925).
40. Selkirk Papers, Vol.52, Fo.13853, Selkirk to Addington,Feb.1,1803.
41. G 55, pp.89-98.
42. Selkirk Papers, Vol.76, pp.42-45, Feb.28,1803.
43. Ibid, Vol.75, June 2,1804, and Vol.53, W.Mure to W.Burns, Oct.15,1803.

Federal, or anti-democratic party from the United States, in the event of their arrival on or before January 1, 1805.[44] Ordinary settlers were to receive 200 acres each, and persons of property 500 acres each, with a promise of an additional grant if found worthy. In 1804, the time limit was extended to October 1, 1806, thus allowing ample time for serious-minded men to dispose of their property in New York and move into Upper Canada. Selkirk also received a grant of Shawnee township on the Grand River, purchased from the Mohawk Indians, on the promise of furnishing annually "a quantity of hemp the produce of these lands equivalent to the quit-rents reserved by His Majesty in the Province of Nova Scotia, in proportion to the extent acquired from the Indians."[45]

Nor did this exhaust Selkirk's colonizing schemes. He offered to form national settlements to safeguard British institutions threatened by the large influx of liberty-loving Americans.[46] He suggested that the colony be divided into districts, each to be settled by colonists of different nations who would retain their national characteristics, whereby they would be isolated from the contaminating effects of American democracy, which otherwise would pervade the whole country. According to this plan Dutch from Albany, New York, were to be settled along the St. Lawrence below Kingston, and Scottish Highlanders beyond Niagara.[47] His motives appear disinterested. In a letter to Hunter he said: "I do not wish for any appropriation there to myself being perfectly satisfied with the townships already assigned to me."[48] The administration, however, considered his plan inadmissable.[49] In addition, Selkirk offered to construct a highway through Upper Canada from Amherstburg to York (Toronto), at the expense of £40,000, and to accept compensation in lands to the extent of 600,000 acres.[50] No better and more necessary contribution could have been made to a colony where the government was too poor to provide adequate means of transportation and where settlements languished because of the absence of good roads. Nor would the government run any risks in accepting the offer since the reward would have been made only when the work was completed; but since too many large grants had already been made and left waste, the Council acted wisely in refusing the offer.

These ambitious plans for the progressive colonization of Upper Canada ultimately dwindled into the inglorious failure of Baldoon in Dover township, named

44. Ibid, Vol.52, p.272, 292, Selkirk to Camden, Feb.11,1805; Mitchell Papers, Vol.IV, Dec.22,1803: Selkirk to the Grandfather of Annie Chisholm, Oakville, Ontario, who made enquiries for him on the Deleware River. see appendix
45. Selkirk Papers, Vol.52, p.292, Selkirk to Camden, Feb.4,1805.
46. Ibid, Fo.13853, Selkirk to Addington, Feb.1,1803, and Vol.56,Capt.Macdonald to Selkirk, May 3,1810.
47. Ibid, Vol.52, p.183, Selkirk to Pitt, July 29,1805.
48. Ibid, p.287, Feb.1,1805.
49. Ibid, p.294, July 26,1805, and p.325.
50. Ibid, p.285, Fo.14121, Sept.18,1804; Weaver, Counties of Ontario, p.210.

after Baldoon in Wigtonshire. Here, in September 1804, about twenty Highland families were settled under the supervision of Sheriff Alexander McDonell of Glengarry, at an annual salary of £300.[51][52] The infant settlement was established under discouraging circumstances. Too late it was discovered that Baldoon was unfit for cultivation. The land, though rich and well-wooded, was low and swampy.[53] The settlers were weak from months of comfortless travel and prolonged exposure before reaching Baldoon. No preparation had been made to protect them from the inclemency of the weather; torrential rains drowned the scanty crops and reduced the ground to a quagmire. The destruction of Detroit by fire on June 11, 1804, cut off practically the only source of lumber supply for building purposes, raised prices and retarded building operations.[54] To these facts may be attributed the fearful mortality among the settlers during the first few months of settlement.[55] McDonell found everything in the greatest disorder, "nothing to be heard but discontent, nothing seen but distress."[56] The affairs of the settlement were in chaos owing to the intemperance and death of the temporary agent; with the exception of four or five settlers, everyone was sick with fever, and a doctor's bill to pay amounting to £106.[57] The stores were reduced to a few barrels of flour, a barrel of pork, fifty pounds of beef and two out of ten barrels of whisky. Conditions in 1805 were even worse; the settlers were virtually in rags; a whirlwind carried off the roof of Selkirk's property; what the Summer heat had failed to parch of the crop, the Autumn deluges had destroyed. Fever and dysentry had raised the list of dead to forty-two. The humane superintendent informed Lord Selkirk that a permanent settlement could not be made at Baldoon, and without waiting for instructions, moved them all to Sandwich except a few single men and one family, too ill to be moved.[58]

Selkirk, in great distress of mind over the unexpected condition of the settlers, approved their removal and blamed Lieutenant-Governor Hunter for having deliberately obstructed the settlement.[59] He gave instructions to place the indentured men on cleared farms as independent settlers, and authorised a loan for necessaries of £10 to £20 per family, to be distributed according to merit, on good security.

51. Baldoon Correspondence, Vol.1804-1806, pp.105-108, July 19,1804, a list of the passengers and labourers for Selkirk's Settlement in North America; Kent, Historical Papers, Vol.I to II, p.14 ff.
52. U.C.Land Book G, p.66, Feb.28,1806, to March 29,1808; Simcoe Papers, Vol.II, p.70, note to a brief biography of Alexander McDonell.
53. Q 359, p.60; Land Book G, p.8; Gourlay, op.cit.Vol.I, p.137; Smith, Gazeteer, p.8.
54. Selkirk Papers, Vol.54, p.23, McDonell to Selkirk, July 28,1805.
55. Ibid, p.6, Same to same, Nov.8, 30, 1804; ibid, p.23, July 28,1805; ibid, Vol. 55, Fo.14739-40, John McDougal to his brother in Mull, April 29,1806.
56. Ibid, Vol.54, p.17, McDonell to Selkirk, May 9,1805.
57. Baldoon Corr. Vol.I, p.44, Oct.13,1804.
58. Selkirk Papers, Vol.54, p.23, July 28,p.26, Aug.3, p.32, Aug.27,1805, McDonell to Selkirk.
59. Ibid, p.223, Selkirk to McDonell, dated St.Mary's Isle, Nov.2,1805; ibid, p. 233, same to same, January 31,1806.

Though yielding to the necessity of circumstances in breaking up the Baldoon settlement, he clung to the ultimate importance of the situation, and was not prepared to lose sight of the undertaking altogether; however discouraging the circumstances, they did not prove it impracticable. The experience taught him the necessity of an extensive drainage as a preliminary step to further development, but without an unquestioned legal title to the townships, he thought it unwise to invest any more money in the venture.

It was to secure a safe title that he approached the Upper Canada Government for such modification of the terms imposed upon him for the settlement of Dover, Chatham and Shawnee townships, as to bring them nearer the original intentions of the Government in making the grants,[60] since too literal an interpretation of these instructions involved inconveniences which it could not have been the intention of Government to impose. Not only would the national objects he had in view be defeated by such strict terms, but the ease with which the settlers could obtain land on the North American Continent made them dissatisfied with a small allotment of fifty acres. And considering the low value of land, a lot of 150 acres was poor compensation for the expenses of locating settlers upon lands six to seven hundred miles from a seaport. The character of the settlers should be considered. The respectable class were greatly sought after and even a small number was a distinct acquisition to a colony where lawless characters abounded. Since it was impossible to secure the full compliment of 250 respectable settlers, he asked that the progressive method of settling the townships be surrendered in favour of an arrangement by which 100 familes could be settled in five years in fulfillment of the original conditions.[61] In return therefore for the effective drainage of the townships, and the settlement of a reasonable number of settlers on Shawnee township, he asked for an absolute grant of Dover and Chatham.[62] Had these terms been agreed to, Selkirk stood to gain 25,000 extra acres. The Council ruled that the sacrifices which the colony was asked to make would counterbalance the probable advantages to be derived from the new terms, which would be difficult to execute and whose ultimate success was far from certain. Further, such locations, as in the case of the Talbot Settlement, would not be amenable to

60. Land Book G, pp.355-362, Selkirk to Pitt; Selkirk Papers, Vol.52, p.325, July 1808.
61. G 55, pp.89-98,
62. State Book G, pp.491-496; Selkirk Papers, Vol.52, p.287, Selkirk to Hunter, Feb.1,1805; ibid, p.294 ff, July 25 and 26, 1805; ibid, Vol.54, p.80, McDonell to Selkirk, April 19,1807; ibid, p.223, Selkirk to McDonell, Nov. 2,1805; Q 306, p.193 ff, Gore to Windham, July 1,1807, concerning Selkirk's Petition for more land; Q 305, p.67, Nov.6,1806, Secretary of State to Gore, concerning Selkirk's Petition for changes; Land Book G, pp.352-62, April 27,1807.

to the Executive Council. To meet these objections, Selkirk offered to surrender 25,000 acres of land in Prince Edward Island, but failed to convince the Council of the wisdom of the exchange.[63] In view, however, of the heavy expenses already incurred by him in promoting his plans, a further extension of five years was granted to him to complete the settlement of Dover and Chatham. In 1810, he was still petitioning the Colonial Office either to reconsider its decision, or to grant him a sufficient amount of land in Upper Canada as compensation for his trouble and expense.[64]

It would be difficult to find a more complete collapse of high hopes and worthy aims. Judged by the merits of his plans, his lavish expenditure and his grasp of the subject of colonization, Selkirk deserved success. Instead there was dismal failure.[65] Everywhere lavish outlay without commensurate returns. £5,091-14/2 had been spent in locating and sustaining forty-three settlers on 50 acre lots in Baldoon for the meagre compensation of 4,200 acres in fee simple and an additional claim for 5,000 acres which was being investigated by Government.[66] During the War of 1812,[67] the American forces under General MacArthur, laid waste Baldoon; in 1817, only nine of the original settlers occupied their land. Next year the ungranted[68] portions of Dover and Chatham were thrown open for general settlement, and by 1820, nearly all Selkirk's property had been sold to satisfy the claims of various creditors.[69] The explanation of his failure may be found in adverse local conditions, in the deceptive distances of the country, in the lack of preparation and the defective management of Sheriff McDonell, who was too busy with his new duties as Speaker of the House of Assembly to devote much attention to Selkirk's affairs, and chiefly to the character of the settlers who, according to contempory accounts, were a strange set without a redeeming quality, apart from physical prowess. They were an indolent, turbulent and rapacious lot, resembling "the Chippawas and Ottawas in

63. Land Book, G, pp.355-362, April 27,1807; Selkirk Papers, Vol. 76, p.42 ff; State Book G, pp.491-496, Report of Council on Selkirk's settlement in Upper Canada, to Maitland, Sept.9,1818.
64. Selkirk Papers, Vol.52, p.313, Selkirk to the Crown, 1807; ibid, Vol.76, Fo. 20005, Selkirk to the Earl of Liverpool, Jan.1810.
65. Ibid, Vol.54, p.233, Selkirk to McDonell, Jan.31,1806; ibid, Vol.52, p.313, Selkirk to the Crown; ibid, Vol.76, pp.47-51, 288, Selkirk to Thomas Clark, Dec.21,1809; ibid, Vol.52, p.304 ff, Jan.27, 28, and March 12,1806; Land Book G, pp.19-20.
66. Selkirk Papers, Vol.76, Fo.20004, 1810, Table showing quantity of lands received, re-granted, and appropriated; ibid, Vol.54, p.76, McDonell to Selkirk, March 25,1807; Baldoon Corr. Vol.I, pp.143-45, p.301, May 27,1806; Land Book G, p.65 ff, March 27,1806.
67. Selkirk Papers, Vol.76, Alexander Brown to T.Clark, June 20,1812.
68. State Book G, pp.49-96, Council on Selkirk's affairs, Sept.9,1818.
69. Selkirk Papers, Vol.52, pp.304-308; ibid, Vol.54, p.84, McDonell to Selkirk, June 30,1807; State Book D, pp.393-95, June 25,1807, and p.412, Nov.24,1807: Baldoon Farm (950 acres) was sold to John McNab for £2,224-4/6, Wedderburn Township of 13,800 acres at the mouth of the River Thames was bought by Wm. Smith at a Sheriff's sale for £550; Baldoon Corr. 1810-1820, Vol.III, p.249; G 362,p.40, Robinson to Sir G. Wilson, July 28,1825.

their inordinate love of whisky."[70] There was but one honest man in the whole settlement,[71] with the result that Baldoon became the "haunt of persons whom certain lapses of memory in distinguishing other people's property from their own do not permit them to appear elsewhere. Here they live during existing circumstances in indolence and dissipation with fellow citizens of a reciprocal congeniality."[72] After seven years, the settlers were still largely dependent for their support upon Selkirk's stores and still lived in their original hovels. Thomas Clark, who made an official enquiry in 1810, advised Selkirk to send no more emigrants at his own expense and to give up farming operations at Baldoon;[73] to this Selkirk agreed. Fate equally stern overtook his land speculations in the Red River district.

The ambitious plan of establishing a colony in the North-West was not lost sight of by Selkirk. The St. Mary's tract was originally chosen because of its strategic position and as a stepping-stone to the Red River. His Canadian enemies have accused him of having shown unusual interest in the fur trade of the North West during his visit to Montreal in 1804; of availing himself of the financial embarrassment of the Hudson's Bay Company, whose shares had fallen from 250 to 60, and whose flexible charter covered his proposed colony; of securing control of two-fifths of the capital stock of the Company in 1810 to enable him to control the directorate and thus mature his plans, and finally of obtaining in 1811 from the same Company a large grant of land in the Red River Valley for political and commercial speculations.[74] But mere coincidences must not be accepted for indubitable proof, and the claims of the North West Company seem to be based on personal prejudices. The grant was made by the unanimous approval of the Court of Directors and by the consent of a large majority of the General Court of Proprietors, and its legality was sustained by the considered opinion of eminent counsel in England.[75] Miles McDonell, a Glengarry Loyalist, formerly a Captain of the Queens' Rangers, was appointed Governor of "Ossinboia" by the Hundson's Bay Company, and Superintendent of his colony by Selkirk. In the Autumn of 1812, accompanied by a small party, he arrived in the North West and found a very convenient "situation for settlement just below the forks of the Red River, where the east side is thickly wooded while the

70. Selkirk Papers, Vol.54, p.84, McDonell to Selkirk, June 30,1807; ibid, p.135, same to same, April 20,1809; ibid, p.23, same to same, July 28,1805, p.32, Aug.27, and Nov.4,1805; ibid, Vol.75, p.274, Clark to Selkirk, June 28,1810.
71. Baldoon Corr. Vol.II, (1808-09), pp.39-41, Clark to McDonell, Jan.7,1808; ibid, p.63 ff, Dr. Sims to McDonell, July 8,1808.
72. Ibid, pp.39-41, op.cit.
73. Selkirk Papers, Vol.75, p.274 op.cit.
74. John McLean, Chief Factor,"Twenty-five Years Service in the Hundson's Bay Territories," 1849; A Narrative of Occurences in the Indian Countries of the North West (1820), - Kingsford's Account of Selkirk's activities was taken from this Narrative: compare History of Canada, Vol.9, p.108 ff; Martin, Selkirk's Work in Canada, various pages.
75. A Statement respecting the Earl of Selkirk's Settlement upon the Red River, p.2.

west consists of extensive open plains," and the river abounding in fish.[76] The North West Company claimed that he chose the situation on Selkirk's instructions to enable him to control the inland communications between their western stations and their headquarters on Lake Superior.[77] MaDonell immediately proceeded to make preparations for the arrival of the settlers.

By the terms of his grant, Selkirk was bound for many years under a heavy penalty, to send out annually a certain number of persons to serve in various capacities under the Hudson's Bay Company; this obligation explains the original policy of limiting the settlers to parents in the prime of life whose sons were to be encouraged to enter the service of the Company.[78] But the prospect of finding settlers of that description was remote, though he hoped that a fraction of those planning to emigrate to the United States might be induced to settle on the Red River.

His plans and difficulties were clearly set forth in a 'Prospectus of the New Colony' which he circulated privately among persons "likely to enter the land speculation," and among friends whom he wished to consult about the proposed colony. In the 'Prospectus' he minimised neither the possible difficulties involved in establishing the settlement, nor the extraordinary opportunities which the venture offered. One feels that he did not want anyone to participate on false pretences and that he was perfectly sincere in the hopes he held out. He frankly explained that the price of his huge grant was very low because the situation was so remote from the older settlements that it offered no inducement to unconnected individuals looking for lands for permanent settlement. But obstacles that seemed insuperable to individual effort could be overcome with ease by the combined efforts of many; and the judicious expenditure of an adequate sum of money in overcoming the initial difficulties was expected to make the tract of land so attractive to settlers and profitable to the proprietors that many would prefer it to the older settlements. To meet the expenses of purchase and of preparing the land, Selkirk proposed to form a joint stock Company of 200 shares of £100 each, preference being allowed to subscribers who were personally connected with those districts and whose personal influence might be of service in promoting the desired change in the destination of emigrants. No prospect of immediate dividend was held out, since for the first few years the settlers would be too few and too poor "to pay much either

76. Ibid, pp.2-3; Historical Mss.Commission, Report of the Laing Manuscripts, Edinburgh University, Vol.II, 1925, p.716 ff: A collection of letters (1811-1815), between Thomas, Fifth Earl of Selkirk, and Alexander Macdonald, of Dalilea, W.S. relative to the obtaining of settlers from the Scottish Highlands for the Hudson's Bay, Assinaboia, Red River.

77. A Narrative, op.cit. p.23.

78. Laing Manuscripts, op.cit. Selkirk to Macdonald, p.726 ff, Jan.6,1813; Q 133, p.116 ff, Drummond to Bathurst, Nov.2,1815.

of rent or purchase money," but the prospect of fabulous profits in the future was held out and was expected to persuade the hesitating speculator: "But the difference between buying land at 1d or 2d per acre, and selling it at 8/- or 10/- is very palpable, and does not seem to require much comment. The speculation may not suit those who require an immediate income; but for anyone who is desirous to provide beforehand for a young family, such an opportunity seldom occurs."

To overcome the hesitation and scruples of the diffident emigrants, tempting inducements were made. Not only would there be no religious disqualifications in the new colony, but an allotment of land would be made "for the perpetual support of a clergyman of that persuasion which the majority of the inhabitants adhere to." Though the land was to be sold at prices current in the older colonies, or leased in perpetuity at the option of the settler, the settlers were to be carried to the Red River for the same charges as were paid for passage to the eastern Colonies, and those in need were to be allowed credit up to £40. And since the inland situation of the settlement would deprive the settlers of some sources of profit usually open to Maritime peoples, substitutes were to be found in the cultivation of hemp, considered of such national importance then, and in sheep-raising, where the wool alone was expected to pay the price of 100 acres of land in four years.[79] Respectable tacksmen willing to emigrate were offered gratuitously a certain number of townships for settlement. This extraordinary encouragement was intended to persuade "those who are already well disposed towards the cause, and perhaps might also gain friends for it."[80] Responsible persons going out in charge of indentured men would receive a grant of land in addition to their wages, if they remained permanently in the colony.[81] Sons of emigrants, if they took service with the Company, were to receive 100 acres of land, in addition to their wages, at the expiration of their services. Archibald Mason, who had spent a year in the Red River district and was loud in praise of its soil and climate, was sent to his home in Fort Augustus to create interest in and recruit settlers for the cause.[82] During the War of 1812, Selkirk secured permission to raise a regiment for service in Canada with a stipulation that at the end of the War, the men should be settled in his colony and their families brought out at the expense of Government.[83] Hundreds of men, evicted from the Kildonan estates of the Duchess of Sutherland, volunteered for service in his regiment, and when three months later, the permission was with-

79. A Narrative, op.cit. Appx.p.4; Selkirk's Advertisement and Prospectus of the New Colony.
80. Laing Manuscripts, Selkirk to Macdonald, p.717 Nov.7,1811.
81. Ibid, p.718, same to same, Nov.8,1811.
82. Ibid, p.721, Selkirk to Macdonald, March 10,1812.
83. Ibid, pp.730-32, same to same, Jan.23, 30, Feb. 6,1813; Q 123, pp.167-169, Selkirk to Sidmouth, Jan.1,1813; ibid, pp.207-211, stating the terms.

drawn,[84] the men from Kildonan were accepted as settlers.[85]

In consequence of such personal activity on the part of Selkirk and his agents, successive embarkations of emigrants took place between 1811 and 1815. It is scarcely possible for a modern traveller, accustomed to the conveniences of modern transportation, to imagine the privations endured by those early settlers of the North West. The first group left Scotland in 1811, too late to reach the colony before Winter set in, and they were compelled to winter on the shores of the Hudson Bay, arriving at the Red River in the Autumn of 1812.[86] The Company's servants having neglected instructions to lay up a store of buffalo meat for their use,[87] it was found necessary to move the majority of them to the hunting grounds at some distance away, to the great and serious interruption of cultivation, since the Spring of 1813 was far advanced before they could be brought back to their lands - almost two years after their departure from Scotland.[88] Somewhat similar experiences befell the emigrants of 1813, among whom were a large number of young families. Instructions had been given to land them at Fort York, "where the ship was expected and everything ready for conveying the people to their destination." To Selkirk's extreme mortification and regret,[89] they were landed by error at Fort Churchill, on August 18, where they wintered "fairly well on oatmeal and ptarmigans," arriving at their destination the following Summer.[90] The result of the untoward events of 1813 was that no more helpless families were to be sent out, and that the balance of the Kildonan emigrants were compelled to postpone their departure for a year.[91] In September 1814, there were about 200 persons in the settlement and about 100 more on their way.[92]

Apart from these initial difficulties, which were gradually overcome, nothing occured of any material importance to interrupt the progress of the settlement until the Spring of 1815. The settlers were put in possession of regular lots of land from Fort Douglas to Image Plain, in return for an annual rent of a few bushels of grain; houses were built, a mill was erected, sheep and cattle were sent to the settlement, and all practicable means were taken to forward the agricultural purposes of the colony. The land was free of heavy timber and being fertile was easily cultivated. Food was abundant and varied. The Indians were not interferred with,

84. Laing Manuscripts, p.738, Selkirk to Macdonald, March 12 and April 30,1813.
85. Ibid, p.740, April 30,1813, and Archibald Macdonald to Alexander Macdonald, June 23,1813.
86. Q 133, p.116,ff, op.cit.; Martin, op.cit.
87. Laing Manuscripts, p.746, Selkirk to Macdonald, Feb.2,1814.
88. Ibid;op.cit; Martin, op.cit.
89. Ibid, p.745, Nov.6,1813.
90. Ibid, p.749, Nob.17,1814.
91. Ibid, p.746, Feb.2,1814; Q 325, pp.354-364, York, Upper Canada,Sept.1,1819: Petition of certain Red River refugees to Maitland.
92. A Statement respecting the Earl of Selkirk's Settlement, p.3.

and by the terms of the grant both Selkirk and his settlers were barred from the fur trade. An attempt by the agents of the North West Company in 1813, to rouse the natives against the settlers proved unsuccessful through the watchfulness of Miles McDonell who succeeded in converting native hostility to the settlement into friendship. From that time, no apprehension existed to interfere with agricultural pursuits. As a precaution, Selkirk at the commencement of the settlement sent up a few cannon, and in 1814, Government supplied arms and ammunition for the defence of the settlers, who appeared content with their situation and happy in their prospects. A few years of peace would have seen the colony firmly established. Even the North West Company must have thought so, otherwise why did they not leave it to perish by natural causes instead of adopting violent measures to destroy it.[93]

The 'North West' opposition to Selkirk's grant began in 1811, when the project was first discussed by the General Court of Proprietors. Of the six who opposed the grant, three were closely connected with and interested in the North West Company, and two of the three were the avowed London agents of that Company and had only become proprietors of the Hudson's Bay Company stock a few days before. Their ostensible protest to the scheme was in the interest of the settlers who would be placed "out of reach of all those aids and comforts which are derived from civil society."[94] Their real objection is found in their claim that "colonization is at all times unfavorable to the fur trade,"[95] and the insincerity of their pretended concern for the welfare of their "unfortunate countrymen" can be plainly seen in their subsequent treatment of these countrymen. Selkirk's grant was therefore most objectionable to the North West Company. They looked upon it as an attempt to seize their persons and confiscate their property as interlopers, and an excuse to introduce a sufficient number of persons to mature Selkirk's aggressive plans against their trade. They felt justified therefore in thwarting his plans and making preparations to defeat any attempted interference with what they claimed to be their rights and privileges.[96]

Nor were these the only grievances of the North West Company against the new colony. They claimed, with justice, that from 1674 to 1813, the Hudson's Bay Company slumbered at its posts along the shores of the Hudson Bay, never attempting to penetrate beyond the banks of the Saskatchewan until the 'North Westers' had explored the whole interior of the savage wilds, discovered and opened up for commercial enterprise the water communications, established the first trading posts

93. A Statement respecting the Earl of Selkirk's Settlement, pp.4-7; Q 174, p.322, Macdonald to Bathurst, May 18,1825 - terms of settlement.
94. A Statement,op.cit.p.8; A Narrative, op.cit. p.15.
95. A Statement, op.cit. p.8; A Narrative, op.cit. p.8.
96. Ibid, p.9, 19 ff; Q 153, p.611 ff., Simon McGillivray to McTavish & Co., June 1, 1811, stating their determined opposition to Selkirk's plans.

in the interior, reconciled the natives to the whites, and reduced the fur trade to a regular system. Just as they had blazed the trail and had begun to reap the reward of their toil and hardship, danger and expenditure, the Hudson's Bay Company, led by Selkirk, advanced claims of equal rights to the fur trade. That rivalry, accompanied by collisions, marked at times by violence and outrage, should follow, need not be wondered at. Nor was it confined to one side; "both parties exceeded the limits prescribed by law." The first offender was Miles McDonell. The 'North Westers' insisted that he concealed his real intentions until January 18,1814, when feeling more secure than in 1812-1813, he issued a proclamation erecting the colony into a separate and independent jurisdiction under the authority of the Hudson's Bay Company, prohibiting the exportation of food from the colony for twelve months. The facts of the situation seem clear: the country was undeveloped, food was scarce, large numbers of settlers had already arrived and others were enroute, and there was a possible danger that the success of the American forces at Detroit might interrupt the food supply from the East. McDonell had to take necessary precautions against an impending shortage of food similar to that of 1812. Nor did he deprive the traders of immediate necessities, and "that no loss may accrue to the parties concerned" all confiscated food would be paid in British Bills at the customary rates; but any violation of the Proclamation would be punished by confiscation of the goods and canoes, together with the imprisonment of the guilty.[97] The 'North Westers' interpreted the Proclamation as a determined attempt to drive them out of the country, and asserted that under cover of its authority their canoes were intercepted, fired upon, and searched and plundered, and their pemmican seized at Souris and sent to Brandon.[98] The trouble, which almost ended in bloodshed, was averted by a compromise that permitted the exportation of a part of the provisions.[99] Selkirk, while lamenting the seizure of the pemmican, upheld it on the basis of necessity.[100] The real explanation, however, of the accusations of the North West Company is found in the statement of their own apologist:[101] "The attempt at colonization made in the Red River was, in its origin, ~~...after ha~~ objectionable in every respect to the fur traders, and they do not deny that...after having ascertained the real object which the plans of Lord Selkirk were intended to cover, they have done all in their power to render these schemes abortive." At their rendezvous at Fort William during the Summer of 1814, it was determined to resist further aggression,

97. A Narrative, op.cit. p.23 ff, also McDonell's Proclamation, issued at Fort Daer, Pembina; Laing Mss.p.749, Selkirk to McDonell, Nov.7,1814; Q 133, p.55; McLean, Twenty-five Years Service.
98. Q 133, p.29 ff, McGillivray to Harvey, June 24,1815; A Narrative, op.cit. p. 24 ff; Martin, op.cit.
99. A Narrative, op.cit. p.30.
100. Laing Mss. p.749, Nov.17,1814.
101. A Narrative, op.cit. p.126.

arrest McDonell and break up the colony.[102]

The execution of these measures of "self-defence" was entrusted to Duncan Alexander Cameron and McDonell of Glengarry. The opening of the campaign of violence was announced by McDonell on August 10th to another partner in Montreal: "you see myself and our mutual friend Mr. C. so far on our way to commence open hostilities against the enemy in Red River...one thing is certain that we will do our best to defend what we consider our rights in the interior. Something serious will undoubtedly take place. Nothing but the complete downfall of the colony will satisfy some by fair means or foul - a most desirable object if it can be accomplished. So here it at them with all my heart and energy."[103] They arrived at Fort Gibraltar, half a mile from the Red River Settlement about the end of August, where Cameron was left in charge, while McDonell proceeded deeper into the interior.[104]

Cameron was well qualified to perform the services for which he had been selected. He was "a man of determined resolution but unfortunately of an irritable temper."[105] He began by doing everything to win the confidence of the settlers. He spoke Gaelic to them, amused and entertained them at Fort Gibraltar. They felt flattered at his attentions and refused to suspect him of ulterior motives. To make them discontented with their lot and doubtful of their prospects, he hinted at deception and bad treatment by Selkirk, spread rumous of impending Indian attacks, and suggested that their only avenue of safety lay in throwing themselves upon the protection of the North West Company who were friends and allies of the Indians,[106] promising a free passage to Canada, a year's provision, and 200 acres of land to each settler who would accept his offer. The hesitating were won over by bribes of various sums from £100 down. Indentured servants, who were bound to Selkirk by contract, were persuaded to desert by promise of higher wages in the Canadas. Thus, by a deliberate policy of deception, he succeeded in corrupting about fifty settlers who agreed to depart since they were leaving debts amounting to £1,169-2/11[108] behind them. According to the 'North Westers' they deserted the colony because of the uncertainty of life and property due to the open warfare between the rival companies, the extensive disadvantages of the country, and their dread of the Indians and half-breeds, and that Cameron simply enabled them to carry out what "had long been their intention", and "upon a distinct understanding that nothing should be expected beyond their transport and provisions as far as York."[109] Those who refused to be corrupted or terrified by threats of the scalping knife, were turned over to the tender mercies

102. Ibid, p.31; A Statement, op.cit.p.10 ff; Q 153, p.611, op.cit.
103. A Statement, op.cit.p.10. 104. Ibid, op.cit.
105. A Narrative, op.cit.p.32.
106. Q 133, p.64 ff, Intrigues of North West Company with the Indians; Q 135, p.100 ff, A.Colville to Bathurst, Dec.22, 1815.
107. A Statement, op.cit. p.12 ff; A Narrative, op.cit.pp.34-38.
108. Q 135, p.100 ff,op.cit. 109. A Narrative, op.cit.pp.34, 38.

of the half-breeds who made life for them so unbearable that they finally agreed to leave the colony.[110]

Fortified by the success thus far gained, Cameron on April 4,1815, seized the cannon and arms supplied by Selkirk and the Government, on the plea that otherwise they might be trained upon the North West Fort.[111] This was the signal for the defaulting settlers to desert to the enemy, carrying with them the agricultural implements supplied by Selkirk, later purchased by the North West Company, and leaving nothing behind them but their debts. Norman MacLeod, a North West partner and a magistrate of the Indian Territory, who happened to arrive at the Red River just then, issued a warrant for the arrest of Miles McDonell on a charge of seizing the provisions of that Company. The refusal of McDonell to acknowledge the jurisdiction of MacLeod or to surrender was followed by an attack by Cameron upon the Hudson's Bay Company's stores, during which four of the Hudson's Bay servants were wounded. To secure the immunity of the rest of the settlers from attack, McDonell surrendered to Cameron, who brought him to Montreal for trial.[112]

The arrest of McDonell left Cameron and Alexander McDonell, who had returned from the interior, in complete control. Peremptory orders were issued by Cameron directing the immediate departure of all the settlers. Those who refused the protection of the North West Company left on the 24th of June, under the friendly escort of Sautoux Indians, and finally arrived at Jack River House at the extreme end of Lake Winnipeg.[113] The Upper Canada contingent arrived at Fort William about the end of July, thence to Nottawasaga Bay, over the nine-mile portage to the head of Kempenfelt Bay, across Lake Simcoe to Holland River, where they arrived on September 6th,[114] two days before Selkirk embarked on the "Pacific" en route to the Red River via New York and Montreal.[115] The old people were temporarily provided for at New Market, while the young people secured employment in and around York. Other families went direct to Montreal. On September 22nd, they stated their grievances to the Lieutenant-Governor of Upper Canada, and asked for land. Plans had already been made to settle them on the Rideau as "their number should supply the deficiencies from Europe, and enable us to complete our present object."[116] In

110. A Statement, op.cit. p.17 ff; Chester Martin, Lord Selkirk's Work in Canada.
111. Q 134, p.272, Berens to Bathurst, Dec.6,1815, announcing the seizure of muskets by the N.W.Company; ibid, p.287, the seizure of the cannon; A Statement, op.cit.p.19; A Narrative, op.cit.pp.35-36; Q 136, p.160.
112. Q 140, p.295, Feb.1,1816, the prosecutions against McDonell failed; A Statement, op.cit. pp.20-25; A Narrative, op.cit. pp.36-37; Q 133, p.116 ff, Drummond to Bathurst, Nov.2,1815; ibid, p.51, 57, McDonell to Selkirk, July 25,1815, a prisoner in the hands of the N.W.Company; Q 325,pp.354-364, Papers relating to the Red River Settlement, 1819.
113. Q 134, p.322 ff, Berens to Bathurst, Dec.20,1815; A Statement, p.26.
114. Q 133, p.116 ff, op.cit.; A List of Settlers from the Red River; L.C."S" Sept.22,1815; A Narrative, pp.29-33.
115. Laing Mss. p.754, Sept.8,1815.
116. Q 133, p.116 ff, op.cit.

view of the peculiar nature of their case, Lieutenant-Governor Gore consulted Bathurst before awarding them any land. In the meantime, "from motives of common humanity," rations were allowed the infirm, the women and children.[117] On January 20, 1820, Bathurst replied that "if they are in other respects qualified to become useful citizens of the province," they were to be placed on the same footing as other settlers.[118] Ultimately they dispersed and settled in various townships of the colony, some on the Rideau, some on the third concession of West Gwillimbury in the Peninsula between the Holland River and its northern branch,[119] and others in Aldboro, where Talbot instructed them in the rudiments of clearing and planting;[120] a few settled in Yonge Street, York.

The Red River Colony was dispersed and their houses burned to the ground, but the question of guilt had still to be solved. Sir Gordon Drummond, Administrator of the Government of Canada, who was instructed by Bathurst to investigate the situation,[121] relied for his information upon the agents of the North West Company, and especially upon the reports of William McGillivray, one of the chief men of the Company - scarcely the most reliable source of information in a matter in which his Company was so deeply implicated. On August 15, 1815, he made a long report in which he tried to blame the Indians, who were guiltless, then the half-breeds, who were largely employed by the North West Company and therefore amenable to their jurisdiction.[122] He stressed the "humane motives" that actuated his Company in befriending the settlers and the certain disaster that awaited them unless they were removed.[123] He laid special emphasis upon certain depositions "upon oath" made by some of the settlers who were brought to Canada. Some said that they left their homes in the expectation of coming to Canada; others that they were "grossly deceived as to the contiguity of their intended place of residence to the province of Upper Canada, as well as to the advantages likely to result from their choosing a spot with which they were so totally unacquainted," while a few even maintained they expected to reach Canada via the Red River.[124] But these depositiions must be received with caution. Not only had the deponents broken their contract, stolen property belonging to the Hudson's Bay Company and Selkirk, and left huge debts, but they were actually in the hands of the North West Company when they made these statements before Alexander McDonell and Norman MacLeod, who were instrumental in breaking up the settlement. In the third place, some of these deponents appeared on the North

117. Q 319, p.122, Oct.18,1815. 118. Q 319A, p.210, to Maitland.
119. Ont.Hist.Soc. Vol.8, p.46; Hunter, Simcoe County, Vol.I, p.162.
120. Ermatinger, Life of Talbot, p.63.
121. Q 133, pp.195-241, N.W.Company's Account of the dispersal.
122. A Statement, op.cit. p.33 ff.
123. Q 133, p.116 ff, op.cit.
124. Ibid, op.cit.

West Company's books as recipients of rewards for breaking their word, or as sellers of stolen goods.[125] On the basis of such evidence which threw the entire blame upon Selkirk and his agent, Drummond exonerated the North West Company.[126]

Early in 1815, Selkirk was informed of the impending attack upon his colony, and immediately applied to the Imperial Government for military protection. This was no innovation in the Colonial policy of England. The Provincial Government, to whom the matter was referred, refused to give the protection without first ascertaining the necessity. Selkirk could not wait, and on September 4th he sailed for New York where he received news of the destruction of his settlement. He proceeded at once to Montreal where he learned that the Indians had no part in the attack upon his property, and without delay proceeded to trace the guilty parties. While thus engaged in collecting legal evidence, he received information that the Red River Colony had been re-established (September 1815) by the body of settlers who had withdrawn to Lake Winnipeg, where they were joined soon afterwards by Highland immigrants, augmenting the population to upwards of 200.[127] Selkirk sent a messenger to the Red River informing them of his intention to proceed to their assistance as soon as the river navigation opened in the Spring. The messenger was waylaid and robbed of the letter by an agent of Norman MacLeod, who paid a reward of $100.[128] In the meantime rumours of intended renewal of hostilities reached Selkirk. He applied to Drummond for protection for his settlers, offering to defray all expenses and volunteered to assume all responsibility.[129] In his correspondence with Drummond, he offered new evidence upon the facts of the dispersion of the colony; Drummond refused both the evidence and the request for military protection.[130] The only positive action he took was to appoint Selkirk a magistrate and grant him a small personal escort.[131] The necessary protection came from a totally unexpected quarter. On the cessation of hostilities with the United States, several regiments were reduced which enabled Selkirk not only to secure a body of efficient settlers, but to add materially to the strength and security of the settlement.[132] Eighty of the De Meuron regiment and twenty of the De Watterville and a few of the Glengarry Fencibles agreed to accompany him to the Red River. They were to be paid wages en

125. A Statement, op.cit. p.36; ibid, p.128, to James Pinkman, £10-15/- for six stolen guns, £20 to Hugh Swords as reward for services, £13-17/6 to James Golden for stolen goods, and £20 as a reward: "The receiver of stolen goods is surely not a fit person to take the examination of the thief."
126. A Statement, p.56.
127. Ibid, p.39, 63 ff,
128. Ibid, pp.41-42.
129. Q 133, p.11, Drummond to Bathurst, Aug.16,1815; ibid, p.16, Selkirk to Maitland; Q 135, p.577.
130. A Statement, pp.43-59.
131. Q 146, p.147.
132. Q 139, p.230.

route, have lands assigned to them, and if they did not feel satisfied, their passage would be paid back to Montreal. These men bore remarkably good reputations as soldiers;[133] Selkirk supplied them with arms and started for the Red River early in 1816.[134] At Sault-ste-Marie he received information of the second destruction of his settlement, in which a number were killed and others taken as prisoners to Fort William, on Lake Superior.[135] Selkirk changed his plans and went to Fort William to investigate the situation on the spot.[136] His dramatic arrival must have been as much a surprise to the merrymakers at the Fort as their subsequent arrest by Selkirk's orders, and the appropriation of all their stores. He then started an investigation of the Company's papers which resulted in sending the leaders to the Attorney-General of Upper Canada, who in turn sent them to Montreal where bail was allowed.[137] As the season was too far advanced, Selkirk and his party remained all Winter at Fort William and arrived at the Red River in the following June. Shortly afterwards he recaptured Fort Douglas, restored order, reinstated the settlers and, in consideration of the dangers and hardships they had suffered, cancelled all their obligations to pay him, and put them in free possession of their lots. He also obtained for them the privilege of being allowed to distil twenty gallons of whisky annually per family, which they reluctantly commuted for a cash payment about 1834. He named the new settlement "Kildonan,' and concluded a treaty of peace with the Indians in the interests of the security of the settlers.

Inquiry into the circumstances of the second destruction of the settlement showed conclusively that it was carried out by the same leaders as were responsible for the first. Intercepted letters show their surprise on finding the settlement re-established under Governor Semple, and the preparations that were made, not only to complete the work next time, but to make it impossible for the settlers to return.[138] No letters or couriers, to or from the Hudson's Bay Company, were allowed to pass,[139] while all the half-breeds available were ordered to rendezvous at the Red River to make sure of success. An unsuccessful attempt was made to muster a large number of Indians in order to saddle them with the crime. Both sides were nervous; at any time blood might be shed. The 'North Westers' were too anxious to prove that their attitude and actions were simply retaliatory and in defence of their fur trade rights.[140] But that issue had not been raised, and to commit outrages in anticipation of probable trouble was a dangerous policy to pursue.

133. A Statement, p.174 ff. 134. Ibid, pp.60-61.
135. Q 139, p.230; Q 140, p.329; Q 320, p.324.
136. Q 137, p.203, Sherbrooke to Bathurst, Oct.23,1816; Q 144, p.154, same to same, July 19,1817, the surrender of Fort William to Selkirk.
137. A Statement, op.cit. p.63 ff.
138. Ibid, pp.71-73, letters from Alexander McDonell to Cameron, March 13,1816; see C.Grant to Cameron, same date.
139. A Statement, pp.100-102, 140. A Narrative, op.cit. pp.41-45, 50.

The trouble began as soon as Cameron returned to Fort Gibraltar. The settlers became aware of impending trouble. By order of Governor Semple - "a mild, steady, just and honourable character" - Cameron was arrested and conveyed to Hudson Bay to be sent to England for trial.[141] On the plea of retaliating for the arrest of Cameron, the 'North Westers' on May 12, seized about 600 bags of pemican and looted Brandon House, the property of the Hudson's Bay Company.[142] The fatal climax came on June 19, when the settlement was attacked and Governor Semple and twenty men were killed.[143] Some of the leaders were detained as prisoners, and the rest allowed to depart northwards. The 'North Westers' explained the attack as precipitated by Governor Semple, in endeavouring to prevent all communication by water between Fort William and Qu'Appelle. To circumvent this step, they sent provisions by land for their up-canoes, entrusting it to fifty Indians and half-breeds, with instructions to avoid Fort Douglas and molest no one, and that Semple, observing the Indians, tried to intercept them with such fatal consequences.[144]

The 'North Westers' were too eager to associate the Indians with the atrocious deed. The story was overdone; Indians on the warpath scalped indiscriminately and did not suffer their victims to leave unscathed. Unfortunately for the reputation for veracity of the 'North Westers,' all the persons who were actively engaged in the massacre of June 19, were subsequently rewarded for their services, and F. Boucher, a North West clerk, who was present during the affair, made no mention of Indians in his testimony.[145] To reward men for successful murder was a strange way for a magistrate to dispose of a serious crime. It was a great mistake in the first place to empower men, unqualified by training and temperament, as justices of the peace at a time when all parties were biased by personal animosities and party spirit, and who used their power to justify unlawful acts by forms of law and authority.[146]

After restoring the settlement to order, Selkirk returned to Upper Canada to answer various charges that had been made against him.[147] His trial was little more than a mere parody upon justice. All the legal lights of the province were closely

141. Ibid, pp.47-49; A Statement, op.cit. p.90,ff; Q 146, p.167, Nov.3,1817, Cameron to be brought to England for trial.
142. A Narrative, op.cit, p.50; Martin, op.cit.p.
143. A Statement,op.cit.p.89 ff. 144. A Narrative, op.cit. pp.51-55.
145. A Statement, op.cit. p.185.
146. A Narrative, op.cit. p.150; Q 150, p.188 ff, a long and detailed account of the struggle between the North West Company and the Hudson's bay Company.
147. Q 150, p.165, a detailed account of the re-settlement by Selkirk of the evicted settlers; Q 144, p.8, Sherbrooke to Bathurst, May 5,1817; Q 147, p.165 ff, various testimonies concerning Red River; ibid, p.333; Q 148, p.194, Sherbrooke by Bathurst, April 7,1818, impartial trial impossible either in Quebec or Montreal; ibid, p.368 ff, difficulties in securing justice; Can.Arch.Report 1897, pp.86-101, an account of the trial; Q 153, p.816, a charge of injustice; ibid, p.854, Selkirk to Bathurst, July 30,1819, complaining of the nature of the persecution; ibid, p.1030, copy of the indictment against Selkirk; Q 325, pp.5-89, 242, 292 ff, 309, 425; Q 327, p.2 ff, 148, 240, 257, accounts of the trial.

related to the partners of the North West Company. He was fined £2,000. Towards the end of 1818, he returned to England, broken in health. Later he asked the Government to make a thorough investigation of the whole affair. On August 8, 1820, he died at Pau, at the base of the Pyrennes,[148] and was there buried. In 1821, the rival Fur Companies merged, and peace reigned over the troubled waters of prairie politics,[149] and in 1836, the Hudson's Bay Company took over the colony.[150]

One other feature of Selkirk's grant claims a passing reference. The Hudson's Bay Company reserved an undivided tenth part of the area for the use of their servants who after three years' service had the right to retire from the fur trade to settle down as farmers in the country. In 1821, after the amalgamation of the two fur companies, so many of this class took advantage of this concession as to outnumber Selkirk's settlers. Governor Simpson relates that the permanent settlement of the Red River really began at that date. Some of the Hudson's Bay people had already received grants of from 1,000 acres to chief factors, to 50 acres to labourers, in the settlement belt. At the same time every veteran of either company was given a free grant and the opportunity of purchasing extra land. In 1874, all those who came to the Red River Colony under the auspices of the Earl of Selkirk between 1813 and 1835, and their children, were given an extra 160 acres each out of Dominion lands, and a like grant was made to all other white settlers who had arrived within the same period under any other auspices.[151]

Selkirk has been severly criticised for all the troubles in connection with his colony, and accused unjustly of sending men to their death for purely selfish ends. His correspondence, and the treatment of his followers, disprove such harsh judgment. In spite of failures and mistakes, his motives were philanthropic. His judgment regarding the agricultural possibilities of Manitoba was sound, and in many ways his memory is revered and perpetuated. But it is not on the Red River alone

148. Kingsford, op.cit. Vol.9, p.108 ff, Q 328, p.324, the death of Selkirk.
149. Basil Williams, Pitt, Vol.I, p.13; Q 159, p.78,241; Q 162, p.184, the Deed of Covenant; Thunder Bay Historical Society, Thirteenth Annual Report, pp.7-10,: A Synopsis of the events leading up to the amalgamation of the North West Company with the Hudson's Bay Company, by F.D. ~~Martin~~ Fergan; Martin, op.cit. p. ; Innis, the Fur Trade in Canada, p.285:"On March 26,1821, the amalgamation agreement was signed;" Dalhousie Papers, Vol.4, Dalhousie to Nicholas Garry, Esq., Quebec, May 17,1821:"...I must express to you the sincere satisfaction with which I have been informed of the union of the Hudson's Bay ~~Company~~ and North West Companies. As an individual knowing the unhappy circumstances that have accured, I rejoice in this final termination of them - in my public station, I hail it as one of the most happy events that could have been effected for the peace and tranquility of that immense British Empire."
150. Can. Arch. Report, 1914-15, p.4,
151. The Pioneers of Rupert's Land, 1836-1870, a Pamphlet dated Winnepeg, March 20,1914: 244 Selkirk followers and 605 descendants, total 849.

that his good name is untarnished. Sir Walter Scott, a fellow member of "The Club" for the discussion of social and political questions during their student days at Edinburgh, says of him "I never knew in all my life a man of more generous and disinterested disposition." Wedderburn claims that "he was a remarkable man who had the misfortune to live before his time," and Mr. Robert Stewart of Prince Edward Island, writing years after Selkirk's death, testifies that he never knew anyone more humane or more honourable, "nor one less capable of countenancing an act of oppression or injustice by those acting under him, nor one who did more towards promoting the prosperity of the colony."[152] In striking contrast to the contribution of Lord Selkirk and Colonel Talbot to the development of Canada are the questionable methods used by the Laird of McNab, and the misfortunes of Donald Cameron.

152. Young, A Statement of the Escheat Question in the Island of Prince Edward, p.27; Q 174, p.322, Macdonald, Superintendent of Red River Settlement, 1820-23, to Bathurst, May 18,1825.

(3) GRANTS TO GOVERNMENT AGENTS.

The colonizing experiences of Talbot and Selkirk may serve to illustrate various phases of the Imperial Land Policy of the eighteenth and early nineteenth century, the absence of a consistent plan, the willingness to experiment with ideas that promised large public returns at private cost, the ease with which large tracts of waste lands were alienated from public control, the fertilising influence of capital rightly applied upon the systematic development of a young country in its pioneering stages, the difficulties met and overcome, and the rewards expected. Cameron and McNab are in a slightly different class from the speculators of their age: they were regarded purely as government agents bound to place a settler upon so many acres till the townships at their disposal were filled up. In actual practice they copied the deceptive methods of contemporary monopolists, who sought personal gain rather than public benefit.

There is scarcely a more tragic figure in the annals of Canadian land speculation than that of Donald Cameron of Lancaster, Upper Canada. Like many another he was prodigal in making promises which he was unable to fulfil. His justification was that usually land speculators were not expected to keep their promises. His whole career was beset by a series of calamities of various kinds, which common prudence might have predicted and prevented. In 1821, his first cargo of human freight, by the "Earl of Dalhousie," was wrecked on the island of Anticosti;[1] in 1830 he was arrested for perjury, and in 1836 indicted for high treason in connection with his colonization schemes. For the next thirteen years he was engaged in a ceaseless and fruitless correspondence with the Provincial and Imperial Governments to justify his position and salvage his broken fortune. His character deserved a better fate. Unlike McNab, he was recommended for his humanity, and throughout the whole period his followers testified that he had "fulfilled his engagements with them in every respect to their entire satisfaction...that at the expense of much personal fatigue and pecuniary means, he relieved their necessities and was much better to them than he promised at their first engagement."[2] Others testified to his exertions to promote the welfare of the settlement by the opening of roads and the running of a packet from Thorah to Holland Landing at a ridiculously slight charge compared to others.[3]

1. Rules, Laws and Regulations, U.C.Land Petitions, Sept.9,1821: *appt*
2. Q 334, p.141, Testimony of Lt.Col.Alexander Cameron and Rev.Duncan McIntyre, Kilmalie, Scotland; U.C."S" Jan.17,1826, Testimony of John McLennan,J.P. and Alexander McKenzie of Glengarry.
3. Q 390, p.414; Q 386, p.273, Testimony of the Justices of the Peace and Commissioners of the Court of Requests; U.C. "S" Oct.30,1839, Petition to the Governor on his behalf.

Cameron had been for some years engaged in conveying emigrants to Upper Canada before he brought his services to the attention of Bathurst in a petition for pecuniary assistance and a tract of land on which to settle them altogether.[4] He emphasised the precarious nature of his services, the disappointments, inconveniences and losses, owing to the poverty of many of the one hundred and forty families he had been the means of helping to emigrate at a total expenditure of £1,200.[5] In reply, Bathurst stated that there was no fund available for the relief of so deserving a case.

In June 1824, Cameron again brought his claims before Government and was informed by Wilmot-Horton that similar portions of land would be given to his emigrants as were given to those from Ireland in 1823. Each male adult between the ages of eighteen and forty-five would receive a location ticket for seventy acres of land with a reserve of thirty acres purchaseable for £10 within ten years. Each lot of seventy acres would be subject to a quit rent of 2d per acre per annum, to commence on the sixth year of location and redeemable on the payment of twenty years' purchase. Patent would issue on the completion of settlement duties and payment of fees. No other assistance of any kind would be extended by Government for the conveyance, maintenance or location of the settlers.[6] Not satisfied with this, Cameron again pleaded for more favourable terms to enable him to form a compact settlement of all his followers. He therefore asked for the township of Thorah in the Home District, and of Eldon in the District of Newcastle, and a grant to himself commensurate with the character of his services.[7]

On this occasion, the Executive Council was in a more charitable frame of mind. He was asked to furnish more specific information regarding the ages of the emigrants, with a list of those who had paid their own expenses and of those under financial obligation to him for their passage, together with the nature of the agreement, if any, between him and his emigrants.[8] His reply to this demand was evidently quite satisfactory, for the Council recommended that the townships be reserved for him "as it is desirable that a few Scottish settlers be placed in the Newcastle and Home Districts." He was allowed one year to collect the emigrants, and since they had arrived in the province "before the usual mode of granting land was suspended, the heads of families who have five children or upwards be granted 200 acres,

4. Q 334, p.140, Cameron to Bathurst, June 5,1823.
5. Q 170, pp.249-52, 285, Feb.4,1824; Q 375, p.170, Nov.1,1825, Cameron to Maitland; Land Book M, pp.462-63, Minute Executive Council; Q 356, pp.73-84; Q 386, pp. 278-92; Land Book C, pp.354-59, Executive Council to Colborne recapitulating the whole story Nov.26,1830; U.C.Land Petitions, Downie to Bathurst, Feb.4,1824; ibid, Horton to Downie, Feb.9,1824; ibid, Downie to J.McGregor, Fort William, Feb.10,1824.
6. Ibid, June 19,1824; Q 337,A, p.123.
7. Q 375, p.169 ff, Cameron to Maitland, Nov.1,1825; Q 419, pp.139-42; U.C.Land Petitions, Feb.15,1826; U.C.Land Book O, p.354 ff, Ex.Ccl.to Colborne, Nove. 26,1830. In February 1826 Cameron before the Council for Thorah and Eldon.
8. Q 375, p;173, U.C.Land Book M, pp.462-63, 566-67.

and such as are single or have small families be granted 100 acres."[9] Cameron himself was allowed 1,200 acres "on account of his great exertions...by way of remuneration,"[10] On March 11, the plans of Thorah and Eldon were transmitted to him by Thomas Ridout, Surveyor-General, indicating the lots available for location.[11] From that day till his case was finally disposed of in June 1849, he trod the thorny path of care and disappointment.[12]

Cameron was unable to collect and settle his followers within the time limit, and was compelled to ask for several extensions of time in order to fulfil his pledge to Government. In December 1840, he was still pleading for more time, the invariable excuse being the poverty and sickness of many of the emigrants.[13] In January 1829, the Council, in granting a further extension of six months, indicated that "stronger proofs should have been adduced and will be required upon similar applications in the future." By November their patiance seemed exhausted. They ruled that to those who had actually settled and "performed any part of the settlement duties, the period be extended for six months from this date, but that with respect to those who have never taken actual possession, no period of indulgence be given, as eighteen months beyond the time limit have expired."

These repeated demands for an extension of time produced in the Council a conviction that all was not well in the "Kingdom of Denmark," and that an investigation was necessary. Cameron was called upon to produce a chart of the townships showing the lots granted in each with the name of each settler thereon, "there being so many of the same name." About the same time an unsigned letter was sent to Dr. Strachan, a member of the Council, complaining that lots were entefed by Cameron in the names of dummy locatees, or of those who had no idea of becoming actual settlers, and recommending "an enquiry into the true state of the settlement be made by His Excellency's direction, in the presence of one of the most respectable inhabitants of the township, and that Mr. Cameron have notice of it in order that if the complaints made against him be unfair, he may be able to show it satisfactorily." The Council took immediate action; on March 12, Cameron was officially informed of the proposed enquiry.[14] The purpose of the inspection "was not to disturb any resident who has made improvements but to procure such information as might enable him (the Lieutenant-Governor) to authorise the Commissioner of Crown Lands to place settlers on all the vacant lots."[15] Cameron, if his hands were clean, had nothing

9. Ibid, pp.566-567.
10. U.C. "S" Nov.21,1825, Cameron to Major Hillier.
11. Q 375, p.175; Q 419, p.146.
12. U.C.Land Book E, p.281, June 9,1849.
13. U.C.Land Book O, p.354 ff, Nov.7,1827; ibid, N,p.162, Nov.12,1827; U.C.Land Petitions, April 4,1827; Q 356, p.73 ff; Q 358, p.124 ff, Nov.13,1829; Q 375,p. 188, Nov.19,1830; U.C.Land Book O, pp.177-178, March 9,1830.
14. Q 358, p.130.
15. Ibid, p.147, Nov.17,1830, J. Mudge, Civil Secy. to Cameron

to fear from such an investigation; his attempts to whitewash his own actions and detract from those of his opponents did not indicate a clear conscience.[16]

The investigation was conducted by Arad Smalley who, according to the Executive Council, was "a gentleman of known integrity and discretion, and a very old inhabitant in that part of the province which lies in the neighbourhood of" Thorah and Eldon.[17] Cameron's character sketch of him is anything but complimentary and may be prejudiced. He called him "a creature of the Robinsons," and the only man who would consent to make such an investigation; that he was sent to ruin him, and that during his spare time he"was in a state of habitual intoxication."[18] Perhaps these conflicting opinions epitomized the bitterness of local politics as much as they revealed the facts of the case.

Smalley's report was a dismal one.[19] It showed the performances and the failures within the townships. After four years of effort on the part of Cameron, there were only sixteen lots in Thorah and thirteen lots in Eldon actually occupied by his settlers, while one hundred and ten lots reported as occupied in Thorah, and two hundred and seventy in Eldon were unoccupied. Of the forty-one cases previously reported by Cameron as having satisfied the terms of settlement in Eldon, one had partly cleared the road in front of his lot, slashed one acre of land, and built a house that was left roofless; two had cleared the saplings from the road, one had built a house only, the remaining thirty-seven had done nothing. Similar conditions were reported from Thorah. Cameron had made a false return; perjury had been committed, and the Executive Council, on October 15, recommended that the guilty person or persons should be prosecuted,[20] but that those actually on their lots who had fulfilled the settlement duties were not to be disturbed.[21] An extension of twelve months time was given to actual settlers to complete their settlement duties, after which all vacant, unlocated or neglected lots were to be declared vacant and grantable to others.[22] This ruling was intended to prevent further imposition and to do the fullest justice to all individuals concerned.[23] The Surveyor-General was instructed to make out a list of all the vacant lots in the townships "including those on which settlement duties were said to have been performed, but which have

16. Petitions in Cameron's favour, see Q 358, p.130 ff; p.164 ff; p.132 ff. Sept. 9,1830; Q 375, p.166 ff; Q 386, p.265, Nov.27,1830; U.C. "S" Mar.18,1830; His attacks upon others may be found in Q 358, p.134 ff; U.C. "S" April 6,1830; U.C.Land Petitions, Oct.4,1830. His pet aversions were William Turner, whom he called a low-minded creature, and the Robinsons whom he accused of plotting his ruin, and who retaliated by accusing him of fabricating favourable petitions; U.C. "S" April 27,1830.
17. Q 386, pp.278-292, Ex.Ccl. to Colborne, Nov.26,1830.
18. Q 371, p.176 ff, Cameron to the Executive Council.
19. U.C. Land Petitions, Sept.17,1830.
20. Q 386, p.278 ff, Nov.26,1830, Ex.Ccl. on the Report; Q 356. pp.73-84; U.C."S" pp.354-359, Oct.15,1830.
21. Q 330 (C187) March 10,1834.
22. Q 424, p.168, Minute of Council, June 26,1834.
23. Q 390, p.400 ff, Ex.Ccl. to Bond-Head,May 9,1836, concerning a former decision of Nov.26, 1830.

been falsely sworn to." Cameron denied the accuracy of the report, petitioned Parliament for justice, accused the Robinsons and the other members of the "Cabal" of wrecking Upper Canada and driving two-thirds of the emigrants out of the country into the United States.[24] Goderich sent a copy of the petition to Colborne asking for a report upon the statements contained in it.[25] The Council in answering these "absurd accusations" claimed that "every facility had been afforded him in forming his settlement and repeated indulgences afterwards shewn him by extending the period of settlement duty to himself and his followers until it was found that there was no prospect of his performing the conditions of his agreement, and that the interests of the province would be materially injured by prolonging to him and his settlers the privilege of having retained to them a large portion of the vacant lands of the Crown, which would readily be taken up if thrown open for general settlement."[26] They also accused Cameron of trafficking in lots by acting as agent for his followers, entering their names upon the plans in the Surveyor-General's office without their actual personal appearance.[27]

It is difficult to unravel the exact truth of the matter. From York jail Cameron addressed the Lieutenant-Governor almost daily, protesting his innocence and repeatedly offering to pay the expenses of an independent commission of investigation,[28] which the Council refused on the ground that the Government could not enter into a general arbitration with a settler.[29] The first settlers, however, remained loyal to him and petitioned frequently on his behalf.[30] The Council claimed that these were written and circulated by Cameron, and left them, together with some of his letters, unanswered from nine to fourteen months.[31]

In 1836, the matter entered the arena of local politics when a select committee of the House of the Assembly asserted that sufficient evidence existed to prove that Cameron was not altogether to blame and urged a strict and immediate investigation.[32] In January 1837, the Committee reaffirmed its belief in the justice of his case,[33] but that might have been due to the bitter struggle between the Executive Government and the House for the control of provincial politics.

24. Q 358, p.120 ff, Petition to the Throne, Mar.12,1831; Q 424, p.173, D.Cameron to the Colonial Office, Feb.17,1839.
25. Q 373A, p.120, April 27,1831.
26. State Book I, pp.533-35, July 12,1831.
27. Q 390, p.400 ff, Report of the Executive Council to Bond Head, May 9,1836.
28. Q 375, p.186, April 9,1832; U.C."S" Cameron to Bond Head, April 28,1836; ibid, Aug.18,1836; Q 424, p.171, Jan.27,1837.
29. Q 390, p.400 ff,op.cit.; Land Book J, p.375, Aug.30,1838, Report of Council; Q 419, p.124 ff, Arthur to Normandy, Sept.6,1839.
30. U.C. "S" Nov.27,1834, Petition signed by 260 persons, another Nov.30,1829, signed by 100, others dated April 4, and 27,1832, March 18,1830, Nov.26,1828; Q 390, p.420 ff, July 13,1835.
31. Q 386, p.262, Glenelg to Colborne, Nov.30,1835, censuring Colborne for leaving Cameron's letters unanswered.
32. Q 390, p.410; Q 419, pp.139-43, April 12,1836.
33. Q 424, p.171, Feb.27,1837.

The Council refused to reverse their decision, claiming that the case had been repeatedly considered under several changes of members of the Council and under successive governments, and they questioned whether Cameron should be encouraged to appeal from one government to another,[34] and that neither he nor the persons settled by him had any claims which had not been enquired into and justly disposed of.[35] The Lieutenant-Governor upheld their Council, and the Colonial office refused to re-open the case.[36]

One is forced to the conclusion that Cameron was dissembling and endeavouring to secure possession of more land than the 1,200 acres to which he was legally entitled, hoping that by persistent appeals from year to year he would gain time to mature his plans. On the other hand it is very evident that the Executive Council seemed only too eager to take advantage of Cameron's dereliction of duty to deprive him of his control over the townships, particularly in view of the large grants of land held by absentees upon which no settlement duties had been performed, or even in contrast with the consideration showed the Laird of McNab under somewhat similar circumstances.

Few speculators in the waste lands of Canada had a more varied and romantic career or left a more vivid impression upon the minds of their contemporaries than Archibald McNab of McNab. Always dressed in the Highland garb, attended by his clan piper, he was both an attractive figure on the streets of Montreal and of York, and a welcome guest in the drawing rooms of the official circle of the provincial capitals. He was regarded as an ideal host, and from Kennell Lodge, on the picturesque shore of Lake Chats on the Ottawa, amidst rustic simplicity to the wild cadences of the bagpipes, he dispensed generous hospitality alike to those in honourable poverty and to those of titled wealth. All who came into touch with him socially felt the charm of his courteous, old-world manners, and they found it difficult to understand how such a polished gentleman could be such a tyrant to his settlers.[37]

Late in 1822, a bankrupt and a fugitive from justice in Scotland, McNab reached Quebec and immediately sought to repair his lost fortunes by speculating in Crown lands. In this way he was aided and abetted by his friends and his own persuasive abilities. The kindly welcome given him by the Governor-General, Lord Dalhousie, marked him out as a man of importance in a day when a good introduction gained access

34. Q 419, pp.155-56, July 4,1839.
35. Q 386, p.260, Colborne to Glenelg, Aug.21,1835, enclosing a Report by Council.
36. Q 419, pp.124-26, Arthur to Normandy, Sept.6,1839; Q 401, p.128, Oct.30, Normandy to Arthur, agreeing with the attitude of Ripon and Glenelg which he considered as conclusive; Land Book "C", pp.389-90, Committee of Ex.Ccl.Dec. 31,1845, abide by decision of Nov.26,1830; Land Book "E" p.14, Aug.30,1848, Report of Committee of Ex.Ccl.; ibid, p.281, June 9,1849, case finally disposed of.
37. Bouchette, British Dominions in North America, I, pp.82-3; Martin, Lower and Upper Canada, p.226; McTaggart I, pp.277-78.

both to the friendship and assistance of the official body. McNab took the fullest advantage of these privileges. At York his advances were favourably received, and soon he numbered amongst his friends the Attorney-General, the Surveyor-General, "the Honourable and Venerable Archdacon" Strachan, and "all the Honourable members of the Council." Under such promising circumstances McNab's career in Canada began and is thereby intelligible.[38]

Escape from the consequences of insolvency was not McNab's only motive in coming to Canada. In a letter to Dalhousie, thanking him for his hospitality, he said: "I have been successful in one of the motives which led me to this country for I have traced out and found in the possession of one of the old tenants of my family in Lochiel (in this country) a very sacred Jacobite relic, nothing less than the broad sword of Prince Charles Edward Stuart, called by some people the 'Pretender' and in spite of his own "sincere veneration and attachment to it," he hoped that Dalhousie, in whose veins ran "the noble blood of Panmure,"would consent "to present The Sword of Stuart to the Chiefs of the House of Brunswick," even though "my giving or presenting it to any person is a very great sacrifice." Such a presentation, he hoped, would not convey the suggestion of presumption, or "militate against my views or plans in this country" - was he flattering Dalhousie to further his own personal designs upon the public domain? He stalked his prey warily. To government officials he appeared as the anxious chieftain who feared the loss of Highland clansmen to the Empire by their becoming American citizens. To frustrate such a catastrophe he had come to Upper Canada to prepare a comfortable home for them, pledging his word for their loyalty, offering to introduce them into the province at his own expense and superintend the settlement personally, and seeking only a return equivalent to his expenses in transporting and settling them. To make sure of reimbursing himself, he asked that in the event of his petition being granted, no deed be given the settlers except on his certificate after all the terms had been fulfilled. The unusual nature of the petition led Maitland to question the wisdom of making such a grant.[39] He was apprehensive of the possible misunderstandings and inconveniences that would attend the execution of the scheme.[40] Bathurst concurred in thinking that the plan would be "embarrassing both to the Government" and to McNab himself, and refused the petition.[41] But before Bathurst's

38. U.C. "S" Feb.26,1829, McNab to Colborne; Ont.Hist.Socy. Vol.XII (1914), Feudalism in Upper Canada, 1823-1843; Dalhousie Papers, Vol.5, A.McNab to Dalhousie, dated Williamsburg, County of Glengarry, 15th Dec.1822: "The kind of Scottish reception I was honoured with by your Excellency upon my coming to this country, the protection you have condescended to favour me with in it..."
39. Q 333, pp.118-124, March 13,1823, to Bathurst.
40. Q 335, p.378, May 14, 1824, to Bathurst.
41. Q 337A, p.133, Bathurst to Maitland, Sept.22,1823.

decision arrived, McNab succeeded in persuading the Upper Canada Executive to take a more favourable view of his plea. One would like to know the inner history of that conversion which placed McNab among the favoured class of applicants for land. He was asked to submit details of his plan for the consideration of the Lieutenant-Governor and Council. On October 15, he communicated the desired information and asked for a township on the Ottawa, free of the usual fees, surveyed into lots of 100 acres, to be conveyed to his settlers on his certificate. These settlers were to enter into specific agreement with him before leaving Scotland by which their total expenses to their destination would be paid by McNab; they would have the free use of their lots for the first three years, and after that period they were to pay him, as compensation for the capital invested by him in their behalf, one bushel of wheat annually for every acre cleared. Any part of the township remaining vacant after twelve years would revert to the Government.[42]

On this occasion, Maitland, in submitting the plan to the Executive Council, saw no reason for refusing it providing McNab's settlers agreed to the terms. The Council therefore, in spite of certain valid and obvious objections to the scheme, recommended that a township of the usual dimensions be set apart on the Ottawa River, next to the township of Fitzroy, in the County of Carleton, and placed under the superintendence of McNab for settlement, and to remain under his sole direction for eighteen months, when the progress of the experiment would enable the Government to judge of the propriety of extending the period. The conditions entered into between himself and the settlers were to be fully explained in detail and a duplicate lodged with the Government. An immediate grant of 1,200 acres was recommended to McNab, to be increased to 5,000 on completion of his contract. Each settler was to receive no less than 100 acres with no further claim upon Government, except families of means or "strong in number" whom it might be deemed prudent to encourage. Patent might issue to the individual settler on McNab's certificate, or to McNab in trust for any number of settlers certified by him. Finally, the settlers were given the option of refunding within seven years any expenses incurred on their behalf by McNab.[43]

Maitland's explanation to Bathurst was that "the people he engages to bring out are of a class the most desirable for loyalty and steady habits," and would undoubtedly be a valuable acquisition particularly since the intention was to settle them in the neighbourhood of the emigrants from Ireland, recently introduced by

42. U.C.Land Book L, pp.477-81, Nov.5,1823, Major Hillier to Ex.Ccl.; U.C."S" Petition of settlers of McNab to Lt.Col.Colborne, seeking redress.
43. Q 335, p.383 ff, Ex.Ccl.to Maitland, Nov.5,1823; State Book "M" pp.108-114, Report on the settlement of the Township of McNab, July 23,1839; Order-in-Council, Nov.5,1823.

Peter Robinson, to whom their example would be beneficial. He knew of no better disposition of the township should McNab fulfil the pledge he had given; and if he failed, the Government could resume the township and assure its settlement by other means. His only concern was the possibility of devising an arrangement that would prove satisfactory to McNab's followers and impose no unpleasant responsibility upon the Government.[44]

The agreement was workable if honestly enforced; McNab had no such intentions and from the first he consistently sought to evade the conditions, not only by concealing from his settlers his real position as Government agent, and by misrepresenting himself as the owner of the township, but also by the flagrant disregard of his own promises to his settlers. He regarded the agreement merely as a fine opportunity to retrieve his squandered fortune, while at the same time he was protesting that his motives were disinterested and that he had a "deep interest in and a sincere wish for the welfare and prosperity of McNab," meaning himself, not the township.[45]

Partly owing to delays in surveying the township,[46] and partly to other causes, no practical attempt to introduce settlers was made by McNab until his letter of August 10, 1824, to Dr. Francis Hamilton of Arnprior and Leney, to whose friendship he owed his timely escape to Canada, and to whom he now turned for financial and other assistance. He informed him that the township of McNab had been handed over to him, that arrangements for its settlement were complete, and asked him to secure twenty families as his first settlers. Before sailing, each head of a family had to sign a bond which had been specially prepared by the Attorney-General, "by the desire and approval of Government."[47] The bond embodied the terms of McNab's agreement with Government of November 5, 1823, regarding the amount of land each settler should be entitled to and the conditions attached thereto. Beyond that, McNab promised to convey the emigrants to his township and find them in all needful provisions from the time of their arrival at the port of embarkation till they should be placed upon the lands reserved for them. The settlers on their part acknowledged their indebtedness to McNab to the amount of £35 for every male over twenty-one years of age, £25 for every person over fourteen years of age, and £15 for all persons under fourteen belonging to these respective settlers.[48] This scale of charges was "made out under the authority of Government according to the scale of

44. Q 335, p.378, Maitland to Bathurst, May 14,1824.
45. U.C."S" McNab to Colborne, June 16,1830.
46. U.C.State Book, McNab to Major Hillier, Sept.1824; U.C.State Book "M" p.108 ff, July 23,1839, Report on settlement of McNab Township.
47. U.C. "S" McNab to Secretary to Lt.Governor Colborne, Feb.26,1829.
48. U.C.State Book "M" pp.108-114, Report on Settlement of McNab Township, July 23,1839.

the Hon. Peter Robinson for taking emigrants to this country."[49]

On April 20, 1825, Dr. Hamilton wrote McNab from Greenock, Scotland, that twenty-nine families, including one hundred and one persons, were sailing, and that £3,000 had been put to his credit by Dr. Hamilton and two other persons.[50] On May 28, the Montreal Gazette gave an account of their arrival: "We witnessed last evening a sight of no small degree of interest; namely, the arrival by the ship Niagara of a body of fine Highland peasantry...as settlers for the McNap township... This enterprising gentleman has with a feeling and conduct which cannot be too extensively imitated...obtained from Government a tract of excellent land for the purpose of providing for the surplus population of his estates in Scotland... We have only to add...that the McNab brings these settlers here and places them on lands at his own expense thereby exempting them from that suffering and distress which never fails to accrue to persons of their simply habits coming to a strange country, and wandering about for months without knowing to what hand to turn or where to seek advice." The sequel will demonstrate how inaccurate this account was. On June 23, they reached McNab township, and on the 26th inst. McNab reported their arrival to the Lieutenant-Governor, magnifying the number to 135.[51] Simple but graphic accounts of their arrival are preserved in letters of some of the settlers to friends in Scotland, written when hope was high and their faith in the Laird was unshaken; later accounts, coloured by crushing experiences and a sense of shameful injustice, were gathered from the recollections of surviving pioneers, and found their expression in the columns of local newspapers. After the initial ~~difficulties~~ festivities, the settlers were assembled before the Laird and informed that the township had been granted to him by the Provincial Government because he was a Highland Chief, and that on choosing their lots, he would locate them in due form. To each was given a Location Ticket, embodying the severe terms of the bond already exacted from them in Scotland, together with certain significant additions. No patent would issue until each settler had given McNab a mortgage upon his lands as an acknowledgement of the obligation of the bushel of wheat, or other grain of equal value, per cleared acre for ever, in the name of a quit rent.[52]

The settlers were thus doubly bound to McNab - their bond and the Location Tickets. In their ignorance they trusted him implicitly; as their Chief his word was law. They believed the land was his property and that the conditions he imposed

49. U.C.Land Petitions, McNab to the Ex.Ccl. March 16,1831.
50. U.C. "S" April 20, 1825.
51. U.C. "S" June 26,1825.
52. Ontario Historical Society Transactions, Vol.XII (1914), p.142 ff; Fraser, McNab, p.22 ff; U.C. "S" Peter Ferguson to Sir,G.Arthur, June 29,1840, "Archibald McNab told your memorialist that the township of McNab was his own property.

were regular and capable of fulfillment. In such a hopeful spirit they began clearing their lots, undisturbed by doubts regarding the legality of the document they had signed, or the double dealings and real motives of their Chief. McNab, knowing the people, the inaccessible situation of the township, his popularity and influence with the Provincial Government, felt that the steps he had taken by the sanction and cooperation of the Executive Government, made a perpetual tenure of a large and profitable estate unquestioned. It almost looked as if he had judged rightly; but he was too anxious to rivet his hold upon his people and too unscrupulous in his method.

The trouble began over McNab's broken promises. He had promised the settlers a year's provisions after reaching the settlement, to be repaid out of the proceeds of their crops. He not only violated his promise, he ordered the surplus salt and provisions he had to be destroyed.[53] The settlers were forced to secure food either on credit or by hiring out with neighbouring farmers, to the neglect of their own lots. They were often reduced to the greatest straits, for they were economically handicapped by the want of roads and the difficulties of procuring sufficient provision, and were practically tied to the soil like feudal serfs, since no one was allowed to leave his lot for any purpose without the Laird's permission. To disobey meant punishment of various kinds and of an aggravating character. One illustration will be sufficient.

Alexander Miller claimed that the standing timber on the lots went with the land and denied McNab's right to it. Miller evidently was ignorant of the true character of the Laird, who never forgave the least offence to his pride or the slightest resistance to his authority. In the Spring of 1826, with only six weeks' food in the house, Miller asked permission to leave the township for work and was refused. Necessity drove him to disobey his Chief. He went to Nepean township to work, was suddenly arrested on McNab's orders for a debt of £80 and lodged in Perth jail on the plea that as a debtor he was planning to leave the country.[54] The arrest was illegal since McNab could not enforce collection of the bond till seven years had elapsed. Dr. Hamilton's promises were of no avail. The settlers heard of the arrest at the end of six weeks; five of them walked 66 miles to Perth and went bail for Miller. McNab marked them out as next in line for persecution. Unfortunately Miller, like Macdonald of Glencoe, was one day late in surrendering to his bail; McNab abandoned the case against him and took action against his bondsmen, who were fined £50 each. Their claim was that McNab had failed in his part of the

53. John McLaurin to Peter McIntyre, March 9,1827, Dear Sir,...I wish to let you know that I am the man who spilt the salt by McNab's orders saying there was plenty on the spot... Remember me to all friends in that quarter that wish to give Satan a blow.

54. Fraser, op.cit. p.29 ff.

contract to locate the settlers free of expense; McNab urged his bond. There was no mention made of the agreement between McNab and the Government.

The case divided and distracted the settlement. It vindicated McNab's claim to absolute ownership, which none dared to question openly, yet murmurings of a critical and hostile nature among the settlers could not be silenced.[55] The spirit of discontent and resistance was slowly maturing, and after ten years it assumed form and consistency sufficiently formidable to compel Government action. There were consequences of an unexpected nature from another direction. Dr. Hamilton, learning the real nature of the situation, refused to send out any more settlers. To keep faith with the Government, McNab proceeded to Montreal in 1827, where, "by glowing descriptions, plausible representations, and enticing promises," he persuaded recently arrived Scottish emigrants to settle in his township, after signing an agreement to pay him half a bushel of wheat per acre for ever. In 1830, another contingent of Highlanders were met at Montreal and escorted to the township. In spite of having paid their own way to their destination they were persuaded on McNab's misrepresentations to grant him a mortgage on their lot and pay annually for ever three barrels of flour, or oats of like value, in the name of a quit rent and feu duty. The ignorant settlers thought three barrels of flour a small price to pay for 100 acres of land. By hard experience they discovered that a lien upon their lands of so much in perpetuity and contrary to the custom of the country, was a heavy drain upon their industry. In both cases gross imposition had been practised - upon the Government since these settlers had all paid their way, and upon the settlers themselves in that they were led to believe that the township belonged to McNab. Some left in disgust; others sought improved terms.

The cup of iniquity was filling slowly but surely. In 1829, two settlers, Alexander and Daniel Ross, discharged sergeants of the Royal Sappers and Miners,[56] offended McNab. To punish them he exchanged their lot for another, drew a patent for it in his own name and ejected the Rosses, who retaliated by writing an anonymous letter to Sir John Colborne.[57] The Laird blamed Alexander McNab, the only educated settler in the township and not always as docile as he might be, of having written the incriminating letter, and informed him that he had been "accused by Sir John Colborne of libel, sedition and high treason," which could be attoned for only by contrition, repentance and due humility of spirit. The accused denied the authorship of the letter, and was committed to prison, without bail, for six weeks

55. McTaggart, I, pp.277-78 (1827), "There is considerable rebellion against the authority of McNab".
56. U.C.Land Book "N" pp.67-9, March 13, 1826.
57. U.C.Land Book "S" McNab to Colborne, Feb.26,1829, thanking Colborne for the letter.

pending his trial. At the Assizes the Laird was complimented for his prompt action as witness, prosecutor and judge. The jury, however, acquitted the accused; his exculpation was taken as the first definite check to McNab's illegal methods.[58]

But his tyranny continued. Secure in his prestige with Government, he felt he could ignore the common herd who sat on juries. The grievances of his settlers might go unredressed, but his own requests were promptly granted. The complaints of the settlers were attributed to a spirit of revolt against law and order, while McNab's actions were regarded as a defence of constituted authority. The original eighteen months allowed him to bring in his settlers were, in 1827, extended indefinitely. He was allowed to charge a royalty on all timber cut in his township in return for surrendering his claim to a free grant of 5,000 acres of land. As a Justice of the Peace, he controlled the location and construction of roads, and he used this power to punish the disobedient among his settlers. Not only were no roads opened in their district, he forced them to perform their statute labour on roads far removed from their lands. But the cumulative weight of numbers was telling in favour of the settlers, and those who were under no obligation to him could afford to be critical.

In 1830, Government was compelled to act as a result of a petition for redress of grievances from the Friendly Society of McNab township. They accused McNab of having misrepresented the facts to them in Scotland, by which they agreed to pay him the greater portion of the produce of their land and more than they could afford; that the exactions of McNab were a grievous persecution and that to escape them they were willing to surrender their holdings and improvements, but that they could not reside in safety within reach of McNab's persecutions. They implored Colborne to "deliver them from the remains of a feudal tyrannical system exercised over them."[59] In spite of McNab's efforts to discredit the petitions and his denial of the charges,[60] Government took action. On May 10, Peter Robinson appointed Alexander McDonell to inspect the township.[61]

In his report, McDonell claimed that the settlers were less comfortable and more backward in their improvements than others more recently settled in other townships, due partly to an inferior soil, and partly to the stringent terms exacted from them by McNab: "With very few exceptions the settlers were not proceeding with their clearings...from the idea that increasing them added to their annual rent." He found only forty-one settlers where McNab had returned sixty-four. The only result

58. Fraser, p.40 ff.
59. U.C.Land Petitions, Dec.11,1830; U.C.State, McNab Settlers to Durham, June 29, 1838.
60. U.C.Land Petitions, McNab to Ex.Ccl. March 16,1831.
61. U.C.State, June 25,1830, McDonell's Report to Robinson; it was considered in the Council on July 20; U.C.State "M" pp.108-114, July 23,1839.

of the enquiry was a paper agreement by McNab to a reduction of 50% of the rental. Shortly afterwards the time limit of the Scottish bond expired, and McNab proceeded against those in arrears of rent, particularly against those who had in any way obstructed him. Had he used his powere moderately he might have succeeded, but his relentless hatred provoked counter plans. The settlers determined to resist further encroachments; they organised their resistance so successfully that at the end of two years only three writs had been served. In the meantime, the discovery that McNab was merely a Government agent, trying by fraud to fill his own pockets, strengthened their hands, and while his right over those who signed his bond in Scotland was acknowledged, his claim over those who paid their own way was denied.[62]

In the Rebellion of 1837, the settlers refused to serve under McNab as Colonel. They petitioned the Government, declaring their loyalty and exposing again McNab's impositions. Their expression of loyalty was acknowledged; their grievances ignored. They were informed that the arrangements they made with McNab were of a purely private nature and beyond the control of Government. Fortified by this reaffirmation of his claims, and thinking possibly that even his most outrageous demands would be granted by the supine Government of Bond Head, he took a step which had it been successful would have placed the settlers completely in his power. Under the plea that the settlers had commenced a regular system of trafficking with their lots to his serious loss, he asked for a special deed of the lots according to a list he had lodged with the Surveyor-General, involving 10,000 acres, in order to enable him "to grant those who remain upon their lots transfer deed."[63] The Council, while anxious to afford him every legal assistance to enable him to enforce the performance of the agreement between him and his settlers, and though confident that he would not abuse any new powers conferred upon him, refused his petition for a deed of trust without the consent of the settlers, on the ground that since there was no Court of Chancery in the province, a grant in trust to McNab would have constituted him a judge in his own cause and placed it in his power to disregard the claims of his settlers, or at all events, to insist upon the literal performance of agreements, which in view of their nature, was scarcely possible; and the Government having chosen to act as "trustee for McNab and his settlers" could neither avoid their responsibility nor delegate their powers to "an interested party."[64] With these facts in view, the Council, while refusing his petition, and conscious of the possible "troublesome and vexatious" implications, recommended that the Attorney-General should institute actions of ejectment against the recusant settlers

62. Fraser, p.90.
63. U.C.Land Book "T" p.49, Aug.11,1837; U.C.State, Nov.21,1837, McNab to Hagerman Attorney-General; U.C.Land Book "T" ~~June~~ p.330, June 29,1838, Report of Council.
64. U.C.Land Book "T" p.330, Ex.Ccl. to Lt.Govr.Arthur, June 29,1838.

which could be proceeded in, or stayed, according to the merits of each case, and the equitable rights of the parties.[65] This course would relieve the Government of the burden of deciding the disputes, and of the political consequences of interfering in the private arrangements of the parties concerned.[66]

McNab took prompt action. In November he sent the Attorney-General a list of twelve names by way of experiment, beginning with certain squatters who had refused to come to any agreement, to see what effect it would have upon the others. Afterwards he would take action against "those who absolutely refuse to fulfil the terms of their location altogether by not paying the quit rent they agreed to."[67] On July 6, 1838, the recusants were notified by the Attorney-General of the ejection proceedings to be taken against them unless they fulfilled the terms of their bond to McNab.[68] In November, McNab informed the Attorney-General that all the parties had been served with the intimation without any results, and urged him to take proceedings of ejectment against them forthwith. At the same time he enclosed an additional list of thirty-eight names of defaulters who were to be proceeded against in the same way, adding "may I most earnestly entreat you immediately to take the most determined steps to eject all those contained in the list...and that without loss of time you will send me like copies for those contained in the enclosed list."[69] He would thus foreclose the mortgage and seize the property. But in adopting such sweeping measures of securing his ends, he seemed to have overstepped the bounds of what was expedient, if not strictly legal. The Attorney-General, while willing to issue writs against the first twelve, and desirous of granting him every legal assistance possible, hesitated to issue proceedings against the thirty-eight "without the most positive and precise instructions."[70] In February, ejection proceedings were taken against the twelve.[71]

In the meantime, a petition was presented to Lord Durham signed by fifty-five of McNab's settlers.[72] The full gravity of his sins was mercilessly exposed in a

65. Land Book "T" p.49; p.330, June 29,1838, Council to Arthur.
66. Ibid, p.511-13, Feb.8,1839, Council to Arthur.
67. U.C.State nov.21,1837; see Land Book "T" p.330, June 29,1838, Council's reply.
68. U.C.State, July 6,1838.
69. U.C.State, Nov.14,1838.
70. U.C.State Attorney-General to McNab, Jan.17,1839.
71. U.C.Land Book "T" p.526, Feb.14,1839.
72. U.C.State Book, June 29,1838; U.C."S" McNab to John Macaulay, Waba Cottage, McNab Township, July 28,1838. "Upon my coming home from Toronto I learned that some of my turbulent settlers had petitioned Earl Durham for, as they called it, 'a redress of grievances,' or in other words to get rid of the special engagements they entered into with me. As this second petition will most likely be referred to your Government, your answering it in the same style and manner you did their last, of date the 13th March (a very excellent and proper answer) will show the consistency of Government and quiet them, using the word 'settler' instead of 'follower'. You sending me a copy of their petition, and the answer of Government will singularly oblige. In making this request I ask nothing inconsistent with the honour and practice of Governmet.
signed A. McNab.

lengthy enumeration of all the ills inflicted upon them since their arrival in the township. In August, Durham appointed a commission to investigate the affairs of the settlers; their report was most incriminatory, and bore out in detail the accusations contained in their petitions. A recommendation was made that the original agreement be enforced; that McNab be deprived of all further power; that the settlers who came at their own expense should receive their lands free, and that those who were brought at McNab's expense should pay for their lands ~~and~~ at a valuation to be paid over to McNab. Durham's resignation deferred justice and left the issue in abeyance.

The investigation, however, revealed to McNab the weakness of his position and precipitated a final and despairing attempt to secure absolute control of as much of the township as possible regardless of the fate of the settlers. On February 8, 1839, he applied for a patent deed for the 5,000 acres to which he was legally entitled for his services in settling the township, but selecting those lots on which he had previously placed thirty-six settlers who, in the meantime, had done considerable improvements.[73] The application proved to be a boomerang. It forced a reopening of the whole agreement between the Government and McNab, exposed his real motives and secured a belated justice to the settlers.

McNab almost succeeded; the issue really involved the whole system of disposing of the waste lands of the Crown, and a successful challenge to it would seriously undermine the prestige and power of Government during one of the most critical periods of the political history of Upper Canada. This explains the apparent anxiety with which the question was considered and the delay in reaching a decision. The Attorney-General ruled as his considered opinion that while there was no legal objection to the application being granted, he questioned the expediency of putting so much power in the hands of one person, which might be used in the exercise of a strictly legal or equitable claim to expel so many families from their farms. And while admitting that justice should be done to McNab and the faith of the Government maintained, he advised the utmost caution in deciding the relative claims involved in the "most injudicious" agreement made between the Government and McNab. He therefore advised, as "the easiest and wisest way" out of the difficulty, that the Government "resume the control of the township and its settlement, and grant McNab a compensation in lieu of all claims," and make such terms with the settlers that would not only remove their grievances

73. U.C.Land Book "T", p.511-13, Council to George Arthur.
74. ~~Land Book "T" pp.525-26, Feb.14,1839, Attorney-General to John Macaulay, Civil Secretary~~.

but leave the Government free to effect a solution satisfactory to all concerned.[74] The Council, while regretting exceedingly having entered into an agreement with the McNab, "which made the grants to the locatees subject to the performance of agreements between himself and the settlers," and fully apprehensive of the possible unfortunate consequences to the settlers of granting McNab's application, felt committed by the terms of the original Minute-in-Council which promised a deed in trust to the McNab that was regarded in the light of a pledge to him.

At the same time, however, A Court of Chancery had already been established in the province. The Council therefore recommended "that a patent be issued to the Laird of McNab, in trust, to convey to the settlers respectively...the lots of land upon which they are located," after they had fulfilled the conditions of their bond to McNab.[75] The grant was passed and signed, but on being referred to the Surveyor-General,[76] it was discovered, though hitherto overlooked, that the McNab had voluntarily surrendered all his rights to the 5,000 acres in question in return for timber rights and that the lots were already occupied. McNab was informed that "the Council cannot recommend a location to the Laird of McNab of lands located to his settlers."[77]

Foiled on every hand and evidently realising the game of perfidy had been played out, he had an interview with Sir George Arthur, who, on the advice of the Attorney-General, suggested to McNab that he surrender the township for a pecuniary remuneration in lieu of all his claims.[78] McNab therefore asked for £9,000, but on being requested to furnish verifiable accounts and vouchers, he fell back on the specious plea that since all his agents were dead, he was unable to supply the required information.[79] There were other complications. Of the sisty-five settlers whom McNab claimed he had brought into the township at his own expense,[80] only thirty-one remained on their lots. The others had left, transferring their locations and improvements to persons who denied any obligation to McNab. However, the Council ruled that all who signed the bond, or the purchasers of the lots of the signees, were liable to McNab, and that none became settlers on the understanding of receiving a gratuitous title to the land. But as no quit rent had been paid to McNab since the settlement was formed, to claim the full rent would ruin the settlers. The question was how to leave the settlers in possession of their lots and pay McNab

74. Land Book "T" pp.525-26, Feb.14,1839, Attorney-General to John Macaulay, Civil Secretary.
75. Ibid, pp.511-13, Feb.8,1839.
76. Ibid, p.567, April 6,1839.
77. Ibid, p.439.
78. U.C.State, Feb.16,1839, McNab to John Macaulay, Civil Secretary.
79. U.C. "S" Sept.17,1839; U.C.State "M", p.124-30, July 25, Agents - Dr.Hamilton of Callendar, Mr.Jameson, Advocate, Edinburgh, Jas. Miller, Montreal.
80. 29 from Scotland @£100 per family =£2,900, 36 from Montreal @£20 per family =£720: Total£3,620. McNab's Memorial, Feb.6,1839; State Book "M" pp,108-114, 185-188, Sept.27,1839, report by Executive Council to the Lt.Govr. on the McNab Township.

what was due to him? In view of the involved nature of the case, the Council recommended that McNab execute to Her Majesty an assignment of all his claims upon the township, and of all contracts and agreements entered into with his settlers, that he be allowed the sum of £4,000 with interest from date until final payment; that the lands in the township of McNab be sold to the settlers on the terms upon which Crown lands had hitherto been disposed of, and at a fair valuation, not taking into account the improvements of the settlers; that McNab's claims be paid out of the receipts of such sales; that any payments in money, kind or services, by the settlers to McNab be allowed in the purchase of their lands, and deducted from the amount due to McNab.[81] Sir George Arthur fully concurred in the recommendation, believing that the immediate repeal of the agreement between the Government and the Laird of McNab would be in the best interests of the Government, the Laird and the settlers. For not only had the agreement "entirely failed to produce the beneficial results anticipated from it," it had actually produced "consequences of a very opposit character." On October 1, McNab, not without a fierce struggle with his wounded pride and vindictiveness of spirit, accepted the inevitable in these words: "I am willing to acquiesce in the terms proposed in the foregoing Minute of Council, and to execute any formal agreement that may be deemed necessary for carrying the same into execution." On the 14th, the Attorney-General was instructed to prepare the necessary legal instrument without delay, and on February 17, 1840, the Commissioner of Crown Lands applied "for authority to cause a valuation of the lands in the township of McNab to be made for the purpose of carrying into effect the Minute of the Executive Council of September 27, 1839, assented to by the Laird and approved by the Lieutenant-Governor."[82] But in the eyes of the settlers this was not sufficient punishment. In a petition of April 14, 1840, signed by 133 persons, they accused him of having persecuted them for fifteen years, harassed them with lawsuits, and threatened them with eviction from their lands to the impoverishment and financial ruin of many families. They therefore asked that a fit and independent person, unconnected with either party to the struggle, be sent to investigate these charges, "which we have no doubt will cast a new light upon the McNab's claims."[83] In August, Lord Sydenham appointed Francis Allan of Perth, to investigate on the spot the process of settlement from its beginning. He spent a month in oral and documentary evidence. His report confirmed the grievances of the settlers and established beyond cavil their charges against the outrageous conduct of McNab. It was a masterly summary of all the ills of fifteen years of misery.

81. U.C.State Book M, pp.185-88, op.cit.
82. U.C. "S" Feb.17,1840.
83. Ibid, April 14,1840, to Sir George Arthur.

Instead of helping the settlers, his domineering ways injured them. He was in the habit of granting licenses to cut timber on lands which he actually located, and of locating lots apparently for no other purpose that to obtain timber. His income from this source was immense. He was even known to cut timber on other townships. He collected rents from all settlers from whom he could obtain them; contrary to the agreement he sold land at high prices and gave land to people who had already received free grants of land elsewhere. He harassed certain settlers by lawsuits or impending legal proceedings, ruining many he disliked. He conducted the affairs of the township in the worst possible manner for the interests of the settlers. There was no grist mill in the township, in spite of McNab's claim to have built both saw and grist mills;[84] settlers had to travel fourteen to sixteen miles over most disgraceful roads, while "the system of rent and mortgage, added to an arbitrary over-bearing and persecuting spirit, seems to have checked all enterprise and paralysed the industry of the settlers. In short, had McNab studied it he could not have followed a course more calculated to produce discontent and disaffection among the settlers."

The case against him was amply proven. The Report became the basis of the future operations of Government in dealing with the settlers. McNab's adverse and voluminous comments upon the Report, and his unfounded charges against the Commissioner failed to influence Sydenham. His punishment might have been sufficient, however, without the final step taken by those whom he had wronged. The immediate cause of this was the summary of the settlers' sufferings sent by one of their number to Mr. Hincks, the editor of the 'Examiner,' Toronto, who made it the basis of a series of able editorials condemnatory of McNab. The punishment was all the more painful because public. Appearing simultaneously with Frances Allan's Report, they not only crushed the Laird, but they opened the eyes of the Government and the people generally. Even the 'Family Compact' was aroused from its indifferent attitude to the interests of the poor settlers. McNab foolishly brought action for libel against Hincks, who in defence pleaded justification. The trial exposed the shocking details of McNab's tyranny that demanded not only the punishment of the guilty, but the immediate relief of the settlers. Well might the Laird write 'Ichabod' over his plans and purposes, for his glory had departed, and his prestige was shattered. He was the victim of greed that was stimulated by a vicious land policy. In 1841, abandoned by his former friends, an Order-in-Council stripped him of all power, adjusted the claims and declared the freedom of the settlers who were to receive their lands at Mr. Allan's valuation. They were given nine years

84, U.C.State Book, Nov.14,1838, McNab to Attorney-General.

credit, and all labour exacted from them by McNab and rents paid by them to him were to be deducted from their annual payments and withheld from the money payable to McNab. Thus the sum of £4,000 originally agreed upon was reduced to £2,500. The Laird's dream of power and wealth was over. In 1843, he returned to Scotland having inherited a small estate in the Orkneys, which he squandered in a few years. He died at Lannion on the 22nd of April, 1860, aged eighty-two years.[85] In the meantime, the township he coveted became transformed by the energy and industry of the settlers, no longer afraid of the tyranny of the last of the McNabs.

The careers of Cameron and McNab offer striking parallels and contrasts. They resemble each other in their initial misfortunes, dubious plans and final failure; both entered upon colonization with a veiw to recoup financial losses; both trafficked in Crown Lands, and both grossly deceived the local Government. In both cases their affairs entered local politics, and both finally lost their townships. The contrasts are equally striking. The former was granted twelve months to complete settlement, the latter eighteen months; the former's time limit was extended eighteen months, the latter's indefinitely. Cameron received 1,200 acres personal grant, McNab 5,000. In both cases an annonymous letter of an incriminating nature was sent to York; Cameron was proceeded against, while official friendship protected McNab. In the case of Cameron he won and kept the regard of his followers and left the prosecution to the Executive Council; in McNab's case his settlers feared and hated him, vainly tried for years to compel the Executive Council to prosecute him for crimes far more heinous than those of Cameron. McNab after reaping a harvest from timber which was not his to sell, was finally compensated to surrender property to which he had not the slightest vestige of claim. Cameron was not guilty of stealing other people's property and received no compensation for surrendering the townships. One might reasonably expect consistency of policy from an Executive Council.

Perhaps it was difficult to be consistent in the administration of a land policy that abounded in inconsistencies and exceptions, and lent itself so readily to experimentation with any new idea, however dubious, that promised an easy solution of pressing problems. Thus it happened that waste lands could at the same time be regarded as a means of defending the Colonies, of rewarding faithful service, of satisfying the expectations of political favourites, of filling empty districts with settlers and the Imperial Treasury with taxes, and of shaping the political and

85, Fraser, p.105 ff.

eligious ideas and beliefs of the people. Individual thinking was suspect and ssociated with radicalism in politics and sectarianism in religion, which might ead to criticism of government and even to revolution, and caused much concern to nxious officials who with the best intentions encouraged a policy that sedulously ultivated the growth of a definite point of view in religion and politics, through - s they imagined - the judicious application of the public domain. The burden of Empire and social and political stability thus became associated with the waste lands of Canada. The next chapter deals with the influence of waste lands upon revenue and religion.

VI.

GROWING PAINS: REVENUE AND RELIGION.

The loss of the first Empire has been attributed in a large measure to the attempt by the Imperial Government to impose internal taxation for civil expenditure upon the colonists. As a result of the Revolution that claim was definitely surrendered.[1] At the same time the United States Congress, lacking the power to tax the now independent States, favoured the idea of selling for revenue purposes the western lands ceded by the States to the Confederation. Hitherto, on the North American Continent, waste lands had been given free, generally on conditions of quit rents and settlement. For various reasons this policy of failure was retained by Great Britain after 1783. By this means faithful service could be rewarded, disloyal and undesirable aliens excluded, the way prepared for a larger immigration and the direction of settlement controlled within a given colony. Politically, a policy of free grants was favoured in the belief that the recipients would be bound to the cause of Empire by indissoluble bonds of gratitude, while at the same time it was considered inconsistent with the dignity of the Imperial Government to dispose of land by sale. Thus while economic motives determined the United States land policy, social and political reasons kept the British official mind captive to false ideas of land settlement.

There were several reasons directing the attention of the Imperial Treasury to the necessity of seeking relief from the increasing cost of colonial administration while controlling for political ends the sources of revenue. The question of imperialism was often during this period a subject of embarrassing discussion, and criticism in Parliament on the part of those who opposed an extended Empire. In despatches to Colonial Governors, urging economy, the warning frequently occured that certain expenditures could not, for political reasons, be included in the estimates. And while British taxpayers objected to being taxed for purposes so remote from their interests, Canadians were reluctant to tax themselves to provide salaries for officials over whom they had no control. The question of revenue therefore, remained as crucial as it was in 1776. It was to prevent criticism as much as to relieve the strain upon the Imperial Treasury that attempts were made to secure within the Colonies a source of sufficient revenue that would not duplicate

1. Col.Cor.N.S. Vol.I, p.410, Lord North to the Lt.Govr.of Nova Scotia, June 24, 1783, informing him that no notice was to be taken of the power of taxation as Parliament had by the Act of 18 Geo.III, expressly restrained itself from imposing taxes on the Colonists.

in Canada regulations and machinery of Government that proved so fatal in the "Old Thirteen." For this purpose quit rents, and later fees of office, were imposed on all grants of land except privileged ones; Crown reserves were made equal in amount to the Clergy reserves; huge tracts of land were sold to Land Companies, and finally all Crown lands, instead of being donated gratuitously, were sold by auction.

Quit rents formed a unique feature of the Colonial land system. It had long been a customary institution in England before it was transplanted, together with other fundamental features of the land system, to the American Continent. Originally, a commutation in money of certain villein obligations, it was later used to designate any form of payment, real or nominal, which absolved the tenant from personal services or other obligations to his lord, and thus became the visible token of the feudal dependence of the tenant. Usually quit rent had a real money value and therefore was a source of income to those who owned the land; but it was not a rent in the modern sense that was fixed by the market price of the land; it was merely the payment of a fixed annual sum.[2]

This archaic feudal obligation was made a definite part of the Colonial land system and was established with varying success in all the Colonies outside New England, wherever the proprietors or the Crown held at the same time both the right in the soil and that of government.[3] In determining the amount of rent the British Government was on the whole fair and eminently tactful. It reserved a moderate and practically uniform rate in all the Colonies, except in North Carolina, and payment could be made in wheat, tobacco, or silver,[4] and later in hemp in Nova Scotia.

In the New England Colonies, quit rents were never actually established as a feature of their land system due largely to the vacillating policy of the New England Council, which made no attempt to collect these rents, yet refused to abandon their right to such a charge.[5] The failure to enforce the right discredited the whole system as Governor Andros discovered when he tried to impose quit rent on Massachusetts in order to foster the loyalty of the colonists and to secure extra revenue. His land policy resulted in his overthrow. In 1691, William III, acknowledging the claims of Massachusetts, marked the doom of the quit rent system in New England.[6]

From its inception in the Colonies the quit rent became a matter of great importance to all concerned. As a source of revenue it was the incentive that influenced the nobility of the seventeenth and eighteenth centuries in seeking grants of

2. Bond, Quit Rent, Introduction by Andrews, p.16 ff.
3. Ibid, p.51 ff.
4. Ibid, p.439.
5. Ibid, p.35 ff.
6. Adams, Founding of New England, pp.418-19, James II instructed Andros to impose a quit rent of 2/6 per 100 acres on all waste lands in New England.

land on the American Continent, while the collecting of rent became the most important right in connection with early colonization. It constituted the chief source of royal revenue for payment of official salaries free from local control.[7] In 1776, outside Florida and New England, the quit rents totalled £37,500, with an average collection of £19,000. The independence of the Governors and Council from public control was implicit in the success of the quit rent system.[8]

The attitude of the Colonies to the system was generally hostile and gave rise to much controversy, even though in no case was the rent a heavy financial burden. It was not so much the amount of rent charged that was objected to as the policy and principles at issue, and the manner of operating the system. For it was not a release from undefined obligations as in England; it was an arbitrary charge on the land and generally paid to absentee proprietors, instead of being expended for local purposes as originally intended, and was thus deemed by the settlers as a system of vassalage and an unjust innovation of their rights as owners of their land.[9] It gave nothing in return and was difficult to collect, while the rate, the form in which it would be acceptable, the places where payment should be made, and the means for enforcing payment, became the subject of dispute and conflict between the Executive and the Lower House of the Legislature, particularly in North Carolina.[10] Hence controversies over mistakes in policy aroused opposition to the whole system. This was particularly true where the proprietors lacked public support or executive control was weak. The British Government was rather slow in realising the opposition to a system that granted proprietory rights of collecting rents; it relied too much upon legal forms and precedents which availed little against the determined opposition of a people 3,000 miles away. The only chance of success was for the local Assemblies to approve the system. At the end of the seventeenth century, however, there was a greater appreciation by the Imperial Government of the significance of the quit rents; private grants of rent were forbidden; efforts were made to enforce their collection for local purposes, and to bring the proprietors under the control of the Crown.[11] But throughout the Colonial era, the proprietors of Pennsylvania, the Jerseys and Maryland, retained the right to reserve quit rents. After James II became King, the Crown collected the New York rents, and in Virginia, after the charter was annulled in 1624, in the Carolinas after their purchase from the Proprietors

7. Channing, History of America, Vol.I, pp.524-526; ibid, Vol.II,p.359; Beer, The Old Colonial System, p.195 ff, in Virginia (1672) Charles II granted a quit rent of 4/- per 100 acres for 31 years to Culpepper and Arlington which swelled the discontent that ended in Bacon's rebellion.
8. Bond, op.cit. p.439, and Introduction by Andrews, p.18, the Imperial Government spent annually £420,483 in governing the Colonies, see Alvord,op.cit.Vol.I,p.283.
9. Bond, op.cit. p.35.
10. ~~Ibid,~~ Raper, North Carolina, p.119; Bond, op.cit. pp.33-34.
11. Ibid, p.62, 439; Beer, op.cit.pp.192-198; Channing,op.cit.Vol.I,pp.524-26,Vol. II, p.359, Vol.III,p.532; Colonial Papers, 1700, p.XXI, New York's opposition to the payment of quit rents to absentees.

in 1729, and in Georgia after 1752.

Though the quit rents were collected in the Colonies until 1776, the opposition to them greatly complicated relations with the British Government. They magnified a struggle over the external and the internal interest of the Colonies, and became a contributory cause to the discontent that brought on the Revolution. Professor Charles M. Andrews maintained that "this little incident of mens daily lives...involved a principle quite as fundamental as that of no taxation without representation and one that probably had more influence in bringing about independence than had some of the widely heralded political and constitutional doctrines of the pre-revolutionary period,"[12] and illustrated the futility of attempting to transplant to a young colony such archaic feudal charges. One of the first acts of the State Assemblies was to abolish all feudal incidents. Similar failure followed the attempt to establish the quit rent system in Bermuda and the Bahamas.[13] In New South Wales the "conditions as to quit rent and cultivation of land had been generally evaded."[14] Only in Jamaica did quit rents form an important feature of the financial system from the start of royal ownership.

Inspite of the opposition to the system and the difficulty of collecting the rents in the older colonies, a determined attempt was made to impose the same system for Imperial purposes upon the Canadian Colonies.[15] Outside Prince Edward Island, a uniform quit rent of 2/- per 100 acres was usually reserved in all grants made. As in other aspects of the land system, however, there was an absence of consistency. In all colonies quit rents were omitted from some grants, such as those for religion and education, while disbanded soldiers and United Empire Loyalists were usually granted exemption for ten years,[16] and Carleton favoured the extension of the same privilege to include settlers of all description.[17]

The Canadian settlers were not at all eager to pay the quit rent, more particularly since the proceeds were not available for local improvements.[18] In Nova Scotia actual collection proved difficult. From 1762 to 1768, only 27-12/- was collected, and in 1772, further payments were suspended by royal instructions. In the meantime

12. Bond, Introduction, p.11.
13. Ibid, pp.355-57.
14. Mills, Colonization, p.99 n.1.
15. Murray's Instructions, 1763.
16. Can.Arch.Report, 1894, p.63, Whitehall, June 7,1727; Ibid, p.328, March 8,1775, Legge to Dartmouth; N.S.Col.Cor.Vol.9, p.233, quit rent on Gorham's grant of Sable Island cancelled for a limited time; ibid, p.401, Oct.26,1782, Carr to Townshend; ibid, Vol.9,p.233; ibid,Vo.15,p.1,p.406,Aug.8,1783, North to Govr, of Nova Scotia; A & W Office V, 406,p.51; Shortt & Doughty, op.cit. Vol.II, p. 730, instructions to Haldimand, July 16,1783 concerning U.E.Loyalists.
17. N.B.C.O. 188 (194) Vol.I, p.106, Carleton to Portland, Oct.8,1798.
18. N.S.Col.Cor.Vol.II, p.221, Shelburne to Campbell, Feb.19,1767, refusing his consent to the use of quit rents for local purposes "in view of the heavy expenses involved in governing the colonies;" ibid, Vol.9,p.1 ff, Legge to Dartmouth, Sept.13 and Nov. 18, 1774.

the Colonial Office tried in vain to persuade the local Assembly to undertake the future collection and management of the rents.[19] In 1812, an order for their collection was immediately withdrawn on protest from the Assembly, and till 1827 the claim was allowed to lie dormant.[20]

Similar conditions prevailed in New Brunswick where no revenue at all had been received from the origin or the colonies in 1784 to 1827 when one would scarcely expect to see any trace or the system, and when the annual gross rent amounted to £2,036-19/-, but the nett amount, owing to the various percentages claimed by the officials of the Land Department, was only £1,500.[21] In Lower Canada the total collection up to 1766 was only 5/2, and for the next ten years no really persistent effort was made to enforce payment. Dorchester, influenced by the lessons of the Revolution, saw in the reservation of quit rent a perpetual cause of public discontent,[22] and the means of alienating the minds of the settlers from the Royal Government. He therefore proposed a quit rent to be used for local purposes, on grants of 1,000 acres and upwards only, as a means of compelling cultivation. The Act of 1791 was silent on quit rents. It would have been a bad mistake for a government, anxious to attract settlers, to have retained quit rents in its land policy when the United States had abolished it. Only in 1826, on the plea of compensating the Government for cancelling the fees of office, was this dubious system re-introduced into the land policy of Upper and Lower Canada, by which settlers unable to pay the full purchase price, were charged a quit rent of 5%, payable in advance, with the option of redeeming it on a twenty years purchase; no deed could be issued to tenants whose grants were subject to quit rent.

The Royal instructions for the collection of all arrears of quit rents in the Maritimes, from January 1,1827, was met by a wide-spread demand for their cancellation.[23] For various reasons it was thought highly inexpedient to enforce their collection even if all, except recent settlers, were perfectly able to pay the rent without any inconvenience to themselves. In the first place the sum reserved in each grant was so small, and no demand having been made for its payment for almost half a century, the opinion was almost unanimous that the quit rent clause in the grants was simply a necessary legal form whereby the sovereignty of the Crown would be distinctly acknowledged and preserved rather than with any intention to produce a revenue.

19. N.B.C.O. 188(150),Vol.7, pp.187-193, Hobart to Carleton,Sept.4,1802; ibid,p. 263, Jan.6,1803; ibid,p.293,April 7,1803,same to same.
20. N.S.C.O. 217, Vol.155, pp.191-99, Assembly to the Throne,1833, annual rent £4,795
21. N.B.C.O. 188 (194) Vol.II,pp.135B, Douglas to Horton, Nov.16,1827; ibid, Vol. 33-A,p.224, the percentages paid to the officials were 15% to the Recr.Genr., 5% to the Auditor Genr., and 10% for collecting the rents.
22. Q 27, p.988, Dorchester to Sydney, June 13,1787.
23. N.S.C.O. 217, Vol.149,pp,216-220,July 27,1829; ibid,Vol.159,pp.191-199 (1833), Address of the Assembly to the Crown; ibid,Vol.148,p.49,Kempt to Huskisson, May 2,1828; Richard's Report,1831; New Brunswick Despatches Received, Vol.VIII, (1827), pp.57-85,Bathurst to Douglas, Mar.1,1827; Dalhousie Papers,Vol.13,May 24, 1827: Extract from the Nova Scotian, favouring collection; ibid,Vol.II,Dalhousie to Kempt,Mar.2,1826,urging the collection from all grants from Jan.1,1827, to relieve payments from Home Government.

This opinion was strengthened since other conditions in the same grants, because impracticable, were also allowed to lapse; and since in all transfers and sales of land the possibility of such a claim being at any time enforced was practically lost sight of.

Again, any means to enforce the payment of the arrears could only be successful after great expense and much difficulty, even in the most populous parts of the provinces. For the settlers would not pay money unless compelled to do so; they had been so unaccustomed to paying rents of any kind, or even the most trifling taxes, that any attempt to collect the arrears would cause a general feeling of hostility against the Crown. Even the most popular Assembly had not ventured to raise money for the most beneficial purposes by such means. This resentment was due in part to the apathy towards quit rents in the past. The people had become accustomed to receiving all from the Crown as a boon, they could not imagine the adoption or enforcement of a different policy. The right of the Crown to the quit rents was not questioned, and its claim to be relieved from a part of the charges of the civil expenses admitted, but not from the burden of the salaries of Royal officials over whom the Colonies had no control.[24] New Brunswick was particularly hostile. Annonymous writers urged the people to refuse to pay the rents; some members of the Assembly supported the public protest, and even the Chief Justice spoke publicly of the illegal and unconstitutional character of the quit rents.[25]

In view of the reluctance of the settlers to pay the rents, all collections were suspended in 1831, and all arrears from 1827 remitted.[26] In 1833, they were again cancelled,[27] but only on condition that a satisfactory arrangement would be made with the Assemblies for a permanent grant towards civil expenses.[28] For this purpose the Colonial Office appointed commissioners with power to commute the quit rents at sixteen years' purchase to all persons who redeemed their rents before 1834, at eighteen years' purchase to those who redeemed them up to 1836, and at twenty years' purchase to such as paid the rents after June 1838.[29] Goderich, however, earnestly deprecated "any such proposal being made to the provincial assemblies," since there was already a great "disposition of their part to claim

24. N.S.C.O. 217, Vol.149, pp.216-220, July 27,1829; Dalhousie Papers,Vol.II,Colonial Legislature of N.Scotia to Kempt,Apl.4,1826, opposed to a permant Civil L
25. N.B.C.O. 188 (197), Vol.14, p.547, Campbell to Goderich, Jan.5,and Feb.15,1833; ibid, Vol.2, pp.394-397.
26. N.S.C.O. 217 (154), pp.381-384, Morris, Commissioner of Crown Lands, Oct.5, 1832, Nova Scotia arrears £ 14,037; see Richard's Report, 1831.
27. N.S.C.O. 217 (155),Apl.10,1833; ibid,pp.249-251, July 27,1833; N.B.C.O. 188 (160), Vol.XIII, p.145, Stanley to Campbell, June 1, 1833.
28. N.S.C.O. 217, Vol.148, p.49, Kempt to Huskisson, May 2,1828; N.B.C.O. 188 (194), Vol.3,Douglas to Huskisson,Mar.16,1828; ibid, Vol.10, p.23, Murray to Black, Sept.2,1829; ibid, 188 (160), Vol.XIII, pp.229-232, July 31,1838.
29. Ibid, 188 (158), Vol.XI, pp.394-397.

the right of interfering in the disposal of the territorial revenue, which is of the utmost importance for the Crown to retain."[30]

The Nova Scotia Assembly might have been willing to commute the obligations of the poorer settlers if the revenue out of which the commutation should come were not paid by these very settlers. Already the province, out of the fluctuating and uncertain revenue, and a public debt of £50,000, was paying £20,000 to the civil establishment, and about £25,000 annually to local improvements and education, creating a situation that called for scruplous economy in public expenditure and the utmost caution in adding to the permanent appropriations, already too heavy. A demand was therefore made that all quit rents be cancelled.[31]

Finally, in 1833, the Government attempted to collect the quit rents in New Brunswick, and after the law expenses had been met, it was stated in an address from the Assembly to the Throne, that of the sum of £2,700 collected, a paltry balance of £240 only remained to be paid to the Treasury. No attempt was made to collect the rents in Nova Scotia. Convinced by these failures a compromise was effected whereby the Crown surrendered all right to collect the rents in return for a contribution by both provinces to the Civil List. Neither province revived the quit rent system; New Brunswick in the session of 1838 even introduced a bill to compensate the owners of land sold by the officers of the Crown for arrears.[32]

Of all the inventions that could be conceived to check the natural advance of a colony, the quit rent system was, by universal approval, considered the most effectual. Its pernicious influence was apparent everywhere. The strict enforcement of the system would certainly have prevented the acquisition of large speculative grants by individuals and multiplied small holdings. But all who obtained land on condition of paying a quit rent, made common cause to prevent the recall of grants for non-payment of the rent. And while the conditions were nearly always neglected, "the certainty of being able to disregard them led so many people to acquire more property than they could" develop.[33] The result was seen in the prolonged stagnation of so many colonies. Thus, in New York, the failure to enforce settlement was bound up with its lax rent system, whereas in Virginia and Maryland a fairly good rent system discouraged large-scale speculation. In the Maritime Provinces the settlers were interested in depressing the value of the lands to escape the payments of a high rent, which in turn injured the prosperity of the colonists.[34]

30. Ibid, Vol.44, pp.34-38, Goderich to Lords of Treasury, April 26,1832.
31. N.S.C.O. 217, Vol.155, pp.191-199, Assembly to the Crown, 1833.
32. Young, A Statement of the Escheat Question in the Island of Prince Edward, p. 45, the quit rent ~~eye~~ dispute of P.E.Island is dealt with elsewhere.
33. Wakefield, England and America, Vol. 2, p.153.
34. Richard's Report, 1831.

The adoption of fees, first as a compensation to the officials of the Land Department responsible for the completion of titles to land and later increased to provide a fund for civil expenditure, may be attributed to the failure of the quit rent system to provide the expected revenue. The recommendation of the Nova Scotia Assembly in 1774 to impose a duty on West India rum as an alternative to quit rents, was vetoed by Dartmouth, Secretary of State, as being detrimental to trade; at the same time he urged the adoption of some other means for raising revenue.[35] In response thereto a bill to tax for public improvements all lands, whether cleared or uncleared, to the extent of one farthing an acre, was rejected on the grounds that the ability of the subject must be the measure of taxation, and a bill taxing all lands indiscriminately was therefore unjust. Permission was given, however, to sell the waste lands for purposes of revenue.[36] In the meantime, Lieutenant-Governor Legge submitted a table of fees amounting to £3-6/8, per 1,000 acres, which ultimately was adopted by all the Canadian Colonies, and with slight variation remained in force till the sale of the waste lands when salaries displaced the fees of office.[37]

In Quebec Province, officials were paid annual salaries from 1763 to 1791, as under French rule.[38] In 1791, on the division of the colony into Upper and Lower Canada, no mention was made of quit rents. Shortly after, the question of fees for the officials of the land-granting department was raised; but that a uniform land system involved a uniform table of fees was not at first recognised. In view of the desire for settlers, the Executive Council ruled "that as every impediment to the population and increase of the strength of what remains of His Majesty's extensive and thinly settled dominions, is against the interests of the Crown and the nation and very dangerous to these remote and dependent appendages of the British Empire,"[39] the Crown expected that those officers with "annual salaries and lucrative emoluments" should be satisfied with modest charges, particularly in view of the "immensity of the territory to be patented and the corresponding repetition of their rewards," and the comparative poverty of the patentees who were expected to pay half the charges of surveying the outlines of the township and all the survey of the internal lines.[40] The only grants exempted from these regulations were those to U. E. Loyalists and disbanded soldiers, or other privileged grants, whose fees were paid by order of the

35. N.S. Col.Cor. Vol.8, p.192, Dartmouth to Legge, Sept.7,1774.
36. Ibid, Vol.9, p.111, same to same, Jan.21,1775.
37. N.B.Col.Cor. Vol.I, p.73; N.B.C.O. Vol.I, p.49, Sydney to Carleton, April 9, 1785; N.B.C.O. Vol.I, p.2, Sept.27,1784; Q 65, p.182 ff (1793); Q 69,p.221 ff, 1794.
38. Merivale, Colonization, Vol.I, p.59; Shortt & Doughty, op.cit. Vol.II, p.613, and n.1,p.836; Doughty & MacArthur, 1791-1818, p.30; Kingsford, History of Canada, Vol.7,p.472. In 1791 the salaries were - Governor £2,000, Lt.Governor £1,500, Chief Justice £1,200, Attorney-General £300, Secretary & Registrar £400, Surveyor of Lands £300, Receiver-General £400, Total salaries amounted to £70,350.
39. L.C.Minute Executive Council, Jan.17,1793.
40. Q 69, p.217 ff, Minute of Council, March 17,1792.

Receiver-General.[41]

Thus the influence of fees upon emigration and settlement was early, though inadequately recognised. Poor and worthy settlers were not to be debarred from acquiring land and opening up the country. At the same time, the justice of providing a fund to compensate every person employed in the land-granting department was considered advisable.[42] What was not forseen was that a small fee would encourage the spirit of speculation.

There was considerable division of opinion as to what constituted a reasonable fee. Hugh Finlay, the chairman of the committee and later a notorious speculator, recommended that £8 per 1,000 acres, or £360 for a township of 45,000 acres, be imposed, together with 3/- to the commissioner appointed to take the oath of each patentee. The members of the committee demurred and reduced the fee to £4 per 1,000 acres. Dundas, however, ordered the adoption of the Nova Scotia table.[43] It took three and a half years to settle the issue. Long distance discussion meant considerable delay in those days of poor transportation and leisurely business methods. Only in August 1795, was the Nova Scotia table adopted for Upper and Lower Canada.[44] In the meantime all grants were suspended, for while fees were undetermined petitioners for land refrained from bringing forward their settlers. Both leaders and settlers were reluctant to invest labour or capital in land until they knew the cost of the patent deed.[45] No doubt many pleaded this uncertainty as an excuse for neglecting their promises. There are records, however, of many who persevered, trusting to British promises and sense of justice. Others lost heart and left for the United States with its more rational system, expanding population and markets, and modest, invariable and ascertainable inclusive fees.[46]

The principle of a uniform table of fees for all the British North American Colonies having been established, the distribution of these fees among the various officials and the other minor differences of detail, is of local significance only. Suffice it to say that the distribution ~~of these fees among the various officials~~ was the same in 1826 as in 1796.[47] They could scarcely be called burdensone to-day, but in the Canada of 1796, many a poor settler succeeded in paying them only after

41. Q 284, pp.220-223, Russell to Prescott, Jan.21,1798.
42. L.C.Committee of Council, Jan.10,1794, action upon Dundas's letter of Oct.2, 1793.
43. Q 75, p.106, Dorchester to Portland, Feb.20,1796; Q 74, p.390, Feb.11,1795; Q 80,p.112,approving the Nova Scotia Table, Dec.4,1797; L.C.Land Book "C" Oct.2,1794.
44. Q 75, p.106, op.cit. concerning additional fees in answer to Portland's of Sept.6; Q 281, p.446, July 21,1795; Q 188, pp.517-38, Dec.4,1797; Q 79,p.364, Prescott to Portland, Nov.11,1797.
45. Q 69, p.211, Aug.11,1794.
46. Sato,op,cit. p.145; Hill, Public Domain, p.40; Treat, op.cit.p.96; Donaldson, Public Domain, p.202. The fees on 640 acres were $3 to the Registrar, $6 for surveying expenses, $5 patent fee, $2 incidentals, total $16.
47. Q 340, pp.475-80, Surveyor-General to Maitland, Jan.14,1826.

years of saving. The matter of fees became more pressing and even serious from the point of view of the settlers, when the Imperial Government decided to impose additional fees for civil expenditure. The beginning was modest enough - the settler was requested to pay the expense of the survey of his lot amounting to £1-7/6.[48] But this modest beginning was merely the preliminary step in a progressive scale, in which "the proportion payable to the Crown underwent several changes," that finds an explanation in the serious financial strain upon the nation during the French Revolution, Napoleonic Wars and the era of reconstruction.

Hugh Finlay, in reporting the adoption by Council of the Nova Scotia table of fees, suggested that the amount might be doubled without detriment to the settlement, and that the Government should add the sum of £1-3/4 as a fee for its own use.[49] Portland took the hint, and on September 6th, asked Dorchester to consider the suggestion.[50] Apart from the land there was no other source of revenue. Two courses were open - either the adoption of the United States policy of sale, which both Simcoe and Dorchester strongly deprecated, or an additional fee. Dorchester was on principle opposed to the system of fees, partly because it disparaged the Government in the eyes of the French Canadians; he was opposed to additional fees because they violated the proclamation of 1792, which directed that the warrants of survey and grant should be made out and delivered to the several grantees free of any expense whatsoever other than the established fees of office. He left the country before the matter was put to the test of practical experience.[51]

His successor, Prescott, saw merit in both ideas; but to him the additional fee was only to be imposed if the disposal by sale, from which he expected a large revenue, was not accepted.[52] His arguments form a striking commentary upon the demerits of the land system of his days where low fees and free grants had proved miserable failures. A system that chiefly encouraged the speculator and introduced into the Colony a class of settlers who were too poor to develop their land, defeated the original purposes of Government, whereas higher fees or sale, based on actual settlement and improvement of the land, would defeat the speculator, secure an assured revenue for the civil expenditure of Government, encourage the progressive settlement of the country and introduce a better type of settler. He was ~~both~~

48. Regulations of July 9,1796; Report of Thomas Ridout to Maitland, Aug.22,1818; Q 281, pp.446-450, Minute of Council, July 21,1795; Q 282, pp.525-30, Minute of Council, June 29,1796; Q 298, p.75, Executive Council to Allcock; U.C."S" July 9,1796; Simcoe Papers, Vol.IV, pp.131-168, Portland to Simcoe.
49. Q 74, p.390, Feb.11,1795, this fee was approved on Dec.4,1797, see Q 80, p.112.
50. Q 72-73, p.429.
51. Ibid, pp.13-15, Dorchester to Portland, May 16,1795; ibid, p.429, Portland to Dorchester, Sept.16,1795; Q 75, p.106, Dorchester to Portland, Feb.20,1796.
52. Q 284, p.224 ff, Prescott to Russell, April 21,1798; Q 78, p.188, Dec.24,1796.

correct in theory but hopelessly wrong in practice.[53] The scheme was approved both by the local Executives and the Imperial Government.[54] Both ideas were to be tried, and an inclusive fee of £25 was adopted to be divided on the basis of £19-9/- for local purposes and £5-11/- for the remuneration of the officials of the land department, since the original table was considered inadequate.[55]

So far as the sale of land was concerned, the scheme was a complete failure. On several occasions tracts of land were offered for public sale and remained unsold. The market was too full of cheap land in competition with Government. Free grants were still being made and in view of the disturbed condition of Europe there were comparatively few emigrants entering, while the attractions and superior advantages of the United States were too strong to be resisted.[56]

The failure to secure revenue from the sale of lands was followed by a huge increase in the scale of fees in 1804, which proportioned the inclusive fee to the size of the grant, and averaged from £6-9/- on 100 acre lots to £41 on 1,000 acres.[57] This scale was in use till January 1819, when a new scale was introduced which practically doubled these fees on all grants,[58] with the exception of privileged grants which were free. Compared with the modest beginning in 1794, the difference is startling, and meant that the settlers were paying for their land instead of receiving it as a gift. It was also a serious drain upon the resources of the average settler in an undeveloped country; honest effort was penalised by depriving the poorer settlers of the capital necessary to develop their land, make necessary public improvements, and secure a few of the amenities of civilization. When prices of commodities were high and wages low because of the scarcity of money, it was difficult enough to matter to live. No wonder the voice of protest was heard

53. Ibid, Prescott to Portland, Dec.24,1796, and p.130, Portland to Prescott, Feb. 1,1797; Q 80, p.409, Prescott to Portland, Aug.1,1798; Land Book D, pp.180-188, Prescott to the Land Boards, June 10,1798; Q 80, p.28 ff, Prescott to Portland, Dec.16,1797; Q 40, p.49, Dec.23,1797; Q 284, p.224 ff, Prescott to Russell, Apl.21,1798; L.C.Land Papers, July 9,1798; Q 83,p.136,Portland to Prescott, June 8,1798.

54. Q 80,p.434, Portland to Russell, June 8,1798; Land Book D, p.180 ff, op.cit.

55. Distribution of the above Fees, L.C.Land Papers, June 8,1798

	100 to 500 acres	600 acres	700 acres	900 acres	1,000 acres
Governor	18	12 7½	14 8¼	18 10½	1 11 10½
Secretary	9	7 6	8 9	11 3	12 6
Atty.Genl.	9	7 6	8 9	11 3	12 6
Sur.Genl.	9	16 6	19 3	1 4 9	1 7 6
Auditor	6	4 6	5 3	6 9	7 6
Clerk Ex.Cl.	4 6	7 6	8 9	11 3	12 6
Registrar	2 3	7 6	8 9	11 3	12 6
Dpy.Sur.Woods	11	3	3 6	4 6	5
Total	£ 2 18 8	£ 3 6 7	£ 3 17 8	£ 4 19 6	£ 5 11

56. U.C."S" Ridout to Maitland, Aug.22,1818; Q 288, p.80, July 13,1798, Minute Executive Council; Q 89, p.79, Milnes to Hobart, June 24,1802; Q 290, p.195, Hunter, Jan.17,1800; Q 108, pp.36-43, Craig to Castlereagh, Nov.13,1808; Q 305, p.47, Gore to Windham, Oct.1,1806; L.C.State Book D, pp.69-71; Q 108, p.36 ff, Milnes to Portland; Q 298, p.378 ff, for details.

57. Q 299, p.135 ff, Allcock to Hunter; U.C."S" 1803-1804; Q 335, p.403, Table of Fees payable on grants of land in U.C. 1804,1820,1824.

58. Q 382C, pp.6-7.

in the land. The great majority emigrated under the stimulus of a promise of free land, low fees and almost no taxes; all they had was faith and hope. The end in view was to prevent people of means acquiring large tracts of land at a ridiculously low price who had been in the habit of imposing on the credulity of Government by pleading inability to pay more, opening the door to much imposition and giving colour to the imputation that in the granting of lands there was no guide "but caprice or something worse." But high fees and adverse conditions were driving the most desirable class of settlers across Canada to enrich the United States at the expense of the Empire. In Upper Canada there was "a total suspension of all receipts" from fees owing to their being no time limit in the grant of paying fees, and the proclamation to force out the patent after a proper interval was regarded as a distinct grievance.[59] It was to remedy this unfortunate and unexpected state of affairs that Maitland determined to exempt poor settlers from any charge on a grant up to 50 acres. To meet the deficiency in Crown revenue occasioned by this gratuity, the fees upon all other grants were, in January 1820, raised in due proportion to the size of the individual grant, varying from £12 for 100 acres to £250 for 1,000 acres, to be paid in three equal instalments at definite periods - the first on receipt of the location ticket, the second on completion of settlement duties, and the third on the receipt of the fiat for patent.[60] By such a method, it was hoped, that wrongs would be righted, existing causes of inconveniences and discontent removed, the poor befriended, those able to cultivate 100 to 200 acres would be gratified, while those taking "larger grants" could "have no right to complain when payment of fees is punctually insisted upon."[61]

Once again official hopes were blighted. Too many availed themselves of the liberality of Government and applied for a free grant of 50 acres. The result was an actual deficit in the Upper Canada Provincial Treasury, already burdened with the cost of issuing free patents to privileged grantees. Once again the facts of experience compelled a change of policy, and in April 1824, the table of 1820 was cancelled and that of January 1819 readopted with a few minor changes. The free grants of 50 acres were abolished; large families were favoured by granting them lands subject to the fee of 1804; emigrants settled in military settlements under the Quarter Master General received their patents free, but discharged soldiers locating outside military settlements were charged £1-9/4 currency ~~--exceeding-the price-of-100-acres-by-6d-per-ac~~ for their patents.[62] In contemporary New Brunswick

59. Q 325, p.464,ff, Maitland to Bathurst, Dec.20,1819.
60. Q 525A p.469, Jan.1,1820; Ex.Ccl.Minutes Jan.1,1820 and Dec.14,1819.
61. Q 325, p.464 ff, Maitland to Bathurst, Dec.20,1819.
62. Order-in-Council, U.C. April 29,1824; U.C."S" Feb.27,1829, Report on Fees by Council.

the fees on lots of 100 to 200 acres were £12-11/8 currency - exceeding the price of 100 acres by 6d per acre.[63] With the adoption of the principle of sale of all waste lands, fees of office gave way to salaries to officials which were determined by "taking the gross amount of fees received on the issue of land patents during a certain number of years and striking an average, which was considered as the annual remuneration to the public officers concerned in lieu of all fees under that head of service."[64]

To determine what this annual salary should be, a statement of receipts and disbursements was issued by the Upper and Lower Canada Land Departments. That of Upper Canada showed the actual and potential receipts for the seven years ending March 1826;[65] that of Lower Canada the actual receipts only for the nine years ending 1828:-[66]

	Upper Canada Salary			Lower Canada
Office	Actual	Potential	Average	Actual
Secy.& Regr.	2,651 10 0	6,729 10 0	636 11 4	190 11 6
Atty.Genl.	1,428 13 10	3,625 0 0	342 18 7	127 1 4
Sur.Genl.	1,708 3 11	4,338 0 0	610 5 7	190 11 6
Audtr.Genl.	923 4 3	2,343 10 0	321 13 4	84 14 6
Clk.Ex.Cncl.	865 8 7	2,196 0 0	307 14 10	127 1 4
Dy.Sur.Genl. of Woods	196 5 3	497 0 0	47 10 0	
	7,773 5 10	19,729 0 0	1,866 4 6	

There were also extra charges which were much resented and regarded as illegal, explained by the respective officials as an attempt to prevent their offices from being flooded by would-be settlers and speculators.[67]

The remuneration to public officers in the shape of fees was liable to many objections. They were regarded as vested rights by those to whom they were due; no patent could be issued till the fees were paid, and no fees could be paid till the table, which seemed in a perpetual process of change, was determined. They were imposed for all transactions in connection with the granting of land, often without the authority of the Home Government,[68] and gave rise to corrupt practices. One of the worst features was the exacting of fees from settlers before their petition for land could be taken into consideration.[69] And in the Canada of a century ago the scale of remuneration was excessive and out of all proportion to the economic

63. Richard's Report 1831.
64. Q 198, pp,177-181, Aylmer to Goderich, Aug.29,1831; Richard's Report, Jan. 1831, in P.F.66, No.2, p.4.
65. U.C."S" Report of Land Department on Fees of Office.
66. Q 188,pp.517-38, April 14 and May 18, 1828, Kempt to Murray; Total receipts of Attorney-General of L.C. from 1796-1828 amounted to £1,243-6/1, making an average of £37-13/6, see L.C."S" April 14,1829.
67. Sixth Report L.C.1823, p.92 ff; Second Report 1821, p.35:-
Extract from a Table of Fees taken in the Provincial Secretary's Office -

For a land certificate for one or two persons in one township	.....	2/6
" " " " " "	two towhships	5/-
" " " more than two "	one "	5/-
" " " " " " "	two "	10/-
Clerk of the Council (Extra)	.....	15/6
Surveyor General Certificate (Extra)	.....	2/6
Provincial Secretary (Extra)	.....	2/6
Order-in-Council for Location Ticket	.....	7/8
Diagram of a Township	.....	10/-
		£3 0 8

68. Merivale, op.cit. Vol.i. p.59; Van Dyne, Causes of the War of Independence, p.39.
69. Q 359, p.11; L.C.Seventh Report, 1824, p.2

prosperity of the country.

The system was also productive of great delays and inconveniences to the patentees. Not only was the machinery complicated, incomprehensible and detested by the settlers, to many of whom it was the only contract in their lives and often took a whole life to discharge,[70] but it had been customary to lump together the grants of several persons in one patent. Often it took years before the grant could be issued, since one defaulter could defer the whole business, while in the case of the death of one party, a clear title to his lands could not be given and his estate would be thrown into confusion. Nor did the system give much pleasure to the officials concerned, particularly towards the end of the period. Originally the fees were imposed in the expectation of conveying large bodies of land in one instrument. Thus the fee of 10/- per 1,000 acres to the Attorney-General gave him £25 to £30 on each single patent for a township. But when individual grants began to be issued averaging from 50 to 200 acres, his fee of 6d for the former and 2/- for the latter was "obviously no remuneration at all," since he had to copy the draughts of such grants at his own expense. It was therefore urged that every public officer, serving the public at their own ~~expense~~ desire without an established allowance for such services from Government, was justified in exacting a sufficient fee.[71] The system stood condemned long before the policy of free grants was abolished. But the cost of civil administration had to be met. Customs duties were insufficient and local legislatures were insisting upon the control of local revenue. To postpone the evil day as long as possible Crown and Clergy Reserves were made whose revenues were expected to secure executive independence.

In the "Art of Colonization," Wakefield claims that the practice of making reserves of waste land amounted almost to an obsession with colonial officials, particularly after the American War of Independence, when a general scheme of reservations was recommended on the principle that the Crown should not alienate all the Crown property.[72] As a result, certain tracts, sometimes small, sometimes large, from a variety of motives or at the mere pleasure of irresponsible officials, were marked out where settlement was for the time forbidden. Thus, Simcoe in Upper Canada made specific reservations "to remunerate the expenses of opening the military roads by the soldiers; to build Inns and Posts necessary for communication, and for the erection of a Wharf at York." Dorchester, while opposed to the

70. Richard's Report, 1831.
71. Q 188,p.517-38, Attorney-General J.Stuart (L.C.) to Lt.Col.Yorke, Governor's Secretary, April 14,1829; Q 198, pp.177-81, Aylmer to Goderich, Aug.29,1831; P.F.66,No.2,p.4, Richard's Report, January 20,1831.
72. Simcoe Papers, Vol.4,pp.230-31, Dorchester to Simcoe, April 4,1796.

construction of permanent and costly works, sanctioned the policy of making reservations "around every place which from its situation may be expected at a future period to become of consequence and where such reserves may probably be required for public purposes."[73] In other cases the motives were even more open to censure and explain some of the difficulties of pioneering settlements, as when Dorchester advised that 5,000 out of every 30,000 acres granted, be reserved to "enable His Majesty to reward such of his royal servants as may merit the royal favour, and will also enable the Crown to create and strengthen the 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."[74] This policy was practised in Upper Canada, where intermediate lots were reserved "for such persons as must necessarily have weight with the common people...it being evident...that the influence of a better class has been in a few instances attended with very great benefit in more than one respect."[75]

Even more capricious and unjustifiable was the practice of inhibiting settlement in certain spots because in the future they would make fine townships, or the equally dubious policy of forcibly diverting the natural direction of settlement by a great reserve. The crowning fallacy was to make extensive reserves for purposes of religion and revenue. It is difficult to understand the mentality of officials who for the mere expectation of a probable benefit in the dim and distant future, would deliberately and seriously inconvenience impoverished and struggling settlers, and how public interests could have been served by obstructing the progress of settlement; rather does the policy and the practice lend colour to the ever recurring charge of corruption on the part of land officials, who were often accused of acting in collusion with friends, or secret partners, to acquire by secret purchase some choice spot, but without paying for it until the spread of colonization had given it a "position-value," when by means of the auction system or some other method of benefiting by official favour, they hoped to acquire it for less than its real value. The only justifiable public motive for withholding land from settlement was the lack of survey.

The classic example of this false policy was the Crown and Clergy Reserves marked out indiscriminately in Upper and Lower Canada wherever land was obtainable by grant, interspersed among the settlers, declared inalienable and for years allowed to remain permanently waste. In the Maritime Provinces, the amount reserved for religion and education was very modest, usually 100 acres for a glebe and 30 acres

73. Ibid, Vo.3, p.266, Simcoe to Portland, Feb.22,1795; Vol.4,p.230,op.cit.
74. Q 27, p.983, Dorchester to Sydney, June 13,1787.
75. Q 319, p.76, Robinson to Bathurst, July 29,1815.

for education, in each township. The total amount reserved in Prince Edward Island was 6,700 for the former and 2,000 for the latter. In New Brunswick there were no Clergy Reserves, but by 1832, about 15,000 acres were reserved for glebes and 5,000 for education. In Nova Scotia about 27,000 acres were reserved for ~~glebes and 5,000 for education.~~ the Church of England, 13,750 for the dean and chapter, and 6,400 for schools.[76] Reserves of such modest proportion created no serious economic or political problems for the Maritime Provinces.

An incentive to these Reserves must be sought for, at least in part, in the vast changes that had taken place in the North American Continent between 1763 and 1783. A revolution had deprived the Empire of the original thirteen Colonies. A partial explanation of that catastrophe was found in the weakness of the control which the Imperial Government exercised over the colonial revenue, and in the absence of an Episcopal Establishment. After 1783, an attempt was made to remedy both these defects in the colonial system, by making reservations of waste land, which in time were expected to place within control of the Government sufficient revenue for both purposes. The "vast political importance" of the Crown Reserves, for instance, was reiterated over and over again in official correspondence: they afforded the Crown an unfailing opportunity "of doing acts of munificence" and "rewarding special services without drawing upon His Majesty's private purse" or upon the Imperial Treasury; they constituted "the best source of future influence" and the "link of attachment" between the province and the Mother Country, and for these reasons a stumbling block to the Democratic party.[77]

The idea was not a new one in Colonial experience, and has been ascribed to William Penn's method of settling Pennsylvania. By reserving a certain portion of land in the midst of the lots granted to the settlers, he secured, without expense to himself, a property which increased in value with the increase of the colony itself.[78] The proprietors of the townships of Augusta and Farmington, Maine, made similar reservations for similar purposes,[79] and in 1745, Lieutenant Amherst recommended that, in lieu of quit rents, the sixteenth part of every township in Nova Scotia be reserved for the Crown, which in time would form a valuable estate "without one penny out of anyone's pocket."[80]

In recommending the adoption of such a promising system to the favourable consideration of Lord Dorchester, Mr. W.W. Grenville expected "a certain and improving

76. Richard's Report, 1831.
78. Shortt & Doughty, Constitutional History II, p.986,
79. Ford, Colonial Precedents, p.101.
80. Canadian Archives Report, 1894, p.110.
77. Dalhousie Papers, Vol.3, Maitland to Dalhousie, York, U.C. Oct.2, 1820, objecting to any interference with or limitation of such a sound provision for patronage.

revenue" to the Crown that would increase "with the occasion of the demand" which it was "calculated to answer,"[81] and provide a fund which the Mother Country was finding it rather inconvenient to meet and the Colonies could not conveniently assume. It was confidently asserted that a similar reservation, if made in the "Old Thirteen," would have retained them to this hour in obedience and loyalty. And in view of the large ungranted tracts in Upper and Lower Canada, which "any increase in population...must render valuable...without requiring any expense of clearing or cultivation to be bestowed upon them by the Crown," Penn's system was considered timely, both as a source of revenue and affording "a juster and more effectual security against the growth of a republican and independent spirit, than any which could be derived from a Government more arbitrary in its form or principles."[82] In these ideas are found the prevailing official opinion of the cause of the American Revolution, and the influence of that event upon British Colonial policy. That influence was clearly seen in Upper and Lower Canada where taxation was to be made almost nominal by "creating, by sale or otherwise, a fund to be hereafter applied towards the support of Government."[83] In the same way the Episcopalian Church was to be subsidized in the interests of patriotism and imperialism. From various causes, England made no provision for her national religion in the 'Old Colonies', and the Revolution of 1776, was traced in part to that neglect. Sir Guy Carleton informed Lord North (August 26,1785), that it was the opinion of candid and judicious laymen in New York that the want of an American Episcopate gave many advantages to the leaders "in the late rebellion," while the majority of the Loyalists, both active and passive, were Anglicans in religion. It is no wonder the Government was urged to lay the foundations of an ecclesiastical establishment in Canada.

Simcoe has been severely criticised for encouraging this idea. With Carleton, he argued that every just prejudice seemed to invite an establishment in the British Colonies as nearly analogous as possible to that of England, and one of his first requests after his appointment as lieutenant-governor was for a bishop for Upper Canada; he even offered £500 out of his own salary towards the bishop's support.[84] One must remember his motives and the absence of any effective religious toleration in the eighteenth century, or of adequate religious instruction in the province, where the conditions of social life were "truly deplorable," the means of education entirely lacking, public worship suspended, "or performed in a manner which can neither tend

81. Shortt & Doughty, II, pp.969-70,986; Q 42,p.92, Oct.20,1789,Grenvill to Dorchester
82. Shortt & Doughty, op.cit. Vol.II, p.986.
83. Q 281,p.255, Dundas, Sept.16,1791, instructing that Crown Reserves be made; Q 52 p.211; L.C.State Book A, pp.17-20, 346-48, 369-74; Q 333, p.241, Enclosure in Maitland to Horton, Sept.30,1823.
84. Q 278, p.271; Q 284, p.61 ff, Oct.1797; Simcoe Papers, Vol.3,p.264,266; P.F. 76, No.16, Simcoe to Dundas, Nov.6,1792.

to improve the people in religious truths, nor render them useful members of society"; and where the only instructors of the people were "a set of ignorant enthusiasts, whose preaching is calculated only to perplex the understanding and corrupt the morals, to relax the nerves of industry and dissolve the bonds of society." Into such an irreligious community thinking men hesitated to settle with their families. In view therefore of Simcoe's progressive ideas of immigration and settlement, and of the dangerous condition of international relations of his day and the lessons taught by the American Revolution, his desire to build a particular type of society whose loyalty to the Imperial connection would be strengthened by the spiritual instruction of a particular church, and his anxiety to buttress the institutions of Government by the active support of every available agency, is intelligible and pardonable. To Simcoe, the moral and religious condition of society and the stability of government were inseparably associated with the teaching of an established church. Throughout his whole career in Canada he was actuated by two dominant ideas - the defence of his province and the strengthening of the Imperial connection.[85]

Simcoe was actively supported by the friends of the establishment, who argued from the example of Quebec under French rule to show that an ecclesiastical establishment supported by tithes and large endowments of real property derived from the Crown, had been carefully fostered and as carefully safeguarded by the 27th and 34th articles of the Capitulation, followed in 1774 by the Quebec Act which gave the sanction of English law to the exaction of those tithes and dues which had been bestowed upon the clergy under the French regime.[86] By contrast, the Protestant religion was very inadequately provided for in 1763, when a reserve was made of "a particular spot in or as near each town as possible...for the building of a church, and 400 acres adjacent thereto for the maintenance of a minister, and 200 for a school-master,"[87] somewhat similar to the practice followed in the 'Old Thirteen' for the support of religion and education.[88] The Society for the Propagation of the Gospel in Foreign Parts lent the weight of its vast prestige to the arguments in favour of "forming a church establishment and making a permanent provision for its minister," in the form of glebes and a salary of £75 per annum.[89]

It was considered infra dig that the conquered people should be so well provided with the means of religions instruction while the conquerors were religiously

85. Simcoe Papers, Vol.I, p.31 ff; Vol.II, Dorchester, April 16,1794; Vol.III, Bishop of Quebec to Dundas, Sept.15,1794.
86. Q 385, p.579, Report of the Select Committee, 1835; P.F.75,No.19, p.77 ff.
87. Q 624, p.47, Dec.7,1763.
88. Channing, History of the United States of America, Vol.II,p.46, Vol.III,p.561.
89. Shortt & Doughty, op.cit.Vol.II, p.1030n, 1044-45, quoting Knox, Extra Official State Papers, Vol.I, Appx.IV.

starved. And it was thought equally intolerable that Protestant subjects should be compelled to pay tithes to Roman Catholic priests, and though it was considered equitable that their portion of tithes and other dues should be diverted to the support of the Protestant clergy, yet there were certain rooted objections even to that. Not only was the provision considered burdensome in its nature to Protestants, and insufficiently productive for the purpose in view among a widely dispersed and struggling population, but there existed a violent prejudice, universal throughout North America, against the tithe system. Even though Protestants were still legally liable to pay tithes,[90] particularly in view of the high cost of living in the Canadas,[91] and some people believed the tithes could be collected,[92] it was considered a wise policy to surrender all idea of exacting them in a young country, where only by assiduous perseverance and infinite personal labours, could the settlers secure subsistence for their families.[93] Not till 1823, however, was this liability cancelled by legislation, though an earlier attempt to that end had been made in 1816. The settlers looked upon the Reserves as a substitute for tithes, or any other charge upon the people, for the maintenance of religion. Thus, as a remedy for past failures, to link the church and state as in England, and as a counterpoise to the Roman Catholic Church in Quebec, provision was made in 1791 for the religion and instructions of the people, by laying the foundation of an ecclesiastical establishment, that was meant to increase with the growth of settlement, and to enable the church to advance hand in hand with the progress of the Provinces.[94]

In September 1791, Henry Dundas, Secretary of State, instituted an innovation in British Colonial Policy, by instructing Lord Dorchester to make the proposed reservations for the Crown and Clergy.[95] By a series of clauses direction was given to set apart such allotments of land as should be equal to 2/7th part of the quantity of land granted to other people.[96] In the case of the Clergy Reserves,

90. Dundas to Dorchester, Sept.16,1791.
91. P.F. 76, No.16, Portland to the Bishop of Quebec, Nov.14,1794.
92. Simcoe Papers, Vol.II, p.80, and Vol.IV, p.113, D.W.Smith to Simcoe, Oct.28, 1795.
93. P.F. 76, No.16, p.7, Simcoe to Portland, Nov.8,1795, and Portland to Simcoe, June 22, 1795.
94. Ibid, Portland to the Bishop of Quebec, Nov.14,1794; ibid, No.19, pp.16-18, Maitland to Bathurst, Feb.4, 1824; Q 286, p.233.
95. Simcoe Papers, Vol.I, p.152; Shortt & Doughty, op.cit. Vol.I, pp.205-06, Portland to Simcoe, and to Dorchester.
96. P.F.76, No.16, p.5, Dundas to Simcoe, May 2,1793: "I trust that in making the reserves for the Church and the Crown, sufficient attention has been paid to the late Act, particularly that part which provides 'that they shall be, as nearly as the circumstances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so alloted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grants, equal in value to the seventh part of the lands so granted;' and I am the more anxious on this score because you add that the plans have been directed to be carried into execution."

the most scrupulous care was taken to ensure the appropriation being made, and it was expressly stated "that all and every the rents, profits or emoluments which may at any time arise from such lands so alloted and appropriated...shall be applicable solely to the maintenance and support of a Protestant Clergy within the province in which the same shall be situated, and to no other use or purpose whatever." Provision was also made for the erection of parishes, the constituting, erecting and endowing of rectories, and the presentation of incumbents or ministers, who "should hold and enjoy the same, and all rights, profits and emoluments thereunto belonging or granted as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties as the incumbent of a parsonage or rectory in England." Power was given to the Legislative Council and the local Assembly, with the assent of the Crown, to vary or repeal these regulations. There was one significant difference between the Crown and Clergy Reserves. According to Wilmot-Horton, the Clergy Reserves were always most carefully selected by the Lieutenant-Governor and Council according to statute, and were therefore more valuable than the Crown Reserves which were selected at the discretion of the Crown.[97]

Immediately the vexed question of the distribution of these Reserves arose. Grenville's instructions of November 8, 1792, were liable to various interpretations; "That the two-sevenths reserved for the Crown's future disposition and the support of a Protestant Clergy be not severed tracts of one-seventh part of a township, but such lots or farms ~~described as set apart for these~~ 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."[98] A subsequent instruction directed that "in all townships fronting on waters, the said lands so to be reserved shall have their just proportion of front upon such waters... and should be in different parts of the several and respective townships between the other lands intended to be granted."[99] It is open to question whether the framer of these confused orders understood the real nature of the issue involved. The Land Boards experienced the greatest difficulty in determining their exact meaning, and the uncertainty in which the issue was clothed for years proved a

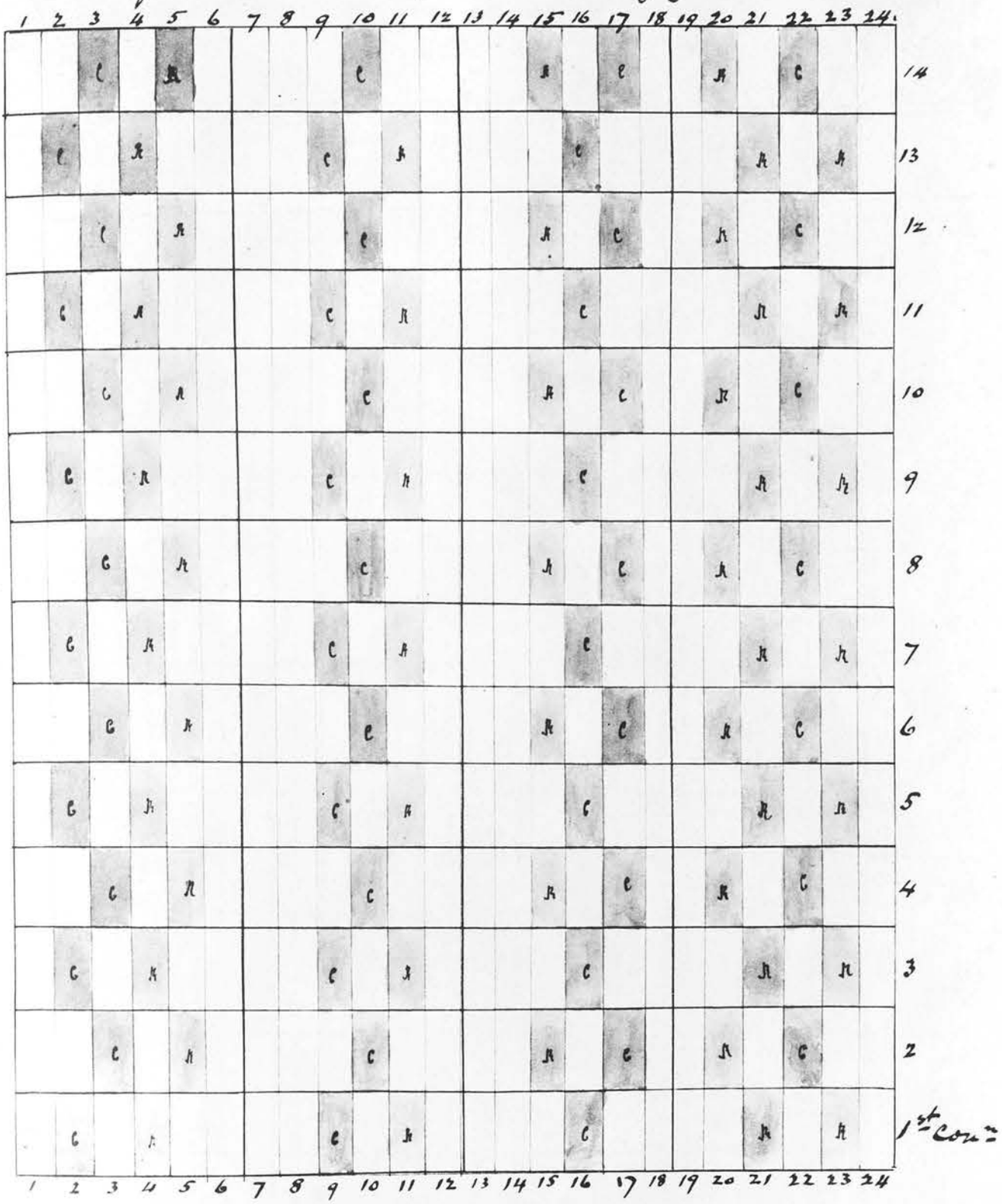
97. P.F. 16 No.16, Portland to the Bishop of Quebec, Nov.14,1794; Q 385, pp.579-628, Report of the Select Committee of 1835; Q 269B, p.69, Glenelg to Durham, April 29,1838; Evidence before the Select Committee of 1828, concerning the difference between the Crown and Clergy Reserves.

98. Doughty and MacArthur Documents, p.61; L.C.State Book A, pp.17-20; Q 59, pp. 42-45; Quebec Gazette, Feb.16,1792; Dundas to Dorchester, Oct.2,1793 - the Reserves to be scattered in detached lots.

99. Q 63, p.200 ff.

The Chequered Plan

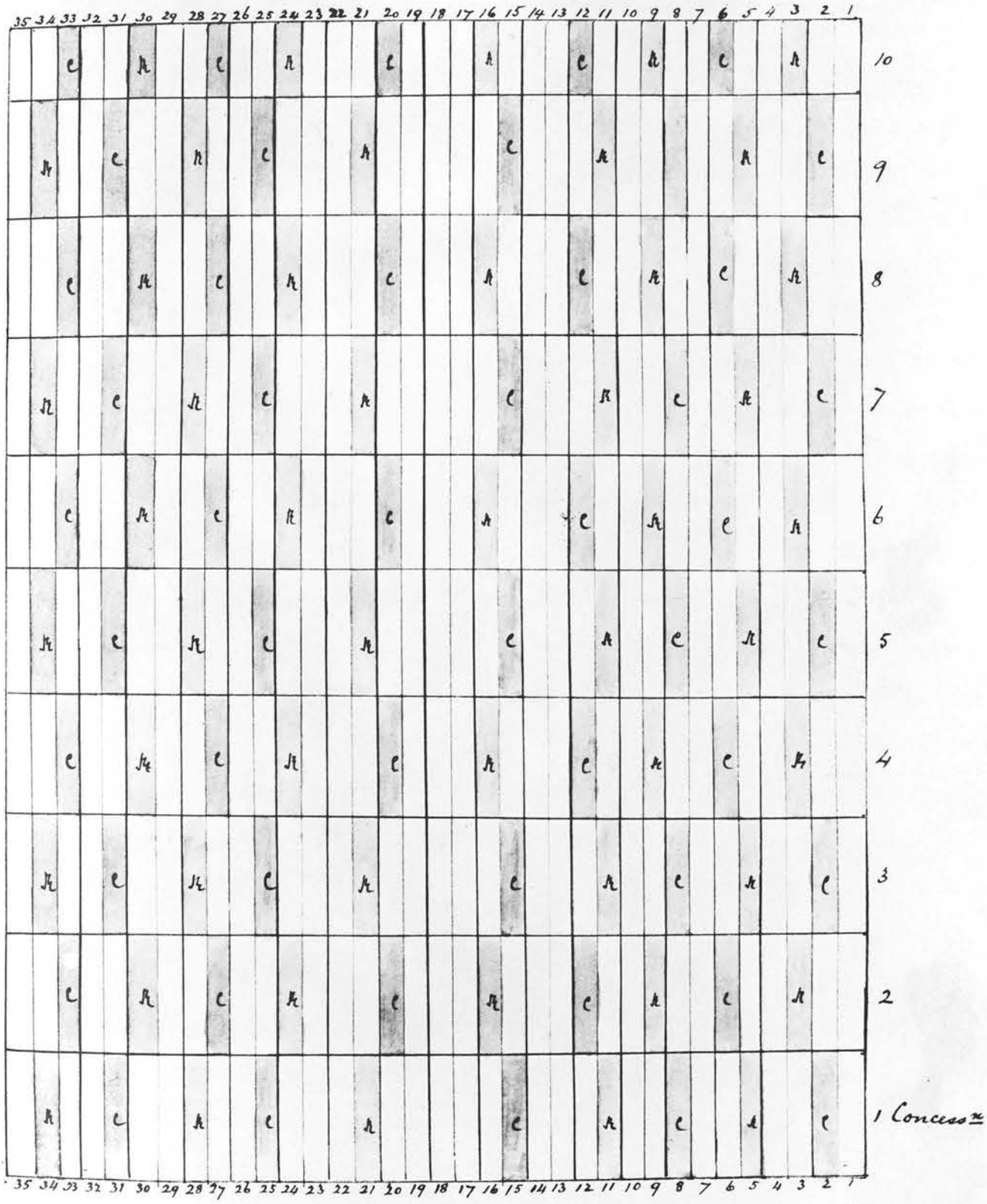
Discriminating the Reserves of the Crown from those of the Clergy.



The Crown Lots are washed with Lake.
The Clergy Lots with Indian Ink.

QS 259

A Diagram on the Principle of the Chequered Plan discriminating the Reserves of the Crown from those of the Clergy –



The Crown Lots are washed with Lake
The Clergy Lots, with Indian Ink –

QS260

for the Actg. Surv.r General
Chewett + Ridout –

serious impediment to settlement, and as subsequently happened, any plan adopted by local officials to carry out the instructions was fraught with much that was evil and little of good to the future history of both provinces.

In 1792, when settlement began in Lower Canada, it was decided by the Provincial Government that the Reserves should be situated in the four corners of inland townships, and in the rear part of townships bordering on rivers or lakes.[100] With respect to the townships along the international boundary, it was ordered that such portions be reserved as should conduce to the defence and fortification of the province. This decision was regarded merely as a temporary expedient and a compromise with the stern logic of local needs until the matter could be again referred to the Colonial Office for reconsideration. Their dominant motive was to clear the way for the coming of the Loyalists, and to strengthen the provinces against neighbours who had the "advantage of climate for an accumulation of inhabitants."[101]

The first settlers took the decision as final and made their plans accordingly. The Colonial Office refused to sanction compactness of settlement, or any plan "which does not carefully keep in mind the general idea of rendering the reserves as beneficial as was intended by the Act."[102] The Council again compromised. In August 1793, applicants for five townships were given the option of placing the Reserves in four parallelograms running through the townships from front to rear, or of placing them in detached lots. They chose the former. Settlers on other townships took it for granted that one general system would prevail throughout the province and made their arrangements with this end in view.[103] Dundas refused to sanction the parallelogram plan and ordered that the Reserves be made in detached "parcels" on the assumption and expectation that civilisation would speedily surround these waste lands and increase their value, whereas the existence of these Reserves prevented for years that very civilisation from taking place.[104] The result was the famous Checker Board plan.[105]

The same valid objections to the checker plan of distribution were raised by the Upper Canada officials before its adoption in 1794.[106] The only exceptions were in those townships surveyed before 1791, in which the Reserves were made, wherever possible, in blocks near the centre of each, or in the case of the Niagara

100. L.C. Minute of Council, March 14, Oct.11,1792; Q 80, pp.385-87, Prescott to Portland; L.C.Land Papers, July 9,1798.
101. L.C.Land Board, Feb.23,1793, in answer to Dundas' letter of Sept.16,1791, and Grenville's of Nov.8,1792.
102. L.C.State Book A, pp.346-48; P.F. 76, No.16, p.5, Dundas to Simcoe, May 2, 1793.
103. L.C.State Book A,pp.339-42, Land Board to Lt.Gov.Clarke, Feb.23,1793.
104. L.C.State Book C, p.362, 374.
105. Q 63, p.231 ff, Feb. 23,1793, (see Appendices for Plan.)
106. Simcoe Papers, Vol.II, p.51, 185; Vol.IV, p.136, Surveyor-General Smith's criticism of the Checker Plan.

district, which had already been granted, the Reserves were made in adjacent townships.[107] In the case of townships on military roads, like Yonge and Dundas Streets, where the intention was the speedy settlement of the country by bona fide settlers seated contiguously, and the making of as straight a road as possible by the settlers thereon, the Reserves were distributed in the rear concessions.[108] In all other townships the Reserves were chequered according to a fixed principle. But Canada was not the only sufferer in this respect. The Colonial Office was no respector of colonies. In New South Wales there were over 400,000 acres reserved for religion and education, chosen in the best portions and in absurd places - in Gloucester county they consisted of a long, narrow strip that cleft the county in two.[109]

The injurious effects of such an injudicious method of distribution were early pointed out and soon apparent.[110] It would be difficult to imagine a plan better calculated to impede seriously the progress of settlement in a new country heavily timbered,[111] and strenuous efforts were vainly made by men familiar with the agricultural difficulties of a pioneering country, to adopt the saner methods of massing the Reserves either in whole townships, or complete parts thereof.[112] To reserve 19,200 acres out of a township of 66,000, in ninety-six scattered lots of 200 acres each, not only placed innumerable obstacles in the path of settlement, it added injustice to injury by throwing all the expense and labour of fencing and ditching upon the settler adjoining a reserve, whereas it had been customary in Quebec for these burdens to be borne jointly by the proprietors of adjoining farms. Similarly, whenever one farmer cleared his land up to the boundary, his neighbour was bound to do likewise up to the depth of about half an acre along the boundary line, to admit of the free action of air and sunshine upon his neighbour's clearings, whereas under the Reserve System, all public improvements would fall upon the actual settler, since neither the Government nor the Church would cooperate. And since the settlement and cultivation of the other lots alone made the Reserves valuable, either to the Government or the Church, any arrangement that impeded the free operation of the cause retarded and lessened the effect flowing from it. But although these evils were often exposed, doctrinaire Colonial Office officials ignored the force of arguments drawn from the hard facts of pioneering experience, and continued in

107. Q 333, p.241 ff, Maitland to Horton, Sept.30,1823; U.C. "S" Surv.Genl.Ridout to Gordon Drummond, March 8, 1815.
108. Q 287, pp.159-164; Simcoe Papers, Vol.IV, pp.137-138; Q 27, pp.331-333.
109. S.H.Roberts, History of Australian Land Settlement, p.75.
110. Q 69, p.211, Aug.11,1794; Q 78, p.193, Prescott, Dec.24,1796.
111. Q 63, pp.231-32, Feb.23,1793.
112. Q 69, p.211, op.cit.; Samuel Holland and John Collins, Surveyors to Gov.Clarke Feb.27, July 10, Sept. 24 and 28, 1792; L.C.State Book A, pp.369-374, Holland to Clarke, June 7,1793; Ibid, p.377, June 12,1793, Land Committee on Holland's letter to Clarke.

their sins of omission and commission until about four million acres were reserved in Upper Canada, and about two million acres in Lower Canada, scattered in 200 lots in the midst of settled districts, constituting an intolerable nuisance.[113] Bathurst, while fully aware of the inconveniences complained of, approved their distribution since they were "the source to which the Crown must look for revenue applicable to colonial purposes," and because no other method could render them productive. To him, the general good of the provinces demanded some immediate sacrifice on the part of the settlers, whose interests were not to be considered or allowed to interfere with the object in view.[114] In 1821, however, Lower Canada began to form reserves in compact blocks, thus relieving the embarrassment and enhancing the value and utility of the Reserves.[115]

The futility of the Reserves, as a source of revenue, gradually became apparent even to the Colonial Office. In order, therefore, to remove some of the worst objections and make the Reserves productive, an attempt was made, in 1795, to lease them at certain upset rents for a term of years, or lives, but not in perpetuity.[116] To this end, the Lieutenant-Governor and the Executive Council were constituted the "conservators and stewards" of the Reserves, responsible for the custody of all rents and fines therefrom, and for the semi-annual report to the Secretary of State for the Colonies and Lords of the Treasury.[117] But to tempt settlers to expend labour on the property of another in a country where free grants were easily obtainable, and where so much cheap land was offered for sale in the open markets, very favourable terms had to be offered. It was decided that the lessee should have a better bargain from the King than he could obtain from any private lessor, and thus be bound by his interest, as well as his gratitude, to a system from which he would derive advantages greater than he could expect from any other. Leases, therefore, were to be long enough to encourage improvement, "but not so long as to make the tenant forget the hand to whose bounty he owes it."[118] Thus, leases were for twenty-one years in both provinces, though the rents differed. In Upper Canada the rent was 10/-, or three bushels of wheat, at the option of the Crown, for every 200 acres, during the first seven years; 20/- or six bushels during the second period of seven years; 30/-, or nine bushels, for the remaining seven years. Tenants were at

113. Q 167A, p.10, Cockburn, May 22,1821; North Amer.Rev. Vol.18, p.17, Fourth Report of Committee on Emigration.
114. Dalhousie Papers, Vol.3, Maitland to Dalhousie, Oct.2,1820: "They form a momentary inconvenience to the neighbouring settler...;" Q 167 A, p.18, Bathurst to Dalhousie, Aug.30,1821.
115. Bouchette, British Dominions in North America, Vol.II, p.196.
116. Q 284, p.60, Portland to Dorchester, April 6,1795; ibid, pp.8-11, Portland to Mr. Pres. Russell, Jan.10,1798; L.C.Land Book D, pp.180-188, Prescott to Land Board, June 11,1798, commenting on Portland's Instructions of Feb.11.
117. Q 284, op.cit.; ibid, p.161, Colonial Office, April 20,1798; Q 333, pp.241-281, Maitland to Horton, Sept.30,1823.
118. Q 284, p.161, op.cit.

liberty to assign their leases without any restraint. The only charge for the lease was 2/6 to the Secretary of the Province.[119]

In Lower Canada, presumably on account of its more advanced economic status, rents were much higher. In some instances they were exactly double that of Upper Canada; in others, for the first seven years £1-5/- or sixteen bushels of wheat, and for the third period £3-15/- or twenty-four bushels of wheat. In 1811, however, by order of the Colonial Office, the Upper Canada rents were raised to 15/- for the first term, 70/- for the second, and £5-5/- for the third term, or 6d an acre on 200 acres.[120] The lease was renewable at the end of every seven years so as to assure the tenant twenty-one years prospect for any improvement. From such an arrangement a steady flow of revenue was expected to accrue to the Government, and the claim was made that leases so beneficial could create an immediate interest in each lessee to preserve them against depredations.[121] On December 9,1801, the first order for leasing the Reserves was issued by the Colonial Office.[122]

The unexpected happened. Owing to the scarcity of specie, the poverty of the settlers, the low price of land, and the amount of land already alienated and available, leases were not in demand during the early part of the nineteenth century; many of the Reserves were occupied by squatters.[123] There was a distinct objection to the payment of rents; arrears accumulated. It was only after 1823, when desirable lots, both for soil and situation, in both provinces were no longer available that the demand for the Reserves increased; emigrants were anxious to remain in developed communities and old settlers to provide farms for their sons out of the Reserves. Disappointed in their hopes of securing an adequate revenue - urgently necessary - from the lease system, raised the question of a different administrative policy: the Crown Reserves were to be sold, and the control and management of the Clergy Reserves was transferred in 1819 from the Provincial Executives to that of a Corporation of the Clergy of the Church of England - a plan recommended by Simcoe in 1795 because of the influence of the clergy in their districts. In 1819, however, the transfer of control was regarded by other religious denominations as an attempt by the Church of England to secure to themselves as a body, the permanent, inalienable and exclusive right to the whole property. The subsequent history of the Crown Reserves has now become merged in that of the Land Companies of Upper and Lower Canada, while that of the Clergy Reserves can best be appreciated in connection with the political consequences of the land regulations.

119. U.C."S" Notice of Oct.16,1802. 120. Q 333, pp.241-81, op.cit.
121. Q 80, p.433, Portland to Prescott, Oct.11,1798,advising good terms.
122. U.C."S" Ridout to Maitland, Aug.22,1818.
123. L.C. "S" Dec.31,1809, Archb.MacMillan of Lochaber leased 1,342 acres of Reserve land; Q 298, p.376 ff, Thomas Scott, Atty.Genl.to Lt.Gov.Hunter, Oct.23,1802; L.C.Land Papers, Aug.15,1797, the Proclamation against squatting.

PART II: AN INTERLUDE.

VII.

AN INTERLUDE BETWEEN THE OLD AND NEW ERA.

SYSTEMATIC COLONISATION, (1815-1825).

Hitherto I have been dealing with land regulations that were imposed upon the Colonies without regard to colonial opinion and little to colonial needs. Colonies were viewed as possessions rather than as extensions of the Parent State, and the Colonial Office and the Conservative Government of Great Britain were more diligent in evading than in providing a remedy for pressing issues. And while the Colonies remained struggling, impoverished, semi-barbarised communities and there was little sign of any tendency to regard colonisation or the Empire as a whole, a consistent land policy was hardly to be expected. It was only as the Colonies became self conscious, distinguished between their own interests and those of the Mother State, looked more and more to their own legislatures for direction and guidance, and began to insist upon the control of their own domestic affairs, that colonial opinion and needs were reflected in the Imperial Land Regulations. The surrender was very gradually and grudgingly made. This chapter describes the transitionary steps between the two eras, and combines in one scheme some elements of the old and some of the new ideas: the surplus unemployed of the British Isles were to be transferred, under Government supervision and at Government expense, to Canada, with the double purpose of transforming its waste lands and providing a home for British unemployed.

In 1815, as a century later, the land situation in Canada merged with the serious economic crisis consequent upon the long strain of war. In both cases the British nation was faced with the difficult problem of disposing of huge numbers of unemployed and building up again the dislocated machinery of industry and commerce, with this difference that in the days of Napoleon, Britain had almost a monopoly of manufactured goods and commerce, and that the Colonies of a century ago are to-day self-governing units, with an immigration policy that is designed primarily to promote land settlement, with an "occupational test" for farmers and farm workers, that insists on a selective process in the admission of emigrants, and distinguishes between independent and state-aided emigration, while the United States are sealed except to a comparatively small, selected quota. The problem of emigration has therefore altered since the days of gratuitous grants indiscriminately bestowed by the Colonial Office, and R.W. Horton's pauper scheme of colonisation. Not only so but in 1815, as later, the industrial system was unable to absorb the workless army, and emigration on a large scale was urged as a certain remedy for the grave social and political unrest that threatened to undermine the very foundations of constitutional government. For the first time serious attention was directed to the waste

lands of the Colonies as offering possible homes and sustenance to a distressed population, thus relieving the Mother Country of a menacing encumbrance. All classes hoped that an emigration of such magnitude would allay the general discontent and restore national prosperity. To the landlords, it promised relief for overcrowded estates; to the Government, the removal of troublesome political agitators; to the manufacturers, an expanding market, and to the poor an honest economic independence. Thus commenced the tide of emigration which has since increased to a degree that has rendered the direction and control important matters of State policy, ultimately connected with the interest and well-being both of Great Britain and the Colonies. Years before emigrations on a small scale had occasionally taken place, but their limited sphere and the circumstances by which they were influenced seem to distinguish them from those of a later date, whose urgency and extent marked them with peculiar features. The human flood that burst upon the British North American Colonies after 1815, fixed public attention and attracted the notice of Government.

Already in 1813, plans had been made to attract to Canada the evicted tenants of Caithness and Sutherland landlords.[1] The cost to government was carefully weighed in the balance with the defence value of these hardy settlers to Canada, beset by invasions and the destruction of property and human lives.[2] They were to be provided with free transportation to their destination, rations for a certain period and a grant of land in frontier townships. Major-General Drummond, Governor-in-Chief, welcomed the plan both from the point of view of an accession to the fighting population and the introduction of a valuable class of settlers into a country already inhabited by too many aliens, avowedly disaffected to British institutions.[3] On arrival they were to be placed under the control of the officers responsible for the superintendence of the disbanded troops. Napoleon's escape from Elba suspended all further action for a season, and in the meantime some of these intended emigrants found their way to Selkirk's Red River Colony, others to the United States and Canada. The Peace of 1815 brought the problem of emigration once again prominently before public attention, and afforded Government an opportunity to establish "certain portions of the regular troops about to be disbanded on the waste lands on the frontier of Canada,"[4] and "on a superior footing to those of

1. Parliamentary Debates 1815, Vol.31, p.917.
2. G 6, pp.27-29, Bathurst to Governor Prevost, Oct.29,1813.
3. G 621, pp.1-3, Drummond to Prevost, Feb.19,1814; Q 127, pp.168-169; Q 38, pp. 142-43, Drummond to Bathurst, Kingston,U.C. July 12,1814.
4. G 131, pp.86-93, Prevost to Bathurst, Mar.18,1815; Can.Arch.Report 1896,p.74 ff.

other descriptions,"[5] The outcome was the settlement upon lands adjoining the Rivers Rideau and Trent, and between Kempenfelt Bay and Lake Huron,[6] chiefly by men of the Fencible Regiments, native born and accustomed to the clearing and preparing of new lands for cultivation;[7] later the scope of the plan was extended to embrace a large number of civilian unemployed of both Ireland and Scotland, to be settled at public expense and under Government supervision, thus constituting the first systematic emigration conducted by the British Government since 1749.

As in 1813, the Imperial Government was anxious to attract British emigrants to Canada. Drummond was informed that "as the present encouragement to settlers is given with a view of diverting to the British Colonies that part of the population of the United Kingdom which would otherwise emigrate to the United States, you will see the importance of locating the settlers...so satisfactorily to themselves as may induce them to represent in a favourable point of view the advantages of an establishment in those provinces." Information sent home to their friends was officially regarded as far more effective in deciding the direction of emigration than any Government policy. Bathurst therefore urged that every necessary preparation be made to settle them as soon as possible after arrival in compact settlements,[8] even to the sacrifice of Crown Reserves. Suitable situation for the settlements were to be chosen with the least expense to Government and the greatest advantage to the settlers and the provinces. Provision depots were to be established in central positions.[9]

The Government's plan as eventually carried out, however, was considerably modified by the force of local circumstances, the lessons learned from the experiences of war and the evil results of a vicious land policy. So far as the Maritime Colonies were concerned there was comparatively little difficulty in securing land for military settlers, but in Lower Canada, Prevost, for various reasons, objected to frontier settlements. Arguing from the experiences of the War of 1812, he claimed that an unsettled frontier district afforded better defence than a populated one; that apart from the difficulties of placing settlers on these frontier townships, their isolation from older settlements and distance from a market in Quebec or Montreal would either stultify all progress or open up "a most pernicious" intercourse with the Americans, tending ultimately to alienate their loyalty. He therefore made the wise suggestion, which Bathurst accepted, that the settlement be formed nearer

5. N.B.C.O. 188, Vol.V, (152), p.233, Bathurst to Hailes, Mar.12,1817.
6. Q 319, p.73 ff, Major-General Robinson to Bathurst, July 29,1815.
7. Bouchette, British Dominions, Vol.II, p.205 ff.
8. L.C. "S" Bathurst to Drummond, June 13,1815.
9. L.C. "S" Drummond to Robinson, June 17,1815; U.C. "S" July 24,1815.

Quebec, on the banks of the River St. Frances, which empties into the St. Lawrence through Lake St. Peter, where large tracts of fertile lands were available. The new settlement was to commence contiguous to the older districts giving the settlers an opportunity to use the open roads to the St. Lawrence with access to the Quebec market, thus linking up and forming compact settlements in the event of trouble with the United States. Grants were to be made free of expense to the settlers on condition of immediate occupation and cultivation, without the power of alienation for three years. Rations for twelve months and implements of husbandry were to be provided by Government. Experience, however, had taught Prevost that all the advantages of gratuitous grants of land, of provision allowed and of implements of tillage provided were insufficient to effect the cultivation of Crown Lands, and the permanent establishment of settlers upon them; he therefore advised that seed grain and cattle be supplied as incentives to perseverance together with the construction of roads and the erection of huts to shelter the settlers until they could provide for themselves.[10]

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In Upper Canada the main difficulty was to procure a sufficient quantity of land so concentrated as to answer the purpose of a large settlement in districts along the frontier open to invasion.[15] It became the subject of a prolonged and acrimonious correspondence. Surveyor-General Ridout recommended the vacant lands bordering on the Great Lakes which for situation, climate and soil were unsurpassed

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11. Q 137, p.264, Report of Col.Myers, D.Q.M.General to Sherbrooke, Oct.23,1816.
12. Q 131, p.86 ff, March 18,1815.
13. Q 133, pp.111-115, Drummond to Bathurst, Oct.30,1815.
14. Q 144, p.212 ff, Sherbrooke to Bathurst, Aug.20,1817; Quebec Mercury, Oct. 8,1836; ~~Canadian Archives~~, C,625, p.105.
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In deciding in favour of compactness, Drummond wasprobably influenced by Bathurst's instructions of June 13, 1815; he was even more clearly influenced thereto by the events of the War of 1812, during which the settlers of remote parts of the colony were not only useless to the general scheme of defence, but were unequal even to the protection of their own property. The newcomers were therefore to be settled close together rather than, as formerly, isolated in families. From the point of view of immediate military significance, however, the situation of the new settlement, twenty miles within an unbroken forest of absentee grants, was more of a liability than an asset, and remained so until years afterwards when a road was constructed through it to Kingston. But Drummond had to bow to the inevitable consequences of a land policy which alienated so much land without insisting on its development.

In the meantime arrangements had been completed in Great Britain to convey emigrants to Canada. The plan was fairly ambitious. The original intention had been to include Ireland, in practice it was confined to Scotland,[19] where on February 22,1815, a royal proclamation was published in the Edinburgh newspapers by Mr. John Campbell,W.S., Government Commissioner and Emigration Agent, which announced the terms of settlement and the extent of Government assistance.[20] The inducements offered were a free passage and provisions during the voyage, a grant of 100 acres of land to each head of a family and to each son at the age of 21 years, with implements of husbandry at prime cost and rations for six months or at the discretion of the governor,[21] and a minister and schoolmaster on government salary. As evidence

16. U.C."S" Ridout to Drummond, Mar.8,1815.
17. Q 145, p.149 ff, Nov.26,1817.
18. Q 320, pp.34-40, Gore to Bathurst, Feb.23,1816; ibid, same to Drummond,same date.
19. Q 132, p.141 ff; Q 134, p.249 ff,op.cit.; Q 135, p.256, Instructions to the Superintendant of Settlement; Q 133, p.103, a request for similar encouragement to Welsh emigrants was refused.
20. Q 328, Feb.22,1815, Official advertisement; Q 135, p.83, R.Colquhoun to Bathurst, Feb.15,1815, Mr.Campbell had been for years the Law Agent of Lord Macdonald, the Earl of Breadalbane and others. He was a man of good sense and integrity, with a very intimate knowledge of agricultural conditions in the Highlands.
21. G 413,(Sir Gordon Drummond's Letter Book),Oct.2,1815, Additional Instructions to the Superintendant of Settlement to increase the daily rations, "being anxious to afford every encouragement and comfort to every description of settlers in Canada;" L.C. "S" same date.

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The Proclamation produced a sensation in the Highlands of Scotland, where eager thousands welcomed the opportunity of joining their friends in Canada:[23] in Skye, hundreds sold their effects only to find that they were unable to pay the stipulated deposits.[24] But in spite of a promising beginning, the final result was disappointing. Of the thousands who did apply only about seven hundred farmers and labourers, largely from the west of Scotland, persisted after the real significance of the conditions were fully understood.[25] Emigrants who could afford to make these deposits preferred the United States where far better opportunities were offered without demanding a testimonial of character. The red tape and wearying months of waiting for transportation discouraged others. Finally in July and August, the persevering few sailed for Canada in four transports,[26] and settled in the Spring of 1816 at Perth in the township of Drummond, in the district of Johnston, selected by Colonel Cockburn as one of three centres around which the Rideau Military Settlement was intended to develope.[27]

The Rideau Settlement was originally intended to form a great highway between Upper and Lower Canada, and a second line of defence away from the St. Lawrence, whose banks were occupied chiefly by Americans who had crept over in spite of prohibitions, and whose disregard of oaths and of allegiance or obligations of any kind made the St. Lawrence a dangerous frontier during the war, difficult to defend and of course a cause of incessant uneasiness to Government.[28] The new route therefore offered strategic advantages of a superior kind, essential to the security of both provinces, and incidentally,[16] the development of trade and commerce, uniting Montreal, Kingston, York and the Great Lakes. Part of the scheme involved a canal twelve miles long to circumvent the Carillion rapids in Grenville township. The Imperial Government was very anxious to complete the whole programme as soon as possible, more particularly since it had become known that, had the War of 1812 continued, the American Government had made plans to intercept communication via

22. C 625, p.105, Nov.13,1818; Order to refund deposits to settlers; see also G 6, p.77; G 57, p.96, Land Regulations, Nov.1814.
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24. Q 134, p.113,114, Donald Shaw to Sidmouth, Aug.7,1815.
25. They came from Edinburgh, Glasgow, Paisley, Knoydart, Glenelg, Callander.
26. Q 133, p.93, Drummond to Bathurst, Sept.23,1815, announcing their arrival; Q 134, p.182,221, July 22,1815.
27. Q 137, p.274 ff, Gore to Sherbrooke, Oct. 15,1816; Settlement was made on the first concession township of Bathurst and the last concession of the townships of Burgess and Elmsley, U.C. "S" Aug.2,1819.
28. Dalhousie Papers, (1820-1827), Private Memo; Q 320, pp.34-40, Gore to Bathurst Feb.23,1816; Q 152, pp.9-17, Cockburn's Report, Nov.26,1818.

the St. Lawrence between the two Provinces.[29] Towards this district the footsteps of the newly arrived Scottish emigrants were directed.

On the average one month elapsed between embarkation at Greenock and arrival at Quebec, and one year before final settlement on their land, where no adequate provision had been made for their reception. In the meantime, those emigrants who had not drifted elsewhere,[30] were supported in idleness in temporary barracks at Brockville[31] making no progress towards providing for themselves. The plan was beset with unexpected difficulties. By mutual agreement the arrangements for their reception, transport, victualling, and location were placed in the hands of the department of military command under the control of the Governor-in-Chief, while the control of the Surveyor-General's department was retained by the Lieutenant-Governor-in-Council of Upper Canada, without whose sanction lands could not be allocated or surveys made.[32] The results of such divided counsel were defective management, ill-conceived petty regulations, and constant friction between the departments concerned, all of which remained insoluble while the dual control existed. The Upper Canada Executive was neither unable or unwilling to provide sufficient funds for adequate survey without a contribution from the Military Chest. By the Spring of 1816, however, sufficient progress had been made to accomodate the 'Perth' settlers, who, before they could occupy their lots, had to cut a twenty mile road through absentee grants.[33] By October, about 1,400 emigrants and soldiers had been settled, forming the first regular settlement in the County of Lanark.[34] To prevent any partiality in the distribution of the land, each settler had an unrestricted choice of the vacant lots. No exchange was later allowed; absentees forfeited their lots and improvements were compensated for.[35]

It would be difficult to imagine a more unpropitious beginning for a settlement in a wilderness that in a few years was to become famous for well-cleared farms and substantial buildings.[36] Almost every obstacle that nature and blundering officials could raise were present to impede their progress. They arrived in great distress too late in the season to be settled on their land, four hundred miles

29. L.C. "S" Drummond to Gore, Que.Sept.23,1816; Q 320, pp.34-40,op.cit.
30. C 626, p.73; Bell, op.cit.p.74.
31. Q 137, p.311 ff, Sherbrooke to Bathurst, Dec.16,1816.
32. Minute of U.C.Council, Nov.4,1815.
33. Q 133, p.111 ff, Drummond to Bathurst, Oct.30,1815; Bell, op.cit.p.68; Gourlay, Statistics, Vol.I, p.522 ff; Dalhousie Papers, Vol.3, Dalhousie to Maitland, Sorel, Sept.22,1820: lamenting these waste grants and recommending their development or their forfeit - not more than 25 families from Juliens to the Rideau.
34. Q 137, p.311 ff, Sherbrooke to Bathurst, Dec.19,1816; Montreal Gazette, Oct. 21,1816.
35. Q 167 A, p.34 ff, Cockburn's Report, Nov.1822; Dalhousie Papers, Vol.3, Dalhousie to Kempt, Sept.23,1820: a number seeking exchange.
36. Martin, Upper and Lower Canada, p.226; Rolph, Statistical Account of Upper Canada, p.153.

other descriptions,"[5] The outcome was the settlement upon lands adjoining the Rivers Rideau and Trent, and between Kempenfelt Bay and Lake Huron,[6] chiefly by men of the Fencible Regiments, native born and accustomed to the clearing and preparing of new lands for cultivation;[7] later the scope of the plan was extended to embrace a large number of civilian unemployed of both Ireland and Scotland, to be settled at public expense and under Government supervision, thus constituting the first systematic emigration conducted by the British Government since 1749.

As in 1813, the Imperial Government was anxious to attract British emigrants to Canada. Drummond was informed that "as the present encouragement to settlers is given with a view of diverting to the British Colonies that part of the population of the United Kingdom which would otherwise emigrate to the United States, you will see the importance of locating the settlers...so satisfactorily to themselves as may induce them to represent in a favourable point of view the advantages of an establishment in those provinces." Information sent home to their friends was officially regarded as far more effective in deciding the direction of emigration than any Government policy. Bathurst therefore urged that every necessary preparation be made to settle them as soon as possible after arrival in compact settlements,[8] even to the sacrifice of Crown Reserves. Suitable situation for the settlements were to be chosen with the least expense to Government and the greatest advantage to the settlers and the provinces. Provision depots were to be established in central positions.[9]

The Government's plan as eventually carried out, however, was considerably modified by the force of local circumstances, the lessons learned from the experiences of war and the evil results of a vicious land policy. So far as the Maritime Colonies were concerned there was comparatively little difficulty in securing land for military settlers, but in Lower Canada, Prevost, for various reasons, objected to frontier settlements. Arguing from the experiences of the War of 1812, he claimed that an unsettled frontier district afforded better defence than a populated one; that apart from the difficulties of placing settlers on these frontier townships, their isolation from older settlements and distance from a market in Quebec or Montreal would either stultify all progress or open up "a most pernicious" intercourse with the Americans, tending ultimately to alienate their loyalty. He therefore made the wise suggestion, which Bathurst accepted, that the settlement be formed nearer

5. N.B.C.O. 188, Vol.V, (152), p.233, Bathurst to Hailes, Mar.12,1817.
6. Q 319, p.73 ff, Major-General Robinson to Bathurst, July 29,1815.
7. Bouchette, British Dominions, Vol.II, p.205 ff.
8. L.C. "S" Bathurst to Drummond, June 13,1815.
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away, the last twenty miles through a pathless forest. Many of them were without money, and all without food which had to be brought for their use either from Bermuda or Great Britain. In temporary shelters during the first winter, and none at all provided for them at their final destination, they dreaded the long winter under canvas or in poorly built huts;[37] they were tyrannized over by " a parcel of ignorant, proud puppies...who were too indolent" to direct the emigrants to their lands,[38] frustrating the benevolent intentions of Government and driving many to the United States.[39] Small wonder they were as bitter against officials like Daverne, who embezzled Government stores and absconded, as they were partial to their first Superintendent, Mr. Alexander Macdonell of Glengarry, for his kindness, sympathy and familiarity with their life in the wilderness.[40] Further, the dual authority of civil and military governments, the scarcity of surveyors, the large undeveloped grants that obstructed progress, and the failure of their first crop, all contributed to their general misery. Fearing starvation, some left their lots, while the majority remained on the strength of Lieutenant-Governor Gore's assurance of the continuation of government rations.[41]

In spite of all these initial difficulties, no settlement in Canada achieved more. There were certain compensating factors. It was ably conducted; the situation was excellent; the soil, though heavily timbered, was extremely fertile, and the emigrants, as distinguished from the majority of the soldiers, were thrifty and persevering.[42] By 1820, it was the centre of a flourishing district "with a family on almost every 100 acres;" Dalhousie was "very much delighted and astonished at the progress already made there,"[43] In 1828, Malcolm found it a place of "prosperity, happiness and contentment;"[44] and by 1844, it was well known as one of the finest settlements in Western Canada.

The flourishing state of the settlement was reflected in the thriving village of the same name,[45] one mile square and gven away in twenty-five acre lots, on the banks of the River Tay far off the beaten track, forty-two miles north of the St. Lawrence and about forty miles from Brockville.[46] It was originally founded as a depot for settlers. In 1815, the site was occupied by a forest of immense trees; ten years later it was the only village of any consequence in the military settle-

37. Q 137, p.274,ff, Gore to Sherbrooke, Oct.15,1816.
38. Gourlay, op.cit.
39. G ~~26~~ 62, p.322, McGregor to R.W.Horton, Oct.5,1826.
40. C 625, p.120 ff, Cockburn to Dalhousie, Mar.26,1820; C 628, pp.39-43, same to same, Mar.15,1823; C 626, p.73.
41. Q 320, pp.271-73, Gore to Sherbrooke, Oct. 15,1816; Montreal Gazette, Oct.21, 1816.
42. Kingston Gazette, Oct.14,1816; Q 167, pp.1-5, Cockburn to Dalhousie, Dec.21,181
43. A Letter from a Scottish Emigrant in Perth, Sept.10,1821; Gourlay, op.cit.; C 626, p.73; Lamond, op.cit.p.7; Dalhousie Papers,Vol.3, Dalhousie to Maitland, Sept.22,1820; ibid, to Judge Stewart, Sept.8,1820.
44. Enquiry concerning Emigration, p.38; P.P. 1828,XXI, pp.370-76, Evidence submitted to Cockburn on the progress of Perth.
45. Martin, Upper and Lower Canada, p.226 ff; Rolph, op.cit. p.153.
46. Lamond, op.cit.p.70 ff; Stuart's Guide, p.42.

ments[47] and boasted of about one hundred private homes, four churches and two schoolmasters, seven merchant stores, grist and saw mills, five taverns and "five distilleries constantly employed in making whisky."[48] In 1836, the population was eight hundred and the value of property in the vicinity was very high.[49]

The settlement of disbanded troops was not confined to these new townships, many of them settled in Alfred, Bastard, Finch, Gouldbourne, Kitley, Lancaster, Montague, Murray, Oxford, Plantagenet, Wolford and the Canal zone.[50] A village was formed in the morth east angle of Gouldbourne, intended to be the centre of the new settlement of Richmond, twenty-one miles from Richmond Landing, just below the Chaudiere Falls on the Ottawa River.[51] Cockburn in his Report of November 2,1818, stated that four hundred heads of families composed largely of the 99th and 100th Regiments, had already received grants of land there.[52] A road, costing over £200 was under construction between Richmond and Perth, which was expected to be ready before the winter as a preliminary step to the settling of other emigrants. Deep discontent existed on the part of the flank companies and volunteers of both provinces due to the distinction made by the Colonial Office between them and the disbanded regulars and the tardiness of admitting their claims to an equal grant of 100 acres.[53] The reasons for the official attitude may have been due to the comparative length of their military services - they were children compared to the veterans of the Napoleonic wars; they were also chiefly farmers with strong local attachments, who generally speaking left these grants undeveloped, or readily parted with them for a trifling amount.[54]

The "politic" experiment of 1815 was discontinued for civilians early in 1816, though retained for soldiers for another year.[55] Government found the policy too costly in the days of financial reconstruction; many of the settlers, destitute of capital and disheartened by the difficulties of a first settlement, were unable to provide for themselves and either became a burden upon the colony, or left their lands in disgust and proceeded to the United States.[56] An emigration policy that

47. E.A.Talbot, Five Years in the Canadas, Vol.I, p.164; McGregor, op.cit.p.60, (No.941); Bell, op.cit.p.88; Letter from a Scottish Emigrant, Sept.10,1821; Kingston Chronicle, Mar.15,1822.
48. Q 345, p.205 ff, "J.S." Montreal, 1827, An Account of a Visit to Perth.
49. Pamphlet No.1152, p.153.
50. U.C. "S" Ridout to Gore, May 21,1816, Returns of Locations made by Alexander Macdonell and David McG. Rogers of disbanded soldiers, emigrants and others; Q 137, p.259 ff, Report of Colonel Myers to Sherbrooke, Oct.23,1816.
51. Q 152, pp.9-17, Nov.26,1818.
52. C 625, p.189, Sept.5,1820, £200 advanced to open the road.
53. Kingsford, op.cit. Vol.IX, pp.201,224,233.
54. Q 207, pp.415-21, Aylmer to Goderich, April 12,1833.
55. Cowan, op.cit.p.74, quoting Bathurst to Sherbrooke, Feb.14,1816; Globe, Toronto Feb.26, 1816; U.C. "S" Bathurst to Sherbrooke, July 13,1816.
56. Q 144, p.212 ff, Sherbrooke to Bathurst, Aug.20,1817; Q 152, p.9 ff, Cockburn's Report, Nov.26,1818; Q 167A, p.34 ff, same, Nov.1822; G 62, p.322, McGregor to Horton, Oct.5,1816.

resulted in such costly failures was doomed, and colonial governors were requested to suggest a better alternative.[57] In the meantime, intending emigrants were informed they would receive a grant of land, as in Australia, with free survey adequate to the individual's ability to cultivate it and agricultural implements, but otherwise they must provide for themselves,[58] falling far short of Simcoe's advice in 1791, when he urged the Government to open roads, build shelters, grist and saw mills, in anticipation of the arrival of settlers.[59] Dalhousie's suggestion that settlement would be facilitated "if in future lands were laid out and granted to settlers without any expense whatever, and if provisions were allowed them for a period not less than eighteen months, together with few implements of husbandry,"[60] was not acted upon.

The bolder policy of disposal by sale of all waste lands, as advocated by Gourlay and developed later by Wakefield, which would establish a balance between land, labour and capital, had not yet won sufficient acceptance with the Colonial Office. On the contrary, a government experimenting with a problem it did not understand, and seeking a cheaper method of "shelving" undesirables than the policy of 1815, outlined a revised plan in December 1817, by which grants of land would be made to people with capital to invest and able to take with them ten or more individuals, above the age of twenty, as cultivators of the soil, possessing £20 per capita, half of which was to be deposited with Government until the conditions of the grant were fulfilled. A grant of 100 acres would be made, free of expense, for each person introduced, and an additional grant after the first had been brought under partial cultivation. Free transportation was included but no other Government assistance.[61] The old method of placing poor settlers on isolated lots of 100 acres, with its pernicious effects upon their morals as well as upon their success as farmers, was abolished in favour of a policy that placed them under responsible men of capital, able to provide labour and relieve the Government of financial obligations, and constitutes an interlude between the period of experimentation and the new policy of sale which was shortly afterwards adopted.

The new plan received the meagre response it merited. It was too speculative for an investment, even under more tempting colonial conditions. Only three men, one English, one Scottish and one Irish, availed themselves of it, the Colonial Office guaranteeing £10 for every family introduced. The English group of about

57. C 622, pp.111-112, Bathurst to Sherbrooke, Oct.4,1816.
58. C 623, pp.22-27, Bathurst to Sherbrooke, April 14,1817; Q 144, pp.212-16, Sherbrooke to Bathurst, Aug.20,1817; Q 167A, pp.34 ff, Cockburn's Report, Nov. 1822; Q 140, p.151.
59. Q 278, pp.222-24, Simcoe to Lord Grenville, Feb.10,1791.
60. Montreal Gazette, Aug.20,1817; C 622, pp.119-20, Oct.23,1816.
61. G 10, pp.45-51, Gouldburn to J. Harrison, Dec.6,1817; C 623,pp.22-27,op.cit.

nineteen families from Alston, Cumberland, settled in Smith township, Rice Lake district, Upper Canada; nine years later they were able to help the Irish emigrants brought into the settlement by Peter Robinson.[62] The Scottish group emigrated under Mr. Robertson of Breadalbane, Perthshire, who made the necessary deposits for one hundred families. The majority were too poor, without outside help, to provide the food legally demanded by the Passenger Act of 1817. From Quebec free transportation was provided by Government to the Rideau Settlement, where they received lands in Beckwith township, near their friends in Perth, and by industry soon reached independence.[63] A few families, dismayed by the prospects of the long and difficult journey to the Rideau, turned aside at Quebec, and after two years of wandering in the desert finally landed in Prince Edward Island in a destitute state.[64] Nine years later their deposits of £10 per family were refunded to them.[65]

The Irish group of one hundred and seventy-two families emigrated under the able leadership of Richard Talbot of Cloghjordan, a distant relative of his more famous namesake Thomas Talbot, on whose advice the majority settled in London township three months after leaving Cork. Thirty families settled in the Perth district.[66] This group was fortunate; many were already experienced farmers and in the possession of some capital which they wisely husbanded until their arrival at their future home.[67]

In the history of land settlement, these years were also noted for the determined attempt made to make the old system workable and for the helpful attitude of the local executives towards immigrants. In Lower Canada a resident agent was appointed to each new settlement to direct the newcomer to his lot and advise him on all matters connected with the beginning of settlement.[68] Plans were laid to open roads to and through the settlements; all locations were to be on good quality soil in the vicinity of towns or older settlements so that pioneering hardships might be minimised and progress hastened. No vacant lots were to be left between the settlers. The Executive Council even recommended a temporary loan of £25 in the form of food and necessary implements to those in need, retaining the title deed until the loan was repaid.[69] The idea, though not carried out, illustrated the

62. Account rendered by the Navy for expenses of passage to Canada from Greenock, £2,052-2/4, Whitehaven £597-1/9, Cork £1,270-12/7, quoted in Cowan, op.cit.p.76; Hall, Travels in North America in the Years 1827-28, Vol.I, p.293 ff.
63. Bell, op.cit.pp.68-80; British Dominions in North America, Vol.I, p.80.
64. Smith to Bathurst, March 15,1820.
65. Stanley to the Treasury, Dec.20,1827; Ready to Huskisson, June 2,1827.
66. E.A.Talbot, op.cit. Vol.I, pp.83,106.
67. Ibid, Vol.II, p.198.
68. The Agent received five acres for every settler who completed the settling duties.
69. Report of Committee of Council to Monck, Feb.26,1820, L.C.Land Book G, pp. 128-32; British Dominions in North America, Vol.II, p.196 ff.

new point of view towards the problems of the pioneers. In Upper Canada, the same humane concern for the welfare of the bewildered settlers was prominent. There was much room for improvement in a system that demanded the personal attendance at York of every applicant for land, often at heavy and unnecessary expense, in support of his application before the Land Commissioners, whose meetings were often postponed for weeks without due warning being given. How far these delays and obstacles were consciously a part of a deliberate policy to compel settlers to purchase land from speculators - of whom councillors and their friends were prominent members - would be difficult to prove. It can at least be said that no system could more effectively frustrate settlement and drive immigrants either into the arms of landjobbers, or out of Canada into the United States. It is to Maitland's credit that a change for the better was made. He tried to stimulate the Land Department into useful activity.[70] As in Lower Canada resident agents were appointed, so in Upper Canada, Land Boards once again functioned in each district to allocate lots of 100 acres on the usual conditions to immigrants,[71] to those "who had resided in the district before the late War and produced due certificates of having done their duty in its defence," to British born subjects entering Canada through the United States,[72] but all others had to receive their grants through the Governor-in-Council. The beneficial results both to the individual settler and to the province from the services of the Land Boards have been generously acknowledged.[73]

Maitland did not rest there. A major grievance was the injurious consequences produced by uncultivated grants belonging to privileged persons scattered throughout the different townships. To obviate these past evils and prevent their recurrence, it was ruled (October 20, 1818) that no deed would issue for these grants until the prescribed settlement duties had been performed on them and a satisfactory certificate filed in the Surveyor-General's office.[74] A more drastic step was taken on August 25, 1819, by an order-in-council which stipulated "that all locations of land subject to settlement duty, made prior to this date, be rescinded, and the land otherwise disposed of, if certificate of the settlement duty being performed be not lodged with the Surveyor-General within the time limit within the ticket of location, and the patent sent out within three months thereafter; and that all locations subject to settlement duty hereafter to be made will be rescinded, and the land otherwise disposed of, if certificate of settlement duty being performed be not lodged with the Surveyor-General within 18 months of the date of the order for such

70. Q 324, p.130, Maitland to Bathurst, Aug.19,1818.
71. Q 396, pp.244-45, Executive Council, York, Mar.13,1819.
72. Orders-in-Council relating to the sale of land in Upper Canada, April 26,1819.
73. Q 374, pp,252-53, U.C.Legislature to the King.
74. P.F.Vol.71, (1837), Land Rules for 1818; Q 396, p.279 ff, Inspector-General to Colborne, May 15,1834.

location, and the patent sued out within three months thereafter."[75] But Maitland found his best intentions utterly inadequate to infuse life into a system that was loaded with the accumulated burdens of past mistakes. He informed Bathurst in December 1819, that the existing regulations were at variance with the interests of the province, "and had actually opened the door to much imposition." Impoverished settlers were unable to sue out ther patents. Many were leaving their lots and crossing over to the States. To retain them in Canada therefore, a policy of making free grants of fifty acres to indigent settlers was adopted, only to be abolished in 1824 because too many settlers were applying. In Upper Canada alone 40,000 acres were given to this class.[76]

From 1818 to 1820, emigration so far as Canada was concerned was left to take care of itself. The claim was made that to stimulate emigration was as absurd as it was mischievous, cruel as well as impolitic; that the effects were simply to transfer poverty from a country better able to support it to another where poverty was the lot of the great majority. The Colonial Office, therefore, discouraged direct assistance to a movement that was per se fairly energetic. But the acute distress prevalent in so many parts of Great Britain, particularly among the weavers whose ranks were overcrowded with Irish labour, reduced to starvation through trade depression and loss of employment, probably caused a more general attention to be directed to the subject of emigration, and the means by which it could be most conveniently directed. Many still believed, however, that poverty was the natural lot of the poor, and that its causes were beyond the control of Parliament. But the general discontent and the spread of radical ideas that encouraged the masses to political action, convinced even the sceptic of the need for relief; provision was again made to enable a limited number of poor persons to emigrate at the expense of public funds, and later at the expense of the ratepayers of the different parishes from which the emigrants departed.

Already in 1819, the Government as if impatient at the obstacles in the way of successful colonisation in Canada, turned its attention to the Cape of Good Hope and offered Crown lands for settlement. Out of the 90,000 applicants, 3,659 ultimately sailed and settled in 1820 on 100 acre lots in the Albany Settlement. The original grant of £90,000 was subsequently increased to £200,000 because of unexpected difficulties both before and after settlement. Success finally crowned their efforts.[77] At the same time Government assistance was again given to the West

75. P.F. Vol.71,(1837) Aug.25,1819; Q 396, p.279 ff, op.cit.
76. Q 325, pp.464-66, Dec.20,1819; Upper Canada Gazette, Jan.20, 1820; Q 396,p. 279 ff; Durham Report, Appx.B, p.9.
77. Johnson, op.cit. p.228.

of Scotland to relieve a very severe, though temporary distress, at the request of certain men of influence connected with that part of the country.[78] Emigration societies had already been formed among the weavers of the districts of Glasgow, Hamilton, Paisley and Lanark, and petitions had been sent to private individuals interested in their walfare and to the Colonial Office soliciting financial assistance.[79] Bathurst sanctioned a loan on condition that sufficient money would be raised to pay their passage to Quebec at the rate of £4 per capita; the Government to provide free transportation thence to their destination. But owing to their poverty they could only raise one-tenth of the total; the balance was raised by subscribers in London.[80] An agreement was arrived at by which over 3,000 families, largely weavers, from the counties of Lanark, Dumbarton, Stirling and Linlithgow, were sent in 1820 and 1821 to the Rideau Settlement, each head of a family to receive 100 acres free of expense, together with seed corn and agricultural implements, as in 1815, subject to the usual conditions of immediate location and improvement.[81] A further inducement to permanent settlement was a government loan of £10 per capita, to be repaid within ten years.[82]

The Rideau Settlement was considerably augmented by the arrival of these Scottish settlers; those of 1820 received lands in the townships of Lanark, and Dalhousie, and those of 1821 in ~~thee~~ Ramsay and Sherbrooke, the whole being named "New Lanark."[83] Deserving cases,particularly discharged soldiers and settlers with large families, received rations.[84] In 1821, New Lanark was incorporated in the Rideau Settlement under the control of Captain William Marshall, to whose zeal and ability much of its subsequent prosperity has been ascribed.[85] On December 24,1822, civil government was substituted for military control, except in the case of New

78. Q 388, p.116, E.J.Stanley concerning the Lanark Settlers.
79. Q 219A, p.229, Bathurst to Maitland,
80. Lamond, op.cit. p.6 ff.
81. Q 155, p.335, Dalhousie to Bathurst, Oct.27,1820; Lamond, Op.cit.p.69, Dalhousie to the Duke of Hamilton, Jan.23,1821; ibid, p.29 ff, a list of the Emigration Societies and the names of the emigrants, vide C 625A, pp.134-155; C 627, p.35 ff; G 11, p.31 ff; ibid,pp.235, Bathurst to Dalhousie, Mar.17,1821, announcing the number to be sent; Q 157, p.235, Dalhousie to Bathurst, June 14,1821, announcing their arrival; C 627, p.37; Bell, op.cit. p.81; Bouchette, British Dominions, Vol.II, p.205 ff; Q 159, p.507 ff, and Q 167, pp.528-531, Lamond to Bathurst, April 19,1821: the cost of the 1821 transportation £5,972.
82. Q 155, p.257, Cockburn's Report to Dalhousie, April 14,1821, giving a list of the implements of agriculture; Q 319A, p.229; C 625, p.211, Bathurst to Maitland; Q 167, p.34 ff, Cockburn's Report, Nov.1822; Q 356, p.181 ff, Petition from Lanark settlers against refunding the loans, April 1831; Dalhousie Papers, Vol. III, Dalhousie to Judge Stewart, Sept.8,1820: "Governement advances to each living soul £10, at different and successive periods in 15 months..."
83. Q 155, p.335, Cockburn to Dalhousie, May 22,1821; Dalhousie Papers, Vol.3, Dalhousie to Judge Stewart, Sept.8,1820; ibid to Maitland, Sept.22,1820.
84. C 626, pp.54-70, Cockburn to Dalhousie, May 22,1821; Q 157, pp.243-256, Cockburn's Report; Q 167A, pp.6-15, Cockburn's Report.
85. Bouchette, British Dominions, Vol.II, p.205; McDonald, Narrative of a Voyage, pp.16,24; Q 356, p.181 ff, Petition from Lanark settlers, April 1831; Q 155, pp. 335-36, Dalhousie to Bathurst, Oct.27,1820; Dalhousie Papers, Vol.III, op.cit.

Lanark where a small establishment was left to collect the debts due to Government.[86] The systematic settlement of the Rideau was completed in 1823, when the Irish occupied Packenham.

Much was expected from the Lanark settlers because of the "excellent examples of prosperity around them, under circumstances of far greater hardships than they have had to encounter."[87] They were to be settled close to their friends at Perth, whose favourable reports had kindled in them the desire to emigrate, and "from whom they expected to receive some assistance in making their first establishment."[88] Dalhousie speaks of their "joyous spirit" in contemplating their prospects, but they had to contend with unusually severe circumstances. The townships had many local disadvantages. They were swampy, densely wooded, remote from markets, far from inland navigation, and until a road connected them with Perth, the settlers had to carry their produce on their backs twenty-five miles through the forest.[89] They knew little or nothing about farming, or the quality of the land; detained for weeks in a wilderness, fatigued and dispirited, they were glad to fix upon any spot they could call home. The result was that many of them settled on "the worst tract of land on which any extensive settlement was ever attempted in Upper Canada."[90] It was "little else than a continued succession of rocky...ridges with scraps of good land between;"[91] part of it remained ungranted, and many lots were later deserted, thinning the population and imposing a severe strain upon the others in the upkeep of roads and mills.[92] Many of the settlers, though industrious and frugal, barely managed to live through the first few years;[93] Colborne, in 1835, testified that they were still in a state of poverty.

The comparative poverty of the many was used as an argument in favour of cancelling all the debts due to Government, amounting to £22,640, exclusive of provision and transportation from Quebec, the cost of survey, opening roads and other incidental expenses in connection with the settlement, paid by the Upper Canada

86. Q 331, pp.142-45, Dalhousie to Maitland, March 15,1822; Q 187, p.538; Q 186A, pp.20,28; C 623, p.12; C 626, p.1; C 628, p.60, Bathurst to Maitland, Dec.24, 1822; C 624, p.50, Quebec, Dec.7,1816, Drummondville establishment to be cancelled, July 1,1817, and the Rideau Settlement Dec.25,1816.
87. Lamond, p.69, op.cit.
88. Q 319A, p.229, and C 625, p.211, Bathurst to Maitland.
89. U.C. "S" Francis Allan, Land Agent, Bathurst District, to Sir Geo.Arthur, 1840; C 627, p.33, Cockburn to Dalhousie, Sept.1,1821; C 628, p.78, Dalhousie, Dec.7, 1822; Bell, op.cit. p.81.
90. Q 356, p.181 ff, Petition from Lanark settlers against repayment of loans, April, 1831; Q 357, p.84, Colborne to Goderich, Aug.27,1831; Glasgow Society, Sixth Report, 1832, p.26, extract from a letter from the Rev.W.MacAlister, Lanark, May 25,1831.
91. Q 385, pp.3-7, C. Rankin to Colborne, Dec.31,1834.
92. Q 382, p.6 ff, Oct.6,1833.
93. Q 385, pp.3-7, op.cit; ibid, pp.1-2, Colborne to Spring-Rice, Jan.3,1835.

Government, or out of the Military Chest.[94] There prevailed also a general feeling that the claim would not be enforced, since the debts were unequally borne by the settlers due to the great difference in the quality of the land, and to the desertion of their lots by several without making any payment.[95] Every request for a moiety was met by a petition for cancellation, and up to 1834, only £22-10/6 had been repaid.[96] As early as 1829, Kempt doubted if the debts could be collected without recourse to compulsory methods.[97] Marshall's suggestions that the debt be reduced in proportion to the value of the land, and an annual rental equal to the interest on the balance be imposed,[98] were both approved but without any results.[99] The settlers seemed to presume upon the Government's dilemma, for many of them were in a position to repay their debts; some offered to pay in kind.[100] Finally, the Colonial Office admitted that a demand for payment would not only be ineffectual, but might result in an immediate migration to the United States, depriving the province of a class "universally industrious, temperate, moral and faithfully attached to the British Government," though hitherto unsuccessful as farmers.[101] There was the further grievance that no patent could issue while the settlers' lands were virtually mortgaged for these loans, thus depriving them of their rights as citizens.[102] Influenced therefore by the unfavourable circumstances in which the settlers were placed, and their reputation for industry, the Lords of the Treasury relinquished the claim of the Government and cancelled the debts.[103] At a special meeting held in June 1836, the settlers expressed their "lively gratitude" for their release.[104] The experiment, however, was not without its advantages. Bathurst, as early as 1821, claimed that the scheme had answered its original purpose in giving a number of poor families the means of comfortable subsistence at a reasonable cost, besides enabling the Government to prove the superior advantages and economy of making advances in kind rather than in money. In providing a ready market for the surplus produce of the Perth Settlement they stimulated the general prosperity.[105] And in

94. Q 157, p.237 ff, Bathurst to Dalhousie, concerning the expenses, Aug.20,1821;
95. Q 167A, p.1, and C 626, p.71, Return No.I, Cockburn to Dalhousie, May 1,1821.
96. G 18, p.473 ff, Capt.Marshall to the Home Office, March 8,1829.
97. C 628, p.156, Marshall to Mudge, Nov.9,1829.
98. U.C."S" Jan.1834.
99. Q 187, p.537, Kempt to Murray, March 24,1829; Q 357, p.79, Colborne to Goderich, Aug.27,1831, announcing that Capt.Alexander McMillan had been appointed collector of Government debts.
100. C 631, p.107, Marshall to Cooper, Nov.24,1829.
101. C 628, p.156, Marshall to Mudge, Nov.9,1829; U.C."S" Military Secretary to Marshall, Dec.8,1829.
102. Q 388, p.116 ff, Stanley to Glenelg, Dec.31,1835; ibid, pp.168-199, Glenelg to Stanley, Dec.31,1834, advising cancellation; C.O. 324/89, p.194, Hay to Ellis, M.P. Nov.24, 1829.
103. C.626, pp.54-70, Colborne to Dalhousie, May 22,1821, the cost of Patent Deeds; C 628, pp.116-120, Bathurst to Dalhousie, July 12,1823.
104. Q 395A, p.28, Glenelg to Colborne, Feb.4,1836.
105. Q 390, p.500, Robert Craig, Chairman, and W. Gordon, Secretary.
Q 157, p.237, Bathurst to Dalhousie, Aug.30,1821; Dalhousie Papers, Vol.III, Dalhousie to Judge Stewart, Sept.8,1820; ibid, Dalhousie to Maitland, Sept.22, 1820:"all the money from Government must be spent in the new settlements."

spite of the initial difficulties in the way of successful settlement, the industry of the settlers and the generosity of Government brought their own reward, and by 1840, general prosperity prevailed. The great majority had completed their settlement duties and organised an agricultural society.[106] Few have made better settlers and few settlements are better known to-day than that of Lanark. But the experiment did not solve the problem of poverty in Scotland. The need for emigration increased rather than diminished. Actual or impending distress, due to bad trade and low wages, swelled the ranks of prospective emigrants.[107]

In view of the mixed character of the Rideau Settlement as a whole, it is difficult to give a satisfactory general summary. There were certain favourable circumstances. The situation was one of the most desirable in the two Canadas, and the townships with few exceptions were excellent.[108] The settlers engrossed almost exclusively the attention of Government and were relieved of many of the enormous fees which inhabitants of other townships had to pay.[109] But many were poor, bartering produce for clothing in uncongenial and unfamiliar surroundings, and soldiers make poor settlers, their past habits and training totally unfitted them for pioneering life, though there were exceptions and some reached competence in a few years;[110] the improvident remained only while rations were provided.[111] Others sold their lots for a bottle of rum. Many of them delayed settling, refusing lands or leaving them in a state of nature, much to the inconvenience and loss of the industrious element deprived of the necessary assistance of neighbours in overcoming the initial difficulties. A few found the temptation of American high wages too strong to be resisted and drifted across the St. Lawrence, while a certain number remained in idleness as indigent wards of Government.[112] Gourlay claimed that not one in fifty of the settlers remained in the townships of Bathurst, Beckwith, Drummond, and Gouldbourne.[113] To-day it would seem a foolish, wasteful policy for any government to go to the expense and trouble of transporting thousands of discharged soldiers and plant them down without previous training in a Canadian forest, isolated from each other, deprived of all the accustomed amenities of life, supply

106. Q 345, p.205 ff, "J.S." Montreal, 1827, op.cit; Bouchette, British Dominions, Vol.I, p.80; U.C.Land Petitions, Dec.6,1836; Jan.8,Oct.21,1839, March 25,1840; U.C."S" Aug.6,1835.
107. Q 159, p.289, Duke of Hamilton to Bathurst, Sept.25,1821; ibid, p.333.
108. Q 152, p.9 ff, Colborne's Report, Nov.26,1818.
109. E.A.Talbot, op.cit.Vol.I, p.163.
110. Q 137, p.259 ff, Colonel Myers to Sherbrooke, Oct.23,1816.
111. U.C."S" Nov.25,1813, Sherbrooke to the Governor of Upper Canada; Bell, op. cit. p.80; Gourlay, op.cit.Vol.I, p.549; C 626, p.73.
112. Q 137, p.259 op.cit.; U.C."S" Nov.25,1817; C 628, p.39 ff, Colborne to Dalhousie, March 15,1823.
113. Gourlay, op.cit.Vol.I, p.549.

them with rations, costly agricultural implements of whose proper use they were entirely ignorant, and expect contentment from the contemplation of "poisonous swamps, blighted corn and frozen cucumbers."[114] Slowly the British Government has been forced by the logic of costly experience and the insistent demands of self-governing dominions, to adopt a policy of previous training for emigrants as a preliminary step towards a new life in the Colonies. But in 1815, no one thought of the need of such obvious preparation, while the Colonial Office, deaf to the warnings of Colonial officials, believed that almost anybody with a little assistance could manage to make a living in the Colonies. Sherbrooke, in 1817, warned the Colonial Office that poor settlers "never can be able to settle here with a prospect of success or with the smallest advantage to the country,"[115] and Colonel Cockburn, who had the entire superintendence of the Military Settlements from December 1818 to December 1822, said that settlers without means, or with very small means, could not by any exertion of their own succeed in obtaining the means of subsistence, and that they must be assisted or not be encouraged to emigrate.[116] It would have been a step in the right direction had Government cancelled all undeveloped grants, or insisted on the strict fulfillment of progressive improvements.[117]

On the whole the progress of the Rideau Settlement, though slow, was sustained; it was moulded and directed by the thrifty and industrious element of the population. Those who had left could be more easily spared, and their places were taken by better settlers. Thus a community of isolated units in a wilderness, composed in 1816 of discharged soldiers, indigent emigrants, and "a few families who have recently been compelled by circumstances to quit their settlement at the Red River,"[118] in 1820 numbered about 6,000, and in 1831, according to Colborne, rejoiced in a population of 18,000 contented and prosperous persons.[119] Contemporary witnesses write of the disappearing woods, luxuriant crops, with improved means of cummunication and human comforts.[120] Rolph, in 1836, tells of the beautiful and flourishing Bathurst district, abounding in villages and new settlements that exhibited the characteristics of a fine and thriving populace.[121]

114. E.A.Talbot, Op.cit.Vol.I, p.163.
115. Q 144, p.212 ff, Sherbrooke to Bathurst, Aug.20,1817.
116. Q 152, p.9 ff, Colborne's Report, Nov.26,1818; Q 167A, pp.34 ff, ibid,Nov.1822
117. Q 145, p.149 ff, Sherbrooke to Bathurst, Nov.26,1817.
118. L.C."S" Drummond to Gore, Sept.16,1816.
119. U.C."S" June 9,1820; Q 152, p.9 ff, op.cit.
120. Colborne to Goderich, Nov.5,1831.
121. C 628, p.60, Bathurst to Maitalnd, Dec.24,1822; in 1820 Dalhousie says that those who remained were doing well and were full of hope; the population was increasing rapidly; and the crops were large, Dalhousie Papers, Vol.III,op.cit
122. Rolph, Statistical Account of Upper Canada, p.152.

The question of expense was a serious one to a government financially embarrassed. Dalhousie while approving the plan was apprehensive of the cost.[123] The Colonial Office was driven to it as an expedient less costly in the long run than the widespread social and political discontent that threatened national security. Thus the cost had to be weighed in the balance with the purposes and expectations of Government in establishing the Rideau Settlement. From a military point of view it was a failure. Government hoped, however, that the timely assistance rendered to the settlers would improve their disposition and help to expel American manners from the Canadian side of the St. Lawrence.[124] And there was a well established body of opinion that settlers in a superintended, compact settlement had far better prospects of ultimate success than if left to struggle by themselves on isolated lots. But the experiment though it did not relieve the economic problem at home, accomplished its purpose, according to Colborne, in affording an independent and happy existence to hundreds of families who in the bitterness of poverty had left the homeland, and in a few years prospered in their new homes.[125] And because settlement begets settlement, other British subjects were attracted from the United States to become useful citizens of the Empire. The Government's next and final attempt at systematic colonisation before 1841, was confined to Ireland (1823-1825).

It was with the evident idea of carrying out a national scheme of emigration that the Imperial Government, in 1823, removed five hundred and sixty-eight persons from disaffected areas in Ireland to Canada, under the personal direction of Peter Robinson, at a cost of £12,538-12/-, or £22/1/6 per capita.[126] The reasons were found in the desire to test Horton's plan of pauper colonisation,[127] originally intended to be applied to English parishes, but extended to include Ireland where unemployment and disorder, starvation and disease were rampant. Sub-division of the land, early marriages, over-population and corn laws were fast reducing Ireland to a nation of beggars, and neither charity, parliamentary commissioners nor Insurrection Acts were able to stamp out the evils already spreading to Scotland and England, due to the flooding of the labour market by cheap Irish labour. In 1823, a parliamentary committee recommended emigration as a possible relief.

The emigrants were chosen from the most disturbed areas of Fermoy, Balhooly,

123. Q 155, pp.335-36, to Bathurst, Oct.27,1820.
124. Q 152, p.17, Cockburn's Report, Nov.26,1818.
125. Q 167A, p.15, Cockburn to Bathurst, May 22, 1821; C 626, pp.54-70, May 27,1821.
126. C.O. 324/95, p.123 ff, Horton to Horace Townsend, June 6,1825; Bouchette, British Dominions, Vol.II, p.205 ff; Johnson, History of Emigration, p.230; Cowan, British Emigration to British North America, Chapter 9 gives a detailed account; Cockburn's Evidence in Report on Emigration, 1826. Horton says the cost amounted to £11,202-9/4.
127. Mills, Colonization, p.237 ff.

and Mallow, and conveyed free to their destination in Packenham township, Rideau Settlement, where the intemperate habits of some of them endangered public peace. As in other instances, one year's provision was supplied to each settler with seed corn and the necessary implements of husbandry, together with 70 acres of land on condition of cultivation and the usual quit rent after five years of occupation. A reserve of 30 acres was made adjoining each lot which the holder could purchase for £10 within ten years.[128] In 1825, under the same regulations and direction 2,024 additional Irishmen were settled on the Trent River, near Rice Lake, in the district of Newcastle, at a cost of about £43,000, or £21-6/4 per capita.[129] An attempt to organise a third party was prevented by the refusal of Parliament to vote the necessary funds until the results of the other experiments had been satisfactorily investigated. The investigation was carried out by the Emigration Commission of 1826-1827.

Very conflicting reports have been given regarding the results of these experiments.[130] The Irish settlers were less tractable than the persevering, law-abiding Scot, and the possibilities of failure were therefore greater. By striking a balance, however, between official and non-official opinions, one arrives at an approximation of the truth, and finds the history of these Irish settlements resembled that of many others in the backwoods of Canada. Lieutenant-Governor Maitland, John B. Robinson, and Dr. Strachan spoke in flattering terms of the zeal of the Superintendent on behalf of the settlers, and of the "industry and rapid advancement so very conspicuous in both his settlements."[131] Cockburn was sceptical; Talbot and the Emigration Commissioners of 1832, favoured the scheme because it promoted the happiness of so many poor settlers. MacKenzie, in the Colonial Advocate, was severely critical. Dr. Rolph approved a policy that attempted to transform poor settlers into successful farmers.[132] But the credibility of these witnesses is affected by their political and religious bias. Dr. Strachan was too violent a partisan to be judicious in anything. John B. Robinson was the Attorney-

128. Q 334, pp.78-125, A Plan for settling British and Irish unemployed in Canada, London,1822; ibid, p.280 ff,; Accounts and Papers, 1823, Vol.VI,p.331; U.C. Land Book L, pp.445-450, July 18,1825, a Plan by John B. Robinson for Irish Emigration to Upper Canada; Richard's Report,1831; Hansard, N.S. Vol.XIV, p. 1361, Evidence before the Commission of 1823 on Irish affairs.

129. C.O. 324/97, p.96 ff, Horton to F.Lewis, Oct.13,1827; Accounts and Papers, 1826-27, Vol.V, Robinson's Evidence before the Emigration Commission of 1827; ibid, Vol.XV, p.277; C.O. 324/95, p.123, Horton to Townsend,June 6,1825.

130. Mills, Colonization, p.39; Accounts and Papers, 1825, Vol.XVIII, p.358, Robinson's Report; ibid, 1831-32, Vol.XXXIII, p.209; Report of Commissioners for Emigration 1832, in Hansard, 3rd Series,Vol.LXVIII,p.556.

131. Q 343, p.241 ff, John B. Robinson, Jan.23,1826; ibid, p.551, Strachan to Horton, July 5,1826; Q 345, p.388, Bishop Macdonell to Bathurst,Feb.12,1827; Q 240, p.412 ff, Maitland to Bathurst, March 31,1826.

132. Rolph, Statistical Account, p.31.

General, a member of the Family Compact, and the brother of the Superintendent. Cockburn was a rival Superintendent, Talbot favoured systematic colonization, MacKenzie opposed the whole policy of the administration, and Rolph favoured a policy that would flood Canada with the unemployed of Great Britain. According to the cold, impersonal evidence of statistics, however, the emigration of 1825 was not a success. At the end of three years only one hundred and twenty out of one hundred and eighty-two heads of families remained on their lands; forty-four had surrendered possession, eight were dead, nine strayed across the international frontier, one returned to Ireland, and at the end of the five years tenancy others left for the United States. Of those who remained, some were in arrears, and others refused absolutely to pay any rent. As in the case of the Lanark settlers, the Government was at a serious financial loss over the scheme.[133]

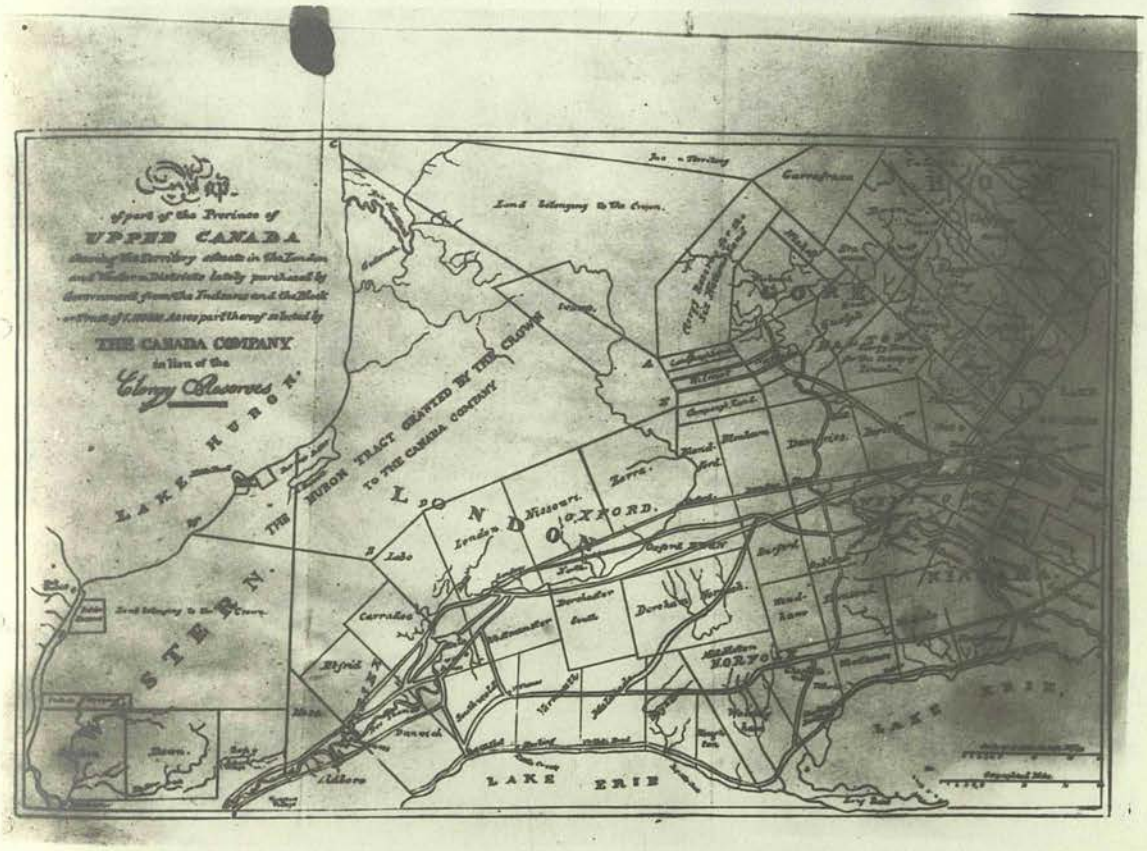
The emigrants of 1825, like the Perth settlers ten years earlier, arrived late in the season and had to cut their way to their new home. Some died on the way; the remainder transformed the Rice Lake region where voluntary emigration had been vainly struggling for years to develop the country. In one year they cleared 1,386 acres, raised 67,799 bushels of potatoes, 25,633 of turnips, 10,428 of maize, sowed 363 bushels of wheat and made 9,067 lbs. of maple sugar, besides purchasing independently forty oxen, eighty cows and one hundred and sixty-six pigs.[134] They established the now flourishing town of Peterboro, opened roads, built mills, and created new industries. In 1830, Richards was very favourably impressed by the general state of prosperity he met there,[135] which to some people substantiated the truth of the assertion that emigrants fostered and encouraged at the beginning of settlement nearly always succeeded.

In comparison with New Lanark, the Rice Lake Settlement has much in common. The per capita cost to Government was about the same; in neither case were these heavy expenses repaid. The initial difficulties were very similar, though the Irish were placed on better lands. Both imposed a heavy financial burden for a problematical future benefit. The removal of a few thousnads of starving families, victims of a bad agrarian and industrial system, was simply playing with a serious social evil. Horton's scheme of "shovelling out paupers" was too theoretical, visionary and expensive.[136] The difficulty remained unsolved since the place of those withdrawn was soon filled up by the natural increase of population. The remedy was to be found in an improved labour market and in the expanding opportunities

133. C.O. 324/96, Horton to Peter Robinson, May 17; ibid, p.134 ff, same to same, June 20,1826, concerning discrepancies in his reports; C.O.324/95,pp.285-87, Horton to Robinson, Dec.17,1825,concerning "melancholy" reports; C.O.324/97, p.99, Robinson was paid an annual salary of £1,000 for four years,1823-27.
134. Bouchette, British Dominions, Vol.II,p.205 ff.
135. Report, January 20,1831, p.7.
136. Enquiries into the causes and remedies of pauperism, 1830,3rd series, p.22, and 4th series, pp.111-14.

offered to emigrants in the Colonies and United States, which made government help unnecessary except during unusually grave crises as was found in the Scottish Highlands about the middle of the nineteenth century, and in the present industrial depression which in intensity and difficulty of solution offers such striking comparisons and contrasts with the economic and social conditions of a century ago. But a century ago, unlike the present situation, the Imperial Government could secure a measure of financial relief, even though a temporary expedient, by disposing of the waste lands to chartered companies and adopting a general policy of sale as distinct from that of free grant. Both of these measures were forced upon the Government by the results of experience, the recommendations of harassed colonial governors, and by the cumulative pressure of criticism, both at home and in the Colonies, of a land policy whose only friends were political sycophants, monopolists, and officials whose salaries were augmented by fees upon grants and patent deeds. The next two chapters deal with the final phases of the land policy up to the surrender of 1841, viz. the Land Companies and the New South Wales policy of sale, constituting a new attitude to the question that acknowledged the development of a political consciousness in the Colonies and the need of a new land policy.

PART III: THE COLONIES FROM WITHIN.


Map
of part of the Province of
UPPER CANADA
THE CANADA COMPANY
in lieu of the
Clergy Reserves
THE HURON TRACT GRANTED BY THE CROWN
TO THE CANADA COMPANY
LAKE HURON
LAKE ERIE
LONDON
OXFORD
NORFOLK
Land belonging to the Crown.

VIII.

LAND COMPANIES: AN ANSWER TO LOCAL CRITICISM.

(1). THE CANADA LAND COMPANY.

In the early days of British North America, colonization by land companies was the recognised and approved method of settling the vast empty spaces. The reasons are not difficult to understand. Hired labour is always precarious in a new country where there is little or no capital invested in large scale productive industry.[1] Under such circumstances emigrants cannot establish themselves in the wilderness and clear the land without the outlay of considerable capital. The most effective way of securing these ends was through the agency of a land company, or other speculative agencies, who were willing to prepare the land for settlement and wait some years for a return.[2] Not only so, but the impoverished state of Colonial revenue, and the need of an increasing and an assured revenue was so urgent, that the offers of capitalists to settle large districts at their own expense, strongly appealed to the local and Imperial Governments; and there was always the opportunity provided to reward faithful service in this inexpensive manner.

During the eighteenth and early nineteenth centuries, several large undertakings of this nature were promoted by men prominent in English and Colonial public life. Of the former, the London and Plymouth Companies are two of the best known. The latter may be illustrated by reference to the Ohio Company of half a million acres formed by the Washingtons and Lees in 1742 to trade with the Indians and form a settlement in the Ohio valley, on conditions that the company should be free from quit rents for ten years if one hundred families were settled on its lands within seven years, and a good fort was built.[3] Twenty years later, to establish a rival company to that of Walpole, they petitioned without success for two and a half million acres more.[4] In 1794, the Loyal Land Company received a grant of 800,000 acres from the Virginia Council near the Southern boundary of the colony.[5] Similar land companies of New England origin, like the Susquehanna and Lyman's Mississippi Company, sought similar ends.

Thomas Walpole, a London banker, figured largely in the land speculation of these days. In 1769, the Grand Ohio or Walpole Company was formed for the purpose of purchasing two and a half million acres of western lands at the price of

1. Quebec Mercury, Sept.18,1832. 2. Merivale, Vol.I, p.111.
3. Sato, op.cit. p.119. 4. Alvord, op.cit. Vol.II, p.93.
5. Turner, Old West, p.232; Sato, op.cit. p.24.

£10,460, and a quit rent of 2/- per 100 acres of cultivable land after the expiration of twenty years. On January 7,1770, the Lords of the Treasury signified their full acceptance of these terms, stipulating at the same time that the cost of the civil establishment of the colony would have to be supported by the company.[6] The final draft was signed on May 6, 1773, and the following year war clouds darkened the horizon. These were only the most noteworthy of many companies, whose operations were ended by the American Revolution.

After the Revolution, land speculation on a vaster scale flourished in the new republic. The need of revenue was pressing, and the Congress welcomed the idea of disposing of large blocks of land to responsible men of capital. The larger the grant petitioned for and the more money paid down, the greater the appeal to the needs of Congress. Encouragement was given to those prepared to ask for grants so large as to excite comment and buttress the opinions of those who maintained that the western lands would materially help to pay the war debt. The plan promised an immediate return without the labour and expense of administering settlement by small buyers, while securing compliance with the Ordinance of 1785 which ordered compact settlement. But Congress was doomed to financial disappointment, and the promoters, with few exceptions, to the failure of their plans.

Of the large number of companies formed for speculative purposes, the only one that succeeded was the Ohio Company.[7] Its origin may be traced to the social unrest and discontent that followed the unsettling effects of war. During the years of reconstruction, as in more recent days, many found it difficult to secure remunerative or congenial employment. The soldiers were critical of their treatment by Congress. There was a great deal of poor money in circulation. In the absence of the power to tax the new citizens in order to liquidate national obligations, land was the only asset at the disposal of Government that could be offered as a reward for services rendered. Out of these land donations to the soldiers developed the Ohio Company, composed largely of the officers of the Continental Line who were desirous of beginning life again in the West, where they would be joined by their

6. Alvord, op.cit. Vol.II,pp.98,ff,151. The most prominent members of the Company were: Thos.Walpole, Banker and Politician and nephew of Sir Robert Walpole; Richard Jackson, Councillor to the Board of Trade 1770; Richard Stonehewer, Under Secretary of the Treasury; Thos.Pownall, Governor of Mass.; Lord Hertford, brother of General Conway; John Robinson, Under Secretary of the Treasury 1770; Sir George Colebrooke, Director of the East India Company; Sir William Johnston, Superintendent of Indian Affairs; Benjamin Franklin, the most prominent American of his day; Earl Temple; Lord Camden; Lord Gower; Lord Rochford; Richard and Robert Walpole; Sir Mathew Featherstonehaugh; Sir George Vanderpelt; Sir Francis Charton; Thomas Pitt Esq.; William Franklin; George Grenville, and about forty other prominent persons.
7. Treat, op.cit. p.355 ff.

former soldiers. The plan, as ultimately formed, fused the ideal with the practical - the former aimed at doing justice to the veterans of the Revolution, the latter at putting money into the pockets of the promoters.

In October 1787, the contract was signed for one and a half million acres at $1 per acre. Certain sections were reserved for education and religion and for the future disposition of Congress. There was an allowance of one-third for bad lands, and since payments could be made in Government paper, which was of very little value as currency, the actual price per acre was about 4d, and of this military bounties would be accepted up to one seventh of the total indebtedness.[8] Other applications for large grants resulted in Congress passing a blanket resolution authorising the Board of Treasury to contract for the sale of lands which were free of Indian claims, but no tract was to be less than a million acres on terms identical with those granted the Ohio Company. The ratification of the Constitution, however, was followed by a marked improvement in national credit. The rise in value of almost worthless securities was followed by an increase in the value of Western lands, which not only ended large scale speculation in these lands, but embarrassed the speculators so seriously that Government had to pass relief bills for their benefit,[9] and for the innocent purchasers of their lands.

In spite of these initial obstacles and the unsavory character of land speculation generally, the Ohio Company was a formative influence in western colonization. It stood for fair play and encouragement to the settlers, built houses to accomodate the first settlers, made liberal grants of land to those who built grist mills, or constructed roads and other public improvements. "No land company in America can match its record as a public servant in laying the foundation of an American State."[10]

The establishment of a Land Company as a corrective for the ills of society was a favourite theme of speculation in the early ~~days~~ history of Canada. From it an harassed Government expected a constant revenue; through its agency the mistakes of the past were to be corrected, new life and vigor infused into a stagnant society, and the face of the country changed from a number of isolated struggling settlements, devoid of the ordinary comforts of life, practising an economy that bordered on starvation, and barbarised through lack of the means of education, into flourishing communities that would not only raise the price of land and encourage compactness, but attract capital for public improvements which would at the same time improve the labour market and guarantee better prices for agricultural products. Such an order

8. Treat, op.cit. p.355 ff. 9. Treat, op.cit. p.52 ff.
10. Hulbert, Ohio, XLVII-CIII; Winsor, Westward Movement, pp.280-512.

social progress, though beyond the power of unorganised communities, was regarded as possible through the agency of a land company, willing to invest its capital in the various preliminaries to settlement for the sake of large though distant returns. To such agencies the remarkable economic development of the United States of America was traced, while the manifest langour of Canada was attributed to the absence of large scale investment in lands. The neglected condition of the many large grants already made and the failure to make the policy of leasing the Reserves financially productive, together with the great and growing need of additional and assured revenue, gave additional weight to the force of these arguments. The case against the Reserves was convincing enough. In Upper Canada, with a population of 180,000, only 1,200 lots were leased up to 1823, while between 1822 and 1831 the average receipts were £200 per annum, absorbed in administering the trust, and the arrears totalled almost £19,000.[11] Similar conditions prevailed in Lower Canada. Out of about half a million acres reserved by 1827, 75,639 were leased at a nominal rent of £930 per annum, with an average income of £50. Even in 1830, a generation after the provision had been made, and an increased income, it was recognised that the experiment had proven a costly failure: in both provinces rents were anticipatory rather than actual; even if collected in full, the returns would have been insignificant compared to the ills endured by the settlers. A modification of the terms of the leases and the suspension of free grants were both rejected as inadequate to solve the difficulties implicit in the Reserves issue. The only alternative was to sell them. Out of these arguments and ideas there developed the Canada, the British American, the New Brunswick and Nova Scotia Land Companies, and the North American Colonial Association. Other plans of a similar nature failed for various reasons, but chiefly through disagreement among the promoters.

The first in time, the best known and most successful was the Canada Land Company, which by a strange combination of circumstances at home and abroad was enabled to acquire 2,300,000 acres of the best land in the province of Upper Canada, and whose influence is still operative in the social and economic life of Ontario. Its origin is found in economic depression that followed the War of 1812, in the delay in indemnifying the sufferers in that War, and in the rising tide of criticism

11. Q 333, p.241 ff; U.C."S" Ridout to Gordon Drummond, March 8,1815 - number leased up to 1815; Quebec Mercury, Sept.18,1832; Q 359, p.36 ff, John Galt, April 26,1824; A Warning to the Canada Company, p.4 ff, contrasting unfavourably the difference between the opportunities for land speculation in the United States and Canada.

against the Executive Government.[12] The economic depression was of long standing. From 1782 to 1812, agriculture languished, relieved temporarily by the War of 1812, which forced wages and prices up to an unprecedented height; poor people found themselves in possession of capital, while the low price of land tempted them to speculate, acquiring more than they had means to develop. Peace brought hard times which continued till 1824; land diminished in value; ready money was at a premium, and it was possible to buy land at a price that a few years later was regarded as criminal.[13] Poor settlers were forced to barter their lands for the necessaries of life, which in part explains the huge undeveloped tracts acquired by local shopkeepers and merchants.

The official enquiry into the claims for reparations by the Upper Canada settlers for losses sustained during the War of 1812, is closely connected with the origin of the Canada Company. The Canadians maintained that the British connection having forced the war upon them, Great Britain should pay the damage, which the committee of revision fixed at £182,130. The British Government offered to pay half the award on condition that Upper Canada raised the balance, but if unable to do so, Great Britain would advance half the deficit.[14] The colony in its undeveloped condition was quite unable to raise this large sum. Under such circumstances the Canada Company commenced their negotiations with the Government.

John Galt, the novelist, a member of the Committee for the Revision of the War Claims, and later the first agent of the Canada Company in Upper Canada, was appointed by the sufferers to act on their behalf. He was thus led to examine the material resources of the colony. From a conversation he had with Bishop Alexander Macdonell of Glengarry, who favoured the sale of the Reserves at a low price to capitalists,[15] Galt concluded that his clients could be compensated out of the sale of the Crown and Clergy Reserves to a colonizing company, though this idea was first

12. Bouchette, British Dominions, Vol.I, pp.113-20; Q 332, p.312 ff, Galt to Lords of Treasury, July 25,1821, relative to the claims for war losses, 1812-1815, claiming that the war arose out of abstract rights that affected the parent state only; ibid, p.311, Galt to Vansittart, July 26,1821, the growing discontent over the unsettled claims; ibid, p.329, Gouldburn to Harrison, Aug. 1821: the fund from forfeited estates insufficient to compensate war claims; ibid, p.76 ff, claims to be partly reduced by loan from Military Chest, and a grant from the U.C.Assembly of £25,000; ibid, p.127, Galt to Vansittart, March 15,1822, suggesting a loan to liquidate the losses; ibid, p.337, Bathurst to Maitalnd, June 12,1822, Galt's suggestion of loan adopted to amount to £100,000, half the interest to be paid by the Imperial Government; Q 334, p. 204, failure of the plan; ibid, p.187, Galt to Harrison, Jan.22,1823, 5/- in the £ to be paid for war losses; ibid, p.236, Harrison to Horton, Sept.23,1823, Maitland distributed £57,412-10/-, for war losses, U.C.Assembly to vote a similar amount; Q 337, p.100, Harrison to Maitland, March 8,1823, Instructions to pay for loss through the War of 1812.
13. U.C."S" Nov.19,1834, Wm.Dunlop to the Lt.Govr. of U.C. on the state of the province 1824-1834.
14. Q 377, p. 462 ff, Colborne to R.W.Hay, April 20,1833.
15. Q 359, p.53, Evidence before the Committee of Enquiry, April 17,1824.

intended to be used only as a basis of petition for compensation.[16] Already the failure to secure the expected revenue from the Reserves had suggested their disposal by sale. The local government, finding it difficult to secure sufficient taxation to defray civil expenditure, grasped at any idea that would relieve its financial difficulties, silence its critics by removing a controversial issue out of local politics, and heal the breach between the Executive and the Legislature. The Imperial Government, however, as subsequent events proved, had no intention of devoting the proceeds from the Crown Reserves to any other purpose "than to relieve the British Treasury of its contribution to the Canada Civil Service;" compensation for war claims would be provided from the ordinary revenue. In July 1833, the matter was finally disposed of. The balance of £57,000 was ordered to be defrayed on the basis of one quarter by the Upper Canada Legislature, on quarter by the Mother Country, and the balance out of the Casual and Territorial Revenue.[17] This unreasonable delay of almost twenty years gave grounds for a strong case of ingratitude against the Imperial Government, and was made the basis of an unfavourable comparison between its ideas of justice and those of the United States in balancing war accounts.

In November 1824, the first contract between the Canada Company and the Government was signed, and on June 27, 1825, the incorporating Act of the Imperial Parliament (Geo.4,c.75) was passed, and the Company from which so much was expected, like its sister company in Australia, was launched "for the purpose of purchasing, settling and disposing of waste and other lands, and for making advances of capital to settlers on such lands; for the opening, making, improving and maintaining roads, and other internal communications for the benefit thereof."[18] It was confidently

16. Galt, Autobiography, Vol.I, p.294 ff; C.O. 324/95, p.36 ff, Horton to Maitland, Feb.12,1825, Galt desiring to be appointed to the Upper Canada Council because of the part he played in the formation of the Canada Company; Q 334, p.249, Crown Lands to be sold to defray war claims.
17. C.O. 324/90, p.123, R.W.Hay to Colborne, July 4,1833; Q 355, p.148, Jan.8,1830, Goderich claims Canada should be held responsible for the war losses beyond the sum paid by the Imperial Treasury; ibid,p.151, Feb.8,1830, Clark to Hay, the U.C.Assembly not the same as that of 1815, and therefore opposed to any further relief for war claims; Q 377, p.430, Colborne to Goderich, April 10,1833, sum required to complete indemnification of war claims £57,910, Legislature passed Act to raise the balance by debenture; Q 395A, p.6 ff, Glenelg to Head, Jan.5, 1836, up to 1834, the claims were reduced from £182,180 to about £57,900, His Majesty's Government offered to contribute £20,000 from the Canadian revenue if the Assembly would raise an equal amount and that the difference would be voted by Parliament. The Assembly took no action in the matter and Glenelg authorised Head to advance the £20,000.
18. P.F. 65, No.12, p.11, Bathurst's Instructions, Dec.29,1824, printed April 18, 1825; Galt, Autobiography, p.308; P.F. 65, Minutes of Arrangement with Earl Bathurst, 1825; Strickland, Twenty-Seven Years In Canada West, Vol.I, p.196 ff; Corr. concerning the Clergy Reserves, No.9, p.19, Bathurst to Maitland, Dec.11, 1824, the plan to sell the Reserves; P.F. 76, No.14, Thomson to Russell, Jan. 22, 1840, Act of Incorporation; Q 340, p.306, Gourlay, Oct.20,1825, objecting to the sale of the Clergy Reserves to a Land Company because of the low price asked for.

expected that the Company would strengthen the British connection in Upper Canada; encourage the emigration of industrious British settlers; advance supplies to deserving settlers; give liberal terms for cash and loan money to the Upper Canada Government. Half the land occupied annually had to be settled annually to the extent of one adult or head of family to every 200 acres, besides performing the settlement duties demanded by the law of the province; for every other lot not subject to immediate settlement the Company was bound to lay out the sum of $35 in public improvements in some occupied township, and thus enable the Company to offer profitable inducements to attract settlers to their land.

The original contract called for the sale of all the Crown Reserves, except those in the new townships surveyed since March 1, 1824,[19] and half the Clergy Reserves, amounting all told to 1,384,413 acres of the former and 829,430 of the latter.[20] A commission of five, of whom Galt and Colonel Cockburn were members, was appointed to inspect and evaluate these lands; they departed from their instructions by examining documents only and by fixing an average price of 3/6 per acre instead of evaluating each township separately. There was an immediate protest from various sources. Dalhousie strongly opposed such a plan "of wild speculation," and refused to allow the use of his name as vice-president.[21] The Clergy Corporation objected to such a low price, requested Maitland that their lands be revalued by their own representatives, and in March 1825, petitioned Parliament to exclude the Clergy Reserves from the contract. The Solicitor-General of Upper Canada, at the request of R.W.Horton, who had charge of the negotiations, was asked for his opinion. He was severely critical of the methods used and skeptical of the anticipated benefits to the colony. He pointed out that a general average price, coupled with an agreement for protracted payments, and a choice of location for the Company's operations, offered a premium to the Company to do the least possible good to the colony, while at the same time realising the greatest immediate profit to themselves. They were at liberty to select half the lands in any one of the oldest and best settled townships where no such stimulus was required, and where the necessity for public improvements was not so pressing. Further, they could sell this land at a high price, thus satisfying the terms of the charter while in remote townships the balance could be selected and withheld from sale for an indifinite period, or until the

19. 1828, Horton's Evidence, Query 52.
20. Galt, op.cit.p.304; Diagrams of Upper Canada, P.F.141,141A,(Canada Public Archives); P.F.7 No.14, Thomson to Russell, Jan.22,1840; Report of the House of Commons on the Civil Government of Canada,1828; Bathurst to Maitland, Jan. 19,1825: Clerby Corporation protests against low price.
21. Dalhousie Papers, Vol.9, Dalhousie to Peter Burnett, Aberdeenshire, Nov.11, 1824; ibid to Cockburn, Nov.9; ibid to Galt, Nov.23,1824.

industry of the surrounding districts enhanced the price. Instead therefore of protracted payments, which reduced the nominal price fixed ~~very-nearly~~ almost by one-third, the Solicitor-General advised immediate payment for the whole amount of land purchased, as being most beneficial to the colony, and more likely to stimulate the Company itself to use every effort to develop the land in the quickest time possible. The nett price, he claimed, was too low even in the event of prompt payments and the land was simply sacrificed to the political exigencies of the hour. In districts far less favourable to markets than the lands offered to the Canada Company, waste lands were selling from 15/- to 25/- per acre in 1825.[22]

As a result of such adverse criticism, an investigation was ordered which cancelled the first agreement. In the meantime, Galt protested to Horton that the new regulations, authorising the sale of all Crown Lands in Upper Canada, would interfere unfairly with the interests of the Canada Company, and suggested that all the unappropriated land in the colony be assigned to the Company. Horton refused to act upon the suggestion on the grounds that the effect would be to "establish the most...objectionable monopoly that the ingenuity of man could devise."[23] Shortly afterwards (May 23,1826), a new agreement was concluded with the Government by which the Company acquired the 1,384,413 acres of Crown Reserves at 3/6 per acre, and a block of unsurveyed lands on the shore of Lake Huron, forming part of a tract recently purchased from the Six Indian Nations, containing 1,000,000 acres, for the sum of 145,150-5/-, in lieu of the 829,430 acres of Clergy Reserves which by the previous agreement were to have been conveyed to them.[24] The total price of £348,680-4/6 sterling was to be paid in sixteen annual instalments.[25] The Company secured other favourable terms. They were allowed to spend one-third of the total price on approved public works and local improvements, and a deduction for whatever lands might be found unfit for cultivation, which were to revert to the Crown.[26] By a subsequent agreement dated March 28,1828, 100,000 extra acres were given in the Huron tract on condition that the Company surrender all claims to deductions for swampy lands, which were to continue their own property. This concession reduced the price to about 2/9 per acre. Apart from all that, the Government bore the cost of the survey of the Huron tract.[27]

22. U.C. "S" Nov.19,1825.
23. C.O. 324/96, pp.20-29, Horton to Galt, March 8,1826.
24. Galt, op.cit.p.305; McTaggart, op.cit.Vol.II,p.275: the boundaries of the Huron tract extended 60 miles west by Lake Huron, and south to the townships of Zorra, Missouri, London, Lobo, Wilmot; Strickland,op.cit.Vol.I, pp.247,281 ff.
25. U.C. "S" Feb.1,1838, Canada Company to the House of Assembly.
26. P.F. 65,No.19, Extract of an Agreement between Bathurst and the Directors of the Canada Company, May 23,1826.
27. Canada Company Book, Vol.146½, p.53; ibid, Vol.151,p.93, T.Mercer Jones, Commissioner to Z.Mudge, Mar.16,1831; U.C."S" Jan.1,1837, the Commissioner to the House of Assembly.

The quality of the soil and the opportunities offered for settlement, both on the Reserves and in the Huron tract, were attractively advertised by the Company in the local press. The first lands to be offered for sale were the Reserves, scattered lots of 200 acres each over all the settled townships, extending a distance of about five hundred miles from the River Ottawa to the St. Clair, and constituting some of the richest soil in the colony. Individuals and societies were encouraged to become settlers. The conditions of sale were intended to accomodate every class of purchaser; lots whether improved or unimproved, were offered for sale either for ready money or on the instalment plan over a period of years, and wherever necessary, the Company offered to clear five acres and build a cottage for the settler. In 1828, the Company having completed the arrangements for the settlement of the Huron tract, advertised its numerous advantages.[28] Along the Maitland Road, leading from Wilmot to the new town of Goderich on Lake Huron, and linking up with the road to the head of Lake Ontario, lots of 100 acres were offered at 7/6 per acre. Payment, at the option of the purchaser, could be made in cash, provisions, or labour on the roads, from the first two hundred settlers who offered themselves.[29] Further, the Company offered to supply medical assistance and build grist and saw mills at the mouth of the Red River near Goderich.

Almost immediately, the inevitable difficulties that hitherto had dogged the efforts and expectations of every land company in all the British colonies, manifested themselves. Dalhousie's prophesies were coming true. In spite of the many favourable features of its inception, the Company was early faced by possibilities of great loss, and on more than one occasion barely escaped dissolution. The preliminary expenditure was of necessity rather heavy, without commensurate return since the proceeds from the sale of the Crown Lands in the old townships ~~of Guelph,~~ scarcely paid for the overhead expenses, leaving nothing for the improvements.[30] Up to August 1,1828, only 47,393 acres of Crown Reserves, and about 17,000 in the township of Guelph, had been sold. During the same period immigration was small, and the Alien Bill debarred American citizens from purchasing Crown Lands in Upper Canada. The result was that not only was there no dividend declared, but the Company found it increasingly difficult to meet their annual payments. As might be expected, the Company made the most of these adverse circumstances to explain the comparative failure of their plans, and as a basis of a petition for better terms.

As a preliminary step, a commission was issued on April 27,1829, to Mr. William Allan, a member of the Legislative Council of Upper Canada, giving him powers to

28. Montreal Gazette, Aug.28,1828; Strickland,op.cit.Vol.I. p.281 ff.
29. The Quebec Mercury, Dec.1,1827 - the Canada Company receiving produce in payment for their lands.
30. Q 377, p.468, Colborne to R.W. Hay, April 20,1833.

enquire into the state of the lands and property of the Company, together with the tenure, modes of cultivation and management thereof, and into the conduct of all officers and servants of the Company. He was also to act as Superintendent of all the affairs of the Company while the commission was in force.[31] The result of the investigation was that in May 1829, the Directors of the Company informed the Imperial Government[32] that under existing circumstances they desired either to relinquish or re-consider their agreement, and that no further call was to be made upon the proprietors without the previous consent of the General Court.[33] This meant the virtual suspension of future payments which would have caused the Government considerable apprehension. The claim of the Company to a more liberal consideration was based upon several circumstances which they asserted were beyond their control and yet had adversely affected their interests, and entirely changed the original prospects of the Company. No doubt they made the most of their difficulties.

The first and most important of these was the Government's refusal to confirm the award of the commissioners for the sale of the Clergy Reserves; added to this the Charter was withheld until the discussions on that subject were brought to a conclusion by the second contract, which substituted the Huron tract for the Clergy Reserves. This substitution, the directors claimed, was assented to under compulsion. Not only so, but the long continued suspense severely inconvenienced many of the original subscribers, who, finding themselves unduly involved financially, retired from the Company. Others who had no idea of plunging so deeply, were compelled for the sake of what they had invested to advance more capital, being unable either to withdraw or dispose of their shares except at a loss. Nor was that all; the Directors depended upon the sales of the Clergy Reserves in the immediate neighbourhood of lands already settled to liquidate part of their obligations to Government. Disappointment in this increased the pressure upon the shareholders for capital which proved fatal to their credit. At the same time they claimed that they had to contend with an unlooked for competitor from the sale of Crown Lands, Clergy Reserves, and free grants to settlers. The result of all these difficulties was that, while the Company had paid the Government £42,500, and spent £35,500 in local improvements, their sales amounted only to £29,300, on instalment payments, of which only £6,000 had been received inncash and £2,500 in labour. In view of such adverse circumstances, the Company offered to relinquish the existing contract for the

31. Canada Company Book, Vol.151, various pages.
32. U.C."S" Bosanquet to R.W.Hay, May 21,1829.
33. Q 377, p.468, op.cit. "These reserves...the Directors of the Canada Company were inclined to give up three years ago and return to the Huron tract.

purchase of the Crown Reserves, except the lots already disposed of and the balance of the townships of Guelph and Wilmot, and for the future they would confine their attention to the Huron tract. The only other course possible was to give the Company as much land as would be equal in value to the payments already made, thereby enabling them by Act of Parliament to wind up their affairs. Failing this, the shareholders rather than pay any more, would transfer their shares to pefsons whom it would be useless to sue; nor were the Directors at all anxious to face the mass of litigation which would ensue from coercive proceedings against the great body of their constituents.

These proposals were submitted for consideration to the Upper Canada Executive.[34] Their report revealed the unfounded nature of these complaints. The policy of Government instead of being a hindrance to the plans of the Company was on the contrary of considerable assistance to them. The sales of the Clergy Reserves were small and the price per acre much higher than that charged for waste land generally. Further, the sale of Crown Lands, instead of being injurious to the Company, was decidedly more favourable than the system of free grants in force when the Charter was issued, while the encouragement by Government to emigrants in the townships of Peterboro, Otonnabee, Asphodel, Douro and Emsley, had enhanced by 100% the value of the Company's lands in these and adjoining townships, without any contribution from or expense to the Company. Any concession was therefore regarded as a weapon which would enable the Company to protract their sales to an indefinite period, while all the Government stood to gain was "the mortification of seeing that for a temporary benefit a lasting evil had been entailed on the province by the unproductive state of a huge portion of its territory."[35] Similarly Lieutenant-Governor Colborne, having in mind possibly the serious inconvenience which a modification of the contract would mean to the Provincial Civil List, was not favourable to the proposition of the Company to continue their project on a modified scale. At the same time, testifying to the benefits which the colony derived from the spirit of enterprise shown by the Company, he added that if no immediate advantage accrued to the Company from their purchases, the cause must be traced to the cost of their "magnificent establishment."[36] In view of these reports, Sir George Murray, Secretary of State, could scarcely consent to a modification of the agreement, more especially since a reduction of the obligation was bound up with the question of settlement duties, and since any alteration of that clause involved the evasion of the original object for which the Company was

34. U.C. "S" Hay to Bosanquet, Oct.10,1829.
35. Ibid, Peter Robinson's Report, May 1830.
36. Q 351, p.387, May 23,1829.

formed.[37]

It might be questioned whether the Company was serious in its proposals, or expected a favourable answer. It was customary for land companies to plead poverty and seek a modification of their terms, however nominal. The Imperial Government was perfectly familiar with their specious arguments. In the case of the Canada Company, the fact that their payments were an essential part of the provincial civil list might have led them to expect a reconsideration of their contract. Be that as it may, the unequivocal refusal of the Secretary of State "to consent that the permanent interest of the Colony be sacrificed in order to avoid the inconveniences of a temporary pressure,"[38] convinced the Directors of the futility of their evasive policy. And in spite of periodic grumblings the instalments were promptly paid. The tide of affairs favoured them. The huge immigration of the thirties, and the large amount of wealth brought into the country, raised the price of land.[39] The Canada Company, holding the best lands both for soil and situation, easily disposed of them advantageously enabling them to meet their financial obligations.[40] As early as 1831, Colborne was convinced that the Company would weather the storm.[41] By 1840, the sum of £245,300 had been paid leaving a balance of £60,135,[42] which the Company desired to deflect to the encouragement of general immigration. In the meantime, attention was given to the development of their property. The first tree was cut in the future town of Guelph on April 22, 1827. Town lots of a quarter of an acre in extent selling for £4, soon doubled in value. Agricultural land selling for 7/6 increased in the same proportion. The first building erected was a large house for the reception of newly arrived immigrants. Three rising pieces of ground were reserved for the Anglican, the Roman Catholic and the Presbyterian Churches.[43] Half the proceeds from the Crown lots was funded for purposes of education. By October, seventy-six houses had been built or were building, a saw-mill was in operation, a brick kiln was in working order, a grist mill was in process, a market house, two taverns, stores and a temporary school had been erected and a foundation laid for a permanent schoolhouse;[44] a road was constructed from Guelph to the River Thames to join the Dundas highway.[45]

Similar progress prevailed in the township of Guelph. In 1831, one hundred and

37. U.C."S" Hay to Bosanquet,Oct.10,1829; N.S.Price, Secretary to Hay,Oct.29,1829.
38. Ibid, Hay to Price, Oct.29,1829.
39. P.F.76, No.6, Franks to Russell, 260,000 settlers arrived in Quebec,1829-37.
40. U.C."S" Wm.Dunlop to Lt.Govr.of U.C.,Nov.19,1834.
41. Q 356,p.105, Maitland to R.W.Hay, Mar.26,1831.
42. P.F.76, No.6, Franks to Russell, Jan.9,1840.
43. U.C. "S" Aug.17,1837, Presbyterians of Guelph for help towards a church.
44. Galt, op.cit.Vol.II, p.56 ff; McTaggart, op.cit. Vol.II, pp.271-305.
45. Quebec Mercury, Dec.1,1827.

fifty-six poor families had been settled there. They had 2,820 acres cleared and cultivated, fourhundred and thirty head of cattle, forty-one sheep, nine horses, with an aggregate value of £22,658 of property. The next ten years saw a remarkable development both in the agriculture and mercantile pursuits that brought comforts and conveniences seldom found in pioneering settlements.[46] In 1837, the population amounted to 1,845.[47]

An unexpected contribution to the population of the township was the arrival in September 1827, of twenty-two Highland families via Venezuela. They enjoyed the distinction of being the first Catholic Highlanders to emigrate beyond the limits of the British Empire, and of having been the direct cause of Galt's recall. In 1823, the attempt of Father Alexander Macdonell to send them to Glengarry, Upper Canada, was frustrated by their landlord, Macdonald of Glengarry, Scotland.[48] Their experiences from that day until their arrival in Canada illustrate the uncertainties and hardships of land speculation of a century ago.

In 1825, the Columbian Agricultural Association of London, purchased certain estates in Columbia, Venezuela, for colonization purposes, and secured about two hundred and fifty emigrants of all ages from Inverness-shire and Ross-shire. In twelve weeks they landed at La Guyra, and later settled on the Company's land at Topo in the vicinity of Caracas.[49] Other things being equal, the terms upon which they sailed were fairly liberal. The Association paid all their expenses to their destination, provided necessary agricultural implements, and provisions for eight months. In return, the settlers were to cultivate their lands, repay the advances made to them with five per cent interest, and either pay a rental of 3d per acre, or purchase the land at 4/- an acre. Further, the Columbian Government exempted the settlers from military service, during ten years, except local defence; from duties on all clothing imported for their use; from direct contributions and ecclesiastical tithes; and from export duties of the produce of their lands for six years.[50]

They were denied success. Chiefly composed of weavers, mechanics, some discharged soldiers and a few agriculturists, with few exceptions they all had large families.[51] Owing to bad management and a very injudicious selection of land for settlement,[52] the scheme was a complete failure. It was impossible for one man to provide for the maintenance of a large family on soil that was either

46. Q 427, p.40, Address to Arthur, 1840; Strickland, op.cit.Vol.I, p.196 ff, 247 ff
47. U.C."S" Jan.15,1837.
48. Q 339, pp.265-67, Father Macdonell to Bathurst, Sept.20,1825; U.C."S" Dec.31, 1827, an account of their arrival; ibid, March 14,1829, report to Galt.
49. Q 339, p.265,op.cit; Canadian Courier, Nov.28,1908, "La Guayrians" by C.C. James; Q 180, p.50, Porter to Bidwell, April 10 and 14,1827.
50. Edinburgh Review, Vol.47, p.210, 211, 1828.
51. Q 180, p.50, op.citt.
52. Ibid, Alexander Cockburn to Charles Moore, British Agent, New York, June 11,1827

rocky or requiring irrigation, and where the call for European labour was so limited, the heat so extreme, and the price of every article of life excessive. It is not enough to accuse them of being, with few exceptions, a set of drunken adults, who "by their own misconduct have brought a very heavy loss upon the Association" in abandoning their lots, and who with every advantage acted as if resolved to avail themselves of none.[53] They laid their case before Sir Robert Ker Porter, British Consul at Caracas, who immediately consulted the Foreign Office which ordered their immediate relief, pending an official investigation.[54] Joseph Lancaster, the Quaker philanthropist , who was at Caracas at the time, contributed $800, and the Liberator, Bolivar, $500 towards their relief. At the same time Mr. Alexander Cockburn, His Majesty's minister, happened to be at Caracas and he suggested that in view of the British Government's intention of financing the settlement of British emigrants in the Canadas and the Maritimes, the necessary arrangements of which were in the hands of his brother, Lieutenant-Colonel Cockburn, these unfortunate people could be sent there also, more particularly since they were anxious to settle within British territory.[55] He therefore wrote his brother to take them under his protectsion.[56] By a happy coincidence the frigate sent to their assistance was commanded by a brother of Sir P. Maitland, the Lieutenant-Governor of Upper Canada, and may have encouraged the direction of their return journey. Permission to send them to Canada having been secured from the Foreign Office,[57] they sailed for New York, whence they were sent by Mr. Buchanan, the British Consul, to Guelph, then in its infancy. Altogether twenty-two families reached Canada, some remained in the United States, and the rest returned home to Scotland.[58] The total expenses to New York amounted to $2,063.[59]

Galt, in his Autobiography, gives a graphic account of their arrival and subsequent treatment.[60] He claims that Buchanan had no instructions to send him such poor settlers, and that he was at a loss to understand why they were not sent to the Provincial Government; nor had he funds to support pauper emigrants or instructions for such an emergency. But their needs admitting no delay, he relieved their immediate wants, and sent them to labour for the Company, "till I had time to

53. Third Report,upon Emigration from the United Kingdom, 1827; Edinburgh Review, Vol.47,op.cit.; Canadian Courier, Nov.28,1908, op.cit.
54. Q 180,p.50 ff, Bidwell to Porter, Jan.27,1827, Porter to Bidwell, April 10, 1828; Howard de Walden to Rev.L.Rose,Nigg, Ross-shire, Jan.27,1827.
55. Ibid, p.50 ff, Porter to Bidwell, April 23,1827; ibid, June 11, Alex.Cockburn to Charles Moore, British Agent, New York; ibid, June 81-18,Porter to Moore.
56. Ibid, June 16,1827.
57. Foreign Office to Horton, Sept.21, instructions to send them to Canada.
58. U.C."S" W.Dunlop to Galt, Mar.14,1829, a report on La Guayrians.
59. Q 350, pp.19-20, New York, Dec.6.
60. Vol.II, p.93 ff; also U.C."S" Dec,31,1827, an account of their arrival.

consider their case." Later he learned that the majority were helpless women and children, the wards of Government, though thoughtlessly directed to him, and that the labour of the men would be utterly insufficient to support their families. He therefore retained £1,000 due to the Government for their support till the matter would be adjusted. Maitland severely criticised Galt's action, but the latter felt justified by the circumstances of the case. In a remarkably short time he received a reprimand from the Company for acting independently of the local government. On enquiry, he found the emigrants were promising material for settlement and directed that houses be built for them, together with an assignment of 50 acres each on the Eloro Road. Each family was supplied with provisions for their immediate needs. The houses, however, cost more than the contract called for, and since Galt refused to pay more than the contract price, the settlers were charged with the difference. Galt was recalled, and his successor, who "knew not Joseph," stopped all work that provided the La Guayrians with a living, cut off their supplies, with the result that they scattered over the adjoining township to begin life again.[61] In 1829, they still owed the Canada Company upwards of £1,400 for provisions and agricultural implements.[62]

Although the chief exertions of the Company were directed to the township of Guelph, other parts of their property were not neglected. In 1827, the Superintendent arrived to take charge and arrangements were made for diverting settlers to Upper Canada. By 1830, partly as a result of the diffusion of correct information in Great Britain and Europe, emigration, which between 1825 and 1828 averaged 13,096, jumped to 51,422 in 1832.[63] Apart from the Company's exertions to divert the emigrants to Canada, they took care to retain them there by paying the passage from Quebec to the head of Lake Ontario, of all those willing to purchase land from the Company. By January 29, 1838, the Company had paid the Government £227,777-15/8, received patents for 1,403,787 acres valued at £226,660, of which 770,584 acres were surveyed in the Huron tract, the balance being Crown Reserves. Thus two-thirds of the contract having expired, the Company had taken out patents for two-thirds of their purchase, and had placed one settler per 200 acres on one-third of the land paid for, as per their agreement.[64] They held one-third of the patented land unsold, and the remaining third represented the unexpired term of their contract.

61. Ont.Hist.Socy. 1917, pp.40-43; Canadian Courier, Nov.28,1908,op.cit;U.C."S" Address to Colborne from Guelph,n.d.; ibid, Guelph Address to the Throne, Jan.25,1828; Galt Autobiography II, p.93 ff.
62. Canada Company Book p.19.
63. P.F. 71 No.6, Statement of Immigration to Canada by Charles Franks, Governor of the Canada Company to Lord John Russell, Jan.9,1840.
64. Bonnycastle, Vol.I, p.280, Claims that up to 1837, the Company had actually settled about 100,000 acres by bona fide sales to settlers.

In a report of 1840, Commissioner Thomas Mercer Jones gave a glowing account of the Huron tract, with its prosperous, contented body of settlers who a few years previously began operations with scarcely any other capital than health, industry and perseverance. The Tract had been divided into townships - Goderich, Stephen, Williams, Osborne, Biddulph, North and South Easthope, Tuckersmith, Ellice, Fullarton, Logan, Stanley, Hay, Colborne, McGillivray, Bosanquet, Hullett, MacKillop, Downie, Hibbert, and the town of Goderich. It had a population of 5,905, eight grist mills, eighteen saw mills, two tanneries, one brewery and seven distilleries. The development of agriculture is seen in the number of domestic animals possessed by the settlers. They had 842 yoke of oxen, 2,606 cows, 690 horses, 4,772 young cattle, 4,251 sheep, 8,959 pigs; they had cleared and cultivated 22,909 acres, their stock was valued at £56,080, and the land and improvements at £186,206.[66]

According to the agreement of 1826, the Company was allowed to spend, with the approval of the Executive Council, one-third of the purchase money, amounting to £43,380, on public works and improvements within the Huron tract. These included canals, wharves, roads, bridges, schools and churches, and any other works intended for the public as distinct from those intended for the use and accomodation of private persons. It was in connection with these improvements that the Company's most enduring contribution to the economic life of Canada was performed. The sum of £60,000 had been spent on improved means of communication, loans to indigent settlers and steamboat services;[67] the latter, however, according to the Seventh Report on Grievances, was sometimes used for pleasure trips on Lake Huron, to the neglect of transportation.[68] By the 1st of February, 1838, one hundred and twenty-four miles of road had been constructed and bridges built at a total cost of £22,393-12/10.[69] Others were under construction.

Nevertheless, these improvements were subjected to severe criticism. The accusation was made that instead of expending one-third of the price in money upon public improvements, the Company was in the habit of paying for them in land, the average value of which was estimated at 10/6 per acre, which meant that the Company was satisfying the terms of the agreement at about one-third of the original intention of Government. They also had a very strong interest to accept the offer of the contractor for improvements who agreed to take land in payment even although his terms were higher than those of another who would accept a cash payment only. Again, by paying for improvements in land, the country was deprived of the circulation of

65. U.C. "S", 7th Jan. 1838. Wm Allan to House of Assembly; Canada Land Books, Vol. 146½, July 12, 1839.

66. Statement by the Company of the progress upon the Huron Tract by Thomas Mercer Jones, Goderich, U.C. Dec. 18, 1840.
67. U.C. "S" Jan. 1, 1837.
68. Seventh Report, p. 26.
69. U.C. "S" Feb. 1, 1838, Commissioners of Canada Company to the House of Assembly.

nearly three-quarters of the money, which payment of improvements in cash would have produced. Thus, instead of introducing capital, the Company was actually exporting money from the country, since the land was charged to the party making the improvements at more than three times the price originally paid for it by the Company. Equally aggravating to the Government were the occasional lapses of the Company in expending larger sums than the original estimate called for, without their sanction, or seeking approval after the undertaking had been started.[70] They were also accused of requesting credit for expenses incurred for purposes that benefited the Company more than the public. This was particularly true in connection with the draining of lands which increased the value of the Company's adjoining property. The Government insisted that only if the drainage of a particular spot benefited both the Company and the public would the former be credited with part of the expense. This grievance is illustrated by reference to the construction of the bridge over the River Bayfield, built by the Company for the sole purpose of attracting purchasers for lots in the town recently formed at the mouth of the said river.[71] Similarly, the Lake Shore Road, linking the extremities of the Huron tract, was of little public utility apart from facilitating the placing of settlers on portions of land contiguous to it.

In the case of Goderich Harbour, and the attempt of 1840 to be relieved of all future payments, the action of the Company was purely self-regarding. In 1835, they drew a gloomy picture of the inadequate harbour facilities at Goderich, on the River Maitland, emptying into Lake Huron. Owing to the dangerous approach to the Harbour, a large number of vessels were wrecked annually, resulting in exorbitant charges upon all water-borne freight, with serious economic consequences to the Huron tract. Trade was at a stand-still, development paralysed and intercourse with other parts all the more difficult. The remedy, according to the Company, lay in the completion of a new harbour, for which they petitioned the Executive for the necessary powers, guarantees and concessions, for carrying out the work. Payment for the expenses was looked for in part from harbour tolls. The Company also asked for a lease of the whole water front on both sides of the river for one mile upwards from its mouth, and on the lake shore for half a mile on each side of the River including its mouth, and extending five hundred yards into the lake, with permission to renew the lease for a number of years at a pepper corn rate. On July 18, the Attorney-General ruled that since the object of the Company was to improve and not to obstruct the navigation

70. Canada Company Book, 146½, p.12, Jones, July 12,1839, concerning the road between Lake Huron and Lake Ontario; ibid,Jan.23,1840, the bridge over the River Maitland was estimated at £1,000, and cost £3,731-16/5; ibid, Vol.151,p.345, May 10,1838,£420 spent on bridges sanctioned after the work was completed.

71. Ibid, Vol.146½, p.66.

of the harbour, the concessions should be granted, on condition of building a good pier, keeping the navigation open, and charging a reasonable wharfage.[72]

The basis for the request of 1840 was found in the Rebellion of 1837, which the Company claimed had been greatly prejudicial to their interests. Immigration into Canada had dropped from 27,728, in 1836, to 3,266 in 1838, and 3,390 in 1839, while the Government's new policy of paying the transportation of emigrants to Australia was depriving Canada of its share. Without settlers the Company would be unable to dispose of their lands; the lands patented, unless sold, were subject to both the settlement duty of £25 per 200 acres and the tax on wild land. And, as the Company was formed to provide for and give facilities to immigrants on arrival, the Directors felt justified in asking that the balance of £60,135 be appropriated to the encouragement of emigration to their territory.[73] In reply, they were informed that the balance, forming part of the land revenue of Upper Canada, had been offered to that Legislature in return for a Civil List to be granted to the Crown, and as the matter was still in abeyance, no definite answer was given.[74]

The judgment of history upon the work of the Canada Company is on the whole favourable[75] even though its speculative character was emphasised by those persons who saw in the sale of large tracts of land to a company an improper transfer of the functions of Government, that tended to enrich a few land jobbers at public expense, and to block up the country to industrious settlers, unless they were willing and able to pay such prices as the Company demanded. Others pointed out the injustice in the right granted to the Company to decide which of the lands included in the proposed grants should be occupied by them annually. This right enabled the Company to leave whole tracts in a state of nature until by the gradual improvement of neighbouring lands, they could sell at a large profit without incurring any expense in their development. Thus the plea of public utility, under which the Company was formed, had a direct contrary tendency and effect.[76] Government sales of waste lands were also adversely affected, and Crown lands in the vicinity of the Company's property were left unsold for years because to sell them at the same rate as elsewhere would undersell and injure the Company, and to sell them at the Canada Company's rate would have made the Government unpopular.[77]

72. Canada Company Book, Vol.151, p.208, July 8,1835.
73. P.F. 76,No.6, Charles Franks, Governor,to Lord John Russell, Jan.9,1840, Canadian Archives.
74. Ibid, R.Vernon Smith to Charles Franks, Downing Street, Jan.1,1840.
75. Pamphlet No.1422 (Can.Arch.List), giving a list of townships, capital introduced, roads constructed and villages formed, see also No.1752.
76. Merivale, II, p.144.
77. Richard's Report, Jan.1,1831.

On the other hand, the Company had many supporters who claimed that the Company's contribution to the development of Canada in general, and Upper Canada in particular, was unquestioned. Thus, the Hamilton Mercury stated that Upper Canada owed the Company a debt of gratitude greater than the colony could ever repay; that very few of the thousands of emigrants who landed at Quebec before 1827, found their way to Upper Canada, but that after that date, through the Company's agency, a large proportion of them settled there. The Montreal Gazette of July 1, 1834, wrote of the stimulus the Company's industry and perseverance gave to the social and eonomic life of Upper Canada. The view of critical, cryptic and observant McTaggart that "there never was a better one formed," may be too strong[78] and may be offset by the calm official pronouncement of R.W.Hay, that even if the venture had been a mixed blessing to Canada, and in spite of minor blemishes, the Company had "certainly been productive of some present advantage to the Government" of Upper Canada. They had succeeded in settling a distant tract of waste land to the "advancement of the general cultivation of the Colony," and that on the whole, "more good than evil has arisen to the Province from the intervention of the Canada Company."[79] The best and most visible evidence of the work of the Company is found in the fine farms and splendid roads of the Huron tract, and in the flourishing town of Guelph, the headquarters of the Company, and the present site of the Ontario Agricultural College. Much of the credit for the early work of the Company must be attributed to John Galt, whose foresight and perseverance, acting upon a great scale, produced wonderful improvements in advancing the interests of Upper Canada, and for his kindness to the settlers in making their journey less arduous[80] and protecting them from unscrupulous human sharks en route.[81]

78. Vol.I, p.190.
79. N.B.C.O. 188, Vol.42, p.81 ff, R.W.Hay, Dec.24,1831.
80. Magrath, op.cit. p.92.
81. McTaggart, Vol.II, p.292; Galt, John, The Provost,p.XXI, Introduction by S.R.Crockett; John Galt was "a man of hot temper, rough tongue, and somewhat overbearing, rather than conciliating disposition..."; Strickland, Vol.I, p.196 ff, 233 ff, Galt's character.

VIII.

LAND COMPANIES.

(2) THE BRITISH AMERICAN LAND COMPANY.

66

While negotiations were in progress between the Canada Land Company and Government an attempt was made to form a similar company in Lower Canada, whose needs and possibilities were equally great, and where capital could be as advantageously employed in developing tracts of improvable wild lands for settlement, with prospects of pecuniary returns equal to those expected by the Canada Land Company.[1] Among the promoters were some of the leading members of that Company, together with His Excellency, Sir F.N.Benton and others of his Council, also a few of the leading Canadian and British merchants and bankers, "interested in the welfare of the province, and who have long considered the Reserves as presenting great obstacles to improvements."[2]

On May 23,1825, they petitioned Bathurst for the purpose of purchasing the Crown and Clergy Reserves and other lands still at the disposal of the Crown "upon similar principles and with views similar to those of the Upper Canada Company." The advantages that would accrue to the Empire were attractively presented: The capital introduced by the Company and its scientific agricultural management would greatly increase the value of property generally, which in turn would be followed by an increased consumption of British manufactured goods. The prejudices of the French Canadians against British institutions were to be removed by settling British emigrants among and around their farms; their discontent would give place to contentment by filling up all the unoccupied lots and thereby convincing them that His Majesty's Government was ever ready to confer upon Lower Canada all the advantages of Upper Canada. Thus, English culture would be diffused throughout the lower province, paving the way "for that great and salutary measure, the union of the two provinces," whereby the Canadas would become an integral portion of the British Empire.[3]

As compensation for being the agents of so many advantages, the promoters offered to purchase all the ungranted land belonging to the Crown in the surveyed townships of Lower Canada, at the ready money market price of waste lands previous to March 1, 1824, together with the whole or half of the Clergy Reserves at a valuation for which the Company promised to raise one million pounds, provided that, as in the

1. P.F. Vol.43, and 77, p.136 ff; Can.Arch.Report 1900, p.XIII ff.
2. C.O. 42/205, May 23,1825.
3. L.C."S" Nov.2,1825, to Dalhousie; Q 173,p.329, May 25,1825, Statement of terms and conditions on which it was proposed to form the Lower Canada Land Company.

case of the Canada Company, they should have the option of choosing the lands for purchase in any one year, that the land so selected should be surveyed at His Majesty's expense and conveyed to the Company free of all charges. But it was stipulated that no rival company would be sanctioned in Lower Canada; nor was the Government to sell or grant lands there during a period of years; and finally, that the Company should at the end of the period have the refusal of the remaining waste lands of the Crown in Lower Canada.[4] In return the Company would undertake to promote the settlement of the property by the judicious expenditure of capital in the improvement of inland communications, facilitate the location of industrious emigrants, and render Lower Canada subservient to the benevolent policy of the British Government.[5]

W.B.Felton, Crown Lands Commissioner, and a Legislative Councillor, and later Chairman of the Land Board, was selected to conduct the negotiations with Bathurst. The selection was hoped to give some "pledge of the general respectability of the parties concerned in the undertaking, and for its probable tendency to advance the real interests of the province." His interviews with Bathurst were of such an encouraging nature that merchants and others resident in England and connected with the province were solicited for their support, with the result that on September 5, certain definite resolutions, which differed slightly from the agreement with the Canada Company, were drawn up to be laid before Bathurst.[6]

Bathurst was prepared to assent to the proposal on certain terms. Satisfactory proof must be produced that the capital had been subscribed by persons of undoubted solvency. The Company must cultivate, clear, improve and settle their lands, and carry out stipulated public improvements. Like the Canada Company, they must be prepared to loan money to the provincial government under legal stipulations, and use their capital to assist settlers from Europe, or elsewhere, to their property in Lower Canada, besides advancing money to such in improving their lots. The grant was to be subject to a quit rent of 5% per acre of the price of land fixed by the Commissioner, and redeemable at a sum equivalent to twenty years payment at the option of the Company. Within the first five years, the Company must spend the sum of £100,000 on the objects of incorporation, to the satisfaction of the Lieutenant-Governor and Council, but without permission to alienate any land during that period except by the written consent of the Executive.[7] On these terms,

4. C.O. 42/205, May 23,1825.
5. L.C. "S" C.W.Grant and others to Dalhousie, Nov.2,1825; Prospectus of the proposed Company, June 15,1825.
6. L.C."S" Sept.5,1825; Q 173,p.342, Sept.10,1825, W.B.Felton to negotiate terms; Q 174, pp.192-208, Felton to Bathurst, Sept.12,1825 - steps taken to form the Company and list of subscribers.
7. L.C. "S" Sept.5,1825.

all the Crown Lands in fifty-seven surveyed townships south of the St. Lawrence River, in the districts of Montreal and Three Rivers, together with one-third of the Clergy Reserves, were to be sold to the Company.

It was only when the Association solicited the patronage of the Governor-General, Lord Dalhousie, and after Bathurst had submitted to him the draft of the proposed contract, that opposition to the project developed.[8] Apart from the doubts which existed as to whether the Canada Company could succeed with all its advantages, there were certain difficulties in the land situation in Lower Canada that militated against the practicability of establishing a similar company there. Dalhousie pointed out that the province was inadequately surveyed, and the boundaries of counties and townships were defined only on paper plans in the office of the Surveyor-General. The Clergy Reserves could only be sold by the approval of the Clergy Corporation, and a chartered company and free grants of land by Government were incompatible.[9] Nor could the Company be put in peaceful possession of the lands petitioned for, beacuse of the undefined seigniorial and patented lands, locations and prescriptive rights by long settlement of certain individuals, together with a variety of other claims and sheriffs' sales. He was doubtful of the ability of the promoters to raise the capital. To Dalhousie, the improvement and settlement promised by the scheme were not to be accomplished by such means. The settlement of a young country like Canada could not be forced; it must be progressive and slow, one step must follow another in regular succession, and by the cumulative power of a population, prospering in its own wealth, and independent of the monopoly or the means of any great company. There were other means more feasible and more immediately within the power of Government to encourage the settlement of the province.[10]

The attitude of the Colonial Office to the plan was clearly reflected in Horton's reply to Dalhousie's refusal to countenance the scheme. He reminded Dalhousie that a similar agreement in Upper Canada had given the Crown a disposable and valuable revenue of from £15,000 to £20,000 for fifteen years, which superseded the necessity of a vote in estimate for the Civil Government of the Province, and afforded the means of executing many purposes of a very salutary nature; even greater advantages would have accrued to Lower Canada from the formation of a similar company, "which would have placed you, at once without trouble, in a state of entire independence of the Assembly."[11] Dalhousie was left with the cheerful

8. Ibid, Nov.2,1825.
9. L.C."S" Nov.4,1825,Dalhousie to McGillivray; Dalhousie Papers,Vol.17,Dalhousie to Sir.Howard Douglas,Aug.25,1828: no correct survey of any county or township; ibid,Vol.10,Dalhousie to Bathurst,May 12,1825: no accurate survey and no possibility of knowing the boundaries.
10. Q 176, pp.499-505, to Bathurst, June 19,1826.
11. C.O. 324/96, p.155 ff, R.W.Horton to Dalhousie,July 24,1826.

reflection that the only way to make himself independent of the Assembly in financial matters was by the sale of the waste lands of the Crown.

Six years after the failure of the first attempt, and when there was no Dalhousie vigilant in the public interests, a second and more successful attempt was made to form a land company in Lower Canada. Several proposals were made at the same time to the Secretary of State, by individuals and associations, anxious to purchase large tracts of Crown lands in various parts of Canada. At least four of them were interested in the possibility of gain in the Upper Province. One association, composed of respectable individuals of ample means, offered to convey to Canada a requisite number of useful emigrants, mechanics, artisans, and labourers with their families, and support them till they were able to provide for themselves by employing them in erecting houses for the company. Even more meritorious was the offer to relieve agricultural parishes in England of their surplus paupers. A striking feature of the Association was that every member would be a bona fide proprietor and cultivator of that portion of land to which his interests in the concern entitled him. In addition to the foregoing, membership in the Association entitled the member to draw upon the common funds for the partial clearing of his land and the erection of a dwelling house previous to settlement. The scheme sounded too philanthropic a speculation, and was refused because it conflicted with the agreement with the Canada Company. An opportunity, however, was given the Association to invest their capital in New Brunswick lands.[12]

Another project was headed by Lord Egremont, who a few years earlier had settled a large number of his tenants in the townships of Adelaide and Caradoc.[13] On this occasion he sought to form a settlement of a better class of emigrants than those usually sent. For this end he proposed to purchase a block of 60,000 acres north of Goderich, at $1 per acre, if fit for cultivation. A further block of 100,000 acres was to be reserved until he had exhausted the first grant. The conditions of settlement were that a quarter of the purchase money would be used in public improvements, and the balance paid down immediately, or by instalments. Colborne was agreeable provided that one family for every 200 acres was settled until the 60,000 acres were taken up.[14] But this scheme also was abandoned.

In 1834, an Association was formed in London to establish a settlement on the banks of the Rideau Canal, recently opened.[15] Like many another scheme, it was still born. The same fate awaited the hopes and plans of the Scottish and British American Association, which was formed for the encouragement of emigration from the

12. N.B.C.O. 188,Vo.42,p.81 ff, Messrs.Boyd, Marshall & Goold,18,Adam Street, Adelphi, to Goderich, Oct.24,1831.
13. P.F.Vol.93,pp.24-27.
14. Q 387, p.257 ff; Report of Canadian Archives,1900, pp.16-17.
15. Q 384, p.27; Report of 1900, pp.XVII-XVIII.

eastern sections and Highlands of Scotland as the only remedy for the prevailing destitution. The idea was to renew the dormant claims of the Scottish baronets to Nova Scotia, who had lost their rights through the French invasion. These baronets, it was hoped, would place their shares, amounting to 2,400,000 acres, under the management of the Association for the use of their own tenants and the poorer classes. Like other companies, the prospectus offered to settle and improve large tracts of land in British North America, to make roads and promote the necessary public works. The Highlanders were to be provided with fishing equipment, as an inducement to emigration, somewhat similar to the recent arrangement by which settlers from the Hebrides have been attracted to British Columbia.[16]

One of the most ambitious of these societies, that sought to remove the difficulties in the way of poor emigrants, was the North America Colonial Association of Ireland, which applied to purchase about half a million acres of land in the Huron tract, adjoining the property of the Canada Company.[17] Colborne doubted their ability to mature their plans satisfactorily and refused their petition. A fresh start was made in September 1835, when the Association was incorporated by Act of Parliament for purposes of colonizing North America. It had a directorate of twenty-two, including Lord Durham.[18] Wakefield, assisted by his former associates in the South Australian and New Zealand venture, put new life into it. In the closing weeks of 1838, enough capital had been guaranteed to justify an ambitious programme. A beginning was made by purchasing property in the townships of Godmanchester and Hinchinbrook, together with the seigniory of Beauharnois from Edward Ellice. Wakefield's hand is evident in its elaborate plans. The great need of Canada was improved communication, both by land and water. In the construction of these roads and canals, thousands of poor emigrants could be profitably employed. To enable the Canadian Government to link the Lachine Canal with the St. Lawrence system, the Association offered to advance the required capital on condition that the new canal would run through their Beauharnois property, and that the land revenue of the Government would be pledged as a security for the loan. But the land revenue formed a part of the Consolidated Fund and was already pledged to other objects. The scheme of developing the property of the Association at public expense was rejected. Nevertheless, Wakefield sailed for Canada in 1841, as the agent of the Company,[19] and by September 1842, the construction of the proposed canal had been started.[20] If reports be true, his success was due to questionable practices.

16. Montreal Gazette, June 14,1841.
17. Q 383, pp.258,260 ff; see Q 219,p.251 ff, Palliser to Spring-Rice,July 29, 1834: Prospectus of the Association.
18. Montreal Gazette, Aug.15,1840.
19. P.F. 77, No.97, Sydenham to Lord John Russell, July 24,1841.
20. Gibbon Wakefield and Canada, subsequent to the Durham Mission,1839-42, by U.N.Macdonell for details.

The most enduring part of their work was in diffusing correct information about Canada, promoting emigration to it, correcting lingering evils regarding its settlement,[21] and inspiring public confidence in the abundance of its resources. Their idea was to keep Canada British by filling up the empty spaces with British settlers. Towards this patriotic end, the cooperation of British landlords and other influential people was solicited.[22] Local emigrant societies were founded to promote the wealth and population of the province.[23] The Imperial Government was approached to countenance the scheme,[24] and to appoint local agents in every district to ascertain the needs of the farmers and secure the necessary labour; the cost of this machinery to be defrayed out of the proceeds of the sales of waste lands.[25]

The Colonial Office was favourably inclined to these schemes if suitable arrangements would be made by which the Government could carry out their intentions regarding settlement in the Canadas. Unfortunately the possible advantages ~~from these~~ were neutralised by the difficulties in settling the terms upon which lands should be granted, and in obtaining the requisite security for the punctual payment of the sums stipulated to be paid.[26] Even more serious was the racial, political and religious animosity of the day, that made the disposal of the Crown lands a difficult and provocative subject. In Lower Canada particularly, the local legislature protested vehemently against the monopoly of the waste lands of the province by "a class of men in possession of great power and pecuniary resources without sufficient responsibility," that conduced to absenteeism, and drained the country of capital without corresponding returns. To the habitants, the provincial legislature alone was competent to dispose of these lands "in an efficient manner and agreeable to the situation and wants of the country."[27]

This criticism was called forth as a protest against the attempt of the British American Land Company to secure control of large grants of land in the Eastern Townships. To overcome any official scruples that existed, the promoters of the Company, assisted by John Galt of the Upper Canada Company, drew upon all the old arguments already so familiar to the Colonial Office. They emphasized the social and economic stagnation of Great Britain where the population far exceeded

21. Montreal Gazette, Oct.5,1841.
22. Rolph, op.cit. pp.36-49.
23. Montreal Gazette, Dec.3,1840, Prospectus of Canadian Emigration Society, drafte Nov.~~2~~ 12,1840; Kingston Chronicle and Gazette,Nov.21,1840, Prospectus of the Midland Emigration Society of Upper Canada.
24. Rolph,op.cit. pp.74-75, 108-109, Report of the Select Committee of Parliament March 26 and May 24, 1840.
25. G 48, pp.2-10, Report of the North America Colonial Committee, May 23,1840.
26. C.O. 524/90, Hay to Lt.Govr.Campbell, N.S. Dec.31,1831.
27. Q 201, p.404 ff, Aylmer to Goderich, Quebec, April 13,1832; Q 207,p.77 ff, same to same, March 18,1833, enclosing a petition against a land company.

the demand for labour, and the unemployed were supported by the poor rates; where the tax-payers were averse to the heavy taxation and the poor were seditious against a frame of society that consigned them to degraded poverty. The solution of these evils was looked for either in making the country responsible pay for them, or by a system of subsidized emigration, which the Mother Country refused to bear, and the Colonies were unable to undertake. The proposed Land Company, however, was willing to finance this large-scale emigration.[28] To give an air of dignity and respectability to their statements, the Company secured as chairman Mr. Robinson, M.P. for Worcester.[29]

Aylmer's attitude to the scheme was equivocal. He vacillated between the possible political consequences of the formation of such a company, and the need of an assured source of revenue, independent of the House of Assembly. He admitted that the land question had become a political issue, and would remain so until satisfactorily disposed of, but to confer extensive tracts of land upon a private company against the well-known wishes of the Assembly and the public, would be to create "a standing grievance...which...will be without remedy." But he was faced by the consequences of the refusal of the Assembly ~~and the public~~ to grant the very moderate Civil List proposed during the session of 1832, which he regarded as indicative of a determination to control the Executive Government in every possible way. The only other revenue at the disposal of the Executive was derived from the Land and Timber Fund, which was barely sufficient to pay the charges of management and the salaries of the officials of the Crown Lands Department.[30] When Aylmer learned that the Colonial Office had refused the application of the Company, he suggested that the Crown lands be mortgaged, or a loan be raised for the purpose of such local improvements as were beyond the ability of the average settler, and which would enhance the value of all property and encourage immigration. A good illustration of this method was found in the townships of Inverness, Leeds, Ireland and Halifax, where in return for a mere trifle, spent by the Crown in 1829-30, in opening roads, the value of Crown lands in these townships more than doubled in three years.[31] A few months later, when informed that the arrangements for the completion of the charter were resumed, Aylmer hastened to assure Goderich of the good results he anticipated from the establishment of the Company.[32] In his attitude he exhibited a partisanship unworthy of a governor. He exulted over the discomfiture of the hopes and plans of the native party who had "flattered themselves that so

28. N.S.C.O. 217,Vol.157, pp.367-68, Galt's Views, 1833.
29. Q 219, p.65 ff, "V" to Stanley, April 14,1834, severely criticising the scheme.
30. Q 201,p.404 ff, Aylmer to Goderich, April 13,1832; Q 206, pp.193-98, same to same, Jan.6,1833.
31. Q 206, p.193 ff, op.cit.
32. Q 208, p.7 ff, Aylmer to Goderich, May 2,1833.

much deference had been paid to their wishes as to defeat the project. Their vexation was all the greater on discovering that the negotiations had been resumed with every prospect of success." On the other hand, the English party "now rapidly increasing in importance," found great satisfaction in the favourable turn of affairs, which could not fail to have "the happiest effects upon its friends as well as upon its enemies."[33]

The secret of Aylmer's conversion is found in a latter sent by Mr. P. McGill, one of the representatives of the Company in Lower Canada. Addressing Aylmer on December 5, 1832, he requested him to bring this "very important matter...officially under the notice of...Goderich, and thereby facilitate the negotiation which was still pending between his Lordship and the Court of Directors."[34] At the same time McGill took the opportunity of placing the matter in as favourable a light as possible. The originators and promoters of the Company, he said, though "represented as a set of greedy speculators, are gentleman well-known in the city of London for their talents, wealth, honour and general respectability. Most of them are intimately connected with, and deeply interested in the prosperity of this Province particularly, and of the North American Colonies generally." Their motives were actuated by more benevolent ends than mere profit. Like the Canada Company, they only sought a fair and reasonable return for capital invested in an undertaking of almost national consequence. They were indeed philanthropists who aimed at the mutual good of the Mother Country and the Colonies, by removing from the one the surplus labour the other required; patriots who would retain British subjects within British territory by developing the waste lands of Lower Canada on the south side of the St. Lawrence, hitherto an unproductive wilderness. Two most desirable results would be secured thereby. In the first place, barriers would be raised against the monopolising grasp of the Americans who threatened to over-run the Province, and were introducing an influence that was prejudicial to the settlement of British emigrants.[35] On the other hand, the "extravagant pretentions" of the French element who claimed a "prescriptive right to all the waste lands of the Crown, whose political influence is operating like an incubus on the commercial and general energies of the country," would be defeated. Thus, the Eastern Townships would become the centre of British influence. And since the unconceded parts of the seigniories would be sufficient for years to come for the needs of the habitants, McGill urged the immediate adoption of the plans of the Company for one million acres of land at three shillings per acre.

33. Ibid, pp.7-11, same to same.
34. Q 203, pp.310-315.
35. L.C. "S" Buchanan's Report, Feb.1829.

In the meantime, W.B.Felton was requested to report upon the disposable lands suitable for the purposes of a land company.[36] On January 10,1833, he reported that on the south bank of the St. Lawrence, on the frontier of Vermont, New Hampshire and Maine, and generally known as the Eastern Townships, was a tract of land comprising about two and a half million acres, one-third of which might be considered good quality soil. But while its immediate contact with the United States exposed it to depredations by intruders and unlicensed occupation by squatters from the United States, its communication with Quebec and the older settlements on the St. Lawrence, was intercepted by a wide belt of granted but unoccupied and uncultivated lands, making settlement difficult without a large outlay of capital upon public improvements.[37] At the same time, Felton advised that for political reasons this defenceless part of the boundary should be settled by British subjects.

As a result of Felton's inspired report, Aylmer wrote Goderich enclosing maps of the Eastern Townships which exhibited "the blocks of unsurveyed lands which are fit to be disposed of to the British American Land Company."[38] In view of the importance of the scheme to the province, he was willing to reduce the price rather than break off negotiations.[39] He further suggested that the land alienated should be in one block nearest to the frontier, and be settled by British born subjects, "for reasons too obvious to require explanation," finally assuring Goderich, "that the people generally are prepared for the measure I have taken the liberty to recommend."

Like the Canada Company, the British American Land Company was chartered for the purpose of purchasing, improving, settling and disposing of the waste lands of the Crown. It secured control of 847,661 acres at a total cost of £120,000, payable in ten years with interest at four per cent.[40] Half the purchase price was to be laid out in improvements and public works under the sole control of His Majesty's Government. Of this land, 251,336 acres were Crown Reserves and surveyed Crown Lands in the counties of Shefford, Stanstead and Sherbrooke, largely in detached lots of 200 acres each, and from their contiguity to mills, shops, schools and churches, were exceedingly eligible for immediate settlement. The balance, amounting to 596,325 acres, was unsurveyed, situated between the upper waters of the St. Frances and Lake Megantic, in the county of Sherbrooke, and comprising the townships

36. Q 219, p.65 ff, "V" to Stanley, April 14,1834, stating that Goderich opposed the Company and wrote Aylmer to value these lands to be in a position to offer conditions which the Company could not possibly accept.
37. Q 206, pp.199-204.
38. Q 208, pp.367-74, May 22, 1833.
39. Ibid, pp.7-11; Q 213, various pages.
40. Q 240, pp.122-128; P.F. 2-1, 2-5, Agreement with Government, 1833; P.F. 77, and 43; ibid, 172-9.

of Garthby, Stratford, Whiton, Weedon, Lingwick, Aldstock, Bury, Hampden, Marston, Ditton, Chesham, Emberton, Hereford, and commonly believed to be particularly valuable land.[41] This tract was sold for £74,992.

The Royal assent was given to the Charter on May 22,1834. The expense of the formation of the Company amounted to £3,000. Peter McGill and George Moffat of Montreal, were appointed commissioners for the purpose of carrying on the business of the Company.[42] Already on April 5th, the Company asked the Colonial Secretary to inform the Lieutenant-Governor of Lower Canada, that the Charter of Incorporation had been granted to enable them to commence operations.

There were several favourable circumstances in connection with the origin of the Company. It went into operation with the fullest sanction of His Majesty's Government, and it was assured in advance of the warmest support of Lord Aylmer, who not only took immediate steps to survey the ceded territory, but he suspended all sales in the district until the bargain with the Company had been concluded.[43] Both the situation and the quality of the soil were considered excellent, and most suitable for settlement.[44] The Crown Reserves were interspersed with cultivated farms and villages, the roads were considered the best in the district; even the unsurveyed lands were mixed with, and surrounded by, townships all within measurable distance from Montreal and Quebec. The frontier townships were particularly populous.[45] The county of Shefford had a population of 5,087, with 95,764 acres occupied, and 22,392 improved; in the county of Sherbrooke, with a population of 7,104, there were 113,816 acres occupied, 41,113 cleared, 39 schools, 50 mills, 8,100 head of cattle, 1,478 horses, 10,982 sheep, and 503 pigs. Stanstead County, with a population of 10,306, had 192,979 acres occupied, 57,433 cleared, 78 schools, 79 mills, 13,917 head of cattle, 2,407 horses, 20,584 sheep, and 9,323 pigs.[46] In the light of these facts it might be argued that the Eastern Townships had already arrived at that stage of development at which public land companies would cease to be advantageous to society. The Company lost no time in advertising tracts totalling over 203,000 acres, to be sold in thirty-eight townships, on terms of one-fifth of the purchase money down, and the balance by instalments.[47] Colborne

41. Information respecting the Eastern Townships of L.C., 1833; P.F. 70,No.6, agreement between H.M's Government and the B.A.Land Company,Dec.3,1833.
42. Report of the Court of Directors, of the B.A.Land Company to the Proprietors, June 19,1834; Q 219, p.7 ff, a copy of the Act of Parliament.
43. General Meeting of the Proprietors, Dec.3,1833, to consider the memorandum of the agreement, see Information concerning the Eastern Townships of Lower Canada Dec.3,1833.
44. Ibid, Letter from D.Chisholm,J.P.Clerk of the District of Three Rivers.
45. Bouchette, op.cit. Vol.I, p.307.
46. Information concerning the Eastern Townships, op.cit.
47. The Townships advertised were:- Acton, Ascot, Auckland, Barford, Barnston, Bolton, Brome, Brampton, Bury, Chester, Clifton, Dunswell, Ditton, Eaton, Ely, Ham, Hatley, Hereford, Lingwick, Magogbolton, Magog-Hatley, Melbourne, Milton, Newport, Oxford, Patton, Roxton, Shefford, Stoke, Stukeley, Simpson, Tingwick, Warwick, Weedon, Westbury, Wickham, Windsor, Wolfeston.

however, prophesied that the Company would be disappointed in their speculations,[48]

The smouldering political hostility to the Company broke into flame when news of the Government's favourable attitude reached the province. From press, public platform, and the floor of the Assembly, the voice of exasperated protest was heard. The friends of Papineau were particularly hostile.[49] Local newspapers accused the Company of being mere speculators, seeking to acquire in whole or in part, the Crown Lands of the Province for profitable pusposes;[50] others denied the Company any right or title to the land, and warned emigrants and settlers against having any transactions with them. Many believed that the Company would require "all the assistance both of the Home and of the Colonial Government to force itself into operation."[51]

One of the most constructive criticisms of the whole transaction was contained in a long letter, signed by "V" addressed to Stanley.[52] With almost prophetic insight he exposed official mistakes, pointed out the immediate disturbing effects of persisting in the face of so much deep-seated opposition, and foretold the future complications. He accused the promoters of attempting to control so much land in order that they might perpetuate a political ascendency in Lower Canada, that was being threatened by the growing opposition of the House of Assembly, in a struggle for the control of the local government, and resentful of all claims and priviliges inimical to its interests. To "V", the existing ferment in Canada was "occasioned by the collision of these adverse currents," forced upon the province by a group of trading aristocracy living in London, pursuing one uniform system - that of monopolising the natural resources of the province. These statements seem to neutralise each other. The promoters could scarcely be at once speculators looking for a return for invested capital, and persons looking for political power by the expenditure of capital in the acquisition of lands from which no return could be expected. In the House of Commons, Mr. Roebuck was appointed agent for the Lower Canada House of Assembly for the purpose of securing the cancellation of the Act constituting the British American Land Company. In such an atmosphere of racial and religious bitterness, the Company had its origin. For the first few years, however, activity, orderly progress, and contentment prevailed. The provision made by the Company for the reception and comfort of the settlers was highly commended by people familiar with the difficulties of pioneering settlemen They were conveyed at moderate expense to their lands; bake houses and provision stores were established along the route, and sheds were built for their reception.

48. Q 377, p.468, Colborne to Hay, April 20,1833.
49. Q 224, p.347.
50. The Minerva, April 25; The Canadian, April 29; The Quebec Gazette, April 26; The Quebec Mercury, April 27, and 30.
51. Q 224, p.375
52. Q 219, p.65 ff, April 14,1834.

There was food and labour for all in need. Good roads and other necessary improvements were performed by the Company; assistance was given to build schools and churches. For the first four years, the settlers were charged interest only, and were given four more years for the payment of the capital. The converting of a wilderness of tangled forests into productive farms had commenced.[53]

These judicious and liberal measures attracted many settlers to the Eastern Townships. Men of some capital, retired military and naval officers, purchased land either from the Company, or from the first settlers in the districts, who had already made some improvements. The bulk of the settlers, however, were from the Scottish Highlands, without capital and in need of assistance from the Company. The first to arrive came from the island of Lewis. They were settled in the township of Bury, about thirty miles east of Sherbrooke. Their good prospects encouraged them to invite their friends to join them. The general distress in the Highlands added to the appeal of these personal invitations, resulted in the arrival of hundreds of destitute emigrants whose advent caused considerable difficulty and embarrassment to the community. Their ignorance of the English language rendered their chances of securing employment remote, while their large families made the question of shelter a difficult matter. The issue became urgent as the number of emigrants from the same island increased. The inhabitants of Sherbrooke paid the transport and storage of their baggage; the people of Montreal provided food, and Scottish merchants of that city donated farming implements and kettles for making ash and black salts. Untimately some were settled in the township of Brampton and others in Bury and Lingwick.[54] Being healthy and industrious, they soon overcame their worst difficulties. In one year they raised sufficient food for themselves; in four years they were out of debt, with clearings that averaged ten to fifteen acres, together with a few head of cattle each.[55]

But alas that such a promising beginning should fade so quickly into disappointment and failure.[56] Like many another land company of the period, the British American became financially involved. After three payments had been made, amounting to £34,954-5/6, a difficulty arose as to further payments. The Company asked that the annual interest be charged, not on the unpaid balance, but on the annual instalments only. The law officers of the Crown ruled against the Company. Lord Glenelg

53. Montreal Gazette, July 2,1836; Merivale,op.cit.II,145; L.C.Report of Commissioners of Grievances,1837; Pamphlet No.1,215, (Can.Arch.List), p.10.
54. L.C."S" Buchanan's Report,1838, Sixty Highland families settled by the Company.
55. Q 258, p.71 ff, Andrew Russell, Quebec, March 9,1839; ibid, p.111, Buchanan's Report, Montreal, April 12,1839; Montreal Gazette,Oct.5, and No.16,1841; Buchanan's Report on Bury and Lingwick, Aug.19,1841; Pamphlet No.1447, p. 55 ff, (Can.Arch.List).
56. L.C. "S" Report by F.D.C.M.

however, at the urgent plea of the Directors, suspended for the time all further proceedings. The matter remained in statu quo till February 1838, when the Company applied for a further relaxation of the terms of the agreement. The basis of this request was that from the unsettled state of the country, and the extreme hostility shown towards them by the Assembly from their first establishment, the shares of the Company had become quite unsaleable. They had paid or expended the sum of £176,656, but their sales did not exceed £4,500, of which £1,560 only had been realised. Under these circumstances, the Company applied for a total remission of the interest on their purchase money, and for a suspension of all payments of the balance of £87,255, for five years, as the only means of extricating them from their difficulties. The Imperial Government refused to accede to this application, but granted them five years suspension of interest, leaving for future consideration the question of further indulgence. The matter was at the same time referred for report to the Earl of Durham. That report is contained in his despatch of July 31, 1838,[57] in which he dissuades all indulgence to the Company as uncalled for by the circumstances of the case and as unjust to individuals to whom similar indulgence had been refused; to establish such a precedent would be both expensive and inconvenient. He asserted that the bargain between the Government and the Company was most advantageous to the latter, and as a test of his assertion, he proposed that the Government should offer to resume the land sold to the Company at the original price, taking their improvements at a valuation, the whole to bear the interest at four per cent until all obligations had been satisfied. Lord Durham's proposition was submitted to the Lords of the Treasury who agreed to sanction an arrangement for the resumption of part of the Company's land, provided that the Government was not called upon to refund the money actually received, and that the Company did not retain an undue portion of the more valuable property. In consequence of these restrictions, Lord Durham's proposition was not submitted to the Company, but they were informed that the Government was prepared to consider any scheme which they might submit for surrendering their land. Up to September 1839, no such scheme had been submitted to the Colonial Office.

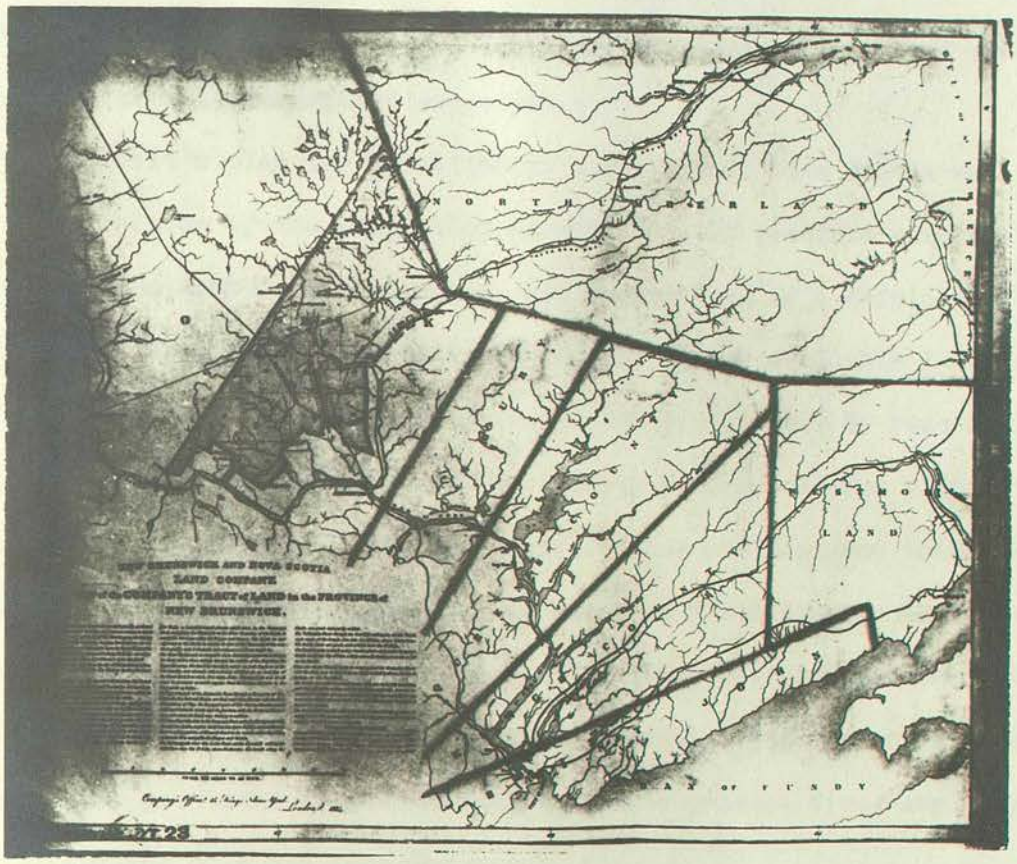
According to the instructions of Government in February 1838, the Company ought to have resumed their payments, both of principle and interest, in March 1839. They failed to do so, and when pressed on the subject, the Directors at once declared they had no funds, and that without some relaxation of the terms of the agreement, the proprietors would make no further payments. Then they proposed that the expense of the internal survey of the St. Frances Block should be borne by the Government,

57. Parliamentary Papers, p.149.

and that the sum of nearly £9,000, which formed a part of the expense incurred by the Company some years before, for the support of indigent emigrants, should be taken as a payment towards the unpaid balance. Further they demanded that the interest on the unpaid instalments be surrendered and that the balance of the purchase money devoted to public works should be applied under their discretion to purposes of emigration. The two first demands were at once refused; onthe third, Lord Normandy refused to alter his predecessor's decision, unless some new ground for doing so could be shown; the fourth was reserved for further consideration.

This decision was far from satisfactory to the Company, who in August 1839, renewed their application to the Colonial Office with increased urgency. The official attitude to these renewed applications was summed up by Lord John Russell, who, while refusing to accede to any of the demands, was quite ready to consider any arrangement which might be submitted to him for the cancelling of their agreement on terms similar to those proposed to them in 1838 by Glenelg. Up to May 1841, no further payments were made, or likely to be made, by the British American Land Company.[58]

58. P.F. 77, No.5.


NORTHUMBERLAND
BAY OF FUNDY

VIII.

(3) THE NEW BRUNSWICK AND NOVA SCOTIA LAND COMPANY.

Within the same period several attempts were made to form Land Companies in the Maritime Provinces, where the claim was made that conditions seemd highly encouraging for large-scale operations. Not only were their agricultural resources adequate for such a purpose, but they were far more conveniently situated than the Canadas for the importation of life's necessities and the exportation of their produce. Moreover, the policy of sale adopted in 1826, was said to have multiplied Government debtors without developing the provinces. And as in Lower Canada, the urgent need of securing adequate funds for public services, which the British Government refused to provide, encouraged the idea. In actual practice, however, the results were somewhat disappointing.

John Galt's plan for establishing a Company in Nova Scotia was refused for various reasons by the Emigration Commission: the province was unfit for the reception of large numbers of emigrants, and the arrival of a shipload of passengers was looked upon by the inhabitants with dread; little available land remained, and that "little scattered in patches, separated from each other by rock and impenetrable forest;" as for the promoter, he was merely an unsuccessful company jobber, whose mode of doing business "bred more difficulties and disputes than many other gentleman with whom this office, so far at least as North America is concerned, has ever had to deal."[59] To a similar request in 1835, Glenelg replied that "under the existing circumstances of the Maritime Provinces, His Majesty's Government feel themselves precluded from entertaining at the present time, any proposal for the establishment of a new Land Company."[60]

In New Brunswick the speculators had a friend in Lieutenant-Governor Howard Douglas, who, in several of his despatches strongly urged that official encouragement, under suitable terms and conditions, be given to the formation of Land Companies, as the "most advantageous and productive mode of disposing of Crown Lands;" since in no other way could capital be attracted or a well-regulated system of colonization be carried out. Furthermore, a Land Company would relieve the Government of administrative details, solve the problem of public revenue, provide for an ecclesiastical establishment, and assure the economic prosperity of the province.[61]

59. N.S.C.O. 217, Vol.158, pp.371-74, Jan.14,1833.
60. Ibid, Vol.158, pp.571-75, Sept.14,1835.
61. N.B.C.O. 188, Vol.41, pp.66-75, June 24,1831, Confidential Memo from Douglas to Colonial Office.

As if in response to such encouragement, the New Brunswick Land Company was formed in 1831, for the purpose of purchasing extensive tracts of uncleared lands in the province and of bringing them into a profitable state of cultivation by the labour of immigrants from Great Britain and Ireland; of facilitating the immigration of families and of assisting them upon their landing and first settlement in the colony; of giving immediate employment to able-bodied paupers, whether sent out under the auspices of His Majesty's Government, or by the Company; of opening roads, clearing lands and erecting houses before the settlers arrived.[62]

The Prospectus magnified the agricultural possibilities of New Brunswick for the production of all green and white crops common to England, as well as of hemp and flax. The climate was congenial to British settlers and the land was easily worked. Capitalists were assured of advantageous returns for their investments. Encouragement and assistance were offered to officers of the military and naval service and retired civil officers to emigrate to the colony, while the patriot and the philanthropist were appealed to so that it might be possible to form a purely British settlement on the American frontier that would be of great service to the parent state in political and commercial relations with the United States of America. To prevent unscrupulous shipowners from exploiting the needs of indigent and ignorant settlers, the Company would provide transportation to their lands. The scheme was one of "mutual cooperation and assistance," with the additional advantage that the Company would sell its lands to no one except bona fide settlers, and thus differed materially from the other schemes presented to the Colonial Office.

The plan received the hearty endorsation of the Lieutenant-Governor, who recommended that one million acres at 3/6 per acre be sold to the Company in two tracts; one half on the Gulf Shore between the bend of the Petitcoudiac and the Miramichi Rivers, to be settled by Irish immigrants, and the other half in that vast untouched tract which extended in a direct line from Fredericton to the Grand Falls, to be reserved for English and Scottish settlers. The total price was £175,000, of which fifteen per cent was to be paid immediately on incorporation, and the balance in ten annual instalments.

The Lieutenant-Governor's enthusiasm was not shared by the officials of the Colonial Office.[63] R.W.Hay and Howick were very suspicious of all such transactions, on the ground that any advantages to be derived from a judicious sale of Colonial lands, should accrue to the Crown alone, and since the experience of more than one

62. Merivale, II, 145.
63. N.B.C.O. 188, Vol. 42, p.81 ff, Dec.24,1831.

land company had manifested how insecure the foundations were on which the proprietors commence their speculations, and how impossible for the Government to obtain any adequate security for the due fulfillment of the contract, e.g. the Van Diamens Land Company ~~which~~ would have suffered an early shipwreck had not the Government consented to grant them certain tracts nearer to the settled part of the colony. Hay was opposed to the alienating of so much land, or handing over more land to the Company annually than they could afford to pay for, or allowing them an unlimited choice in the selections of the situations to be taken up each year. He therefore urged a previous enquiry into the character of the individuals who composed the Company, and into their ability to meet their obligations to Government. He wisely questioned the judgment of local officials who might be dazzled by the wholesale manner of disposing of the land, by the magnitude of the sum promised by the Company as an equivalent, as to overlook the possibilities of failure, and the difficulties which might be created by an improvident bargain with a body of speculators.

James Stephen raised other valid objections to the sale of so much of the waste lands in unsettled countries to speculative companies. In the first place the price was too low; in the second place the Government, by forcing one million acres on the market at once, not only needlessly invaded its own monopoly of public property, but by glutting the market, reduced the price of other public lands and of property generally for some time to come. The land market should be constantly fed, but never gluted, whereas a Land Company depending upon sales for its income to meet its financial obligations, must sell at almost any price. Thus "the known exigencies of the Company" prescribed the limit beyond which the value of wild lands could not rise.[64] The Colonial Secretary, notwithstanding the importance he attached "politically speaking to the steady occupation of the New Brunswick wilderness," agreed with Stephen and informed the Company that their plan was inadmissible.

As in Lower Canada, local politics converted the Colonial Office to the opposite viewpoint. Lieutenant-Governor Campbell, desiring to be financially independent of the local legislature which was seeking the control of the Civil List and was opposed to the formation of a land company whose payments would be immune from public control, urged Goderich to secure the necessary legislation for chartering the Land Company, as the only means of developing the province and relieving the Government of financial strain.[65] The Commissioner of Crown Lands, Thomas Baillie, strongly supported the idea, confident that the activities of the

64. Ibid, James Stephen to Lord Howick, Jan.1,1832.
65. Ibid, Vol.43, p.128, Campbell to Goderich, Feb.27,1832.

Company would "add to the sale of Crown Lands in price as well as quantity, and would in other respects tend greatly to the general improvement of the Province."[66] This favourable attitude was communicated to the promoters of the scheme, and on March 2, a meeting was held in the Crown and Anchor Tavern, Strand, London.[67] It was attended by at least seven members of Parliament, and amongst others the Hon. Samuel Cunard. A provisional committee of nine was formed, including the two leading spirits of the venture, John Bainbridge and John Labouchere, to negotiate with the Government for the incorporation of the Company. They pledged their faith in their project and in the Maritimes, authorised a capital of £200,000, divided into certificates of stock of not less than £25 each, one-fifth to be paid down, two-fifths more when the charter was completed, and the balance at the call of the Directors. They petitioned for half a million acres in New Brunswick, lying between the River St. John and the head of the navigation of the Miramichi, at 2/6 per acre; half was to be paid at the time of incorporation and the remainder as soon as the conveyance of the grant was completed. Permission was sought to purchase or exchange lands generally in New Brunswick, Nova Scotia and Prince Edward Island, either from the Crown or from private individuals, and to sell, let, or improve such lands with a view to settlement. On the 14th, the Colonial Office replied that the price was insufficient. On the 19th, Labouchere asked for a grant of 100,000 to 250,000 acres in one block, bordering upon a navigable river, within fifty miles of the sea-coast, at 2/6 per acre - Baillie favoured selling apart a tract of 150,000 acres in the vicinity of Queensbury.[68] Again Stephen advised caution,[69] warning the Colonial Office of past experiences with Land Companies who evaded their agreement with Government by pleading their difficulties, the pledges they had received from the Secretary of State, and the engagements they had been led to enter into with their settlers, with the result that they carried every point at which they aimed.

Pressure of various kinds was brought to bear upon Goderich in order to induce him to grant the lands on favourable terms. As in the case of the British American Land Company, every plausible and threadbare argument likely to influence the Colonial Office favourably was advanced. The real motives of the Company were cleverly concealed: individual profit was not their principal object, but the relief of the overwhelming distress of the working classes of England by assisting

66. Ibid, Vo.44, pp.85-112, Baillie, March 20,1832.
67. Ibid, Vol.42, p.68.
68. N.B.C.O. 188, Vol.44, p.85 ff, March 20,1832.
69. Ibid, John Labouchere, March 2,1832, Resolutions of the Provincial Committee of the Company; ibid, Labouchere to Goderich, March 31,1832.

a portion of them to emigrate, thereby relieving the pressure upon the rates, and improving the lot of those who left as of those who remained. At the same time, British shipping would be stimulated, British markets increased, and the Colonies secured against aggression from the United States. As a further inducement plans were made to remove, educate, and train in husbandry a portion of the pauper children of England and bring them up as loyal citizens.[70] Finally, patriotic motives were advanced to turn the scales in favour of the Company.

Bainbridge reminded Goderich that the upset price of 5/- per acre, fixed by His Majesty's Government for wilderness land, and 4/- for tracts to corporate bodies, was diverting emigrants to the United States. Every settler lost to the Empire was a loss economically and financially. Statistics since 1815 showed that each settler in British colonies created a demand for 48/- worth of British goods as against 6/10 by those who settled in the United States. Not only so, but a high price for wild lands prevented the investment of capital and therefore the settlement of the Colonies. Hence any regulation impeding improvement was unwise. Indeed the price asked for the land should be of very slight consequence, as an object of revenue, as compared with the effects upon the settlers and the Colonies; the great desideratum should be the settlement of a stipulated number of emigrants annually on the lands sold to corporate bodies, securing them employment and other reasonable encouragement as would tend to ameliorate their physical conditions and retain them to the Empire. Otherwise, Bainbridge claimed, the very object of His Majesty's Government in contemplating the development of the Colonies, would be defeated.[71]

These arguments seem to have carried conviction for on March 31st, the Colonial Office signified its willingness to charter the Company on condition that half the purchase money should be paid on the issue of the Charter, and the balance on the completion of the contract. In that case a tract of 350,000 acres at 2/6 per acre, would be conveyed to the Company,[72] provided that they were able to secure a subscribed capital of £200,000 within six weeks. Later, power was given them to increase this sum to £400,000.[73] The customary difficulties soon manifested themselves. The necessary capital could not be secured within the time limit, and a demand was made for an extension of time and more lenient terms.[74] As a result the Company was allowed to purchase half the grant, the other half being reserved to

70. Ibid, John Bainbridge to Goderich, March 22,1832.
71. Ibid, op.cit. 72. Ibid, op.cit.
73. N.B.C.O. 180, Vol.12, Despatches Received, Goderich to Campbell April 29, 1832, and Vol.44, p.118 ff, April 14,1832, advising him of the agreement with the Company.
74. Ibid, p.133 ff, Aug.9, and Oct.22,1832, N.B.C.O.188, Vol.12.

them for twelve months at the same price.[75]

On January 15,1833, the Company requested that the Charter of Incorporation be granted, together with a further demand for a six months extension of time, protesting their anxiety to carry out their original intentions "commensurate with what appears to be your Lordship's views and expectations" for a large influx of British emigrants into "this important frontier province."[76] In July the Company was informed that Stanley was inclined to let them have "the land at a somewhat lower price."[77] In November the agreement of sale was concluded between Stanley and the Court of Directors for half a million acres instead of the 350,000 previously agreed upon.[78] The total price of £56,250 was due in seven equal instalments within three years from the date of the Charter, reducing the average price from 5/- to 2/3 per acre.[79] The Company further agreed to pay £1,000 towards surveying expenses. Unlike the other companies no allowance was made by the Crown for waste or unprofitable land.

The Company immediately advertised the attractions of their property.[80] Situated in the county of York, in the centre of the province, it comprised the height of land "separating the rivers which flow into the Gulf of St, Lawrence from those which discharge themselves into the Bay of Fundy." Not only was it composed of "the most fertile land in New Brunswick," well watered by several rivers and their tributaries, but all parts of it were within easy access of the sea. The rivers Miramichi, Nashwaak and the St. John were navigable for barges and batteux, thus affording the means of conveying produce both ways to market. The government road from Fredericton to the Grand Falls, through the Cardigan and Tay settlements, and the new road to Miramichi, would pass through the Company's property. There were abundant mill sites and water power for every requisite purpose. People of "enterprise industry, and capital" were invited to settle in order "to unfold the latent resources" of the province. The Company offered to clear five to fifty acres and

75. Ibid, p.141, Oct.1832; N.B.and N.S.Land Company, Practical Information respecting New Brunswick, London, 1834. The officials of the Company were John Labouchere, Governor, Edward Blount, Depy.Govr. and the following directors:- Sir John Burke, G.H.Hooper, A.Humphrys, Jos.Kay, J.F.Maubert, J.Moxon, David Stewart, L.P.Wilson, John Wright, John Bainbridge, E.N.Kendall, Henry Cunard, W.E.Cormack, Colonial Treasurer.
76. N.B.Despatches Received, Vol.13, pp.21-28, Labouchere to Goderich, Jan.1,1833.
77. C.O. 324/90, p.126, Hay to Bainbridge, July27,1833.
78. N.B.Despatches Received, Vol.13, pp.517-23, Nov.20,1833.
79. N.B.C.O. 188,(198), Vol.6, Campbell to Spring-Rice, Nov.3,1834, concerning the surveys; ibid, (163), Vol.16, p.529, Glenelg to Campbell; ibid, (198) Vol.6, Campbell to Stanley, April 26,1834, same to Glenelg, Nov.7,1835, Deed of Conveyance issued.
80. N.B. Despatches Received, 188, Vol.12, April 14,1832, and Vol.13, pp.517-123, for the boundaries of the grant; Practical Information regarding the N.B. and N.S.Land Company, London 1834.

erect a house for practical farmers with a capital of from £200 to £600, who preferred a partly cleared farm to lands in a waste state. Agents were to be appointed in all the leading seaports of Great Britain and Ireland. Saw and grist mills were to be erected at Miramichi, and a farm of considerable size was to be cultivated for the support of settlers arriving too late to prepare their own land for cultivation; temporary shelters were also to be provided.[81] To all this was added practical information regarding the best method of cultivating waste lands from the cutting of the first tree to the building of shacks and the making of roads; together with an account of the trade, education, wages and prices current in New Brunswick.[82] Poorer settlers were not overlooked; they were promised farms of 100 acres each on a fifty year lease, and an annual rental of 1/- per acre, with five acres cleared and cropped, and a comfortable log house for their reception on arrival at the settlement, together with constant employment in making roads, cleafing and draining lands, and building houses to all in need of such. Storehouses were to be erected at convenient spots to supply the settlers at moderate prices with provisions, clothing, agricultural implements, together with medical aid and transportaion facilities from embarkation to their arrival.[83] No other Company offered such favourable and advanced terms.

There was, however, a wide difference between promise and achievement. The settlers found neither houses nor crops ready for them. No employment was provided for the needy; the promised roads were not made; exhorbitant prices were charged, and to crown their sufferings, the Company closed their stores with the result that many of the emigrants from Glenelg and Glengarry died within the first Winter because of insufficient food and shelter. The Company stated in defense that the settlers depended too much upon the provision made for them, and not enough upon their own industry; that many of them "were remarkable for improvidence" and appeared "to have had a settled design of fastening themselves on the Company as pensioners."[84] To relieve the distress, the Company advised the poorer settlers to try lumbering; they refused because the methods usually followed landed them deeper in debt.: a storekeeper would grant provisions on credit at high prices on condition of receiving absolute control of the lumber, entirely disregarding the interests of the settlers. Lord Howick took their part, blamed the Company for failing to fulfil their obligations, and upheld the settlers' refusal to engage in lumbering to the neglect of agriculture. Later, Glenelg issued instructions to employ the needy on Government

81. M.B. Despatches Received, 188, Vol.12, pp.5-7.
82. Ibid, pp.10-19.
83. Ibid, Vol.XVIII, p.39 ff, May 15,1838, Petition of English settlers residing at Stanley, New Brunswick, who arrived there in 1836.
84. Ibid, op.cit. John Bainbridge to Howick, May 11,1838; N.B.C.O. 188 (199),Vol. 6, p.204, Harvey to Glenelg, Sept.30,1838, the Scots from the Tweed thriving.

public works.[85] The Company had defaulted, like others of its kind, while at the same time they denuded their lands of the best timber.[86] Repeated demands were made for extensions of time for the payment of their instalments, pleading the delays on the part of the local government in completing the survey of their property,[87] blaming the political interruptions of 1837, and complaining of "the strong although unfounded prejudices which exist in New Brunswick against the Company."[89] As late as 1841, these arguments were still being advanced to escape the payment of the balance of £30,000.[90] On the other hand the Government not only refuted these excuses, but maintained that all the obstacles to the success of the scheme must be traced to the Company's mismanagement.[91]

It is difficult to escape the conviction that there must have existed some hidden understanding between the Imperial Government and the Company by which the latter was able to suspend payments from 1837 to 1841.[92] The issue was forced, however, in 1839, when the balance due was made a part of the territorial revenue of the province in return for a Civil List.[93] The Local Legislature immediately demanded the payment of the balance with interest from the dates at which the original instalments became due.[94] In August, the Company agreed to pay 24,000 within three years, with four percent interest, subject to an abatement of five per cent on the whole tract as compensation in view of defective survey.[95] On this basis payments were resumed, and by December 31,1841, over £20,000 including interest had already been paid; the balance was being subscribed. At the same time the Company reported that they were busy in the development of their property. Stanley, the centre of their operations, on the Nashwaak River, twenty-four miles from Fredericton, was a fairly thriving settlement with "extensive and well constructed saw, grist and oatmeal mills, a church, school-house and taverns."[96]

Experimentation having failed to fulfil the results expected from it, there was only one possible alternative left, namely, to sell all the waste lands at public auction.

85. Ibid, Vol.18, p.39, Glenelg to Harvey, N.B.Despatches Received.
86. N.B.C.O. 188 (198), Vol.5, Campbell to Stanley, Feb.3,1836.
87. Ibid, 162, Vol.15, pp.529-37, Glenelg to Moubert, Nov.20,1835.
88. Ibid, 166, Vol.19, Normandy to Harvey, Aug.31,1839.
89. N.B.Despatches Received, Vol.18, p.39 ff op.cit.
90. N.B.C.O. 188 (166), Vol.19, Normandy to Harvey, June 14,1839; ibid, Vol.21, Directors to Russell, June 9,1840; ibid, Russell to Harvey, June 22,1840, urging completion of survey; ibid, Vol.22, No.99, Jan.21,1841.
91. Ibid, 198, Vol.5, Campbell to Glenelg, Feb.11,1836.
92. Ibid, p.43, Normandy to Harvey, Aug.31,1839.
93. Ibid, (200) Vol.7, Harvey to Glenelg, March 18,1839; ibid Vol.21, June 9,1840.
94. Ibid, (166) Vol.19, No.43, Normandy to Harvey, Aug.31,1839; ibid (201) Vol.8, No.64, Harvey to Russell, Sept.4,1840.
95. Ibid, (169) Vol.22, Jan.21,1841, Directors to Russell, £12,500 paid, and a further sum of £8,087 paid Dec.3,1841.
96. Practical Information regarding the N.B. and N.S. Land Company, p.25.

IX.

THE DAWN OF AN NEW ERA: SALE VERSUS FREE GRANTS.

"THE NEW SOUTH WALES SYSTEM."

The expansion of settlement during the first quarter of the nineteenth century and the waste and consequent criticism of the old system, compelled a reconsideration of the Imperial land policy. A policy of free gifts, subject to a moderate quit rent, or fees of office, that allowed a wide variety in the size of the grant made, and in the terms upon which the grants were made, had not proved a success. Grants and squatters were multiplied driving the new-comers further into the wilderness and resulting in economic stagnation and social discontent. Apart from the desire for increased revenue by Government, the necessity for a change in the system was apparent long before 1826.

A brief summary of the actual workings and some of the results of the old system should convince even the supporters of that system of the need for change, for the same effects followed the same causes wherever the policy wad adopted. Thus in Australia, where in theory the same policy prevailed in all the colonies, in actual practice some bought their lands, others received grants on a quit rent basis, while others occupied their land without a warrant of any sort. The same indifference to results was conspicuous in the liberality with which the grants were made. In Van Dieman's land, which was specially suited for agriculture, and with a total population of less than 23,000, almost two million acres had been granted of which only about three per cent was cultivated. New South Wales, with a population of about 26,000 free settlers, alienated about four million acres without any regard to survey, contiguity of settlement or future needs. In the Swan River Colony, with a population of about 1,600, grants totalling one million two hundred thousand acres were made. Of these seven million acres, the majority was granted to persons who could make no immediate use of the land, while nearly all of them deliberately flouted the conditions of their grant. Even where the grantees were sincerely anxious to comply with the terms, there was not sufficient labour available to develop five per cent of the land alienated: the land was simply wasted since neither the Government nor the average settler benefitted.[1]

1. Roberts, op.cit. pp.73-77.

Conditions in the British North American Colonies were almost as deplorable. In the Maritime provinces where the maximum grant, except in particular cases, was 500 acres, and the average 200 to 300 acres to married men, and 100 to 200 acres to single men,[2] under conditions of a quit rent of 2/- per 100 acres, results were far from satisfactory. By 1825, New Brunswick, with a population of about 74,000, had alienated 2,164,352 acres, and Nova Scotia, with a population of about 120,000, had granted 4,750,000 acres, leaving about 1,000,000 acres open and available for settlement in scattered lots throughout the Province.[3] In Lower Canada, not only were free grants made, but in some cases quit rents were imposed, while by the township system, blocks averaging about 40,000 acres were given to individuals. By 1825, outside the seigniories which totalled almost eight and a half million acres, the Government had granted 3,356,000 acres, leaving about five and a half million acres at the disposal of the Crown in surveyed or projected townships. Of this grand total, nineteen-twentieths of which remained undeveloped, almost half a million acres had been given to militia men, 72,000 to executive councillors, 48,000 to Governor Milnes, 100,000 to Cushing and others, 200,000 to officers and soldiers, 1,457,209 acres to leaders of townships.[4] Thus a colony of nineteen million acres, considered in London capable of absorbing all the surplus population of Great Britain, had, according to Richards, about three million acres available for immediate settlement.[5]

The prodigality of the Upper Canada Government was equally marked. By 1824, when the population was about 150,000, almost eight million acres had been granted, exclusive of Crown and Clergy Reserves, school lands and Indian reservations.[6] But from 1824 to 1838, when the population had jumped to 400,000, only six hundred thousand acres, including the Clergy Reserves, had been disposed of. Such facts need no comment.

Undoubtedly such a wasteful system called for a drastic reform, that would substitute a definite and permanent policy for the capricious methods hitherto pursued. The only alternative to the old system was to sell all the waste lands to the highest bidders since the policy of free grants had proved so disastrous to the well-being of the Colonies, while that of restraint would still leave the power in the hands of self-regarding officials. But the incentive for a change

2. N.B.C.O. Vol.29, p.446, Baillie to Douglas, Dec.2,1825.
3. Richard's Report, January 1831.
4. Q 176, pp.405-407, Dalhousie to Horton, May 4,1826. In 1821, 150 townships were returned as granted which had been surveyed since 1795, containing 2,203,709 acres, together with 885,365 Crown and Clergy Reserves, making a total of 3,089,074 acres. Richards in his Report, however, gives 134 townships organised and surveyed of which 3,111,198 acres were granted and under location, and 1,116,000 Crown and Clergy Reserves.
5. Q 383,p.273 ff, for lands sold or granted in Lower Canada up to 1833.
6. Q 340, pp.475-80, Maitland to Horton, April 1826; Q 383, pp.274-76, Lands sold or granted in U.C. up to 1833; Q 357, p.94, Colborne to Hay, April 2,1829, grantable lands in U.C. about 1,488,000 acres; Richard's Report, P.F.66 No.2, Jan.20, 1831, ungranted land 1,537,439 acres.

of policy came not from the British North American Colonies, but from Australia, where necessity compelled reform. In the former the discontented could easily pass across the border into the United States; but the latter had no outlet and was therefore compelled to experiment and profit from the mistakes of the system.

The experiment was very cautious, beginning in New South Wales in 1821, by a recommendation from the Surveyor-General that all grants over 2,000 acres should be by purchase only. The Colonial Office acted upon this suggestion and ruled that poorer settlers could obtain a grant ranging from 320 to 2,560 acres, while the more affluent could purchase land up to 9,600 acres at public auction. But in 1826, Governor Darling, fearing the effects of such a preference, suspended sales pending instructions from Bathurst, who ruled that both methods would be continued but with this difference that while no credit was allowed the purchaser of Crown land, free grants would be liable to a perpetual quit rent. The result was that from 1826 to 1831, very few acres were sold, and in 1831, all grants were abolished, the principle of sale established,[7] and what was intended for extreme cases only developed into a general policy which was later applied to the British North American Colonies and known as the New South Wales System.

Unsuccessful attempts had been made before 1825 to introduce the policy of sale into the land system of the British North American Colonies. As already pointed out, the policy failed to find acceptance in Nova Scotia in 1774, even at the low price of 6d an acre. In Lower Canada, twenty-two years later, Prescott influenced by the land system of the neighbouring republic, desired to substitute sale for free grants and thus secure a fund for the support of government, while guarding against the dangers of monopoly by insisting upon a deposit of 2/6 in the pound on purchase, and final payment within two years.[8] For reasons already stated, and as in the case of Nova Scotia, the policy failed. The idea was revived in connection with the Government's attempts to make the Crown and Clergy Reserves financially productive. Maitland favoured their sale and would include all waste lands - an idea not generally encouraged during the early nineteenth century because of the possible adverse effects upon immigration.[9] The example of the United States, however, dispelled that illusion. Dalhousie lent the weight of his prestige as Governor-General to the principle of sale. In vetoing the application for a land company for Lower Canada in 1825, he advised that the policy of making free grants, except in a few cases, be discontinued; that commissioners be appointed

7. Roberts, op.cit. pp.33-39.
8. Q 284, p.224 ff, Prescott to Portland, Dec.24,1796.
9. Q 333, pp.241-81, Maitland commenting on Robinson's Minute upon the Crown Reserves, Sept.30,1823.

in the several counties to cause lands to be surveyed and sold on conditions of settlement; that the Court of Escheates be put into active operation and that the Office of Land Patents be made the efficient head of these important measures. Granted the adoption of this policy, he was convinced "that such activity and enterprise would spring up in Lower Canada as would far outstrip the utmost exertions of any fictitious capital that could be received."[10]

Thus in 1825, when Bathurst recommended the adoption of the New South Wales System to the Lieutenant-Governors of the British North American Colonies, the principle of sale as a substitute to that of free grants was no longer a novel one. It was a well-known fact, that wherever the principle of free grants had been followed, abuses multiplied, and no regulations to the contrary proved effective.[11] The adoption of a different principle was therefore urged that would restrain in some degree the extreme facility of acquiring land, by demanding a moderate price from all anxious to obtain it; and instead of being injurious, it was regarded as a positive benefit both to the settlers and to the Colonies. Nor was the change in policy expected to impose any hardships upon poor settlers, who would be compelled to wait a few years until they could earn sufficient to pay for a lot, in a country where wages were high, labour in great demand, and the price of land within the moderate means of even the poor. A sufficient security against abuse was found in the self-interest of the purchasers who were sure to turn to good account land which had been paid for. Failing that, the Government would impose a land tax on all grants, as in the United States, sufficient to compel either their development or sale.

With the exception of Maitland in Upper Canada, the Lieutenant-Governors were very skeptical of the wisdom of adopting the proposed change. Lower Canada disapproved on principle because of the unapproachable situations of the lands available for sale. Neither poor settlers nor capitalists could be expected to open roads into these districts which were separated from actual settlements by seigniories and chains of hills.[12] In Nova Scotia, a Committee of the Council, after examining the problem, claimed that regulations suitable for Upper Canada were totally inapplicable to Nova Scotia, because of topographical and other differences. Whereas Upper Canada was an immense plain of valuable land, remote from the sea, predisposing the inhabitants to agriculture and the investing of their capital in landed property, Nova Scotia was a small colony surrounded by the sea, with many

10. Q 176, pp.499-503. Dalhousie to Bathurst, June 19,1826; Dalhousie Papers, Vol 3, Dalhousie to Maitland, Sept.22,1820, suggesting a uniform system of granting lands in the four provinces.
11. Emigration, Vol.30, Secretary of State to Colborne, Nov.21,1831.
12. Q 174, pp.209,214, Felton to Horton, Oct.1,1825.

harbours and inlets which predisposed capital to seek commercial channels instead of investment in wild lands. Nor had any person of capital settled on wilderness lands in the Province since 1800, and none who had spent money in clearing his land had received a return to encourage him to proceed. Again, the only available Crown lands were situated in remote districts where none but the poor would submit to live, while such tracts as had been reclaimed were by the efforts of emigrants whose poverty compelled them to submit to the toil of clearing the forests. The demand for Nova Scotia lands could not guarantee a price sufficient to pay even for their survey, which was a necessary preliminary to sale. The Committee therefore objected to an entire change that might create confusion without providing any corresponding benefit, and recommended that the system of free grants be continued.[13]

New Brunswick was equally hostile. Douglas claimed that local circumstances would not admit of being forced into a common mould of disposing of waste land, in a province whose primary problem was to induce people to stay on the land by offering the most favourable terms. Generally speaking, the emigrants avoided New Brunswick because of the difficulties in clearing the heavily timbered lands, and the entire absence of people of wealth on the land. There was thus no demand for the labour of poor emigrants who, finding it difficult to establish themselves as independent farmers, drifted across into the United States. The opposite tendency Douglas argued, would not be secured by an exclusive policy of sale. He therefore recommended, as Simcoe did a generation earlier, that as a matter of statistical and political expediency, provision should be made to establish a landed aristocracy in the colony by granting large tracts of land to persons of promise, particularly to the families of the old "U.E." Loyalists, as the most effective means of preventing speculators from monopolising the soil.[14] To remedy the serious agricultural stagnation and retain British emigrants in the province, he had already orderd the Surveyor-General to lay out tracts of land in the several counties, which he caused to be surveyed for their reception. He also organised an Emigrant Society for the purpose of welcoming the emigrants on landing, helping them to secure a location ticket and provide for them until they were settled on their lands after the example of Nova Scotia.[15] As the funds available for such a purpose were limited he asked for means to help the poor "in the first difficulties of their settlement." The beneficial effects of such a system would be to stimulate industry and energy among poor, disheartened strangers, always the pioneers of civilisation in a new colony.[16]

13. N.S.C.O. 217, Vol.146, p.82 ff, Oct.14,1826, Report of the Committee of Council ibid, Vol.163, pp.343-53, Feb.11,1826.
14. N.B.C.O. Vol.29-I, p.43, Douglas to Bathurst, April 22,1825.
15. Ibid, 188, Vol.41, pp.47-48, Douglas to Baillie, April 14,1825.
16. Ibid, Vol.28, p.155, Douglas to Bathurst, Oct.18,1824.

Upper Canada plan

Maitland had no such scruples. With the advice of his Council, he directed "the adoption in this province, with such trifling modifications as local peculiarities require, of the New South Wales regulations - and these are now going into operation."[17] The modified plan provided for the disposal of land by purchase and without purchase, after a valuation had been made of all the ungranted lands and an average price fixed for each district.[18] Payments were to be made in four quarterly, or five annual instalments, whereas in New South Wales, a deposit of ten per cent of the purchase money was paid down, and the balance in half-yearly payments, or at the discretion of the Governor. In New South Wales, the largest quantity of land sold to one person was 9,600 acres, in Upper Canada 10,000 acres, to be resold in lots of 100 acres and upwards. Persons desiring larger tracts were to apply in writing to the Secretary of State for the Colonies with full explanation of their object and means.

In both countries, land could still be secured without purchase under certain definite conditions. The maximum size of a free grant was fixed at 1,200 acres in the case of Upper Canada, and 2,560 in the case of New South Wales. In both cases the grantee should possess sufficient means to cultivate the grant applied for. In Upper Canada he should expend half the estimated value in developing his land, ~~or~~ or if the grant was under 200 acres, reside upon and cultivate it. A quit rent of five per cent per annum upon the estimated value was imposed upon all free grants, payable after the expiration of seven years, and redeemable within twenty-five years at twenty times the annual amount. Failure to fulfil the conditions involved forfeiture without any redress or compensation. And not only would the patent issue whenever these terms were fulfilled, but an additional grant of land could be made, if desired, on the same conditions, except that the quit rent would be imposed immediately. Persons outside both these categories might, on application to the Lieutenant-Governor stating their extenuating circumstances, receive land on other conditions. Privileged persons, however, were not affected by these rules which would go into effect on January 1, 1826.[19]

The explanation of these regulations as given by the Executive Council, who could scarcely imagine easier or fairer conditions,[20] was that Upper Canada must continue to offer opportunities to poor immigrants to whom free grants of land were an attractive inducement. Nor was the new system expected to impose hardships upon

17. Q 341, p.15, Maitland to Bathurst, July 25,1825; Durham Report, Appx.B,p.9.
18. Q 396, pp.253-58, U.C.Order-in-Council, Nov.21,1825; U.C.Land Petitions, Nov. 21,1825; Canada, P.F. 71, 1837; P.F. 66, No.5.
19. Ibid, Colonial Office, April 1827, terms upon which land is granted to settlers in New South Wales and Van Dieman's lands; Q 341, pp.15-36, Maitland to Bathurst, Oct.29,1825.
20. Ibid, Bathurst to Maitland, Mar.14,1826; U.C.Land Book M, pp.606-608.

the deserving and industrious who could still purchase land at 4/- an acre, on favourable conditions, while capitalists could receive large grants for speculative purposes on condition of developing them sufficiently to make them fit for profitable cultivation. This concession, it was hoped, would tempt monied men into the province and remove a most serious obstacle to rapid development. And since in other colonies, the quantity of ungranted lands capable of cultivation and in accessible situations had been so terribly reduced by the lavish system of the past, the new regulations were regarded as all the more opportune. It seemed prudent therefore to conserve what remained to the advantage of the Government, particularly since it was no longer necessary to offer free grants indiscriminately in order to attract settlers - the natural increase of population was expected to fill up the empty spaces in a comparatively short time.

The demerits of the new policy were not overlooked. The officials of the land-granting department, whose income was derived largely from their share of the fees charged upon every patent issued, were concerned over the loss of this remuneration; and while their services would still be required, the source of compensation hitherto available would cease. The question of providing a substitute was therefore a matter of grave concern. The other aspect of the policy open to criticism was that the Government by multiplying debtors piled up for itself future embarrassments. Past experience showed that all attempts to collect quit rents had been attended with trouble, and sometimes with danger. The Government of the United States, alive to this consequence, had abolished credit. But before the new method could be sufficiently tried in Upper Canada, the Colonial Office issued a new set of regulations which established a uniform system of disposal by sale of all Crown lands in the British North American Provinces.

On April 6, 1827, Mr. R.J. Wilmot-Horton laid before Parliament, at its request, a copy of the new "Regulation for granting lands in the British North American Provinces."[21] The objectors were brushed aside, while some of Maitland's ideas were accepted. In consequence, however, of the previous survey necessary before any sales could be made, the new policy did not come into operation until 1828.[22] A Commissioner of Crown Lands was appointed for every province, who selected the lands to be offered annually for sale by public auction, with the

21. P.F.Canada,65, No.19; ibid, 66, No.5; N.S.C.O. 217,Vol.152; N.B.Despatches Received,Vol.8, pp.57-87, Bathurst to Douglas, Mar.1,1827; N.B.C.O. 188, Vol. 42-N, pp.236-40; ibid, Vol.37-N, pp.534-39.

22. Q 396, pp.425-37; Commissioner for L.C. Felton; for N.B. Baillie; for N.B. Morris; Dalhousie Papers, Vol.17, Dalhousie to Sir Howard Douglas Aug.25,1828: "Mr. Felton as Commissioner is an able man, active and willing, and as a proprietor in the frontier townships has much practical knowledge of the subject - he is therefore a very fit person for that office."

approval of the Lieutenant-Governor, after due notice of such sales, stating the upset price, the place and date, had beem given. The upset price was regulated by the custom in the United States, as the system adopted there was the great model followed in these proceedings.[23] No lot could contain more than 1,200 acres, and the purchase money had to be paid in four annual instalments without interest. Purchasers of less than 200 acres unable to pay the purchase money by instalments, were to be put in possession under a quit rent of five per cent upon the whole amount of the purchase money, to be paid annually in advance and redeemable at the discretion of the settler within seven years upon payment of twenty years purchase money. Forfeiture would follow default of any of these conditions, and patent would issue on the completion of the terms. No land would be granted at any other time than at the current sales, except on application from poor and recently arrived settlers, who would be ~~granted~~ permitted to purchase at the upset price of the previous year's sale.[24] Gratuituous grants were restored in favour of half-pay officers, and - for a limited period - of officers and soldiers of the local militia. The effect of this exception was to check the disposition to purchase lands and to depreciate their value.[25]

In all the Colonies, the Commissioner was instructed to favour purchasers of small lots until 1831, when Goderich discontinued the instructions.[26] The practice had unfortunate consequences, placing the poorer settlers in a better position than persons of small means, many of whom pretended poverty - even perjury was resorted to - in order to obtain the small grants. Thus wages were kept high since the labourers were taken out of the labour market and made into poor farmers, for no one would work for another if he could secure land of his own.[27]

The new policy received a mixed reception. Lord Dalhousie, while favouring a policy of sale, was opposed to the method of administering it: "A new system is ordered, and the whole machinery of the old remains untouched. The offices of the one and the other have already clashed; the new tramples on the old, and strikes a body blow by running away with the emoluments of office; crossing and jostling memorials and complaints from the parties follow thick and as yet no man can find the way to obtain a grant...So far as I can see through it, a promise of payment is all that has yet been obtained." Apart from that there was the added expense through the creation of new, and often useless offices, whereas the old machinery

23. Merivale, op.cit. Vol.2, p.101 ff.
24. Bouchette, op.cit. Vol.2, p.196 ff; Durham Appx.B, p.5.
25. Richard's Report, Jan.1831, various pages.
26. N.B.C.O. 188 (158), Vol.II, Goderich to ~~Balck~~ Black, July 2,1831.
27. Richard's Report.

under adequate instructions would have been sufficient.[28] The Maritime Provinces were quite opposed to the scheme. Nova Scotia claimed that those in need of land were the least able to pay for it, and that those who faced the wilderness did so from actual necessity, and that because of the great expense and bad roads it was extremely inconvenient for bonafide settlers to attend public sales, with the result that the land was purchased by speculators who held it for increased profit.[29] To obviate these grave defects, the Commissioner of Crown Lands recommended that sale be suspended, and grants made as formerly upon conditions of improvement and exemption from quit rent for seven years, as the only way of attracting emigrants and abolishing the common practice of putting forward as an applicant for land a person indebted to another, whereby a security for the debt could be assured. The result was that large blocks remained in a wilderness state since the nominal ~~value~~ possessors had no interest in the soil. Added to this it would be necessary to reinvest in the Crown all uncultivated grants before any increase in the provincial revenue could be secured.[30]

In New Brunswick, Douglas suspended the regulations shortly after their inception because of "certain difficulties, discontent, and prejudicial tendencies."[31] He was willing to administer the regulations if free grants were continued. His reasons sould cogent enough: there was a great scarcity of specie in the province at all times; apart from the serious depression in the timber trade which affected adversely the whole economic life of the province, a widespread antipathy to the whole system was raised by the Government's insistence upon the quit rent. To collect the rents would be difficult and expensive; to enforce payments might have serious consequences because of the rooted objection to any charge upon the land beyond the usual fees, in a new country where rent accrued only on land as interest on capital expended on it in reclaiming and preparing it for cultivation and otherwise improving it. Settlers regarded rent as interest paid on the value of their own improvements. The chief inducement to them was the perfectly unshackled nature of their tenure, while the labour, expense and privation of pioneering conditions were considered sufficiently onerous in themselves without imposing further burden.

The system could be objected to from another angle.[32] The seven years credit on grants of 200 acres, gave the tenant an opportunity to strip the land of its timbe and then abandon the lot, rendering it of less value to another, thus creating a clas

28. Dalhousie Papers, Vol.17,Dalhousie to Sir Howard Douglas,Lt.Gov.of N.B. Aug. 25,1828.
29. Durhams's Report, Appx.B, p.13.
30. N.S.C.O. 217, Vol.149, pp.225-28, Jan.5,1829.
31. N.B.Despatches Sent, Vol.III, pp.148-170, Douglas to Huskisson, Feb.28,1828; N.B.Despatches Received, 188, Vol.29, Goderich to Campbell, Mar.21,1832.
32. N.B.C.O.188, Vol.37-~~H~~, pp.507-25, Odell to Baillie, July 15,1828, quit rents on grants not exceeding 200 acres not demanded for seven years.

of idle and shiftless habits instead of an industrious, loyal, sturdy yeomanry for the defence and cultivation of the soil.[33] It was also claimed that a sufficient price for land was possible only on speculation for future profit; the pioneers required it for immediate use and would pay but a nominal price which would not secure sufficient revenue for the Government. The new system also failed from a financial point of view. Prior to June 1829, the proceeds were insufficient to defray the expenses of survey, and it was foredoomed to failure because it did not insist on rigid conditions of settlement. Douglas therefore recommended that sales be confined to large blocks sold to capitalists, which were subsequently to be laid out in a systematic and regular manner into townships and lots; free grants on condition of moderate fees and improvement were to continue, for in no other way could New Brunswick secure a large population.[34] But a system of sales was incompatible with free grants. No capitalist would invest in New Brunswick lands under such conditions,

These fears and excuses on the part of the Executive Government of New Brunswick are of value as illustrating the prevailing official attitude to a much needed and unduly delayed reform. Much of the opposition to the new policy was self-regarding. The Governor may have been, and possibly was, anxious to attract as many settlers as possible of the only class of emigrants who were willing to reclaim the wilderness, and saw in the new system the defeat of his hopes and plans. The majority of the members of the House of Assembly were land speculators and opposed to the new policy since in competition with Crown lands their own sales would be seriously affected. In this they were supported by the Surveyor-General, but opposed by Thomas Baillie, the Commissioner of Crown Lands, to whom the circuitous manner of disposing of the waste lands under the old system had only to be examined in order to expose its defects:[35] it abounded in favouritism and injustice, and seriously retarded settlement. In comparison, the new system was a plain, direct and simple mode by which the settler, instead of being bound by humiliating obligations, could obtain land by purchase without favour; and instead of requiring ready money payments in a poor country, he received a liberal credit. There was the further advantage that instead of requiring him to chose his land in an unexplored wilderness, previous survey was ordered, directing him in his search and facilitating his choice. A certain amount of opposition to the new was natural and to be expecte

33. Ibid, Vol.39, pp.72-77, objections of the Assembly to the new system, June 5, 1829.
34. N.B.Despatches Sent, Vol.III, pp.148-70, Douglas to Huskisson, Feb.28,1828; N.B.C.O. Vol.37-XI,pp.658-61, Thomas Talbot's comments on the view of Douglas, April 21,1828; ibid, Vol.39, pp.7-14, Surveyor-General Hurd's suggestions advising sale to capitalists, Feb.23,1829.
35. N.B.C.O. 188, Vol.37-XI, pp.486-87, 534-39; N.B.Despatches Received, Vol.8, pp.57-85, Baillie to W.F.Odell, May 21,1827, ordering him to lay out suitable lands for settlement.

since all great changes in public affairs are necessarily attended with diversity of opinion, particularly until the people become fully familiar with the details of the new arrangement. In New Brunswick, people of wealth, of social and political importance, interested in maintaining the old system, influenced the public mind against the new by insinuations regarding its temporary character and injurious tendency to the public weal, and succeeded in securing an extension of life to the old for a year, that allowed grants in the old manner for all former applicants indiscriminately, with the result that 300,000 acres were withdrawn from sale, together with a general reluctance to purchase. The delay secured, as was intended, their fees of office to those interested in maintaining the old. To discredit the new policy still further in the eyes of the general public, the Surveyor-General deliberately neglected to complete the survey of the designated tracts previous to the period fixed for their sale. Neither the Surveyor-General nor the Governor would guarantee the cost of the surveys. The result was a great inconvenience to intending purchasers who, finding no land ready for them, and unable to wait in uncertainty, left for the State of Maine where land could be immediately purchased for one half-penny an acre in fee simple, and eight years credit without interest, by merely applying to the local government agent,[36] whereas in New Brunswick it generally required one year from the first application for land until the final judgment of the Committee of Council, when possession could legally be entered into. To overcome these avoidable and irritating delays and obvious collusions so injurious to the cause of settlement, Baillie recommended to the Colonial Office that the superintendence and survey of lands for sale should be performed by the same person.[37] The Colonial Office acted accordingly. He also recommended that all lands be surveyed and offered for sale to the highest bidder, payable in eight annual instalments on condition that five acres be cleared in every hundred within eighteen months on pain of forfeiture. To accomodate poorer settlers, he advised smaller lots than 200 acres, and that Government should retain that which individuals could not, or would not improve, since land rose in value in proportion to the settlement of the country. The real significance of the new policy therefore, was the practicability and security of tenure, together with other advantages which were kept back from the public by those interested in patronage and the influence derived from the old. Compared with the new, the old, with its heavy grant fees, ruinous delays and an accumulation of applications and forms, both burdensome and humiliating, placed insuperable obstacles in the path of progress.[38] Sir George Murray, acting

36. N.B.C.O. 188, Vol.37-N,p.529, Feb.14,1828, Complaints from Charlotte County.
37. N.B.Despatches Received,Vol.10,p.22 ff,Sir George Murray to Balck,Sept.2,1829.
38. N.B.C.O. 188, Vol.37, pp.446-539, Baillie to Sir George Murray, Dec.30,1828.

on Dalhousie's suggestions, ordered that all lands offered for sale be previously surveyed; that the strictest economy be practised in the Land Department, and that the offices of Commissioner of Crown Lands and Surveyor-General be combined: the whole to go into effect on January 1,1830.[39] To facilitate the working of the new system a tract of 300,000 acres in the eastern part of the province, near old settlements, between the Rivers Petecoudiac and Miramichi, was surveyed to accomodate 2,000 families, who were to be provided with temporary rations and implements of husbandry. The situation was excellent and the land fertile, and made all the more attractive by the proposed plan to construct an interprovincial highway connecting the Maritimes with Lower Canada.[40] When the scheme was laid aside the following year, Cockburn petitioned for a personal grant of this tract offering in return a "sufficient security for opening a Turnpike Road from the bend of the Petecoudiac to the Miramichi River, and for placing good and respectable settlers thereon,"[41] and though his application was refused, the New Brunswick Land Company was formed four years later for similar purposes.

In Upper Canada public opinion was seriously divided. In the Colonial Advocate,[42] W. Lyon MacKenzie, speaking for a large element in the community, claimed that the new regulations were a source of great distress to settlers and subversive of the best interest of the country; that the difficulty of obtaining lands was driving many valuable settlers out of the province and preventing others from entering upon waste lands who were too prudent to burden themselves and posterity with debts, which they might never be able to pay; and that the old system of paying well-known fees was infinitely preferable to the dilitary system of favouritism of the new system that placed the bona fide settlers at a serious disadvantage. The Upper Canada Assembly was equally outspoken in its criticism.[43] The expected benefits from the change did not materialise; the settlement of the industrious class was still retarded. By substituting a Land Commissioner for the Land Boards, not only were the immigrants deprived of the helpful experience of practical farmers, and of their assistance in finding their lots, but sale by auction played into the hands of the land-jobber. The Assembly therefore recommended that agents under the direction of the Commissioner be stationed in each district, as in the United States,

39. N.B.Despatches Received, Vol.10, p.22 ff, op.cit.
40. N.B.C.O. 188, Vol.III, p.26, Bathurst to Douglas, Feb.2,1827; Emigration, Vol. 30, R.W.Horton to Cockburn, enclosing Instructions; P.P. Vol.XXI (1828),pp. 359-482, Instructions and Report, Jan.26,1827; N.B.C.O. Vol.37, pp.603-606, Cockburn to R.W.Horton, Dec.13,1828; Richard's Report, op.cit.
41. Ibid, Vol.37, p.603 ff, Cockburn to R.W.Hay, Dec.13,1828.
42. July 22,1828.
43. Q 374, pp.252-55, Jan.3,1832.

with powers to dispose of the lands placed under their charge, and supply necessary information regarding the quality, situation and price, without reference to any other official. In this method land granting would be simplified, and the many obstacles in the path of settlement removed. It must be remembered, however, that the Assembly was at loggerheads with the Executive Government, and might have been actuated by political motives in seeking an enlarged electorate, eager for reform.

Even Colborne, though still of the opinion that the new system was the best yet adopted, was inclined to be critical of the results.[44] He was deeply concerned over the errors committed in the past, yet equally persuaded that it was not yet too late to establish a rational system of settlement. Like others, he condemned sale by auction because it enabled the opulent to out-bid the more industrious class. He would therefore adjust the adverse balance by allowing poor immigrants the privilege of purchasing land at the prevailing price at any time within the first two years of their arrival, and by suspending all quit rents during the first five years of occupation. He even anticipated modern conditions by recommending that the thousands who found their way into the United States through Canada, should be placed on the land under the superintendence of the Lieutenant-Governor. They were to be settled in groups in prepared townships, where their arrival and comfort had been anticipated by the erection of small cottages, the opening of roads, and by a supply of provisions during the first few months of settlement. By such means men of capital would be encouraged to invest their money in the development of land, ungranted regions would be settled under conditions alike favourable to the deserving and to the province, government revenue would be increased, and the loyalty of the settlers secured by the sympathetic interest of government in their welfare.[45] The agrarian discontent and unrest of the Canadas during the next few years fully vindicated the wisdom of this policy.

As an experiment, Colborne set apart the township of Ops in the district of Newcastle, for the reception of industrious emigrants who might desire to settle in Upper Canada.[46] The price per acre was fixed at 4/-, payable in five years, with interest from the time of taking possession, and one year's interest in advance.

44. Q 354, pp.304-310, Colborne to Hay, a copy of the memo given to Richards, Oct.4,1830.
45. Q 351, pp.94-99, Colborne to Hay, April 2,1829.
46. Ibid, pp.388-90, Instructions to the Commissioner of Crown Lands, May 12,1829; Q 192, pp.63-75, Buchanan to Hay, May 25 and June 3,1829; Richards' Report, P. F.66, No.2, before October thirty lots of 100 acres each were taken up; Q 351, p.97, Colborne to Hay, April 2,1829, ordering townships to be surveyed. The route to Ops was from Quebec to Montreal by steamboat, 180 miles in 30 hours, costing from 7/6 to 10/- for adults, Montreal to Kingston, 205 miles, by batteaux from 5/- to 7/6, taking from 8 to 10 days, from Kingston to Coburg by steamboat 80 miles for 5/- to 7/6, Coburg to Ops, 50 miles, by the Rice Lake partly by road and partly by water.

The resident agent at Quebec was instructed to supply every assistance possible in facilitating their passage to Upper Canada. At strategic points they were to be met by agents who would direct them to their lots free of charge. Colborne expected great benefits to follow from the introduction of such a policy. As compared with the system of settling townships by individuals to whom 200 acres were given for every settlers introduced by them,[47] the new system was a great improvement, opening up townships for immediate settlement at slight expense, enhancing the value of the Crown Reserves and benefiting the whole district through the formation of compact settlements and the making of roads - a form of assistance more acceptable to settlers than any other that could be conferred upon them.[48] ~~Colborne~~

Colborne was highly pleased with the success of the experiment at Ops.[49] For £400, he had settled sixty families, provided log-houses, and supplied provisions and superintendence. In the light of results the price was small, and though the Secretary of State discouraged any further extension of the plan, fearing the expense to Gowernment, Colborne consistently maintained that it was far more important for Government to facilitate the settlement of immigrants by a timely assistance than to emphasise the mere increase of territorial revenue through the sale of waste lands regardless of the motives of the purchasers. Richards, in his Report of 1831, says that the situation of Ops was too near other settlements to be rightly called a beginning in the wilderness, and that £1,000 would be a fairer estimate of a similar experiment further from a settled community. But Colborne was convinced that the plan could be extended to other townships. He therefore asked for authority to spend in the development of selected townships a sum equal to the amount realised from the land sold on credit to resident settlers, till half the available land in each towhship was sold. Each settler would receive from Government £3 for every acre cleared by him the first year of possession, to enable him to remain on his property, support his family, and secure immediate employment for the needy.[50] Even if the settler abandoned his lot, his services would repay the Government, while if he remained he would pay £25 for the 100 acres. From such a plan, carefully worked out, he expected the following results:-

30,000 families at £25 each.....	£750,000
300,000 acres at 5/- each	750,000
Reserve lots sold at 10/- per acre .	1,500,000
Total	£2,250,000

Colborne may have ~~trespassed on the~~ been unduly optimistic, but since 1918, similar ideas have been widely adopted, and his financial encouragement to struggling settler

47. Q 354, p.304 ff, 48. Q 351, pp.385-87, May 23,1829.
49. Q 354, pp.304-310, op.cit;
50. Q 352, p.235, Colborne to Murray, Nov.25,1829
50. Q 356, p.104, Colborne to Hay, March 26,1831.

was very meagre compared to the huge sums spent to-day by the Imperial and Dominion Governments to attract settlers to their vacant acres.[51]

Aylmer accepted the new policy for Lower Canada, but like Colborne, he reserved certain townships from public sale where poor immigrants could secure land at 4/- per acre on credit and without competition. Of such, Leeds and Inverness, on the Vermont frontier, in Megantic County, between thirty and forty miles from Quebec, were opened up and placed under the direction of the Commissioner of Crown Lands and his agents, who conducted the experiment "with much skill, economy and practical knowledge."[52] The idea was to continue such settlements along the Craig Road to the frontier, through townships partially settled. The merit of the plan was that settlement was performed with an object in view; intermediate vacant lots were to be filled up, isolated districts were to be connected by improved roads, and settlers encouraged to remain on their lots.[53] The political importance of filling up these townships on the south side of the St. Lawrence by British subjects, reappeared later in the terms of the grant to the British American Land Company.

Progress upon these reserved townships was rapid and attracted wide attention. A.S.Buchanan, resident Agent at Quebec, speaks of the great success of the experiment in spite of the "extensive blocks of conceded land that meet us in every direction, obstructing the improvement and settlement of the country."[54] In one year about 300 families, many with capital, settled there, and by 1832, there was scarcely a vacant lot of Crown Lands available in Inverness, Leeds, and the adjoining townships.[55] Megantic County, which in June 1829 contained a population of 500, in August 1830, exceeded 2,000, while many were prevented from settling because of insufficient provisions on the spot.[56] One of the most progressive of these settlements was New Hamilton, in the south-west corner of Inverness, nine miles from any habitation, commenced in July 1829 by about 150 emigrants from the Duke of Hamilton's estate in the island of Arran.[57] In three years they had fifty dwelling houses and barns, 129 head of cattle, and a large supply of wheat for sale. Progress was facilitated by the good roads that linked the township with Quebec, and the good taverns en route "where anything you may require can be obtained."[58]

51. Q 198, pp.142-44, Aylmer to Goderich, July 14,1831.
52. L.C. "S" Buchanan to Hay, June 13,1829.
53. Q 192, pp.63-75, 1829-30, the Provincial Assembly made grants for roads through Inverness to the Shipton Road; L.C."S" Buchanan to Hay,op.cit.
54. Buchanan's Report to Kempt, June 12,1829.
55. Quebec Gazette, Dec.9,1830; L.C."S" Buchanan's Report,Nov.13,1832; Richards' Report 1831, P.F. 66.
56. op.cit. p.24.
57. Montreal Gazette, March 11, July5, Dec.13,1830; Nova Scotian, July 29,1829; Quebec Gazette, Dec.9,1830.
58. Q 192, p.63 ff, June 12,1829, giving the route from Quebec to Inverness.

The new policy was without friends even in the Colonial Office. Huskisson while favouring the sale of waste lands for revenue purposes as in the United States, agreed that the new system might need certain modifications.[59] Sir George Murray doubted whether a uniform system could with advantage be established throughout the British North American Provinces.[60] The Colonial Office was thus reflecting the effects of the poor results of the policy in actual practice. Up to 1830, there were comparatively few sales and little revenue. There was scarcely any land sold in Nova Scotia, and the province was in debt and without funds to bear the heavy expense of roads and surveys, while the scattered nature of the ungranted lands made the problem of settlement all the more difficult. Even between 1831 and 1837, when the volume of immigration was unprecedented, only 107,923 acres were sold, and only £ 5,624-18/10 received therefrom. Of this sum all but £ 216-8/- was spent in salaries and expenses of administration.[61] Dalhousie's predictions had come true. In view of these facts, Maitland recommended that all the ungranted land in the province be left for future occupancy by native sons, or people of means who could improve their purchases quickly.[62] The New Brunswick statistics differ so much thatit is difficult to understand them. Richards gives a total of 50,532 acres sold up to the end of 1830, to 279 persons for the sum of £ 6,285-11/9, less £ 1,474-8/2 for expenses. On the other hand the Land Commissioner stated in one table that 154,508 acres were sold,[63] and in another 171,286.[64] In Lower Canada, 57,798 acres were sold, varying in price from 2/6 to 10/-. In 1828 the sum of £ 200,000, being a quarter of the purchase money. Following the custom in the United States, purchasers combined to depress prices. In Upper Canada the best lands had already been sold to the Canada Company, or set apart for education, and there was so much sold by private people or by the sheriff for arrears of taxes, that the Commissioner was not hopeful of considerable sales.[65] The Clergy Reserves, in the market to the extent of 100,000 acres a year, may be eliminated since they sold higher than Crown Lands, and in 1832 could find no purchasers.[66]

In the meantime there arose a new school of thinkers and writers upon the subjects of emigration and colonization, whose influence upon Government and Colonial Secretaries, amounted almost to a revolution. Under the disconcerting and

59. N.B.Despatches Received, Vol.9, pp.184-88, Huskisson to Douglas, May 8,1828.
60. Ibid, Vol.10, p.22 ff, Murray to Black, Sept.2,1829.
61. Bell & Morrell, op.cit. p.36.
62. N.S.C.O. 217, Vol.152, pp.229-43, June 6,1831.
63. N.B.C.O. 188 (169), Vol.22,
64. Ibid, Vol.37, p.479, Schedule of Crown Lands sold from July 1,1827 to Dec.31, 1828, under Earl Bathurst's Instructions of March 1,1827, by Thomas Baillie, Jan. 1, 1829.
65. Q 351, p.94, Colborne to Hay, April 2,1829.
66. Q 374, pp.184-87, Colborne to Goderich, Feb.8,1832.

stimulating ideas of their leader, Wakefield, the minds of political leaders were being purged of ancient fallacies regarding land settlement, while at the same time John Richards was sent by Sir George Murray in 1830, as a special Commissioner to the British North American Colonies to enquire into the working of the land policy "with a view to the introduction of a more economical arrangement of the Crown estates, and a certain uniformity throughout these provinces."[67] Verbal instructions were given to him to investigate the agriculture, soil, commerce, resources and capabilities of the provinces, especially with a view to their receiving emigrants and the best mode of settling them.[68]

Richards' Report forms an illuminating commentary on the Imperial Land System up to 1830, and anticipated by eight years some of Durham's most scathing criticisms. He traced the main causes of the slow progress in all the provinces to the lavish alienation of their best lands without insisting upon their development, and the solution to a rational scheme of emigration. By this he meant that the country should have been prepared in advance for settlement by exploring it for miles ahead, and by previous survey before the lands were sold. Following Simcoe's method he would construct a road through these surveyed tracts, with lots of 100 acres abutting on both sides and expanding in both directions as choice or soil favoured.[69] Further, as wild lands were of no use till the labour of pioneers made them so, retaining whatever value was invested in them, he recommended, with Colborne and Aylmer, that the pioneers be generously dealt with, instructed and paid while clearing their lands, and in the making of public improvements as inducements to industry that bound the settlers to their lots. Nor should any be called upon for a money payment until his farm was productive. He condemned as cruel and unjust the dumping of shiftless paupers upon the Colonies, who became a public charge where they had no claim and upon those least able to bear the expense. By such reforms, he claimed, that settlement would be hastened, a greater demand for labour created, and the whole area would assume a prosperous appearance.[70] This report and the accompanying recommendations, while valuable as a criticism of the land system, were for the time overshadowed by the rising star of Wakefield.

67. N.B.C.O. 188 (157), Vol.10, Murray to Black, April 1,1830; a similar circular sent to all the Lieutenant-Governors: a favourite idea of Dalhousie.
68. G 67, p.68 ff.
69. N.B.C.O. 188 Vol.42, pp.117-23; Q 192, pp.544-63, Richards to Murray, Sept. 23,1829.
70. N.B.C.O. 188, (158), Vol.II, Goderich to Black, Feb.9,1831, approving the Report; ibid, p.398, Goderich toCampbell, Dec.10,1831, ordering a road to be made for settlement purposes from the Miramichi to the Falls of St. John; ibid, (197), Vol.IV, pp.253-55, Black to Goderich, May 2,1831; ibid, Vol.41, p.141; ibid, Vol.IV, pp.417-19, Campbell, Nov.27,1831; ibid, Vol.41, pp.23-27, Douglas agrees with Richards, Feb.15,1831.

Ever since May 1830, the Colonial Office "had been urged in various ways to adopt the United States plan" of disposing of public lands by sale instead of jobbing them "according to the English method."[71] This suggestion, however, was for a long time "either fiercely opposed or treated with ridicule" by officials connected with the Colonial Office. It was to promote this idea of selling the waste lands that the Colonization Society was formed in 1830. There views were examined and adopted by the Imperial Government, partly because of the overthrow of the dynasty in Paris in 1830. Associated with Wakefield in that Society were such well-known men as Grote, J.S.Mill, Rintoul, the Radical Editor of the Spectator, Colonel Torrens and Thomas Talbot, while Buller and Molesworth expounded his ideas in the House of Commons.

The immediate origin of the Society may be found in the utter inadequacy of the means employed by the Imperial Government to colonize Swan River or Western Australia. Wakefield attributed the secret of that colossal failure to the absence of any constructive theory of colonization that set forth what should be the objects in view, and still more to what should have been the best means to accomplish them. It was remarkable that up to 1830, while the practice of colonization had peopled the earth, colonial problems had been carelessly and lightly disposed of, and all that could be said was that they had been "long experiences without a system, immense results without a plan, vast doings but no principles,"[72] and the real indications of the methods followed hitherto in disposing of waste lands had never been really thought out. The results were deplorable. It was time to husband carefully what land was left ungranted; but while there was comparatively little left in the North American Colonies, Australia offered a wide field for the adoption of Wakefield's ideas of colonization. His real function, however, in colonization was less that of a leader than that of an exciting, though not a persistent, inspiration and atmosphere.

Into this arena of confused thinking upon unregulated emigration and systematic colonization, Wakefield entered as a current of clear fresh air into a vitiated atmosphere, and offered a policy that at least had the merit of coherency. Based upon a thorough examination of past failures, he laid down as a working principle that the best system was that which made the waste lands available for the use and benefit of society. His ideas were largely borrowed. In them the teaching of Adam Smith is clearly discernible, and the sale system of the United States was well-known in his day. But the most direct influence upon Wakefield's mind in this

71. Wakefield, England and America, Vol.II, pp.159-163.
72. Wakefield, Art of Colonization, pp.41-42.

connection was Gourlay's Statistical Account of Upper Canada (1822), in which he recommended the sale of waste lands as a substitute for the prevailing system of free grant, and traced Canada's poverty to the wide dispersion of settlers whose strength was wasted, and to the impediments placed in the way of contiguous settlement.[73] To remedy this evil he would reduce the amount of land annually disposed of,[74] impose a general land tax upon all land, waste or cultivated, public or private, and whether owned by resident or absentee, so that speculative holding of land in an uncultivated state would be utterly unprofitable.[75] The restrictive operation of a wild land tax, he said, would be worth imposing even though the proceeds were thrown into Lake Ontario.[76] But the best way of administrating that fund would be to expend it in bringing selected emigrants from Britain and settling them in Canada, where they were to be profitably employed on public works. In this way, Gourlay claimed, over-population would be relieved without expense to Government, a new market created for home produce, money circulated, industry stimulated, and colonial population not only increased,[77] but social life would be transformed.[78] Such a desired end was impossible under the existing system that settled comparative paupers in isolated districts and left them to starve or find their way into the United States. Gourlay would even extend the right of self-government to such Colonies, while leaving to the Home Government the control of waste land and the revenue derived therefrom.[79] Wakefield systematised and elaborated other men's thinking and presented his conclusions in such a convincing manner that, though outside the pale of politics, he succeeded in persuading his critics and the Colonial Office of the advantages of his plan.

The Wakefield Theory was critical and constructive, discussing clearly and logically the problem of colonization from the social, political and economic aspects. Socially it was not, as with Wilmot-Horton, "only a subordinate subject of enquiry," and "the best and cheapest mode of disposing of that abstraction of superfluous labour and population from the general labour-market,"[80] intending emigrants, as to-day, were to be carefully selected and to be composed largely of young married people. The lowest class, whose energies had been sapped and their self-reliance destroyed by grinding poverty, made poor settlers and were therefore rejected.[81] Gourlay had the same idea, and Selkirk arrived at the same conclusion

73. Gourlay, p.137, 385, 448-49. 74. Ibid, p.414.
75. Ibid, pp.381-83, 414. 76. Ibid, p.414.
77. Ibid, pp.416-17. 78. Ibid, p.192.
79. Mills, Colonization, p.139, states that Wakefield while in Canada in 1838 called on Gourlay and told him that he owed his system to his Statistical Account of Upper Canada; The Neptunian by Robert Gourlay, Boston 1843, No.2, p.27, quoting Wakefield: "Nevertheless, Government has established a colony on new principles,(Gourlay's) in Australia."
80. Merivale, op.cit.Vol.I, p.141.
81. Wakefield, Art of Colonization, pp.483-484.

as early as 1812, in selecting settlers for his Red River Colony. Like Talbot and others, Wakefield favoured compact settlements, and like Gourlay, he preferred men and women of social culture who would exalt colonial social life and made it attractive,[82] to the typical class of settler received into the British North American Colonies, who because of their poverty often sank into comparative barbarism.[83] Politically, he was equally advanced in his thinking. With Gourlay he favoured municipal self-government for the Colonies which involved the subordination of the Executive to the Colonial Legislature. Without it the Colonial Government was altogether in the hands of a close oligarchy of officials, appointed by Downing Street, attracting time-serving partisans whose monopoly of power was resented by the colonists. Certain evils always follow when colonial government is of an arbitrary type from a distance; it means government by strangers who are irresponsible to the governed and therefore have no interest in good government. Each colony should therefore be self-governed, reserving to the Mother Country the control of the Army and Navy, inter-imperial postal service and waste lands. Wakefield's reasons for colonial self-government are self-evident to-day. Apart from the question of ideal justice, it was the cheapest method both for the Mother Country and the colony. It meant better government for the colony, since the power would be in the hands of those vitally interested in it, while it would make the colony more attractive to the better class of emigrants, and since virtual independence was worth protecting a self-governing colony would be willing, and in time able, to protect itself. But Wakefield was not a separationist; he maintained firmly the importance of the colonial bond, and argued that self-government would draw the Empire more closely together rather than increase the desire for separation.[84]

It was on the economic side that Wakefield's influence was more immediately felt. In this he followed Adam Smith, who taught the indispensable alliance of land, labour and capital. The essence of this theory consisted in directing adequate labour to the land and keeping it there. In the Art of Colonization, he tried to discover how capital could be introduced into a colony in such a manner and proportion as to insure stable development. Capital, he claimed, fought shy of a colony where labour was scarce and uncertain in quantity, and the first step towards reform was to substitute sale for free grants by which land would be sold in moderate quantities at "a sufficient price," that would be "uniform in each colony, but fixed with reference to the circumstances of each colony."[85] By this

82. Gourlay, op.cit. pp.192, 450.
83. Wakefield, op.cit. Letter XXIII; Mills Colonization, p.120.
84. Wakefield, Art of Colonization, Letter XLIII; Mills Colonization, p.125.
85. Roberts, op.cit. p.83.

he meant that the price should represent the actual value of the land in its unimproved condition. This change in policy would impose no hardship upon the average immigrant, since generally speaking, a free grant of land to a poor settler was often a liability instead of an asset. In the early days the great majority were unable to live unaided until the first crop was garnered, or to bring the land speedily into a profitable state.[86] The results were that gratuitous grants were neglected and deserted; the poor were either thrown on the charity of government or remained on their land and worked for wages part of the time. Experience therefore demonstrated the wisdom of the practice of working for others until this class of settler could earn enough to purchase land outright. Such a method, effecting a gradual but not a premature conversion of labourers into landowners, suggested the safest way of creating new means of employment for future immigrants. Hence land should be disposed of by sale only. All pecuniary aid, gifts of agricultural implements and rations by Government were to cease. Good workers required no assistance on the way to economic independence, beyond the usual opportunities offered in a growing colony, while by labouring for others they acquired an invaluable asset in the knowledge gained of the country and its ways of agriculture. The proceeds from land sales, together with a tax to be imposed upon all lands granted and to be granted, were to form an Emigration Fund, to be devoted in part to the introduction of labour-emigration, and thus converted to the benefit of the colonists. From such a system, Wakefield expected a steady increase in the flow of immigration, that would keep pace with the rise in the general prosperity of the colony.[87] Thus he brought the theory of colonization into line with the political theory of the day.

Wakefield clearly distinguished between emigration and the economics of colonization. To him, emigration always followed right conditions in a given colony, and his primary concern was to establish those conditions, and though he was chiefly interested in relieving the labour shortage in the Colonies and diminishing unemployment in England, he rejected the argument of Torrens that the price of land should correspond to the amount required to convey labour to the spot. He merely held that the land revenue could be used for any legitimate purpose, only it would be preferable to devote it to subsidise emigration. His followers would earmark at least a portion of the fund for assisted emigration. Ultimately, the theory obtained three important interpretations. To Wakefield, it meant a sufficient

86. Appendix to the Report of the Commissioners for Emigration to Goderich, Mar. 15, 1832.

87. Wakefield, Art of Colonization, p.377,379; Garnett, Wakefield, p.62 ff; Bell & Morrell, Select Documents on British Colonial Policy (1830-60), p.194 ff, p.219 ff; O'Connor, Edward Gibbon Wakefield: The Man Himself; W.P.Morrell, British Colonial Policy in the Age of Peel and Russell (1930), p.6 ff.

price and a balance of classes in a colony, "with some of the land revenue going to emigration as an advisable but not obligatory safe-guard;" to Torrens and others it meant a price sufficient to bring out labour and the rigid devotion of the fund to that purpose. To the general public it meant a high price and the application of some of the revenue at least to emigration.[88]

It is easy and popular to criticise Wakefield's theories. Admitted they were too hidebound and did not take sufficient account of the difficulties of pioneering in a new country; that no one knew what was meant by a 'sufficient price' and that its relation to the labour supply was not clearly worked out; that no provision was made to prevent private jobbing in land and that the effects of voluntary emigration upon the relations of labour and land escaped him. Perhaps he expected too much from his theories, but anyone familiar with the history of emigration up to 1830, and the absence of systematic thinking in the disposal of the surplus population and of the Crown property, will be more inclined to dwell upon the merits than upon the demerits of Wakefield's ideas. In actual practice his theories did not fulfil his expectations, but to say that they proved unsuited to the timbered lands of North America is to forget the tangled situation created by the prodigal system hitherto pursued in the administration of waste lands. It is scarcely fair to judge Wakefield's theories by reference to the Canadian situation. He come too late on the scene to save Canadian lands from the spoilers. Indeed he doubted whether his theory could be applied to Canada, partly because of its proximity to the United States with their high wages and abundance of cheap lands, and partly because of the bad effects of the existing land regulations, and when in 1838 he drew up a plan for the introduction of his theory to Canada, it was in a modified form.[89] He consistently opposed the hand-to-mouth policy of the Colonial Office, and was on solid ground when he recommended the exclusive policy of sale and the application of the revenue to facilitate systematic colonization.

In spite of certain flaws in the theory - because incomplete - and the opposition which it generated, it gradually won acceptance. The Colonial Office surrendered to its common sense, and men in and out of Parliament sponsored it. The English people were in a colonizing mood, Wakefield supplied clear cut ideas whidh were intelligible to the seriously minded and offered a practical rule for the control of the emigration fever. Wakefield sensed the coming of new nations,

88. Roberts, op.cit. p.85; Bell & Morrell, op.cit. p.219: Sydenham claimed that Wakefield's ideas of bringing out labourers by sale of lands was utterly impracticable in the Canadas, where land was worthless except through the labour bestowed upon it, and the whole revenue could not bring out more than two to three thousand people.

89. Durham's Report, Appx.B, various pages; Mills Colonization, pp.24,25.

became the mentor of orderly development in the interests of the united Empire, and may justly be called the founder of the modern British Commonwealth of Nations. Through his influence the principle of sale took the place of the old haphazard system of free grants (January 9, and February 4, 1831). The merits of the new system were that the lands chosen for sale must first be previously surveyed in one or more contiguous tracts and laid out in 100 acre lots, and that the purchase price of 5/- an acre be paid down at the time of sale or in four half-yearly instalments with interest, on pain of forfeiture.[90]

The response to the new regulations was rather disappointing. Wakefield denounced the price as insufficient and sale by auction as a tax on enterprise and an encouragement to speculation. Colborne, mindful of the undeveloped state of much of Upper Canada, and the large percentage of destitute families sent out from England by public subscriptions, set apart certain townships in the Home, Newcastle, and Western districts to be disposed of by private sale to poor families who were to be placed under the control of a Superintendent and provided with rations in proportion to the number of acres cleared by them.[91] Judging by the progress made in the townships of Oro, near Lake Simcoe, settled a few years earlier under similar conditions, Colborne felt confident that those new wards of Government would be clear of all their obligations in four years.[92] His zeal did more credit to his heart than to his head, for in no case had Government wards repaid monies advanced to them or spent on their behalf. Aylmer, in Lower Canada, raised similar objections to the time limit, which he claimed would exclude many industrious families from the possibility of acquring land at all. To him the prosperity of Canada was promoted as much by affording encouragement to those whose manual labours cleared the forest as by those whose capital enabled them to obtain the labour of others.[93] Even Governors could be illogical at times.

The worst effects of the new policy were felt in New Brunswick, where speculation in timber was encouraged by the low price at which lands were sold and the absence of any conditions of the improvement or cultivation. A price of 3/- per acre for cash, and 3/6 for credit, though considered sufficiently high for poor settlers, was far too low to guard against the risk of the land falling into the

90. Canada P.F. 71, 1837; G 22, p.257, Goderich to Aylmer, March 7,1831; U.C. Land Petitions, Mar.7,1831; U.C.Order-in-Council, same date, p.29; N.B.C.O. 188 (158), Vol.II, No.74, Goderich to Black, Mar.7,1831; N.B.Despatches Received, Vol.II, Feb.1831; Q 374, pp.191-94; Q 396, pp.279-305; Bell & Morrell, op.cit.p.194.
91. Q 356, p.200 ff, Colborne to Goderich,May 16,1831.
92. Q 357, pp.80-85, Colborne to Goderich, Sept.1831; C.O.324/90, p.29, Hay to Colborne, May 12,1831, p.75, June 12,1832, p.96 ff, Feb.27, p.90, Nov.7,1833; Hay outlines the extent of financial assistance and urges economy.
93. Q 198, pp.142-44, Aylmer to Goderich, July 14,1831.

hands of the timber merchants who were indifferent to everything connected with the development and permanent prosperity of the province, and who as a class were averse to all public obligations, draining the country of "natural capital," without substituting any benefit or means of furthering progressive settlement. Like the other Lieutenant-Governors, Campbell maintained that the only indemnity Great Britain could possibly derive from the nursing and protecting of these Colonies was not by an advance of a few shillings per acre upon the price, but by filling them up with loyal subjects bound to the Mother Country by bonds of affection. Every consideration, therefore, both provincial and national, immediate and remote, urged the imperative necessity of interposing some regulations and restrictions for the prevention of those evils which would inevitably arise from the land being thrown open to monopolists of the most ruinous character to the future prospects of the province. He would distinguish sharply between the settlers and the capitalists, the cultivator of the soil and the mere timber merchant. And since the New Brunswick Legislature was composed largely of men who owned extensive tracts of primeval forest, legislation of a remedial measure could scarcely be expected.[94] His argument was reinforced by the situation in Charlotte County where all the Crown lands had been purchased for aliens, and by the fact that in Boston an association was formed that aimed at the monopoly of all mill seats and timber lands in the vicinity of the chief rivers of the province, and whose "expectations, objects and pursuit" were diametrically opposed to the best interest of the public.[95] The only relief the Colonial Office granted was the permission to add the value of the timber to the price of the land - " to keep the mere speculator at a distance;" beyond that "land must be sold by public competition and without favour to any particular kind of purchaser;" free grants to poor settlers being "utterly inconsistent with and destructive of the whole plan of disposing of land by public sale," were to be discontinued,[97] and persons in whose favour special grants had been made and had neglected to avail themselves of them, lost them.[98] Fees of every description were abolished, conditions of cultivation omitted, previous survey was made imperative, and all petitions for land were directed to be made to the Lieutenant-Governor.[99]

Concessions made at the solicitations of the various Lieutenant-Governors on behalf of the poorer settlers, though important in themselves, were totally inadequate

94. N.B.C.O. 188, Vol.43, pp.350-58, Campbell to Goderich, June 5,1832; ibid, Vol. IV, p.480, same to same, March 30,1832.
95. Ibid, (198), Vol.5, Campbell to Stanley, Jan.7,1834.
96. Ibid, 188 Vol.43, pp.259-61, Minute by Lord Howick, Aug.15,1832; N.B.Despatches Received, Vol.12, p.56 ff, Goderich to Campbell, Sept.20,1832.
97. Emigration, Vol.30, Colonial Office to Colborne, Oct.31,1831.
98. N.B.C.O. 188 Vol.11, p.202, Goderich to Campbell, Nov.1,1831.
99. N.B.Despatches Received, Vol.12, Feb.1,1832, additional instructions; N.B.C.O. 188 (197) Vol.4, pp.480-81, March 30,1832; ibid, Vol.43, p.216, Campbell to Goderich.

to develop the waste lands of the Colonies. Resident agents were appointed to supply information to emigrants regarding townships opened for settlement, and help them to find employment when necessary,[100] but without Government assistance. Failing that, they could be employed in public works and in clearing and cultivating land which was intended to be sold to immigrants of capital, or assigned to those who cleared it, on condition "that one half should revert to the Crown if the stipulated price were not paid within a stated period."[101] This concession, however, was not taken as an official sanction to establish the indigent settlers at public expense. Colborne acted as if it did give such a sanction, and informed the Colonial Office "that as every industrious emigrant can in two years become an owner of land, it is better for the province that he should commence immediately on his own property."[102]

This piecemeal policy was again supplemented on January 1, 1833, possibly as the result of the reluctance of local officials to obey instructions. Goderich's despatch shows the influence of Wakefield's ideas.[103] A sufficient supply of labour was considered essentail to a healthy agricultural community in which the labour of the landless would provide the necessary help at a reasonable price for those requring it, and the orderly progress of the Colonies would be hastened. Again, the labourer by his own industry must rise into the position of landowner, and only as a last resort would be settled at the public charge, hence the residue of the Crown lands was to be husbanded and compact settlements formed. For the first time, in official circles, land was regarded as an important financial asset, whose value was increasing rapidly, whose extent was limited and soon to be exhausted by the multitudes flocking into Canada. It was therefore considered foolish to squander land by selling at a low price, thus militating against the best interests of the country; whereas a high price would check speculation, prevent society from being composed of one class of landowners, and advance the ends of Government. A minimum price of 10/- per acre, with interest to be charged on all unpaid instalments was therefore recommended.

Once again the Lieutenant-Governors were called upon to explain the comparative failure of the new policy. To Aylmer the chief obstacle to the sale of Crown lands was the large number of free grants that were being made to discharged soldiers,

100. Ibid, 101 (158), Vol.II, Goderich to Black, May 21,1831; ibid, (197),Vol.4, p.422, Campbell to Goderich, Nov.30,1831; ibid,Vol.43, pp.218-21,246; ibid, (162) Vol.15, pp.78-79, Glenelg to Campbell, Nov.15,1836; Q 374, pp.184-187, Colborne to Goderich, Feb.8,1832, dealing with the various agencies.

101. N.B.Despatches Received 188, Vol.12, p.3, Feb.1,1832; Emigration, Vol.30, same date,

102. Ibid, Jan.1,1833; C.O. 324/90, p.96 ff, Hay to Colborne, Feb.27,1833, complimenting him on his efforts in settling so many emigrants but urges economy.

103. Emigration, Vol.30, Jan.1, 1833, Goderich to Colborne, No.8.

commuted pensioners, and Canadian Militia, who fought in the War of 1812. These grants flooded the market and were sold much cheaper than Crown lands.[104] Colborne pleaded the pressing needs of the average immigrant in a new country, with little or no capital and precarious employment, where his sole source of sustenance was, generally speaking, the availability of land and his own ability to wrest a living from it. And since a Canadian farmer improved his lands slowly and was therefore not in need of constant hired labour, and as he seldom had a house to accomodate married emigrants with families, he preferred to hire a single man who accepted part payment in the form of board and lodging. In such an undeveloped society if the immigrants did not become proprietors of land on moderate terms they would re-emigrate to the United States, where both land and employment could be secured.[105] In no other way, Colborne claimed, and Stephen agreed with him, would the country be opened up and sufficient labour assured than by enabling the settlers to work part time on their own land. Nor would the Government secure revenue from the land unless the poor blazed the trail into the wilderness. It was a well-established fact that the price of land in new settlements rose in proportion to the number of immigrants settled there and actively improving their lands, and that the prosperity of the settlement kept pace with their industry. Writing to R.W.Hay, Colborne said that "none of the proceedings of Government have rendered more benefit to the colony, or more advanced our interests than the protection and encouragement afforded to the emigrants...on their arrival in the province, and the interest which has been taken in locating them." His real motive, however, to which settlements were purely an end, was to make Upper Canada predominantly British, and so important did he consider this that he regarded "neither future revenue nor wages, nor any policy except insuring the safety of the province by continuing the paternal care which has been shown towards emigrants of late years, and by seizing every opportunity of improving the country and authorising roads and public works to be undertaken. The neglect of this policy during many years must be evident to every one who can attentively examine the province. If we had intended to accelerate the time of losing the colony, a more certain method could not have been adopted than that of encouraging every worthless alien from the United States to settle in the front townships."[106]

Thus, abstract theories supposed to be of universal validity were made to bend to practical difficulties of which the mere theorist was ignorant or heedless. It

104. Q 207, pp.415-21, Aylmer to Goderich, April 12,1833.
105. Emigration, Vol.30, Colborne to Goderich, April 16,1833; Q 377, p.465, Colborne to Hay, April 20,1833.
106. Bell & Morrell,op.cit. p.221, Stephen, Jan. 19,1842: "I cannot but believe that the unqualified doctrine of never giving away land has done much mischief in B.N.A. and has driven away thousands of immigrants..."

was quite a common feature of the land regulations for local officials to neglect orders received from London, either by ignoring them altogether as in New Brunswick, where according to Durham, the orders of 1827, in spite of additional instructions and alterations in the system and numerous correspondence with the Colonial Office, remained in force until 1837, when Glenelg peremptorily cancelled all credit and ordered full payment of purchase money within fourteen days.[107] In other cases the regulations were nullified by the interpretation of local officials, who ignored the positive orders to sell the waste lands, and continued to make large gratuitous grants as in Upper Canada, "through the intervention of the Governor and Council, of the Surveyor-General, of the Attorney-General and Auditor-General, of the Secretary and the Registrar,"[108] notwithstanding Colborne's assurance to Goderich that since 1827 no free grants had been made except to privileged persons.[109] The explanation of this departure from official instructions may be found in Colborne's orders to the Surveyor-General, that in submitting the lists of new townships to be opened for settlement, he would make a special report upon "any tract of ungranted land in an old township, which may have been discovered during the preceeding year, or of any tract of land appearing to be particularly valuable from its situation, as under such circumstances it will be necessary to prevent locations from being made until the decision of the Lieutenant-Governor has been ascertained."[110] But apart from the favouritism and land jobbing, which were common features in all the Colonies, it may be argued that local officials in touch with agricultural conditions and familiar with local needs, might be justified in modifying or even ignoring regulations made by armchair colonial administrators in London, who had never seen the Colonies they claimed to administer, and seemed to delight in dumping indigent settlers, broken-down pensioners and ex-soldiers upon the shores of Canada, expecting them to become prosperous farmers over night.

It was to provide for such a class of settlers that Colborne perpetrated another innovation in administering the land policy of Upper Canada, before McKenzie's Seventh Report of Grievances drove him out of office. The problems created by crowds of poor settlers, and the scarcity of labour in developed districts, provided an opportunity to mature a favourite idea of producing in Upper Canada a peasant class, by settling at least some of them on five acre lots, upon conditions of settlement that varied with the location. Thus, in the neighbourhood of prosperous towns, they were provided with a hut and a promise that unless the land was required for

107. N.B.C.O. 188, Vol.41, p.172, Baillie to Black, May 3,1831; ibid, Vol.II, No. 2, Goderich to Black; N.S.C.O. 217, Vol.163, pp.25-30; G 22, p.257 ff; Durham Report, Appx.B, p.13.
108. Wakefield, The Public Land, p.39, quoting Peter Robinson's Report of 1833.
109. Q 374, pp.184-87, Feb. 8, 1832.
110. Q 396, pp.279-305, Wm.Rowan, Secretary to S.P.Hurd, Sept.27,1833.

its original purpose, they would not be disturbed. In this way over sixty families were settled near Brantford, Oxford and Cayuga, with mutual advantages to themselves and the neighbourhood. The immigrants secured an immediate home, and a steady supply of labour was provided to any requiring assistance.[111] In new townships different conditions were imposed.[112] At Sunnidale and Nottawasaga, on the Penetanguishene Road, each head of a family received a lot of five acres without the power to sell it, while at the rear of each lot a reserve was made which the settler could purchase later. In this way about four hundred persons, mostly from the Hebrides, were settled. As there were no settlers there who could afford to hire labour, they were employed by the Government in opening roads and clearing the land during the autumn and winter. The experiment, however, failed. Sunnidale was founded on a swamp; the nearest town was Barrie twenty miles away, and the nearest grist mill even further. The settlers were totally ignorant of bush life and after suffering untold hardships, they moved almost in a body to Nottawasaga, where they formed the flourishing settlement of Duntroon.[113]

Nottawasaga was more fertile, and the settlers were helped by John McDonald of Gananoque, who owned large tracts of land there, and built for their use a grist and saw mill, and occasionally advanced them seed for their lands.[113] In spite of the failure of Sunnidale, A.B.Hawke, Emigrant Agent, favoured the extension of the system, and claimed that groups of families could be advantageously settled near every town or village in the province, if the Government was prepared to spend about £10 per family. But the plan was scarcely adapted for new townships, though as a temporary shelter the settlers suffered no greater hardships than on larger lots. As a permanent provision for a family it was utterly inadequate. The reward the average settler looked for after years of toil was a cleared farm, sufficient for the needs of his family and worth bequeathing to his posterity. In 1841, Sunnidale was still a wilderness; to-day it is a fine agricultural centre, inhabitated by prosperous farmers.

Later an attempt was made to attract poor settlers by a grant of five acre lots to open the road between Garrafraxa and Owen Sound upon Lake Huron. The settlement of this desolate region was intended to retain British labour in Canada, and prevent an invasion of Americans from Michigan. Lord John Russell approved any measure that would secure this end.[114] But such a small grant, together with the numerous difficulties in the way, compelled more liberal terms. A grant of

111. Montreal Gazette, July 9,1835; Q 270, pp.54-61, A.B.Hawke, to Harrison, July 9, 1839.
112. Q 381,p.433 ff,Mar.21,1834; Ont,Hist.Socy.Vol.7,p.211; Simcoe County Pioneer Papers,Vol.I,p.11 ff; Hunter,Simcoe County,various pages.
113. Ibid,Vol.II, p.233.
114. Q 270,p.44 ff, 54 ff; G 48,p.84,159,164; Emigration,Vol.31,Thomson to Russell, July 28,1840; Bell & Morrell,op.cit.p.219 ff,Sydenham,Nov.23,1840.

fifty acres was therefore offered, but only on condition that the settler was able to sustain himself and his family until he could raise a crop from the ground, nor was he allowed to leave the settlement without permission of the agent, while he must clear and place once under crop one-third of his lot within four years from the date of the grant.[115] The object in view was to create a class of agriculturists, interested in the soil, while their labour could still be made available to the community at large. In a new settlement, however, the relation of employer and ~~empl-~~employed, of capitalists and labour, seldom existed. And experience proved many lamentable examples in Canadian history of the failure of capitalists to render the clearing of heavily timbered land, and the raising of grain from it, a profitable speculation from a commercial point of view; on the other hand, the mere labourer if industrious invariably succeeded in securing subsistence. That was his first object; only then and as his neighbourhood assumed the character of an old settlement, could he consider the disposal of his surplus produce. Thus, through long and painful experience, Canadian officials came to the conclusion that a fifty acre lot was the ideal for the average farmer, and the best policy for the Colonies to follow. Had such a policy been adopted from the beginning of settlement, colonies would have been nearer schools, churches and markets - amenities which the great majority lacked even in 1840, because of the scattered state of the population.[116]

The days of experimentation were almost over. Canadians were exasperated with a land policy that abounded in waste and confusion, retarded settlement, was liable to constant change, and they demanded that it be removed from the realm of chancce and caprice, placed upon a sound and permanent basis, and adapted to the various localities and the needs of the settlers. Only thus would the settlers be saved much expense, inconvenience and delay. This could be secured by the local knowledge of Canadians, familiar with the experiences, wants and interests of pioneering communities. Upper Canada, because of its inland situation and proximity to the United States, was particularly critical of a system that kept the waste lands unsettled. It attracted neither the wealthier class of immigrants nor those of small means, who passed on to the United States, where "the celerity and simplicity" of their land system anabled the settler to secure a patent for a piece of land in half the time it took in Upper Canada.[117] An attempt was therefore made to effect changes in the method of disposing of Crown lands based upon the practice in the United States. Committees were appointed, investigations conducted, and reports

115. Montreal Gazette, Dec.5, 1840.
116. Quebec Mercury, A Report by S.B.Harrison, April 20,1841.
117. Q 391, pp.101-109, The Select Committee of the Legislative Council of Upper Canada, March 24,1836.

made which focused public attention upon the defects of the system and suggested necessary changes. The conclusions arrived at were that since the aim and end of any land policy should be the settlement of the province by industrious farmers, immigrants should be induced to purchase lands upon such terms as would secure their permanent residence in the country. And since the cultivation of the soil was almost the only means of obtaining a livelihood, every obstacle to progress should be removed. It was therefore recommended that the quantity of ungranted land fit for cultivation should be ascertained, that absentees should be compelled to cultivate and improve their property, that the upset price of Crown lands be reduced, and such restrictions imposed as would be most likely to prevent speculation. Instead of making personal application to the Commissioner of Crown Lands in Toronto, district agents were to be established with authority to make sales at all seasons of the year to settlers; similarly land boards were to be appointed to meet ~~relative~~ periodically with the agents for the settlement of all disputes relative to land transactions. Finally a portion of the proceeds from land sales was to be used towards local improvements.[118]

On the basis of these recommendations, the Upper Canada Legislature passed the Act of 1838, "to provide for the disposal of public lands."[119] It forms a landmark in the settlement of the colony. After providing for the satisfaction of all free andprivileged grants, it stated that all ungranted Crown lands were to be sold by public auction at an upset price fixed by the Governor-in-Council, and that lands remaining unsold were to be disposed of by private sale at any time to any persons willing to purchase them, as in the United States. To encourage actual settlement, a reservation of fifty acres was ordered to be made adjoining each lot sold, to be granted free of expense to the purchaser of the lot, after fulfilling the settlement duties. Full and correct information was to be supplied to all purchasers, and grist and saw mills were to be erected at Government expense. The development of the colony was expected to follow from the formation of compact settlements and the reduction of the price of land. The credit system, which had failed wherever tried, was abolished; it had been the curse of the country, multiplied Government creditors, encouraged disloyalty and discontent, and enabled the settlers to purchase more land than they could pay for or use to advantage; the Government of the United States had been compelled to relinquish claims "upon upwards of 70,000 individuals;" In Upper Canada, the Government had been unable to collect arrears in the Bathurst district totalling £25,000 - an encouragement to other townships similarly situated.

118. Canadian Archives Report, 1900, pp.XIV-XV, 52-56.
119. Q 396, pp.530-34, Head to Glenelg, April 4,1837; P.F.76,No.5, July 27,1839.

In the townships of Adelaide and Warwick, there was not a single instance wherein any part of the principle or interest had been paid to the Government, except in the few cases where the settlers had sold their lands to wealthier immigrants.

Glenelg, in signifying the Royal approval of the Act, raised objection to the clause authorising a reservation of fifty acres adjoining each lot to be sold, and to that which enabled sales to be made to settlers after the close of the periodic sales, because such exceptions placed too much discretionary power in the hands of local executives, which might lead to favouritism and unpleasant results. He therefore urged a policy of inflexible regulations, carried out with strict impartiality.[120] About the same time the Nova Scotia Legislature passed an Act to dispose of the Crown lands and encourage the settlement of such portions as were fit for cultivation. It was declared ultra vires by the Legislative Council unless accompanied by a satisfactory arrangement of the civil list question, and referred to Durham "as forming part of the general subject already under reference to his Lordship."[121]

Such was the land system in 1837, when the MacKenzie-Papineau Rebellion threw into temporary confusion the machinery of government in Upper and Lower Canada, and interrupted seriously the movement of immigration and the settlement of the various colonies. Durham suspended the sales of Crown lands, directed that justice be done to militia claimants, confirmed all squatters who had settled on their lots before September 30,1838, and by his memorable investigation and Report, exposed the evils of the old, and paved the way for a new land policy.[122]

120. U.C.State Book K, No.36, Glenelg to Arthur, March 8,1838.
121. N.S.C.O. 217, Vol.166, pp.5-14, Campbell to Glenelg, May 1,1838.
122. Emigration, Vol.31, Thomson to Lord John Russell, Mar.3,1838; N.B.C.O. 188, (164), Vol.XVII, Circular by Glenelg to the Lieutenant-Governors, Feb.24,1837; ibid, Vol.XII, p.3 ff, Glenelg protesting against the instalment system, Feb. 2,1832.

Amount of land disposed of in British North American Colonies, 1831-38.

COLONY	LAND SOLD	FREE GRANTS	AMOUNT UNGRANTED
Lower Canada	371,015	422,184	4,031,143
Upper Canada	95,775	1,932,419	1,486,235
Nova Scotia	116,824	51,693	
Cape Breton	37,903	166,765	6,510,159
New Brunswick	694,180	133,343	13,982,249
P.E.Island	166	13,633	2,000
Newfoundland	1,633	8,474	
	1,317,496	2,728,512	26,011,786

P.F.76, No.11, July 13,1840, Returns to an Address of the House of Commons, Mar.31,1840; N.S.C.O. 217, Vol.174, p.407, Nov.1,1839, Returns by John Spry Morris, Commissioner of Crown Lands and Surveyor-General; ibid, Vol.173, p. 529, Abstract of Sales, 1828-1838; N.B.C.O. 188 (169) Vol.XXII, Returns by Thomas Baillie, Commissioner of Crown Lands, Feb.23,1838, of all lands sold from 1830 to December 1837; ibid, Oct.3,1838, a second Return; G 50, p.241, N.B. Crown lands granted or sold 1831-38; ibid, p.240, Feb.6,1841, Returns of Crown lands sold and granted in Lower Canada from January 1831 to 1840; ibid, Upper Canada Crown Lands sold and granted 1831-38; Durham, Appx.B, p.13, Statistics for all Colonies.

Already under the influence of Wakefield's ideas, certain significant changes had been introduced. The credit system with its lamentable results was abolished. The Select Committee, (1836), for the disposal of the waste lands in the colonies, recommended that his ideas "should be definitely adopted by Act of Parliament and applied to the whole Empire," and "that the whole arrangement connected with the sale of land and regulation of emigration to the Colonies should be placed under the charge of a central Land Board, responsible either to the Colonial Office or to Parliament directly." This recommendation was adopted in 1837, by the appointment of T.F.Elliot, of the Colonial Office, as Agent-General of Emigration, and of the Royal Commission of January 1, 1840, "for the sale of the waste lands of the Crown throughout the British Colonies, and for applying the proceeds of such sales towards the removal thither of emigrants from this country," and to advise the Secretary of State upon the land and immigration systems of the Colonies.[123] The aim was a more systematic supervision of the peopling of the Empire. The Commission were therefore instructed to collect and diffuse accurate statistical knowledge concerning the Colonies, render periodic accounts of the progress of the scheme, and administer the new regulations strictly and impartially.[124] The administration of Crown lands was thus lifted out of the realm of chance, neglect and favouritism, and placed upon a solid foundation. For the future these lands were to be strictly applied to the improvement of the colony in which they were situated, or for the good government of the colony concerned. Ends so worthy were regarded as affecting the welfare of the whole. But so far as the British North American Colonies were concerned the influence of the Commission was decidedly limited. Already in Upper Canada and New Brunswick the sale and management of waste lands had been vested in the local authorities, with whom the Crown had no right of interference, and similar arrangements were shortly afterwards made with Nova Scotia and Newfoundland. In view of the unsettled state of affairs in Lower Canada, this question, in common with many others, was left in abeyance till the following year when Upper and Lower Canada were united into one legislature, and a new Land Act replaced the Upper Canada Act of 1837. The new Act was a distinct improvement upon the system hitherto followed. It provided that no free grants be made except as fixed by law, and to natural born or naturalised male subjects over twenty-one years of age who were actual settlers upon, or in the vicinity of, public roads in new settlements. All claims to free grants were

123. N.B.C.O. 188 (168), Vol.XXI; G 46, pp.642-645; Bell & Morrell, op.cit.p.194; Morrell, British Colonial Policy, p.7 ff, quoting P.P.1836, XI, and P.P.1840, XXXIII (H.C. 35), p.2 ff.

124. N.B.C.O. 188 (169), Vol.XXII, May 20,1841, W.F.Odell, Returns of land sold; ibid, May 29,1841, Russell to Lt.Govr.Colebrooke, transmitting forms to be used for returns of sale.

ordered to be reviewed and adjusted by the Executive, and all new claims to any land founded upon past regulations were ordered to be made before January 1,1843. Any claim allowed by the Governor was to be commuted for a land script or order for a nominal sum of maney at the rate of 4/- per acre. But no script could be drawn for more than £5, and all scripts were accepted in payment of Crown lands. The Governor-in-Council alone could fix the price of vacant lands, and power was given to the Court of Chancery to declare void any grant secured by fraud or by mistake. Resident agents, whose reward was a percentage of the proceeds of their sales, were to be appointed for each district for the control of waste lands under the direction of the Crown Lands Commissioner, and public notice specifying the price and terms of payment was to be given of every piece of land offered for sale. The subsequent history of the land system of Canada lies outside the scope of this book; but what of the aftermath of these regulations? The next three chapters attempt to sum up the political, social and material consequences, together with a criticism of the policy as a whole.

X.

WASTE LANDS AND LOCAL POLITICS.

POLITICAL CONSEQUENCES OF THE LAND REGULATIONS.

It is generally admitted that in 1835 flagrant abuses existed in the administration of the government of all the British North American Colonies which justified the prevailing discontent that issued in the Rebellion of 1837. The character of the government in all the Colonies was exclusive and favouritism outweighed merit. Lower Canada was virtually without a government; communication between the various parts of the legislature had ceased.[1] The House of Assembly had passed resolutions impeaching the Executive;[2] no provision had been made for the administration of justice. Temporary acts necessary for the orderly functioning of government had expired and had not been renewed. Upper Canada was fast drifting into the same dangerous situation. There was an almost "perfect coincidence" of evils in the provinces that differed in origin, laws, religion and culture. In such an atmosphere agitators and reformers found in irresistible opportunity to ventilate, and sometimes exaggerate every disturbing element in the community that disparaged the government; they regarded the Rebellion merely as a necessary incident in the long struggle for good government that was expected to establish a more rational system for the administration of distant possessions. This chapter aims at an historical interpretation of the origin and development of the main issues of the political struggle that ended first in rebellion, and later in the winning of responsible government. Due to the overlapping character of these issues, it was not found possible to distinguish clearly between those that resulted directly from the administration of the land regulations, and those that had their origin in the constitutional defects of government. Thus, in all the Colonies there were serious complaints against the Executive Council per se and also because of its control over the land granting department. Similarly, the Legislative Council had inherent defects and multiplied enemies because it blocked measures that were intended for the relief of the mass of the settlers, while the provincial revenues were used at the discretion of irresponsible governments for ends like patronage and pensions, which conferred no direct benefit upon the country. For purposes of clarity and continuity of treatment, a certain amount of repetition has been found necessary.

1. Q 221, p.99 ff, Aylmer to Hay, Jan.30,1835; ibid, p.249, same to same, Mar,12, 1835; "The state of the Province requires the interference of the Imperial Parliament;" ibid, p.374, same to same, Mar.20,1835; The Constitution in abeyance; Q 230,p.436 ff,Gillespie to Glenelg,Dec.6,1836; The Constitution virtually suspended.
2. Q 220, p.307 ff, Ryland, Feb.10,1834: An account of the House of Assembly.

(I.)

For years after the granting of representative institutions in 1791, political harmony prevailed in the domestic affairs of the Colonies; the absence of racial issues in Upper Canada and the Maritimes encouraged political peace. The new settlements, struggling into existence with sparse populations, were too much occupied with the pressing needs of the moment to have time or inclination for local politics. There was no organized opposition in the local legislatures, and no intelligent independent press to inform the settlers or criticise the administration; the 'Gazettes' were purely official organs. But by 1805, some settlers in Upper Canada, for example, had acquired sufficient wealth and leisure for public questions. They discovered that while they had been busy clearing their land, others had been equally diligent lining their own pockets and those of their friends. preventable evils had become fairly deeply entrenched; the administration of the colony was monopolized by one class of the community; the hardships of pioneering days were aggravated by abuses which flourished unchecked in connection with the land system; Crown appointed judges, as in other colonies, supported the high-handed administrators; store-keepers, who were usually local magistrates, applied the law in their own interests; road-money, that should have been spent to the advantage of all, was usually paid in kind to settlers who were in debt to local merchants regardless of the quality of the labour performed, and Crown lawyers, who were paid a fixed sum (usually £7) for each criminal prosecution, were accused of multiplying cases and of many individual acts of oppression.[3]

In Lower Canada, the comparatively mild sway of the English administration was deeply appreciated and for some years harmony prevailed.[4] Even the extensive traffic in the waste lands of the townships, the increasing number of Crown and Clergy Reserves and the influx of British settlers, aroused little or no opposition at the time: the former were beyond the bounds of the old seigniories and in more or less isolated districts, without decent roads and far removed from the religious comforts of the church, while the latter were welcomed even by some of the French seigniors. The minor disputes between the Assembly, representing the rural sections and the English merchants and officials were simply signs of healthy racial rivalry. The political relations between the governed and the governors in Prince Edward Island were of such a unique character that they have received separate treatment,

3. Q 313, p.245, Gore to Castlereagh, Mar.11,1810: refuting some of Jackson's criticisms.
4. Report of Public Archives of Canada,1929,p.167 (Colonial Department, 30 April 1836): from 1793-1815,"the French Canadians submitted in the spirit of their ancestors to the rule of their Governors with almost servile acquiescence, dissatisfied only when the Governor did not make striking and vigorous use of his powers.

while the political differences in New Brunswick and Nova Scotia were simply a pale reflection of those of the Canadas, and never were of so grave a nature as to endanger the peace and security of the people.

The rift in the political lute appeared when the Assemblies "called their hitherto dormant powers into active exercise;"[5] learned to appreciate the nature of the power which the control of their own domestic affairs gave them, and realised that though a free and representative form of government had been assured to them in 1791, the public rights and liberties guaranteed in theory were denied in practice. The elective franchise was of little value while the representatives exercised little or no influence upon the government, and the different parts of the Constitution "were wholly unfit to act together;" the Executive gathered into their own hands the whole administrative influence[6] of in all the Colonies, and the Legislative Councils by their constitution and powers could always interfere effectively with the whole business of legislation.[7] Progress was impossible since the councils gradually became identical in feeling, if not actually in personnel; they relieved the Governor of the more serious difficulties of his position and regarded any attacks upon the administrative system as the acts of disloyal subjects; they acknowledged no responsibility to the public and resented even the resemblance of external control and acted arbitrarily. And since the Colonial Office usually supported the Governor and his Councils, and Parliamentary grants and the bulk of local revenues were retained in the hands of the Crown, there was a total absence of any real constitutional check upon the rulers of the people.[8]

Under such circumstances it would have been a phenomenon, foreign to modern experience, if the voice of the critic was not heard above the humdrum of everyday prosaic life. In 1806, for example, the Government of Upper Canada was accused of silencing critics by gifts of Crown lands, of frustrating every attempt at reform, of defeating economy by retaining useless departments, of neglecting agriculture, and of failing to fulfil its pledges made to those who fought the battles of the Empire.[9] These severe indictments find an echo in modern criticism of government, both are extreme and self-regarding and to be accepted with reservations. The problems of

5. Ibid, p.168.
6. Ibid, "The Governor regarded with aversion and not seldom with contempt a body of Executive Councillors, who having no function but that of controlling his will by unwelcome advice, were continually left for many months together in a state of utter inaction and insignificance. They met to perform a few formal duties. Occasionally they were called together to relieve the Governor from some fatiguing investigation or some dangerous responsibility, but otherwise he acted alone and without reference to them for advice."
7. Ibid, in 10 years the Upper Canada Council defeated nearly 400 bills passed by the Assembly.
8. Durham Report, p.54; Bell & Morrell, op.cit. p.1 ff; Q 376, pp.73-125, W.L. MacKenzie to Goderich, July24,1832.
9. Q 313, p.428; Can.Arch.Report 1892,note D; John Mills Jackson, Political Situation of the Province of Upper Canada (1809).

the centuries are fundamentally akin and our attitude to them is usually determined by local circumstances and our social and economic interests or political affiliations. Irresponsible colonial governors recruiting their friends and officials from one social group were bound to become targets for criticism. It was as natural, however, for the governors to consult the wishes and opinions of the Loyalists, who had risked so much for the cause of a United Empire and practically monopolised the culture of the Colonies, as it was that such a pronounced social and political exclusiveness divided the population into the two groups of friends and critics of government. There is also some justification in the claim that the critics represented the discontented element seeking the plums of office while claiming to speak on behalf of the great majority of the settlers who were too busy making a living to worry about their governors. The day of universal franchise was far distant, and many of the settlers had escaped from an economic slavery in comparison to which their lot in Canada was a distinct improvement. There was even less justification and incentive to grumble since the social and economic level was fairly uniform. The Canada of that day was a community in the making - a land of contrasts; it was the difference between seed-time and harvest, rich in future possibilities, though poor in actual achievements, and if to some it was a convict settlement, to others it was a paradise in anticipation.

The situation was ripe for the advent of the reformer and the development of political opposition; both appeared almost simultaneously in both provinces. In Upper Canada the early agitators were Irish immigrants - Weekes, Willcocks, Wyatt and Thorpe; in Lower Canada they were native born. William Weekes, a student at Law in Ireland, later in the office of Aaron Burr in New York, was admitted to the Upper Canada Bar in 1798, and seven years later was elected a member of the House of Assembly, where he immediately moved for an investigation of the administration of government. The House refused to support him but it could not silence him. In turn he attacked the land policy, championed the cause of the military claimants who had failed to secure their promised allotments of land, and of the Quakers and Methodists then under legal disabilities, and criticised the seven years' residence condition imposed upon all immigrants before they could exercise the franchise. An advocacy of the removal of grievances of such immediate and widespread appeal met with considerable support, that it must have been quite a relief to the Executive Government when on October 10,1806, Weekes fell in a duel with William Dickson at Niagara.[10]

10. Canada, Public Archives Report, 1892, p.62, 67; Q 306, p.83; Wallace,W.S. The Family Compact, pp.8-15.

The mantle of Weekes fell upon his compatriot Robert Thorpe, who arrived in the province in 1805, as puisne judge from Prince Edward Island, where in 1802 he had been appointed to a similar position through the friendship of Sir George Shee, who expected him to report upon the social and political affairs of the colony.[11] His public conduct in several respects was open to censure: he compromised his official position and undermined the dignity and prestige of the bench by his political opinions; he applauded the position taken by Weekes, and against Governor Gore's desire, accepted the nomination and election as his successor in the House.[12] His active encouragement in the founding of an Agricultural and Commercial Society, to obtain information relative to the development of the province, was regarded by the official class as an excuse for political propaganda.[13] In his replies to several congratulatory addresses from the Grand Juries of the Western Circuit, written by Weekes, he mixed private and public morals with political innuendos against existing conditions. As a member of the Assembly his reforming zeal and intemperate expressions antagonised the Executive even farther. Governor Gore, on principle opposed to democratic ideas, took a serious view of a harmless indulgence and decided to punish the reformers. He dismissed from office Wyatt and his fellow countryman, Joseph Willcocks, Sheriff of the Home District, for their assistance to Thorpe, and denied the use of the 'Gazette' to rebut charges against them.[14] But the matter did not end there; Wyatt and John Mills Jackson succeeded in bringing Upper Canada grievances before the House of Commons,[15] while Willcocks founded the Guardian or Freeman's Journal, supposedly financed by Irish republican leaders in New York. Around it gathered a nucleus of the first opposition party in the province; one of its best contributors was Thorpe.[16] For the sake of public tranquility, Gore suspended Thorpe from his judicial duties;[17] he left Canada rather disillusioned and was later appointed Chief Justice of Sierra Leone "under the assurance that he will confine himself to the duties of his profession." His departure was a great relief to the Executive.[18] Willcocks succeeded Thorpe in the Assembly and shortly afterwards was imprisoned for libelling the Government. He joined the American army during the War of 1812, and was killed during the siege of Fort Erie,[19] leaving the forces of reaction triumphant for another generation.

11. Canada Public Archives Report, 1892, p.50; Q 305,p.173, Thorpe to Sir Geo.Shee, Oct.22,1806.
12. Ibid, p.210; Q 306, p.89, Wm.Allan to Gore,Jan.5,1807; ibid,p.59, Gore's account of his election to Windham.
13. Q 305, p.96.
14. Q 306, p.59 ff, Gore to Windham, Mar.13; ibid,p.34, same to same, Feb.27; ibid, p.119,same to same, April 23,1807; Q 310,p.291 ff; ibid,p.352 ff, Wyatt to Baldwin, June 15,1807; ibid, p.342; ibid, p.262 ff, concerning the press.
15. Q 313, p.460 ff, Jackson to Willcocks, July 19,1807; the petition was drafted by Thorpe, p.449.
16. Can. Arch. Rpor Report, 1892, p.118.
17. Q 306, p.59, Gore to Windham, Mar.13,1807; ibid, p.206, Castlereagh to Gore, June 19,1807; Q 312,p.151,Gore to Castlereagh,Sept.26,1809.
18. Ibid, p.151,op.cit.
19. Wallace,op.cit.p.23;"The Career of Joseph Willcocks" (Can.Hist.Rev.Dec.1826).

It is rather suggestive that these early political agitators should be of Irish extraction, fighting ancient racial hatreds on Canadian soil, and that their successors as prophets of a new order should be Scotsmen.[20]

The political truce of 1807 was broken in 1817 by the arrival in the province of Robert Gourlay, a Scotsman of considerable ability, high character, good education and intentions, but by temperament and disposition totally unfitted to be the champion of beneficial reforms.[21] Three months after his arrival in the province he felt qualified to speak with authority upon the tangled affairs of the country and upon the best methods of solving them. He issued an address to the "Resident Landowners of Upper Canada," in which he urged them to fill up the vacant spaces of the province with British emigrants;[22] it also served as an introduction to the series of questions which he sent to the leading men in the various districts, on whose answers he prepared a statistical work of great importance in spite of its numerous faults.[23] The keen interest in the questionaire and the response it received revealed the extent of the general discontent, the root of which was the land situation with its reserves and waste grants that remained untaxed and unimproved, while the whole burden of taxation and improvement fell upon bona fide settlers.[24]

Gourlay offended the oligarchy of privilege still further by calling a convention of "resident" landowners at York - the very citadel of the enemy - for the purpose of formulating a course of action intended to reform existing grievances.[25] It was largely attended by half-pay officers, militia veterans and gentlemen farmers, and was thus representative of the serious and thoughtful element of the community. The conclusion of their deliberations took the form of an address to the Prince Regent which covered the main grievances in connection with the settlement of the colony, emphasized and thus hastened the settlement of the claims for losses sustained by the settlers during the War of 1812, and prayed that a Royal Commission should investigate the charges.[26] The address became known to the British Government through the pages of the United States press,[27] and it goaded the military governor and Upper Canada autocracy to a frenzy of persecuting bigotry, having first declared that the House of Assembly was "the only representative of the people,"

20. Q 324, p.115, Gore to Bathurst, March 30,1818, a long account of the political disturbances caused by the Irish agitators.
21. Ibid, p.454; Can.Arch.Report,1897,p.XVII, an account of Gourlay's early life.
22. Q 150, p.20, Gourlay to Torrens, Feb.7,1818, enclosing the Address, dated Queenstown, Oct.17.
23. Ibid, p.24 ff.
24. Q 324, p.21, Smith to Bathurst, Feb.23,1818, warning him against Gourlay's activities.
25. Ibid, p.26, Feb.1818; Address to Resident Landowners; Q 148, p.411 ff, Sherbrooke to Bathurst, June 8,1818, enclosing a Gourlay pamphlet; Q 149, p.21, Richmond to Bathurst, Aug.11,1818, concerning Gourlay's "Essays on Modern Reforms," and calling an "Convention of Friends of Free Enquiry;" Q 325, p.233, Maitland to Bathurst, June 25,1819; ibid, p.280, same to same, July 22,1819.
26. Ibid,
27. Wallace, op.cit. p.27 ff.

thus making the expression of opinion and enquiry a criminal offence.[28]

In the days of diplomatic strain with the United States, the custom of appointing military men as civil governors of the Canadian Colonies was considered necessary regardless of their experience in civil affairs; the consequences were seldom auspicious to Canada. There were few bold enough to uphold the administration of Sir Peregrine Maitland in Upper Canada (1818-1828). It was his first civilian appointment. Born in 1775, he grew up, like Metternich, during the initial triumph of democracy on two continents, with the revulsion of feeling of his class to the sundering of the ties of Empire and the loud crash of the fall of ancient dynasties. He had been a professional soldier since the age of fifteen; at forty-three he was a Major-General, a K.C.B., and the son-in-law of the Duke of Richmond, whom he accompanied to Canada in 1818, having secured his appointment through the influence of Lord Bathurst, Secretary of State for the Colonies. But apart from his military experience and aristocratic connections, Maitland had few qualifications for his new position. He was reserved, gloomy and overbearing, fond of flattery and the exercise of power, imperious to all except a few favourites, indifferent to the complaints of the people; a bigotted Episcopalian, he antagonized other creeds by his prejudiced support of the excessive claims of the Church of England to a monopoly of the Clergy Reserves and financial support of the Government. He was easily influenced by the official class while despising the Assembly and regarding it "as incumbent upon him to suppress liberal opinion."[29] Under the administration of such a governor, it would have been extraordinary did social and political peace prevail. Needless to say he failed to understand the colonists or their problems, and by his mistaken policy multiplied opponents and sharpened the arrows of the critics; his departure from the province in 1828 was hailed by general rejoicing.

True to form, Maitland felt particularly bitter against Gourlay, whom he called "half Cobbett, half Hunt."[30] Gourlay's criticism of the administration was all the more objectionable because of the public support his arguments enlisted; he was singled out for punishment as a warning to others. His political enemies are accused of having used the same underhand methods and the same variety of persecution, under the pretext of law, that had been used to silence Muir in Scotland.[31] A basis of indictment against Gourlay was found in his just criticism of the Executive and in urging the settlers to entreat Royal interference. He was subjected to two

28. Q 325, p.233, op.cit.
29. Wallace, op.cit. p.43; Dunham, Political Unrest in Upper Canada,1815-1836, various pages; Wells,Canadiana, p.134 ff; P. 64-2, Canadian Archives.
30. Q 324, p.129, Maitland to Bathurst, Aug.19,1818.
31. Meikle, Scotland and the French Revolution; Gourlay's arrest and trial etc. P. 181-5, 181-6, Canadian Public Archives.

trials for libel, and after having been acquitted in both, was ordered to leave the province in virtue of an Act passed in 1804, directed solely against aliens and strained in 1818 to bring him within the grasp of the law.[32] In 1841, however, after the old system had been discredited, the Assembly of Upper Canada vindicated his cause and conduct by admitting that he had been the victim of gross persecution, that his imprisonment in 1819 "was illegal, unconstitutional and without the possibility or excuse of palliation,"and awarded him a small life pension.[33]

The 'Family Compact' was not satisfied merely to imprison and ruin the leader; his policy, his methods, and his friends were also discredited. His immigration scheme - later adopted by Wakefield - was represented by the very men who a few years later so actively and successfully championed the Canada Land Company, as a seditious and revolutionary plan, simply because Gourlay and his supporters advocated it. The militia officers for their temerity in attending the York Convention were made to feel the displeasure of the official class, and with Bathurst's approval were refused their allotment of land until they abjectly confessed their offence and promised to behave in the future.[34] But the results of such persecutions were other than expected or appreciated; the ranks of the Reformers steadily grew as the designs of the autocracy outlined themselves in repressive action, compelling the ruling class to resort to other tactics to save themselves, their policy and friends.

One expedient was found in tampering with the franchise which was confined to the counties till 1820, when it was granted to the twelve villages in which the quarter sessions of their respective districts were held, whenever their population would reach 1,000. At the same time the county representation was limited to two members each, with the exception of Lincoln which could send four. The result was an unequal and imperfect state of representation of the qualified electors in the Assembly since a majority of its members were elected by less than a third of the whole population and assessed property of the province. Equally unscrupulous was the attempt to control a majority in the Assembly by granting the franchise to persons holding land under tickets of location, composed of the poorer elements of society, dependent upon the will of the Executive, in the majority in some of the backward counties, and could always be increased in number as long as the Executive had waste lands to barter for votes. This plan was dropped only because the Legislature refused its support.[35] A more insidious attempt to achieve the same

32. Q 332, p.162 ff; Q 324, p.129, Maitland hoping the libel proceedings against Gourlay "may cripple him."
33. Canadian Archives Report,1897, p.XVIII.
34. Q 340, p.176, Bathurst to Maitland, Aug.18,1821; Q 331, p.232, N.Hicock to Maitland, Oct.16,1822; Wallace,op.cit. p.43 ff; Dent,J.C., The Story of the Upper Canada Rebellion, p.71 ff.
35. Q 336, p.512, Maitland to Bathurst, Nov.9,1824.

results was to disfranchise about half of the electors of some counties by the famous 'Alien Bill,' which would make aliens of those who had taken advantage of the various proclamations to settle in the colony until they had completed a seven years' residence.[36] Naturally the agitation over the issue excited and unusual interest in the public mind which reacted unfavourably upon its sponsors. The official explanation of the step was that it would enable aliens to sit in the Legislature and legalise land titles - a necessary step since no person could be legally entitled to the possession of land who was not a natural born subject or who had not taken the oath of allegiance. Upper Canada interpreted the Bill as an unscrupulous attempt on the part of the 'Family Compact' to control the Assembly by reducing the number of persons qualified to elect and be elected, and since the question of naturalisation had been in abeyance at least as far back as 1791, if not 1783, its revival was open to grave suspicion. There were two other possible explanations: one, the official antipathy to the Americans and the desire to exclude them from Canada, and the other, the desire to disqualify them from election to the Assembly where they were usually found in the ranks of the critics of governmental policy.[37] The first was apparent in the various stringent measures adopted or suggested to deny them entrance. The seven years' residence demanded before naturalisation was confirmed after the War of 1812, when distrust and fear of the United States dominated political thinking, and again in 1814, when Bathurst favoured refusing grants of land to them altogether. This hostile attitude on the part of the Government of Upper Canada is in part explained and justified by the presence and proselytising activity of the many American agents in the colony, who under the guise of peddling clocks were trying to imbue the minds of the settlers with democratic ideas and with a sense of the superior advantages of republican institutions of government. They supplied local schools with American literature, and the backward settlements with school-masters and preachers "whose religious faith is the wildest of the many wild forms of worship into which Christianity has been split in the Western Republic...It was such men and it is such men that swayed and moved the minds of the good and innocent settlers in the back countries",[38] and they were particularly successful with those who were disappointed with Canada. On the other hand the Government's desire to expel its critics from the Assembly

36. Q 340,p.368 ff, Maitland to Bathurst, March 15,1826, concerning the naturalisation of aliens; Q 344, p.86, Bathurst to Smith, Nov.30,1817, a seven years' residence an indispensable condition.
37. Q 343, p.45, H.J.Boulton to Horton, March 7,1826, Americans were aliens and had to comply with the provisions of old statutes in order to vote or hold landed property.
38. Q 430, pp.23-46, April 23,1840, Bonnycastle's Account of Upper Canada; McTaggart Three Years in Canada, Vol.I, p.195 ff, a very bitter account; Wright,F. Views of Society and Manners in America (1822), p.249.

cannot be justified on any ground.

As already stated, the senseless persecution conducted by the Executive against Thorpe and his friends, and against Gourlay, strengthened rather than weakened the cause of reform, and every new return to the Assembly showed the steady advance of democratic principles, so that by 1824, the Government found itself in a minority and sought for some expedient to save its policy and its friends. The solution was found in the Alien Bill. A test case was made of Barnabus Bidwell, whose keen criticism of Executive policy had resulted in many salutary amendments and the defeat of many a favourite measure. It was decided to get rid of him, and the alien question was selected as the most promising method of doing so. An excuse was found in the discovery that he had been accused of peculation while treasurer of his native county of Berkshire, Massachusetts (1807-10), and had been compelled to flee to Canada.[39] A cry of forgery and felony was raised against him and he was ousted from his seat in the Assembly.[40] His constitutency - the counties of Lennox and Addington - settled by Loyalists and Americans, immediately elected his son who was also declared ineligible.[41] The matter divided the Legislature and widened the gulf between the people and their rulers.[42] The question was referred to the Law Officers of the Crown for judgment who in 1824, ruled that all who continued to reside in the revolted colonies after the Peace of 1783, could neither possess nor transmit British citizenship and consequently that no such person could inherit real property in any part of the British Empire.[43] The effect of this judgment was to disfranchise a large part of the population and to invalidate their titles to land. To restore political peace, Bathurst suggested that legislation be passed restoring their civil rights to resident Americans.[44] The Legislative Council interpreted this mandate in their own way: they would confirm to the aliens their real estate, but withhold from them the franchise. The issue remained a bone of contention for several sessions between the Lower House, which advocated full and immediate naturalisation, and the Legislative Council, which demanded a seven years' residence, and the abjuration of their American allegiance.[45] Finally, at the instigation of the Colonial Office, a bill was prepared that made no mention of "the abjuration of allegiance," since in all negotiations with the United States, the British Government had "uniformly laid down as a principle that no British subject

39. Q 337, pp.386-401, Bidwell's case in full; Canadian Arch.Report,1898,p.XXVIII.
40. Q 331, p.90, Maitland to Bathurst, Apl.15,1822.
41. Q 335, p.136, Maitland to Bathurst, May 17,1823.
42. The Alien Question, by Francis Collins, 1826, p.3 ff; Dunham, op.cit. p.67 ff.
43. Q 337, p.45, Nov.13,1824,;ibid, pp.386-401, Bidwell declared ineligible.
44. Q 340, p.196, to Maitland, July 22,1825; ibid, p.368, Maitland to Bathurst, March 15,1825; ibid, p.389, Leg.Ccl.ask Parliament to settle the issue; C.O. 324/97, p.101 ff, Horton to Peter Robinson, Nov.23,1827; Evidence before the Canada Committee of 1828, p.72; Q 343, p.517 ff, May 27,1826, Bill to naturalis aliens in U.C.; Q 344,p.63 ff, Bill receives Royal assent,Mar.3,1827; ibid,p. 367, rejection of the Bill, March 28,1827.
45. Q 340, p.177, Memorial from the Assembly to the Throne, Jan.13,1826.

could abjure his allegiance to this country, notwithstanding his being naturalised in America."[46] Lord Goderich's suggestion that possession of land prior to 1820 constituted a valid title was adopted, to which the Legislative Council added that all who had taken the oath of allegiance would be admitted after the legal residence. The settlement of the controversy discredited the Executive, enhanced the prestige of the Assembly, and placed the Reformers in a majority in 1828.[47]

It must now be assumed, however, that the Upper Canada Reformers, in championing the threatened rights of aliens, were actuated primarily or exclusively by an earnest desire to advance the cause of human liberty. They were keenly sensitive to the political significance of the American vote in the struggle for the control of the Legislature, and very much alarmed over the effects of anti-alien legislation upon the sale of real estate - in Upper Canada landed property and local politics got sadly mixed. This is clearly and frankly admitted in a petition from the Assembly in 1826 for a liberal land policy and for repeal of the restrictions upon American emigration into the provinces because of the adverse results which exclusion had upon sales. "In the absence of commercial and manufacturing capital" land was the "chief basis of public credit, whatever therefore tended "to increase or continue the late and present lamentable depression in its value" was deprecated.[48]

Like other autocracies, the Upper Canada Family Compact knew no moderation in the defence of their threatened privileges. Alarmed by the outbreak of the spirit of reform in 1824, they once again rallied round the constitution and attacked popular liberty by means of the "odious law of libel." The most outstanding of this new crop of persecutions was that of William Lyon MacKenzie who gloried in political controversy, and Francis Collins who withered before the storm.

Collins according to Colborne, was the editor of the "infamous" newspaper called the 'Canadian Freeman' and a member of that "licentious press" in league with[49] similar newspapers in the United States against the peace of the province. He was tried for libel on the Lieutenant-Governor, the administration of justice and the Attorney-General, and sentenced to a years imprisonment, a fine of £50, and asked to give security for good behaviour for three years. Party violence converted every question into a political one. The Assembly called for a remission of the sentence pointing out that while those editors who opposed the administration were prosecuted, others under Government patronage were allowed to publish grosser libels against the

46. C.O. 324/97, pp.110-112, Horton to Maitland, July 17,1827; Q 346, p.291 ff, Goderich to Maitland, March 1828.
47. Wallace, op.cit. p.64; Q 347, p.100, Murray, Aug.20,1828; Q 340, p.1 ff, Maitland to Huskisson, Jan.1,1828, the local government gets no credit for liberal measures; ibid, p.259, Mar.15,1828, naturalisation bill passed.
48. Q 340, pp.18-22,
49. Q 351, p.29 ff, Colborne to Murray, Feb.16,1829 - the bad influence of the press.

Assembly and many public and private men. Hagerman who was a party to the suit, not only presided as judge in his own case, but illegally influenced the jury to convict in order to justify the sentence.[50] Colborne's refusal to release Collins, together with the dismissal of Judge Willis, influenced the election of 1828, and intensified popular feeling against himself which was further increased when the Colonial Office directed that the imprisonment of Collins should cease, his fine be remitted and his bail be dispensed with. Thus the Reform Party felt its cause vindicated from the charge of association with American Republicanism and gained considerably in prestige.[51]

William Lyon MacKenzie arrived in the Colony in 1820, a young man of twenty-five years of age, and four years later started the 'Colonial Advocate' as a medium for expressing his controversial temperament. He became the most conspicuous figure in Upper Canada politics from 1826 to 1837 - a thorn in the side of successive lieutenant-governors. His character was clearly outlined in all his public acts. He was an advanced but not a clear thinker, extreme and forceful in expressing his views, but lacking in common sense and sound judgment; he was disinterested and unselfish in his aims and utterly fearless of the consequences of his political actions; he soon became a power in local politics. With others he espoused the cause of the poor settlers, but while Gourlay emphasised the grievances of the land system, the Bidwells the alien question, Baldwin called for responsible government and Egerton Ryerson criticised the Clergy Reserves, until he was appeased by a share of their proceeds on behalf of the Methodist Church, MacKenzie condemned indiscriminately the policy of the Executive: he attacked the chartered banks because they were officially sponsored , accused the managers of the Welland Canal of corruption, opposed the Canada Company as an "objectionable monopoly," the payment of the War Losses of 1812 on the ground that the chief sufferers were the friends of Government, and the "annexation of Montreal to Upper Canada because the motives were economic."[52] He objected to the expenditure of large sums of public money whether spent on necessary public works or wasted on government favourites, and, like the British Radicals of the day, who regarded colonies as useless burdens, he encouraged their separation from Great Britain and favoured a republican form of government. Small wonder that the official class and the colonial office regarded him as "a worthless and dangerous and dangerous demagogue...a vagabond," without scruples or principles.[53]

50. Canadian Archives Report 1899, pp.VII-IX.
51. C.O. 324/89, p.148, Hay to Colborne, May 3,1829: "The printer Collins seems to have been sentenced most justly;" Can.Arch.Report,1898, Note C, p.45 ff, remarks on the alien question from the Canadian Freeman; Wells,op.cit. p.165; Wallace,op.cit.p.48 ff; Dent,op.cit.p.195 ff; Q 351,p.65 ff, Colborne, March 5, 1829, and p.108 ff, Assembly Petitions for the release of Collins; Can.Arch. Report 1899, pp.VIII-IX, expulsion of Willis.
52. Dunham, op.cit.p.142.
53. C.O. 324/89, Hay to Colborne, Aug.28,1832; Q 356,p.106, Colborne to Hay, March 26,1831; Q 374, p.260, Colborne to Goderich Jan.1,1832.

MacKenzie was another of Maitland's victims. In 1826 his printing press was destroyed, but receiving legal compensation he was able to resume publications to the further embarrassment of Government. On the crest of a wave of public sympathy, he was elected a member for York in 1829, but so objectionable had he become to the official class that he was expelled from the Assembly four times between 1831 and 1834, and prevented from attendance in 1835.[54] Colborne regretted these expulsions only because they increased MacKenzie's popularity and political influence, but his claim that those responsible were unconnected with the executive and uninfluenced by its views can scarcely be accepted in view of the admission by the Colonial Office of the illegal and unconsiitutional character of these expulsions, and in view of the dismissal from office of the Attorney-and Solicitor-Generals for the active part therein.[55] But though the colony was considerably disturbed and the ranks of the Reformers augmented by this recurrence to political inquisition, the colonists were not prepared to follow MacKenzie and Hume along the extreme road of separation - a blind alley as MacKenzie later admitted.[56] Upper Canada was not anxious to sever the Imperial tie, for the benefits derived therefrom were too numerous, and the prestige of Empire too highly prized to be cheaply surrendered. The main grievance was not against Great Britain, but against an irresponsible Executive and the arrogant assumption of superiority claimed by the ruling minority, which had to be destroyed in the interests of public peace.

These were not the only evils in the body politic. The Government made even the matter of public education and religion accessories to their entrenched system of privileges. They seemed determined to monopolise for their own purposes any provision designed for the general welfare of the colony, and they resented any interference or rivalry whether in the field of religion or education. It was not enough to claim for their own exclusive use the absolute control of the Clergy Reserves, they even appropriated the provision made for education.[57] Instead of providing facilities for any who desired it they set apart half a million acres of land to establish at public cost one grammar school in each district, placed them beyond public control, charged high tuition fees, and thereby debarred all except the sons of Government officials and of a few other wealthy and influential persons. And while the salaries of the schoolmasters were paid by Government, the petitions of various communities for public support towards general education were steadily

54. Ibid, p.1 ff, Colborne to Goderich, Jan.31,1832; Q 378, p.732, 905; Q 384, p. 634, MacKenzie's version of his repeated expulsions.
55. Q 374, p.780, Colborne to Goderich, June 18,1832; Wells, op.cit.p.170; Wallace, op.cit.p.77; Dunham, Op.cit.p.142; Dent, op.cit.p.231.
56. Q 383, p.160, 180 ff, MacKenzie weakened his position by publishing a letter from Hume urging separation.
57. Can.Arch.Report 1900, Note A, p.21 ff; ibid, 1899, p.XXXI; Q 352, p.256.

refused by the same Government in view of the depleted state of public finances. This plausible excuse, however, did not prevent the Executive from increasing the educational facilities of their own friends.[58] In 1825, Kings College, Toronto, on the solicitation of Dr. Strachan, was formed "to counteract the teaching of foreign sectaries", and placed under the exclusive control of the Episcopal Church; it was endowed in 1827 with 225,000 acres of School Lands, and an appropriation of £1,000 a year for sixteen years, from the proceeds of the Crown Reserves sold to the Canada Company.[59] The jealousy that already existed in the colony regarding the excessive claims of the Episcopal Church was thus intensified and the political situation embittered. The need for an institution that would advance the general culture of the colony was freely admitted, but its intolerant sectarian character rendered it entirely useless for such a purpose without a considerable modification of its charter. Even the Colonial Office admitted the difficulties that arose from the "tests that are required from those to whom the management of the College is to be entrusted."[60] Glenelg favoured such changes as would make the whole system of education of the utmost service to the colony. The Reformers, whose annual bills amending the sectarian clauses of the Charter, found their grave in the Legislative Council, replied that it was utterly useless to attempt remedial measures while Dr. Strachan and six of his former pupils dominated the Council.[61]

Much was expected from the removal of Maitland in 1828; there was a fairly general hope that his successor would establish a more liberal regime. The Assembly was strongly liberal, the Colonial Office was not averse to a mild measure of reform, and the stage was set for progressive legislation. Unfortunately Sir John Colborne, though a brave soldier of matured years and considerable experience and judgment, was not a liberal in mind and was more or less of a novice in the delicate art of administering the civil affairs of Upper Canada. His three years as Lieutenant-Governor of Guernsey scarcely qualified him for dealing with the petty politics and

58. Q 325, p.96 ff, Maitland to Bathurst, Jan.25,1829, suggesting the sale of Crown Lands in townships Southwold, Yarmouth, Houghton, to endow a University.
59. Q 340, p.361 ff, Maitland to Bathurst, Mar.14,1826, enclosing copy of Executive Report on the establishment of a university; Can.Arch.Report 1899,pp.XXXI-III; Q 357, p.296, Dalhousie favoured Grammar Schools and Colleges based on the Edinburgh system; Q 343, p.561, Strachan to Horton, July 15,1826; ibid, p.279, J.B.Robinson, Feb.2,1826, Strachan to have leave to establish a university; Q 351, p.296, Colborne to Murray, April 10,1829, U.C.Legislature favouring a liberal charter to keep young men from seeking education in the United States.
60. Q 354, p.302, Colborne to Hay, Oct.4,1830, sees danger to the province if Kings College is exclusive; C.O.324/90, p.223, Hay to Colborne, Feb.5,1835.
61. Wells, op.cit.p.124, ff; Canada Committee 1828, Queries 48-9; N.B.Despatches Vol.XV, pp.621-99, Glenelg to Head, Dec.15,1835; Q 376, p.73 ff, MacKenzie to Goderich, July 24,1832; Can.Arch.Report 1900, Note A, p.21 ff; Q 343, p.543, Strachan to Bathurst, May 26,1826, university and degrees open to all students except those in divinity.

local rivalries of backward pioneering communities, and though he encouraged the social welfare of the colony, and did not indulge in persecutions, he distrusted the Reformers, while his well-known desire for the interests of the Church of England, for the extension of her exclusive claims, and the necessity of her connection with the State placed him in direct opposition to the Assembly on the question of the equitable disposal of the Clergy Reserves. The breach between him and the Assembly widened as he surrendered more and more to the influence of the official class, which precluded any possibility of knowing the true opinions of the people. To combat the Reformers he encouraged extensive immigration and spent large sums of public money in placing poor settlers upon lands sold to them on credit, which placed them in the power of the Executive; in this way he hoped to instill loyalty into the very heart of the country.[62] Partly by means of borough franchise and, according to his enemies, by more questionable means, a Tory House was elected in 1830, which granted a permanent salary bill, that made the Executive more independent and irresponsible than before. This was followed by a strong revulsion of popular feeling, already exasperated over other issues, and brought to a climax through Colborne's creation of rectories. In the election of 1834, the Reformers won a decisive victory.[63] The new Assembly appointed a Committee of Grievances under the chairmanship of MacKenzie, which issued the famous - or to some critics 'jaundiced' - Seventh Report. In spite of its partisan tone and omissions it established the existence of real and removable grievances and was responsible for the recall of Colborne.[64] Within the same period the Lower Canada ship of state was sailing over choppy seas towards disaster.

(2).

The immediate origin of the unhappy political antipathies in Lower Canada durint the thirty years preceeding the Rebellion may be traced to the establishment of rival newspapers that were conducted on bitter racial and religious lines, to the attitude of Governor Craig to the demands of the Assembly, to the rise of a strong French nationalist movement desiring full control of the machinery of government, and to the personality and political theories of Louis Joseph Papineau. In 1818 there were only six newspapers in the province: the 'Courier', conducted by a few

62. Q 374, p.887, Colborne to Hay, Sept.21,1832: "Fill up the vacant spaces in this province and occupy the waste lands of the Crown with as much speed as possible and you can have no more cause of anxiety on account of the clamour in the Canadas."
63. Q 383, p.232, Colborne to Spring-Rice, Nov.20,1834.
64. Wells, op.cit.p.168 ff; Wallace, op,cit.p.66 ff, 99 ff; Q 385, p.95, 2,000 copies of Report printed; Q 387, p.279, Colborne to Glenelg,Nov.9,1835, discounting the political effects of the "Grievance Report;" Q 389, p.85, same to same, Feb.9,1836, the Report full of misrepresentations; ibid, p.3 ff, same to same, Jan.5,1836; Colborne resigns, Dec.2,because of Glenelg's censure.

French Canadians for purposes of ventilating their fugitive ideas; the 'Quebec Gazette' published in French and English, limited largely to government proclamations, accounts of public auctions, and harmless excerpts from English and American newspapers; the 'Mercury' founded in 1806 in the interests of the English minority; and the 'Canadien', the only opposition paper in the province, founded by a few dissatisfied French lawyers and certain members of the Assembly in the interests of the language, laws, and institutions of the French, and as a vehicle of criticism.[65] Papineau, a brilliant but unsafe guide, rash and impetuous in temper, given to fervid oratory, sweeping statements, hostility to the ruling class, and inclined to a "natural and avowed antipathy to British customs, manners, language, laws and government." As chief of the Montreal party he exercised great influence; later as the recognised leader of the party of opposition in the province, he became "the most vociferous firebrand in the House," and a thorn in the side of successive administrations.[66] On both sides there was a lack of moderation due to misunderstandings, fears, and a false colonial policy.

It is customary to disparage Sir James Craig and to point to his political failure in Canada as conclusive proof of his unfitness for high office. But it was not the man who was at fault so much as the defective system he was expected to administer, in a day when government at a distance was not popular and Colonial policy was in practice opposed to free institutions, when the Executive and Legislative Councils were independent of popular opinion and the Crown retained control of local revenues. Under such circumstances the Governor could scarcely be acceptable to local leaders seeking political innovations in colonial policy. Craig cannot be judged by modern standards of colonial administration: he was a successful soldier forced into an untenable position. A soldier does not question his instructions, he carries them out. Craig believed thorougly in the policy he tried to enforce in a courageous, straight-forward manner, that evoked respect even from his political opponents. His ability was never in doubt; his character was above reproach; his veracity was never in question - he was above a breach of faith; whatever he thought it was his duty to perform he carried through firmly without evasion or equivocation. Dalhousie, who endeavoured to follow in Craig's footsteps, writes that this "fearless soldier, upright statesman, faithful servant

65. Lambert, Travels, Vol.I, p.330; Q 136, p.56, Drummond to Bathurst, Jan.27,1816.
66. Q 203, p.268, 278, 301; Q 179, p.453, Dalhousie to Huskisson, Nov.22,1827, the immoderate and violent character of Papineau's speeches; Dalhousie Papers Vol.3, A.W.Cochrane to Judge Stewart, Mar.28,1820; ibid,Vol.5, Dalhousie to Kempt, Jan.27,1822; ibid, Vol.14, Dalhousie to Alexander Maclean, Nov.17,1827; rejecting Papineau as Speaker; Dalhousie to Kempt, Nov.22,1827, and Dalhousie to Huskisson, Dec.10,1827: Papineau the declared leader of violence.

of his King and Country...governed Canada with an energy and firmness that was characteristic of the man." But while these great qualities made him personally popular, his political theories and certain local circumstances predestined his administration to failure. Mistakes abounded; he was surrounded by men in semi-darkness on colonial issues. His own judgment was not matured by political training in civil affairs, and towards the end of his regime he was not only suffering from poor health, but he quarrelled violently with his Council. It was this phase of his administration that multiplied his critics, and gives point to the claim that the political and racial bitterness and all the evils that cursed the colony for half a century are directly traceable to his official acts. But that is to overlook the existing defects of the constitution and that more experienced men than Craig had not made a success of the Old Colonial System. Nor was he the only Governor who would bridle local opposition by the more obvious and direct method of abrogating the Constitution, reuniting the two Canadas and redistributing the constituencies in a manner favourable to the English-speaking settlers.[67]

There was at laast one problem, seemingly insoluble, that cannot, except by the wildest stretch of the immagination, be traced to Criaig's administration. In English history the control of the purse and political liberty are linked together; in Colonial history the question of local revenue and its disposal bulk rather prominently. Lower Canada was no exception to the general rule. It even had financial features peculiar to its own history; it was a conquered colony which retained its laws after changing its allegiance. Its revenues were divided into three catagories: those issuing from the laws in force in 1763; those arising from Acts of the Imperial Parliament; and those sanctioned by Acts of the Provincial Legislature. The expenditures were of two descriptions: salaries paid to those who executed the duties of the several offices of the Government, and expenses which meant sums paid for other purposes and were divided in turn into two classes, ordinary and extraordinary. The former included those "incurred incidentally and of necessity in the execution of the permanent offices of the government, and in other matters of permanent establishment," and for these the entire nett revenues of the province stood pledged. The extraordinary expenses included those temporary offices and charges, whose salaries and expenses were to be paid either by the "positive appropriation of the Legislature to such purposes, or from the Military Chest, or from the funds raised in the Province by virtue of the British Acts of Trade and annually remitted to England." The explanation of these statements are

67. Q 109, p.217, Castlereagh to Craig, Sept.7,1809; Q 112, p.121 ff, May 1,1810; Q 113, p.51, Liverpool to Craig, Sept.12,1810.

found in certain circumstances peculiar to the country. The conquest of Canada made Quebec a dependent province of the Crown and the King the sole legislator "with the power of taxing the colonists by his sole authority," creating offices and fixing salaries thereto. In 1774, the King associated the Imperial Parliament with himself in legislating for Canada, and by the Quebec Act (14 Geo.III.c.83) a local legislature, consisting of a royally appointed council was established, "whose legislative powers were exercised with the King." A few offices with appropriate salaries were created, the majority of which were recognised by legislative acts of the local council. In 1791, the people through their elected representatives were allowed to participate with the legislative council in legislating for the province, and offices pertaining to the provincial legislature were created.

With the granting of the Constitution of 1791, the Imperial Government asked the local legislature for a grant to defray part of the civil expenses of the province, accompanying the message with a list of the offices which had been constituted and established, and in whose behalf the grant was requested. The result was the passing of the Provincial Statute 35 Geo.III.c.9, which imposed new duties and appropriated £5,000 sterling "towards defraying the expense of the administration of justice and civil government." Such was the situation till 1810 when the House of Assembly addressed Craig, lamenting having been so long a financial burden upon England, and offered to pay the whole civil expense of the province. Craig refused the offer "as being unconstitutional," but stated that he considered it as a pledge "binding on the province when regularly applied to by the Crown for that purpose."[68] Control of the purse would ultimately pass the control of the executive; but even limited responsibility to the Assembly was resented by officials favouring executive independence; Milnes in 1800 considered it a "fortunate circumstance" that the Canadian revenue was insufficient to meet the expenditure. Eight years later the offer of the Assembly was accepted, partly due to the loyalty of the French Canadians during the War of 1812, but even more to the oppressive burden of taxation in Great Britain consequent upon the Napoleonic Wars and to the soaring cost of the social reconstruction of the years immediately following. In 1818 Sir J.C.Sherbrooke applied for a grant in a constitutional manner, to be voted according to the estimate sent down to the Assembly by the executive. After weeks of discussion the Assembly addressed the Governor to pay the full amount asked for out of the funds of the province.[69] In 1819, that vote was covered by an Act of the Provincial Legislature,

68. Journal House of Assembly, Vol.for 1810, pp.134, 138-40; Dalhousie Papers, Vol. 23, Extract from Journals of Legislative Council, 1820.
69. Provincial Statute, 59 Geo.III.c.25; Journals House of Assembly, Vol.27,p.7.

"which declared it to be over and above the sums already appropriated by law for the civil government," and might be regarded as practical proof that the original offer meant the whole civil expenses as laid down in 1818; that the provincial establishments at that period and pre-existing permanent appropriations were clearly recognised and sanctioned by the Assembly, and that for the future criticism would be confined to the creation of new offices, their salaries or pensions. Be that as it may, the ground was cleared for a bitter struggle between the executive acting on official instructions and the House of Assembly ignorant of the recognised standards that enabled Parliamentary institutions to function, and determined to secure entire control over the provincial revenue.

Trouble developed sooner than anticipated. The bone of contention was the Civil List which the executive would make permanent and retain within its own control. The Assembly took its own course of action; it investigated every individual office and having ascertained the merits of the service rendered, apportioned a commensurate salary, deprived absentees of all compensation, made annual grants for civil expenses after the British analogy, and insisted that the creation of new offices, together with the disposal of the provincial revenue, be left to its judgment.[70] Only on these terms would the Assembly grant monies. The meaning of this attitude was on the one hand the exercise of an annual application of the appropriated funds, and on the other an annual vote to supply the deficiency in those funds. In other words, the House of Assembly was entirely opposed to the establishment of a permanent revenue. The Executive of course resisted such pretensions as a violation of the constitution and as introducing republican doctrine, as an attempt to deprive the Crown of its permanent and hereditary funds towards the cost of civil government, and placing the officers concerned in a state of annual and precarious dependence upon the House of Assembly.

It was a controversial issue in which both sides appealed to precedent and to implications, and manufactured arguments to make the worse appear the better cause. The official class maintained that the Assembly was more interested in pursuing a policy of reducing the Executive to a subordinate position in the government than in the well-being of the province. The Assembly, on the other hand, justified its refusal to redeem its pledge of 1810, upon the ground that certain conditions were tacitly implied, although not expressed, at the time the offer was made; that only certain fit and proper expenses were included in the offer; that the control of the old revenue of the province, which devolved upon the Crown by the Treaty of Paris,

70. Q 153, p.387, Ready to Bathurst, Dec.21,1819; Q 157,p.215, Dalhousie to Bathurst, June 10,1821; ibid, p.216 ff; Q 163, p.210, Observations by the Solicitor-General upon the Claims of the Assembly.

was a condition "precedent to the gift of any annual sum in aid of it," and that having to contribute a part of the annual budget involved the entire control of the whole together with its application to those purposes originally intended to the different officers as the Assembly should think proper and annually to direct. Constitutionally speaking we have no quarrel to-day with the position taken by the Assembly. It had the undoubted right to direct the expenditure of all monies raised by its orders. To prevent abuses in public expenditure it was and is essential that the whole expense of civil government be annually revised and the whole sum be annually voted, and that there be no private fund immune from the control of the Assembly, since upon the economy in the application of the appropriated fund depended the amount the Assembly would be expected annually to find. Neither side would yield. The Legislative Council would entertain no bill of appropriation for the Civil List containing specification by items, nor unless it were granted for the life of the King. The House of Assembly would not originate or pass any bill without such specifications and for one year only, and not even for this unless the right of applying and apportioning by vote the monies previously voted towards civil expenses, were conceded to them. The Colonial Office took a serious view of the situation, and decided that the only way to cope with it was to send a strong governor with aristocratic traditions to overawe the unruly colonists.[71] The choice fell upon the Duke of Richmond, a man of frank, benevolent and sanguine disposition, a lover of sporting men and of an occasional gentlemanly carouse. He was out of place in that atmosphere of petty parochial politics and narrow-minded intolerance. Instead of pouring oil on troubled waters he aggravated matters still further by despising the local leaders and refusing to have any dealings with them. It was a blunder on his part and earned the retribution that followed it. It added fuel to the flame of racial rivalry and to the jealousy of the French to the English minority in control of the administration. For the first time the French appreciated the political advantages conferred upon them by the Constitution of 1791. There prevailed from this time on a general desire for the "total exclusion of every English member" from the House of Assembly, and the boycott of every person holding a government situation. A decided impetus was given to the development of an opposition party in the province, and to the political struggle that ended with the winning of responsible government. No wonder Richmond failed to secure the permanent Civil List expected of him. His tragic death left local politics more confused than he found it.

71. Dalhousie Papers, Vol.23, Memorandum on the financial differences.

Such was the difficult situation inherited by the Earl of Dalhousie, a soldier and a friend of Wellington, when he assumed control of the government in 1820. He was described by a contemporary as a "quiet, studious, domestic man, faithful to his word and kind, but rather dry." He was under no illusions regarding the problems awaiting solution: he had watched their development from the more tranquil atmosphere of a neighbouring province. He found the political atmosphere full of complaint, "some real, a great deal imaginary." Altogether the Government was "the worst piece of machinery" he ever handled.[72] The wheels of the machine were out of order: some of them had "never been properly fitted" together, and so "seriously affected by party feelings and party quarrels that none of them go smooth." The two branches of the legislature were at variance upon the forms of passing money bills. The failure of the Assembly to renew certain laws did not improve matters, while the interference in elections by the government and the vicious practice of offering places or pensions to those who would support its measures, together with the prevailing policy of favouritism, aggravated the evils. Local officials were a poor lot: the civil secretary knew little law, his clerks were poor penmen, the surveyor-general was worse than useless because ever inaccurate, and the executive council clogged the wheels of progress by its "written reports as lengthy as the Law Papers in the Courts at Edinburgh." Only among the better class of the old Canadian families did he find any "ardent desire for the good of the province!" Such a friendly attitude he claimed deserved recognition by opening up to them "the road of honour...in every branch of the public service."[73]

Having already decided in advance the course to pursue, he went quietly about his business, taking time to understand the local issues that divided opinion into two camps. He perused the journals of both branches of the legislature to trace the origin of the unstable political equilibrium of the province; entertaining "no sort of personal prejudice," refusing the support of all newspapers, he left the measures of his administration to speak for themselves.[74] Anxious only that harmony might prevail and old differences be eliminated, and convinced "that nothing but time and patient forbearance would effect" a change so desirable and win the confidence of the Assembly to his policy, he followed a moderate course, introduced no alterations or innovations, and "studiously avoided any interference with the contending parties."[75] His hopes did not materialise; instead of the success which his lofty aims and eight years of faithful service to the province deserved, he was

72. Dalhousie Papers, Vol.4, Dalhousie to Sir John Keane, St.Lucia, Mar.10,1821.
73. Ibid, Vol.3, Dalhousie to Lt.Col.Drinkwater, Whitehall, July 23,1820; ibid, Vol.4, Dalhousie to Alexander Maclean, Feb.26,1821, and to Judge Stewart, April 8,1821; ibid,Vol.5, Dalhousie to Bathurst, Oct. 26,1820.
74. Ibid, to same, Nov.20,1820, to Colonel Ready, May 23,1822.
75. Ibid, Vol.5, to Drinkwater, March 20,1822; ibid,Vol.4, to Alexander Maclean, Feb.26,1821, and to Sir John Keane, op.cit.

faced with the bitter experience of being denounced before the Imperial Government as an enemy of the public peace of the province, and of being practically recalled for abuse of trust.

In indictment is a formidable one. He was accused of insulting the French Canadians, of dismissing certain militia officers for failing to attend the summer muster, and magistrates of French sympathies to make room for those of English, of partiality in the election of jurors, of irregularity in the administration of justice, of instituting political prosecutions, or interfering in the elections of members of the Assembly, of endeavouring to unite the two provinces in order to crush the Liberal party of Lower Canada, of illegally appropriating public funds to escape responsibility to the Assembly, of sheltering the defaulting Receiver-General from the legal consequences of his guilt, of influencing Parliament to deprive the French Canadians of ancient rights through the Canada Tenures Act, of undignified procedure in seeking to secure a permanent Civil List, and of open sympathy with the oppressors of the people. In the heated atmosphere of the day it is not easy to determine judicially the guilt or innocence of the parties concerned.[76]

In justice to Dalhousie it should be clearly understood that he was quite conscious of the "many blots in the government that called for remedy by the British Parliament without leaving it to the Lower Canada Legislature."[77] He favoured either amending the constitution to meet the views of the Assembly, or enforcing it strictly and impartially. His first official act as Governor bears out the truth of this statement. On May 2,1820, he directed the Executive Council to take into consideration the probable consequences of the failure of the House of Assembly in 1819 to provide for the expenses of the civil government, to inform him what public servants and charges had prior claims for payment out of the revenue at his disposal, and to recommend a course of action should the Assembly continue in its policy of obstruction. In reply the Council advised that the Royal assent be withheld from any supply bill that did not adequately provide for the privileged claims of the Crown.[78] Thus the issue was clearly stated and a deadlock was inevitable. To his request for apermanent Civil List he received the same

76. Dalhousie Papers, Vol.18, Couper to Dalhousie, March 7,1829; Q 182, p.20, Dalhousie to Huskisson, Jan.20,1828, explains his attitude to the dismissed militia officers; ibid, p.284,300, Dalhousie to Murray, Sept.6,1828, concerning the same; ibid, p.122, Dalhousie to Huskisson,Mar.20,1828, calls for enquiry into every act of his administration; Q 193, p.322, Assembly strongly condemns Dalhousie's administration; Canada Committee, 1828, Query 63; Roebuck,op.cit. p.14; Q 186, p.134 ff, Campbell to Murray, Oct.20,1828, the sweeping charges against Dalhousie made for party ends.

77. Dalhousie Papers, Vol.IV, Dalhousie to Alexander Maclean, Feb.26,1821.

78. Ibid, Vol.III, Report of Council to Dalhousie, June 16,1820.

answer as his predecessor.[79] The Lower House in its first session of 1821, curtailed the estimate of £45,000 by £5,000, and voted the balance for one year only, at the same time addressing Dalhousie to use the amount granted promising to vote the balance in the next session. "The speaker was highly offended and surprised when I told him that the offer was ineffectual without the concurrence of the Legislative Council,"[80] wrote Dalhousie to Sir James Kempt, who replied that "the voting of the Civil List for the life of the King is so unusual a proceeding in any colony that we are not much surprised at the disinclination shown" by the Lower Canada Assembly to do so, nor would there be any peace or quietness "if the Civil List is not discussed annually in the House of Assembly, almost all the officers of the government being Englishmen, the Canadian Party in the House have ever been desirous of reducing the salaries...to such a scale that no person but a Canadian will accept of office under the Colonial Government."[81] The rejection of the bill by the Legislative Council left Dalhousie free to act upon his own responsibility as to the payment of monies, "carrying on an Account Current" which required to be settled later by a Bill of Indemnity; but since no such bill had been passed for the expenditure of 1819-20, he acted cautiously, limiting himself to the payment of absolutely essential accounts, while deeply regretting the unhappy results of a state of things that perplexed the Executive, cramped every measure of good government, retarded the prosperity of the country general, and consigned himself to the inglorious rôle of simply filling an office without any public advantage. He consoled himself with the reflection that the habitants were loyal to, and four-fifths of the Assembly respected, the Government; that the dispute existed between the two Houses only, and that perhaps the stupid men who were responsible for the situation might be led to see more clearly into the mischief they had caused, while its continuance might teach the general public the "difference between an active efficient executive/government and one that is palsied and powerless from the want of the authority usually entrusted to it."[82]

The same hostility that prevailed in the first session dominated the second. Anxious for harmony, Dalhousie advised, as the simplest and wisest course to pursue, that local differences might be overcome by adopting the English principle of making a permanent Civil List. The Assembly regarded such advice as gratuitous and "a daring encroachment" upon its privileges, and announced that the custom of voting

79. Q 157, p.206, Dalhousie to Bathurst, June 10,1821, p.259; Q 161, p.218.ff.
80. Dalhousie Papers, Vol.IV, Dalhousie to Kempt, March 15, and to Stewart, April 8, 1821.
81. Ibid, Kempt to Dalhousie, April 28, 1821; ibid, Vol.5, same to same, Feb.7,1822.
82. Ibid, Dalhousie to Kempt, March 15,same to Drinkwater, March 22, same to Alexander Maclean, March 24, same to Bathurst, March 25, and to Judge Stewart, April 8,1821.

annual supply bills would be continued while the Crown retained in its own hands the control of any part of the revenue raised in the province, and provincial resources were administered by persons who were not responsible to it.[83] The Governor replied by informing the Assembly that until the expenses of government were provided for constitutionally, harmony and progress were impossible. An impasse had been reached. In 1822, political affairs went from bad to worse: "party spirit runs so high in the Assembly at present as to give me little hope of any favourable result." Every measure proposed by the Government was rejected, even the needs of the province were disregarded, and the principle revenue act was allowed to expire and with it £30,000 deficit to the province. In effect, the Canadian members who formed a solid opposition party "declared they will grant no subsidy or supply to the King under any terms" - a fitting commentary upon "the wisdom of giving a British constitution to men who can neither read nor write, and who are mulish enough...to kick at those who ought to lead."[84]

In view of the failure of the Assembly to provide for the service of the province, under the impression that the only way to terminate the dispute over the Civil List was by exhausting the 'Public Chest', the Governor acted on his own responsibility, left certain services of a local nature unprovided for, applied the Casual and Territorial Revenues, fines, rents and profits reserved to the Crown, to defray civil expenditure and the officers concerned in the administration of justice, suspended all provincial expenses and establishments, such as agricultural societies, hospitals, roads, canals, public buildings and pensions, and thus brought home to the province at large the serious consequences of the failure of the Assembly to provide the necessary funds: "the King's Government suffers nothing," and having fully warned the Assembly of what would happen, "I will send them home to their constitutents with such a load of refusals on their back that I feel confident the habitant members will be puzzled to explain their conduct," writes Dalhousie.[85] Already the outcry against their folly, ignorance and obstinacy, was rising. He believed a crisis of this sort unavoidable before a change for the better could take place. He even suggested to Bathurst that a permanent Civil List be provided independently of any action of the Assembly, and to make the hereditary revenue of the Crown adequate for the legitimate demands upon it, he favoured a reduction of the expense of the administration of justice on the one hand, and on the other

83. Report of the Public Accounts, 1791 to 1822, Assembly objecting to Executive Control.
84. Dalhousie Papers, Vol.V, Dalhousie to Ramsay, Feb.20, to Bathurst, Jan.25, and Feb.24, to Gilbert Salton, May 5, and a private memo Feb.10,1822.
85. Ibid, Dalhousie to Bathurst, Jan.25, and Feb.24, to Kempt, Jan.27, to Ransay, Feb.20; ibid, Vol.13, private memo, June 1822.

that the revenue act of 14 Geo.III.c.88 be made more productive, leaving the Assembly to grant or refuse annually the expenses of a local nature. In no other way could he see the dawn of political peace.[86]

The state of affairs in Lower Canada and the dispute with Upper Canada over the division of the Customs duties, convinced the Imperial Government that coercive measures were necessary inorder to adjust financial difficulties. A legislative union of the two provinces was decided upon and the Canada Trade Acts were passed which disabled the Lower Canada Legislature from imposing new duties on importations by sea and frustrated its attempts to impoverish the treasury and reduce the Executive to a subordinate position. The Acts were particularly acceptable to Dalhousie because they would make him "nearly independent of legislative appropriations," and because he favoured the policy of laying "a modern duty upon every article that comes to us from a stranger."[87] Alas, the results were other than expected: "The new acts are confused and annoy our inland trade with the States. Our object is to encourage import of every kind from our neighbours in order to increase our shipping exports to all parts of the world - the new acts prohibit nearly all import from the States and therefore starve our shipping."[88]

The legislative union of the provinces was "considered necessary because of the defects of the Act of 1791, which placed the two provinces in a state of perpetual collision from which no escape seemed possible except through legislative union, and so considered one of permanent public necessity."[89] The immediate purpose of of the union was avowedly to Anglicize Lower Canada by assimilating "the Canadas to the language, manners, habits, and above all to the laws and institutions of

86. Dalhousie to Goderich, Aug.31,1827: "In 1822 the Assembly refused to make an appropriation for the Civil expenses of government except in a form that had been, and still would be, rejected by the other Branch, and which moreover would have been at variance with the Instructions I had formerly received;" Q 176, p.281 ff, 585, 598, 723; Q 161, p.218 ff, Dalhousie to Bathurst, June 10,1822; Q 167, p.374, John Davidson to Horton, Sept.18,1823: to relieve Dalhousie's embarrassment, he was allowed to draw on provincial funds; Q 168, p. 16, Dalhousie to Bathurst, March 10,1824, p,132; Q 176, p.751, Nov.10,1826: Dalhousie paid the pensions which were in the free gift of the Crown out of the duties imposed by Statute 14 Geo.III,c.88; Q 199, p.122, Stewart to Hay, June 7,1831, expenses from Military Chest: 1818-31, £149,419 advanced from Military Chest for civil expenses of Canada.

87. Dalhousie Papers, Vol.5, Dalhousie to Bathurst, Dec.20,1822, acknowledging receipt ofthe two bills to regulate the trade of Canada; ibid, to Kempt, Sept.25,1822.

88. Ibid, Vol.II, Dalhousie to Alexander Maclean, Jan.22,1826.

89. Q 153, p.480 ff, John Young to Stuart Wortley, May 15,1819, Duke of Richmond favouring the union of the two Canadas; Q 161, p.276, Dalhousie to Bathurst, Sept.15,1822; Q 162, p.283, Monk to Wilmot, June 7,1822; Q 163, p.63 ff; p, 186, Sherbrooke to Bathurst, March 14,1822, Legislative union would control the undue influence of the L.C.Assembly; Evidence before the Canada Committee of 1828, query 8-9; Q 164, pp.1-25, Abstract of the Bill for Legislative Union; Q 165, pp.106-150, a Bill for uniting the Legislatures of Upper and Lower Canada; Can.Arch.Report, 1929, p.167, the defects of the constitution of 1791.

of Great Britain." The provisions of the bill bear this out: unrepresented townships, where English-speaking settlers predominated, were to be erected into counties with one member each; property qualification of £500 for members was intended to encourage the selection of the more responsible members of society; all written proceedings were to be in English and after fifteen years all debates also; provision was made for the better class of Canadians to learn English, to read the British constitution and laws in English, and to qualify themselves by education to take that share in politics to which their station in society entitled them. Dalhousie favoured the step and its immediate adoption as a wise measure both to the state and to the people. The time was "peculiarly favourable" since both provinces were conscious that their troublesome attitude merited some prompt and decisive action by the British Government.[90] The measure was even more necessary to correct the mistakes consequent upon an ill-judged division of the country in 1791. The Constitution Act instead of abating the virulence of racial prejudice gave Quebec the privilege of indulging in it, and instead of facilitating government it ranged the two races in violent political opposition to each other.[91] Since 1818, "the hatred between the two classes, Canadian and British in Lower Canada, had greatly increased and the hatred" of Upper Canada for Lower Canada "is of a still deeper dye." Dalhousie saw no prosperity to Canada in its divided state - the provinces were mutually complimentary.[92] He compared the Lower Canada that might have had "British laws operated in the generation since 1791, to the priest-ridden jealousy and narrowness which crampted every measure of Government."[93] The Imperial Parliament alone could solve the issue. "Either unite them," he writes,"and command their attention to the immediate concerns of the country, or withdraw His Majesty's troops and protection," and leave them to govern themselves -"such a threat would stampede them into any acceptance."[94]

Opinion in both provinces was sharply divided over the bill. "The thinking and respectable classes" in Lower Canada favoured it; the lawyers and "habitant" members, illiterate and inexperienced, the tools of a few leaders, opposed it; almost every township and settlement in which British settlers predominated favoured it, as against the older settlements who dreaded the loss of their religion and civil rights, secured by ancient treaties and statutes. The Legislative Council opposed it because of "the fears and apprehensions, jealousies and discontent it might excite The press, according to its political colour, reflected the bitter sentiments of the

90. Dalhousie Papers, Vol.5, Dalhousie to Drinkwater, July 10,1822.
91. Ibid, Dalhousie to Lord Montague, Nov.23 and Hon.W.Smith to Dalhousie, March 1822.
92. Ibid, Dalhousie to Bathurst, Dec.20, and to Hon.Mr.Dale, Dec.22,1822; Q 166, p.506 ff, Dalhousie to Bathurst, Nov.21,1823.
93. Ibid, Dalhousie to Kempt, Sept.25,1822.
94. Ibid, Dalhousie to Macdonnell, Nov.23,1822.

day either as hostile to government or oppressive to the people. The Upper Canada Legislature favoured union, but opinion in the province was divided: a large element of the settlers feared that their interests would be neglected in a mixed legislature, dominated by the French; both York and Quebec opposed it fearing the removal of their respective legislatures might effect the value of private property.[95] In the Imperial Parliament, opposition to the union was ably voiced by Hume and others; much was made of the failure of the bill to guarantee to the French element the rights and privileges enjoyed under their own laws and making them so permanent as to be incapable of repeal by the operation of the united legislature. Altogether the discussions and arguments over union left behind "a lurking flame which nourishes ill-will and suspicions of the real intentions of the King's Government towards the province," wrote Dalhousie to Kempt.[96] But the idea of union lived and was periodically revived until its consumation in 1840.[97] In view of the failure of the scheme, and because "the influence of the Crown and the Assemblies of the North American provinces" was very slight, the Colonial Office recommended the lieutenant-governor of both provinces "to endeavour so to increase the Casual and Territorial Revenues of the Crown so as to accomplish the absolutely necessary purposes of civil government," and so make the executive independent of the vote of the House of Assembly as the only recognised means of compelling that body to act reasonably.[98] The answer was the formation of Land Companies in every province.[98]

Troubles accumulated for Lord Dalhousie during the balance of his term of office: they grew in number and magnitude. The two branches of the legislature maintained their uncompromising attitude to each other's claims; the Receiver-General defaulted; militia officers forgot the meaning of discipline; Papineau was rejected as Speaker of the Assembly; Burton's "surrender" confused matters seriously; the country was in arms over the New Tenures Act, and the Assembly over the unexpected dissolution of 1827. Bills of indemnity for monies expended without the sanction of legislative acts towards supporting the Civil Government since 1819, were passed by the Lower House in 1823, and rejected by the Upper House because they did not ~~confer~~ cover the entire amount of expenditure necessarily incurred.[99] In 1823-24,

95. Ibid, Dalhousie to Drinkwater, July 10; to Bathurst, Dec.20, and Hale, Dec.22, op.cit; Q 161, p.304; Q 162, p.289; Q 163, p.136 ff; 141 ff, 160, 166 , July 8, 1822, protests against a legislative union without giving the colonists an opportunity to protest; Q 164, largely devoted to arguments for and against union; Q 166, p.1 ff, French opposition; Roebuck, Existing difficulties in the Government of Canada, p.12; Q 333, p.60 ff, Maitland to Bathurst, Fev.22,1823, U.C.petitions against Union.
96. Dalhousie Papers, Vol.II, March 2,1826; Garneau 4e edition, Tome III, p.239; Christie, op.cit. Vol.2, p.384.
97. Ibid, Vol.9, Dalhousie to Horton, Oct.17,1824; Letter addressed to H.M's Under-Secretary of State on the subject of the Provinces of U.and L.Canada, by Papineau and Neilson, 1824; Q 168, p.298, July 19,1824; C.O. 324/89, p.16, Hay to Edward Ellice; Garneau 4 Edition III,p.239;Christie,op.cit.Vol.2,p.384.
98. C.O. 324/97, p.5, Horton to W.Hill, Nov.11, 1826.
99. Dalhousie Papers, Vol.23 - journals of Legislative Council.

the practice was adopted of submitting the estimates in two schedules - one for the permanent and one for the local and provincial objects. The House of Assembly disregarded absolutely such a classification of offices, reduced every salary twenty-five per cent from the highest to the lowest, under pretence of financial embarrassment through the insolvency of the Receiver-General, applied in detail the revenue previously appropriated and made up the deficiency out of funds at its own disposal. The Legislative Council rejected the bill since it disregarded the distinction as to the two official classes. At the same time the Assembly accused Dalhousie of prodigality and illegally using public monies. The House took advantage of the financial situation to enhance its own powers and embarrass the Governor. Dalhousie admitted having overstepped the letter of the law, but pleaded justification, since in no other way could the affairs of the province be saved from utter confusion: "State necessity justifies any literal illegality" - a dangerous doctrine to preach; that he had confined himself to the immediate wants of the province sanctioned by law or custom before his arrival. He took his stand upon what he regarded as the imperative needs of the situation; denied he had been prodigal of public funds - he paid only fair and audited demands, and claimed that his conduct merited praise rather than the violent abuse heaped upon him by the Lower House. Once again he would act on the strict letter of the law and allow "the province to feel the consequences of the folly and absurd violence of the Assembly;" he would refuse to pay one shilling that was not authorised by law and refuse his assent to any money bill proposed by the Assembly until the estimated expenses of the Government were provided for.[100] The unexpected happened with a vengeance. In the third session the Appropriation bill passed both Houses and was accepted by Dalhousie, who was thus obligated to pay monies "which every individual member knew was not in the Treasurer's Chest. The Government was thus forced to prove what was notorious to the public that the Receiver-General was utterly bankrupt."

The bankruptcy of the Receiver-General was a severe blow to the prestige of Government and a most humiliating embarrassment to Lord Dalhousie, already the target of so much criticism: "a sad blow-up has just taken place in the total bankruptcy of the Receiver-General of the province...It has been long foreseen...(and) throws great addition of trouble and responsibility on me."[101] It was a strange situation: The Receiver-General was a Crown appointment, the custodian of all public monies, and enjoying the privilege, in lieu of a sufficient salary, of profiting from the balances

100. Dalhousie Papers, Vol.8, Memo for the perusal of any member of the Legislature March 1,1824; ibid, Vol.20, Report of the Select Committee of the U.C.Legislative Council, Feb.1838; Q 166, p.251, Dalhousie to Bathurst, April 23,1823.
101. Dalhousie Papers, Vol.7, Dalhousie to Alex.Maclean, Aug.18,1823.

in his hands. Between 1811 and 1821, Sir John Caldwell held large balances which were insufficiently covered by securities [102]; with these he speculated in waste lands and engaged extensively in the lumber and export trade of the province. That an individual in control of public funds should engage in such commercial pursuits became a subject of public anxiety and was strongly resented by the merchants. Even the Audit office in 1823 became concerned and urged that precautions be taken against loss.[103] To expose these speculative practices, the Lower House called for a statement of monies in Sir John's hands; his refusal to do so was regarded by the House as evidence of guilt, and led to the passing of the appropriation bill of 1823 authorising the Governor to draw bills on the Receiver-General for public services.

Dalhousie has been accused of shielding Caldwell from just punishment; on the contrary, he was determined "that the truth, the whole truth, and nothing but the truth" should be made public: "any protection of government extended to public defaulters such as Caldwell and Davidson is unwise and mischievous."[104] He refused Caldwell's request to advance the deficit of £79,000 from the Military Chest, and took immediate steps to protect public interests: "I cannot...in any feeling for an individual lose sight of my own duty;" but he had no desire to act unduly harshly, and he delayed payments for months to enable Caldwell to state his case to the Imperial Government and secure such relief as he could. Only then did he suspend Caldwell from office and he was declared a public defaulter in the sum of £96,000.[105] There was another reason to explain Dalhousie's attitude. The patronage system inflicted unwelcome guests upon the public. "If I am not permitted," he wrote the Chief Justice, "to advance merit and good character in this province, I will not maintain useless conflict with Superior Powers." Caldwell was responsible to the Lords of the Treasury; let them settle the mess. It was not an easy matter. In 1824, Caldwell offered to pay a certain proportion within ten years, stated that the estate was entailed, and asked for an allowance for past services. The Treasury declared the first "insufficient and inadmissible," the second invalid, the third illusory, and directed the provincail government "to take the most effectual ~~steps~~ measures for securing Mr. Caldwell's property, and bringing to sale in the most advantageous manner for the public." Horton, however, favoured some middle course by which the property would be held as "security rather than as a means of immediate payment," and combine some degree of lenity to Caldwell with a proper regard to the

102. Q 167, pp.196,204, 208, Harrison to Horton, Oct.9,1823.
103. Q 170, p.196 and 302, Davidson to Horton, Aug.25,1824; Dalhousie Papers, Vol. 8, Notes on Dalhousie's administration, 1820-24.
104. Dalhousie Papers, Vol.5, Kempt to Dalhousie, Oct.22,1822, quoting from a previous letter of Dalhousie; Dalhousie to Chief Justice Sewell, Jan.2,1827.
105. Ibid, Vol.6, Dalhousie to Bathurst, April 27; Vol.7, same to same Aug.24, and to Sir John Caldwell, Nov.29,1823; Q 166, p.478, Dalhousie to Bathurst, Aug.23,1823, pp.194-250, Caldwell's defalcations; Q 165,pp.426-67; Q 168, p.195 ff.

ultimate payment of the debt.[106] Ultimately, the Government obtained judgment against him for the full amount plus interest since August 1823, in spite of his various appeals against the decision.[107] His property was seized, but he was left in charge of it to enable him to liquidate his debt on the indisputable plea that by postponing sale the value of the property increased, while the Crown, as first creditor, ran no risks by the delay: a solution suggested by Dalhousie to Bathurst in August 1823.[108] In 1836, Glenelg refused an offer of £150,000 for the property.[109]

The struggle over the Tenures Act was even more bitter than that over the Union bill since it threatened rights and prejudices of the most sensitive nature: it meant nothing less than the total abolition of the feudal tenure and the conversion of all feudal grants into freehold tenure. The policy of introducing one uniform land system into the whole of Canada was long under consideration by the British Government before the provision for the change in the law relating to the tenure of lands in Lower Canada was included in the Bill of 1822, for the regulation of trade with the United States, which later became the Canada Tenures Act of 1826 (6 Geo.4,c.59), and the bête noire of the House of Assembly.[110] But there was a distinct difference between the two methods. By the Act of 1822, the Crown released the seignior from his engagements on condition of paying the sum of five per cent on the estimated value of the seigniory; he was not obliged to release the censitaires from their obligations to him. But the right of the seignior to the seigniory was of a qualified and limited nature, since by the law of the province he was compelled to concede the ungranted lands in his seigniory to applicants desirous of settling on them, and on like conditions as were originally imposed on the first grants made in the seigniory. As seignior he was entitled on the one hand to a small annual rent in perpetuity amounting to scarcely anything more than an acknowledgment for his right in the land, and on the other to lods et ventes - or commutation fine, amounting to one-twelfth of the purchase money upon every sale of land within the seigniory, payable by the purchaser. These conditions being fulfilled he could not disturb the possessor of the land. The new law would make the seignior absolute owner of the ungranted portion of the seigniory and enable him to agree

106. Dalhousie Papers, Vol.9, A.W.Cochrane to Dalhousie, Dec.2,1824; Q 169, p.186, Harrison to Horton, Nov.18,1824, recommending confiscation.
107. Q 170, p.329; Q 193, p.156 ff; Q 206, p.318, Aylmer to Goderich, Feb.20,1833; Dalhousie Papers, Vol.14, Dalhousie to Goderich, Aug.31,1827,suit in progress.
108. Ibid,Vol.7; Q 171, p.34, Burton to Nathurst, Mar.25,1825; Q 166, p.487.
109. Q 228, p.443, Gosford to Glenelg, July 15,1836, ibid, p.445, Glenelg to Gosford; Commons Papers, No.356, 1837, p.5; C.O. 324/89, Hay to Kempt, Sept.29, 1829, ibid, 324/97, p.1 ff, Horton to Dalhousie.
110. Dalhousie Papers, Vol.10, A.W.Cochrance to Dalhousie, March 22,1825: Horton in 1825 took steps to introduce legislation for "facilitating the conversion of the seigniorial tenures in Lower Canada and for other purposes;" Q 163, p.1, 9 ff; Q 176, p.512; Can.Arch.Report 1899, p.XXIV.

with his censitaires - should they so desire it - for a commutation of their respective lands from feudal tenure to free and common soccage on payment of a compensation to be fixed by arbitrators, after which all lands became subject to other laws than those previously affecting them. The House of Assembly took up the question and declared against a change in the system.[111]

The Assembly had other objections to the Act. Plans were being made to establish an office to register all transactions in land in order to protect purchasers from fraud continually practised on them under cover of the French laws:"the actual state of our laws in this respect spread continual snares around the steps of the industrious man who purchases in good faith a property." Notaries were bound by oath of office to profound secrecy in all business transactions, and were "required to do acts utterly dishonest and dishonourable," by which "a person with real property may borrow upon mortgages to any amount without its being known that he has a single mortgage, or the least incumbrance upon his estate....there are a multiplicity of other different ways in which imposition may be practised," and which might have been prevented. The system pressed most heavily upon strangers. For years Dalhousie advised remedial action, "but the prejudice of Canadian members against any apparent innovation...have made them reject every attempt to introduce this measure," while Canadian lawyers objected to the proposed change because it would "expose a man's debts and circumstances," and "lead to the easy sale" of the seigniories to English purchasers.[112] Any relief to the sufferers could only come from the Imperial Parliament.

The Tenures Act was open to another objection. In view of the defeat of the Union Act of 1822, and the determined opposition of the Assembly, Dalhousie, at the suggestion of A.W.Cochrane, sanctioned the inclusion in the Tenures Act of three subjects of great importance to the province which seemed unlikely to receive adequate treatment from a legislature composed chiefly of persons interested in the

111. Canada Committee, 1828, p.69; Q 167, p.600, J.Stuart to Horton, Aug.30,1823; Q 172, p.102, Dalhousie to Horton, March 25,1825, to facilitate transfer from feudal to freehold tenure Dalhousie favoured escheating all undeveloped grants; Q 175, p.54, Horton to Ellice, Aug.6,1823, no provision in the Act of 1822, for the censitaires; ibid, p.60, Aug.15,1823, Ellice to Horton approving the lowering of the fine from one-third to one-fifth of the value of commuted property; ibid,p.91 Stuart to Horton, Aug.30,1823, the censitaires to benefit from any commutation; ibid,p.1, June 22,1825, Bill to amend Act of 1822; Q 176, p.512, June 19,1826, change of tenure delayed because the seignior was compelled to grant the censitaires a commutation similar to his own; Can.Arch.Report 1899, p.XXIV; Q 173, p.92 ff, Proclamation giving effect to the abolition of feudal tenure, Stephen to Horton, Aug.4,1825; Q 174, p.141, July 2,1825, the Canadian Tenure Act is now law; Dalhousie Papers,Dalhousie to Bathurst, June 18,1826.

112. Ibid, Vol.12, Memo, Feb.20,1827; ibid, Vol.16, Dalhousie to Huskisson,Jan.25, 1828; ibid, Vol.4, Archd.Campbell to Dalhousie, Dec.5,1821; Canadian Spectator Feb.28,1827.

lands affected by these proposed changes. These subjects were (1)the resumption of all unsettled lands by escheat, (2) a new sub-division of the province, (3) a better representation in the Assembly of the townships south of the St. Lawrence. The first was considered imperative because out of the two million acres granted in free and common soccage seven-eights remained uncultivated and therefore liable to escheat for non-performance of conditions of settlement stipulated in the Letters Patent, and because the six million acres held under seigniorial tenure were similarly affected and if legally permissible were equally liable to escheat; and since "The obsolete course of proceedings which the ancient law of Canada points out for the resumption both of soccage and seigniorial lands is so incumbered with difficulties, and so inapplicable to the present status of the province...that it is next to impossible for the Crown to resume its just rights," the intervention of Parliament was considered necessary. A new sub-division of the province was called for by the inconvenient manner in which the existing lines were drawn - straight across the country intersecting those of parishes, townships, and seigniories, creating endless confusion in the minor details of local magistracy,and government in the province generally. Parliament having originally authorised these divisions was looked to for further instructions "to establish from time to time new lines of districts and counties as the increase of population" might require it. The third - the increase of the English representation in the Assembly - was not only a matter of policy, it was also an act of justice. Twenty-five to thirty thousand English-speaking settlers occupying lands in the townships south of the St. Lawrence were excluded from representation in spite of a seventeen year struggle for their political rights; and since it seemed unlikely that a local legislature dominated by the French should do justice to their racial rivals, equity called for the interference by the British Parliament.[113]

The Imperial Parliament, in sanctioning these changes implicit in the Tenures Act, may have been anxious only for the general welfare of the province; the Assembly refused to believe so and loudly and persistently demanded the repeal of the Act on the grounds that ~~its~~ the enacting of the statute infringed upon the powers of the local Assembly; that it was passed without adequate knowledge of the circumstances and needs of the province; and that all these changes offended the feelings and sentiments of the habitants. They were incompatible with their habits of life, were forced upon them contrary to their rights, interests and desires,

113. Dalhousie Papers, Vol.10, Dalhousie to Bathurst, April 5,1825; ibid, A.W. Cochrane to Dalhousie, March 22,1825: on March 25, Dalhousie sanctioned this course of action in a despatch to Horton.

while the feudal burdens were so light on agriculture as scarcely to warrant a desire for relief by a change of tenure. In addition the operation of the Act was expected to result in the greatest confusion in the law by introducing "all the evils of the conveyancing system of England," destroying acknowledged rights, rendering titles insecure, facilitating fraud and oppression, introducing the rights of primogeniture, and altogether augmenting the prevailing feeling of hostility to England and English institutions among all classes of the people.[114] It was immaterial that the Act was merely an enabling not a mandatory act, and that in its last clause it reserved to the Lower Canada Legislature the power to pass any measure which might be necessary to render its operation effectual and beneficial, and that the Imperial Parliament, in the hope of reconciling the people to the Act granted the Provincial Legislature (March 30,1831) power to regulate the descent, alienation, and tenure of soccage lands in any way deemed desirable,[115] but in view of the friction between the two branches of the Legislature, no such measure could possibly pass. The House then petitioned the Governor-General to grant commutation with reservations protecting the inhabitants in their ancient rights until repeal could be secured. The Governor-General's refusal was answered by Papineau's Ninety-Two Resolutions in which he violently remonstrated against the position taken up by the Executive and demanded that public and political agitation be maintained until repeal was secured.[116] The law officers of the Crown looked for a solution through the harmonious cooperation of the two branches of the Legislature, but while the French-speaking majority controlled the Assembly, and the English-speaking minority the Executive Government and Legislative Council, harmony was impossible. The House of Assembly, therefore, considered itself justified in resisting such a flagrant innovation of its constitutional rights, repudiated the charge of "bigotted adherence to their own customs" because they would remove "their

114. Canada Committee 1828: Viger claimed the Act created great discontent. Dalhousie denied this because the subject of the Act was little known, was scarcely in operation and was optional upon all, Dalhousie Papers, Vol.18; Q 193, p.109 ff, Kempt to Murray, Jan.1,1830, Habitants indifferent to change, "interests of seigniors being positively adverse to it;" Canada Arch.Report, 1899, p.XXIV; Q 197, p.295, Aylmer to Goderich,April 7,1831, Assembly petitioning for the repeal of the Tenures Act; Roebuck, op.cit. p.28 ff; Barrister, op.cit. p.22 ff; L.C.Grievances 1836, p.9.

115. L.C.Assembly Statement, Jan.28,1832.

116. Q 215, p.84 ff, Aylmer to Stanley, March 5,1834, the salient points in the 92 Resolutions are:- The Legislative Council, the Executive Council, waste lands, interferences at elections, Tenures Act, control of revenue, unauthorised payments by the Executive, contingent expenses of the House of Assembly, misconduct of public officers; Q 216, p.272 ff, Aylmer to Stanley, May 1,1834, analyses the 92 Resolutions as follows:- True 11, Mixed with falsehood, 6, false, 16, doubtful 17, ridiculous 12, repetitions 7, very abusive 14, false and seditious 4, good or indifferent 5; ibid, p.357, the consensus of public opinion on the Resolutions; Q 221, p.249, additions of a pungent nature to the 92 Resolutions; O.P. 56,: Les 92 Resolutions concernant l'etat de la Province, 21 fevrier 1834, Canadian Public Archives.

own evils in their own way," and regarded the existence of the Tenures Act as a positive public grievance.[117]

The fight for commutation was marked by glaring inconsistencies on both sides. The English minority and official class were seeking to weaken the political influence of the French leaders over the Assembly: free tenure was expected to result in an independent electorate.[118] They claimed therefore that feudal tenure stood condemned because it perpetuated bad government, was incompatible with the enlightened spirit of the age, fettered the transfer of landed property and rendered it unavailable for purposes of commerce, was defended only by the seigniors and notaries who feared the loss of power and income from the proposed changes, and resisted them in the presumed interests of the inhabitants whose representatives they were in the Assembly, and thus misrepresented the voice of the people. More serious objections still to the feudal tenure were found in the low value of the land and in the depressed state of agriculture as compared with Upper Canada and the United States, in the fines incident to the tenure which operated as a tax upon improvements and discouraged progress, and in the millions of acres liable to escheat because of their waste condition.[119] On the other hand the French politicians in their opposition were in the main shrouding their hostility to English immigration. Religious issues also complicated the situation.[120] Roman Catholics in all seigniories were legally bound to pay a tithe of one twenty-sixth part of their produce in corn to their clergy, while Protestants were exempt from any such payment. It is obvious therefore that both the habitants and their clergy would endeavour to inhibit the settlement of Protestants in the seigniories, since the more land they occupied the heavier would be the burden upon the Catholics. Such a situation, quite apart from the merits of the case, would be of sufficient weight per se to influence the Assembly in its demand for the repeal of the Tenures Act.

The final settlement of the struggle over commutation ~~lies~~ did not materialise until 1854, but a brief summary of the various steps leading thereto may not be out of place. In 1843, a commission appointed by the Governor-General at the request of the joint Legislature of the two provinces to investigate the grievances of the Lower Canada landowners, recommended the entire abolition of this feudal anachronism and the indemnification of the seigniors. In 1845, however, an Act, slightly amended in 1849, favouring optional commutation was passed which permitted the habitant to commute his obligations to his seignior for a lump sum mutually agreed

117. Roebuck, op.cit. p.30.
118. Canada Arch. Report, 1929, p.169.
119. Canada Committee 1828, Query 18, Horton's Evidence.
120. General Report of the Canada Commissioners, p.42, par.20-21; Barrister, op.cit. p.35.

upon. The result of such concession was almost negligible, due partly to the difficulty in deciding how much exactly was due to the seigniors, partly to the poverty of the habitants, and partly to an inate reluctance to change. The Legislature therefore decided that the only solution was compulsory commutation in the case of seignior and habitant alike. In 1854, the ministry of McNab-Morin was returned to power pledged to the final abolition of feudal rights and duties. On the basis of a report of a commission of investigation a schedule of fixed rents was drawn up and put into force, and provision made to indemnify the seigniors, completing the stormy history of the struggle. By 1906, however, comparatively few had taken advantage of this provision.[121]

In 1824, a new angle was given to local politics: Lord Dalhousie was given leave of absence to look after private business and Sir Francis Burton, "a great courtier, a pleasant companion and an agreeable member of society," but unfit to govern because of his weakness, vanity and love of popularity, became administrator.[122] Of his appointment as Lieutenant-Governor of New Brunswick, Lord Dalhousie wrote "It really seems as if the Colonial Minister had conspired against His Majesty's Colonies and sought for ways by which to throw them into difficulties and discontent."[123] He introduced a new financial method into the intricacies of local politics. After fifteen years of misunderstandings and disputes, a bill, lacking the usual itemised statements, passed both Houses settling on the King a fixed sum for the ordinary expenses of government, but for one year only, and short by £3,000 of the estimate submitted by Burton. The absence of any reference to the permanent revenue led to the belief that the House of Assembly had actually surrendered all claims to it. Only two members of the Legislative Council voted against it.[124] It was soon apparent that Burton had been duped; the Assembly instead of surrendering any of its former claims had established the right to make annual grants, to fix the various items by vote, and to make its will binding upon the Executive. The Speaker, in presenting the Supply Bill for approval, expressed a conviction that was rather significant if not ominous: "No Governor or Administrator of the Government need look for peace or tranquility in his administration unless he will condescend to bow to the Assembly in the persons of their leaders and follow their direction."[125] The acquiescence of the Legislative Council was regarded as a graceful, prudent and voluntary surrender to public judgment. Burton was congratulated for his conciliatory and enlightened prudence in guiding the difficult affairs to a happy issue.

121. Munro, Seigniorial, p.239.
122. Dalhousie Papers, Vol.10, Dalhousie to Drinkwater, Oct.3,1825.
123. Ibid, Vol.17, to Sir Howard Douglas, July 8,1828.
124. Ibid, Vol.10, financial difficulties of L.C. March 18,1825.
125. Ibid, Vol.18, statement by Dalhousie relative to the correspondence concerning the Supply Bill of 1825, May 25,1829; Q 172, p.16, Cochrane to Horton, May 14,1825, the nature and resources of L.C.revenues, their expenditures, and extent and grounds of the claims of the Assembly.

It was regarded as an introduction to a political milennium. Burton believed it and told Bathurst so, who in return censured him for accepting a mutilated Civil List. Unfortunately for the political peace of the province, the Assembly claimed wider powers than were consistent with its own declared sentiments on previous occasions. Its action was also contrary to fact. Salaries were reduced which had been paid "since the commencement of the constitution," and "thrice sanctioned by the Assembly and twice by an act of the whole Legislature." Moreover the Assembly, by claiming the right to discuss all salaries annually and make alterations in them, was regarded as a deliberate claim to the whole power of government, which would make all public officers dependent upon its will should the governor act upon the provision of 1825, while the sanction of the Legislative Council would severely hamper his freedom of action.[126]

Dalhousie disregarded Burton's constitutional lapse, and on his return to Canada took up the reins of office as if nothing unusual had occured in the meantime fortified by Bathurst's approval of his official conduct and "most explicit orders to continue as" he had begun.[127] Before the session opened (January 21,1826), he had been assured of the support of the members on all matters tending to advance the general welfare of the province, and was led to believe that the financial difficulties of such long standing had been satisfactorily disposed of. In his opening speech he alluded only to the common interests of the province. Trouble began when, in placing the estimates before the House, he distinguished as formerly between the permanent Crown revenue and the unappropriated funds, and called for a specific sum from the latter in aid of the former. In support of this he pleaded positive instructions "to adopt the forms of accounts and estimates" as heretofore, "showing to you one branch of revenue for your information and the other branch for your appropriation."[128] He was deeply disappointed in the response of the House which "proceeded as last year to vote the whole expenditure by items," refusing and changing at its pleasure, and prefacing its proceedings by a definite assertion of its "right to dispose of the whole revenues raised within the province." Thus in spite of the Act of 1825, no "opinion had been abandoned or in the least degree altered." Once again Dalhousie was thrown upon his own responsibility; he would act as on former occasions under similar circumstances. He had no anxiety on the score of funds, for the provincial income was greater than ever amounting to £110,000.[129]

126. Dalhousie Papers, Vol.10, extract from the Canadian Spectator, April 6,1825; Vol.23, extracts from the journals of the Legislative Council.
127. Ibid, Vol.10, Dalhousie to Alex.Maclean, Sept.30,1825, to Bathurst Feb.15,182
128. Ibid, Vol.11, Speech on closing the session, March 29,1826.
129. Ibid, Dalhousie to Bathurst, April 3, and to Alex.Maclean, Jan.22,1826; Q 176 pp.523-50, Dalhousie to Bathurst, June 19,1826, the Assembly claiming the right to apply and dispose of the revenues arising from 14 Geo.3,c.88.

In 1827, matters went from bad to worse. The Lower House became increasingly more hostile and independent in its attitude to the Executive. Parliamentary forms were utterly disregarded. Convinced that "His Majesty's Government must assume a character of firmness and authority to maintain that respect which is necessary to its existence," Dalhousie adopted a severe tone in addressing the Assembly. The time for conciliation had passed; the House went its own way, disregarded the measures of the Executive, and passed bills granting thousands for education and roads not called for in the estimates, which could only be sanctioned by the Governor after the official estimates had been approved by the House. No such approval being forthcoming, Dalhousie proceeded as formerly to issue warrants for the payment of necessary salaries, whereupon the House resolved "that no grant shall be made to His Majesty while pretensions are insisted upon by Government to the appropriation of any part of the annual revenue without the previous vote of that House, and that the whole must be placed at the disposal of the Assembly."[130] There was nothing to do but dissolve the House, call a new Assembly in October, meet in the same firm, calm and decided manner as formerly, call for positive assurances of support, and if that were denied him he would resign unless the Colonial Office adopted stronger measures.[131]

Goderich sustained him in his actions and rejected the claim of right set up by the Lower House "of controlling by their annual votes the disposition of those revenues which the Crown enjoys independently of their authority;" to admit the claim "would unhinge the whole frame of government." None the less Dalhousie was advised to seek a solution of these conflicting and dangerous pretensions - the unfailing sources of discord and embarrassment - but without "compromise of principle or dignity." The Lower House was asked - as Dalhousie had been recommending ever since 1821 - to grant a Civil List in lieu of the Crown's hereditory revenues "now raised in the province by virtue of any British acts of Parliament and of which the appropriation" was in British hands, such as all customs duties imposed prior to 1791, and the nett proceeds from licenses and the post-office, amounting in all to £33,000, in return for a Civil List of £36,000 per annum for ten years.[132] Should the Legislature refuse the request this extra revenue was to be placed at Dalhousie's disposal to make him independent of the Legislature.[133] In 1825 the Lords of the Treasury were willing to increase the permanent revenue from Lower Canada by surrendering the proceeds from the Customs and Post Office.[134] Such a concession if

130. Dalhousie Papers, Vol.13, Dalhousie to Bathurst, April 20,1827.
131. Ibid, Vol.14, Dalhousie to Alex.Maclean, July 25,1827.
132. Ibid, Goderich to Dalhousie, July31,1827.
133. Ibid, same to same, Aug.6,1827.
134. Ibid, Vol.10, Cochrane to R.W.Horton, Jan.1,1825.
135.

graciously made earlier in the dispute, might have poured oil upon the waters of local politics. Even late as it was, it introduced a new element that called for a fresh approach to the financial issue. The Assembly could no longer maintain that "the circumstances which render a life allowance perfectly safe in England" did not exist in Lower Canada, and whereas the refusal to grant a Civil List in 1821 was justified because there was no intention of surrendering the whole or even part of the permanent revenue to the province, the offer of 1827 was expected to meet with favourable response without a "charge of inconsistency" being brought against the Assembly.[135]

Such lofty hopes were doomed to disappointment. The elections of that year were the wildest on record; organised by Papineau, "powerfully and secretly aided by the Catholic clergy in every village in the province," a campaign of abuse and misrepresentation was staged to excite the voters against the Government. All sorts of wild stories were circulated: the Government planned to lay a poll tax on the people, draft the young men into the army, and deprive the people of their religion. "No British born or any proprietor of free and common soccage land was permitted to give a vote." The representation was a mockery and the French were in absolute control of the political situation. Worse still the selection of representatives was bad. The new House was "a thousand degrees worse than the last - the lowest dregs of society, village surgeons, butchers, tavernkeepers, and such that...I cannot give them my usual public dinner." Dalhousie expected nothing but trouble from such a body.[136] Nor was he disappointed: he "stuck fast on the threshold of business." His rejection of Papineau as Speaker and the heated imagination of the members led to scenes of violence that even he had not anticipated. The rules and usages of Parliament were entirely disregarded by the House which resolved "that the King's approbation was not at all necessary" in their choice of Speaker. This open denial of the King's prerogative and the violent language of a resulution about to be entered on the Journals called for an immediate prorogation (November 22): "There was not other way to deal with them but to put an extinguisher on them," wrote Dalhousie, adding "Here I sincerely hope will be an end of Parliament in this province, until the Imperial Parliament shall reconsider and compare the speeches of Pitt and Fox with the experience we now have of thirty-six years of practice."[137] Having checked the democratic fervour of the Assembly, Dalhousie awaited the issue calmly. His action might mean his recall; he cared not; the

135. Ibid, Vol.14, considerations on the expediency of again proposing to the Assembly of L.C. to grant a Civil List, 1827.
136. Ibid, Dalhousie to Huskisson, Dec.10,1827.
137. Ibid, to Kempt, Nov.22,1827.

Assembly might fume, but the country was perfectly "quiet, orderly, loyal and contented." Nor did the situation create any new difficulties in the province. Salaries and the common course of payments would be continued. The Treasury was over-flowing: he was "oppressed by surplus funds. The whole dollar currency of the country is withdrawn and is accumulated in the Receiver-General's Chest." After paying all current demands he would still have in cash, or due on excellent bonds, a surplus of £106,000, exclusive of £120,000 due by Caldwell.

A high-minded man feels deeply the failure of cherished plans and searches for the underlying causes of failure. Dalhousie had long pondered the riddle of Lower Canada politics, and found their interpretation in a combination of circumstances. On the one hand there were inherent defects in the constitution that magnified the difficulties of administration, and on the other there were local factors that increased the possibilities of disagreement. In the first place he traced the weakness of government to the lack of control over patronage in the great appointments. The chief offices and situations were given to absentees or strangers, who were abominated by the habitants and who rendered no service to the public. In the next place the Governor had no person in the Assembly officially responsible for the introduction of government measures and their defence in debate, with sufficient influence to rally the well-disposed members of the House. While the British merchants and proprietors held seats in the Assembly, the Government was well supported and all went smoothly, but there expulsion by the habitants left the Government friendless before its enemies. Even as unfortunate was the passive indifference and idleness of the Law Officers and others of the Crown who took no interest or share in anything that concerned the Government unless they were paid for it. Of such were the Attorney-General, the Solicitor-General, Advocate-General, the Collector and the Comptroller of Customs, Provincial Secretary, the King's Domaine Collector, the Officers of Trinity House, the Sheriffs of Districts, and a whole tribe of others too numerous to be mention.[138] More aggravating still was "the idleness and ignorance of Lord Bathurst's office" that hampered "all our public business to a degree that is almost incredible;" on the one hand neglecting to send necessary instructions long overdue, and on the other issuing "peremptory and decisive...unwise and unreasonable" commands upon particular subjects of whose real state the Colonial Office was in stygian ignorance: "The House naturally lays the blame on me and I must silently submit,"[139] which was rather annoying.

138. Ibid, Vol.13, Quebec, 1822.

139. Ibid, Vol.11, Dalhousie to Alex.Maclean, Jan.22,1826, to Kempt, March 2; Ibid Vol.19, Kempt to Dalhousie, Aug.29,1830, Murray "is the coldest and most unsatisfactory official...that I ever came in contact with;" ibid, Couper to Dalhousie, Aug.29,1830, "Surely Mr. Hay of the C.O. must be a..., his blunders are quite laughable, if they were not creative of so much inconvenience; Mills, Colonization, pp.12-13, Stephen says of Murray that up to the end of 1828, he had done nothing and Hay says of him that he had "never met any public officer so totally inefficient."

There were also local obstacles to good government. Early in his administration Dalhousie informed Judge Stewart of Halifax he was convinced that the truculent attitude of the Assembly was due to some secret underhand management: "some unknown advisor - some mischievous Canadian politician - opposed to the Chief-Justice and to the British majority of the Legislative Council."[140] Judge Stewart was equally outspoken and incisive: "As to people and politics," he wrote, "you are among Frenchmen, who have a government they dont deserve, and a constitution they can't understand, mixed up as it is with French custom and English law, and accompanied by a Parliament of the true nature and relish of which they have no more idea than they have of a sirloin of beef."[141] Dalhousie had not a high opinion of the habitants. Neglected by the British ministry, they were as French in 1828 as they were in 1760: "ignorant and uneducated, jealous and envious, illiterate and ungenerous, humble and passive and secret," and easily led by ill-disposed persons; they knew no such word as impartiality. The word 'British' in their idea conveyed a meaning of something hostile to them, and which their own existence required to be put down; "but the great evil amongst this people is the secret working of the priesthood - their bigoted hatred to the Protestant church is the feeling paramount in their minds - in politics they pretend to be neutral, but in fact are the main supporters of the factious opponents of Government." The Catholic Bishop had been "very unwisely brought into the Legislative Council and made a party of high influence in politics," using his influence through the press and by private letters to discredit Government, and refraining from disavowing or censuring the disloyal conduct of the parochial clergy.[142]

Given such a situation, how did Dalhousie propose to deal with it? Since "unanimity in Parliament, like friendship in private life," alone could lay a "sound foundation of public happiness and prosperity," and Lord Bathurst had precipitated a crisis by allowing "the reins to slip through his fingers - and there is the source of all our evils," Dalhousie would bridle the clergy as they had been under the Crown of France, and put down "the Canadian principles and ascendancy." Nay more, he maintained, even though it sounded "like a grasp at power, that the King's representative in these provinces must be the guide and helmsman in all public measures that effect the public interest generally." Quebec could have had political unity "were it not that a half dozen democrats destitute of every honorable sentiment, regardless of truth, asserting what they know to be false, and perverting

140. Dalhousie,Papers Vol.4, Dalhousie to Judge Stewart, April 8,1821.
141. Ibid, Vol.5, Halifax, Feb.15,1822.
142. Ibid, Vol.5, Dalhousie to Bathurst, Feb.24,1822,; ibid, Vol.13, Memo 1822; ibid, Vol.6, Dalhousie to Wilmot, Jan.24,1823, Dalhousie to Huskisson, Dec.10 1827: "It is with great regret that I have to add that I have ~~got~~ but too many certain proofs that the Roman Catholic parochial clergy have added their powerful, because secret, influence in their parishes in seconding the language and politics of the popular party;" ibid,vol.14,to Alex.Maclean, July 25, 1827;"the Catholic Clergy have taken the bit in their mouth in earnest."

the plain and evident intentions of Government in the province, indeed so grossly false and even improbable that I give myself no trouble to contradict it."[143] Public welfare suffered grievously while political control rested in the hands of men like Papineau, Viger, Bourdages; of tavern-keepers like Huot - once a stable servant of Mons.La Naudiere, of Bureau - once Dorchester's coachman, of Maupeau - a farm servant, and Picotte - once a voyageur in the service of the North West Company, and requiring "implicit obedience" of their followers in rejecting executive measures or supplies, careless of the consequences. The time for firm measures had arrived to save Government from complete collapse; palliatives were worse than useless: a "specious appearance of tranquility" only served to play into the hands of demagogues. The racial and religious differences had to be broken down.

It is easy for us to criticize Dalhousie for seriously suggesting such an untenable solution of a drastic situation: it was not even an intelligible compromise. His political opponents were equally intransigent. Immediately after the prorogation of the Legislature, steps were taken to lay "addresses of grievances" against Dalhousie before the Imperial Parliament, purported to be signed by 87,000 of the inhabitants of Lower Canada and containing "all the grounds of complaint on the part of the province and the measures contingent upon them." Dalhousie asserted that these addresses did not represent public opinion; that they were merely "a medley of abuse and accusation, hatched in dark and seditious meetings;" that the whole discontent was "stirred up, formulated and spread by a small but active and well organised party in the three principal towns;" that blank parchments had been carried through the country which "the credulous peasantry" had been "induced to sign by the use of every art and delusion that a knowledge of their ignorance and prejudices could suggest," and that the petitions themselves had "neither been shewn nor explained to them," but they had been told to sign, "either because it would be for the good of the country, or because it would save their religion from oppression, or themselves from taxation and from being driven off their farms" - even whole schools of children signed in Montreal and other places. Copies of loyal addresses expressing "the sentiments of the whole English population in Lower Canada and of the most loyal, respectable and well-informed among the Canadians,"[144] were sent by Dalhousie.

These critical addresses constituted the basis of the very serious accusations against Dalhousie, already mentioned. Huskisson took a grave view of the situation and suggested to Dalhousie that he resign his commission, thereby trapping him into adverse judgment on his own administration.[145] Though already informed that he

144. Vol.16, Dalhousie to Huskisson, Jan.25,1828.
145. Vol.16, Huskisson to Dalhousie, March 5,1828.

143, Vol-16 Dalhousie to J.W.G. Archibald, Halifax, Jan 15. 1828

had been chosen to the India command,[146] Dalhousie considered his "honour, character, and reputation" were "all at stake in this matter," and refused to resign while the charges against him remained: he would not run away from trouble and would answer his accusers as Governor not as an ex-Governor; and though he was "most anxious to get rid" of his command, he would resign only on "the fullest assurance of approbation" of his Sovereign as to his "administration of the Government."[147] In the midst of so much political dust and confusion it must have been a comforting relief to him to be informed that he was leaving Canada "not upon a temporary leave rendered necessary by accusations" against him, but because of his appointment "to a higher and more important station," and that Parliament had upheld his administration, exonerated him from any constitutional violations imposed on him by emergencies, blamed the Assembly for the political chaos into which its insistence upon extreme rights had plunged the colony, and would apply a remedy to the evils under which he had laboured.[148]

The experiences of Dalhousie raised the whole question of the difficulties of a Governor under the old Colonial system, and of his own fitness for office, and prepared the way for some slight modifications in the system. These problems were the common lot of every colonial governor, who was obliged to carry on the government with public officers and councils, who were strangers to him, whose advice and assistance he was bound to solicit, and whose abilities, views and prejudices would have a dominating influence on every act of his administration. He was expected to conciliate the interests, views and feelings of the Imperial Government and of the province as represented in the local Assembly. If mistakes were to be corrected for which his delegated powers were insufficient, he had to seek advice from the Colonial Secretary and wait for many months for authority, which might not be adapted to the circumstances of the case when it did arrive. And the Colonial Office seldom extended to the Governor a generous share of confidence or followed his suggestions, and was only too ready to deprive him of command if his policy or actions differed from or earned the criticism of the faction that happened to be in control of the colony for the moment. To succeed under such circumstances required riper experience of the art of government and a profounder understanding of human nature and the ability to win the confidence of men of various shades of opinion, with a great fund of patience, imperturbable self-command and an invariable adherence to the immutable laws of natural justice than falls to the lot of

146. Huskisson to Dalhousie, Dec.8,1827.
147. Vol.16, to Huskisson, March 7, to Archd.Campbell, March 8,1828.
148. Vol.16, Huskisson to Dalhousie, May 5, A.Campbell to Dalhousie, May 22,1828; ~~ibid, p.117, appointed to India~~; C.O.324/89, p.13, R.W.Hay to Dalhousie, Mar. 6,1829; ~~ibid~~, Canada Comt. Report 1828, Query 29; Q 182, p.222, Dalhousie to Huskisson, July 6,1828; ibid, p.117, appointed to India

ordinary mortals.[149] Dalhousie's fitness for office was not in question. As a private man he had few equals. His public and private conduct was open, manly, and entirely disinterested. He was above all petty intrigue, and he scorned to throw the responsiblity of his measures on his advisers. Easy of access, prompt to redress the wrongs of those whom he thought aggrieved, scupulously honest, in all his official relations with others, with a strong sense of the responsibility of his office, he united in his actions the courtesy of the gentleman, the independence of the peer, and the dignity of the representative of his sovereign. He was keenly interested in the public welfare: "From the first moment of my appointment to the government of these provinces, I have considered it my duty...to employ myself constantly in these matters which in any way bear upon the welfare of the country," he writes. He was equally sincere in his anxiety "to conciliate the opponents of Government by a fair, impartial, and disinterested line of conduct towards all without knowing any distinction between British and French."[150] He visited almost every part of the province and showed much anxiety for its improvement; his recommendations to the Local Legislature and Imperial Government made this a matter of public record. He advocated better roads, adequate surveys, the escheat of neglected lands, improved agriculture and progressive settlement: "In looking to improvement I don't think that that question rests entirely in clearing wild woods or settling lands. I could wish a system of permanent arrangement tending to begin and carry forward a plan of slow operation but of steady perseverance: a plan not dependent upon a change of Governor here, but springing from and resting on a confidential and cordial cooperation between the Government and the Legislature."[151] Nor did he forget commerce and the development of local shipping. In his recommendations to the Imperial Government he was careful to point out that his object was not to transfer political ascendency into the hands of the English minority, but "to infuse into the representative body such a portion of English feeling and liberal ideas" that would pave the way forthe orderly working of the constitution. And since the leaders of the House of Assembly could not be depended upon "to deprive themselves of power in order to impart it to others," and provincial enactments for the removal of grievances "would be intentionally inadequate and inefficient," Parliament alone should decree justice.[152] The most significant of these recommendations were that the Executive Council, which was such a "heavy and superfluous expense,"

149. Dalhousie Papers, Dalhousie to Horton, July 2,1827: "The Governor is placed between the severe instructions and injunctions from the Treasury and Goverment at Home on the one side, and the factious and obstinate spirit of the Provincial Legislature on the other; he has no discretionary power vested in him"
150. Ibid, Private Memo, April 10,1822; ibid, Vol.16, Dalhousie to S.W.G.Archibald, Halifax, Jan. 15,1828.
151. Ibid, Private Memo,n.d.
152. Ibid, Vol.18, Dalhousie to Sir George Murray,Jan.28,1829; Vol.16, Dalhousie to Huskisson, Jan.25,1828 and Vol.7, Memo on the General Government of L.C.1823.

be made purely honorary, that public accounts be coordinated and properly audited to avoid needless waste and reduce needless expense, that a magistracy and Quarter Sessions be established in each county, and that steps be taken to enforce the Militia Law by more regular and critical inspection by proper officers. More open to question perhaps were those recommendations that would prevent the election of illiterate, ignorant habitants to the Assembly as being against the interests of the province, that would make the use of English compulsory in all records, registers, and written proceedings of the Legislature, of all courts of Justice and of all public offices, that the text of all future laws as of all those enacted since 1763 should be printed in English only, since the use of two legal languages in the same province was inconsistent and inconvenient, expensive, provocative of racial strife, of distinctions and of uncertainty, and that the ascendancy of the French Canadian should be curbed by a more equal representation of the two races in the Assembly. One must remember his age, his difficulties and his zeal to enhance his office.

The response of the Imperial Government to the Address of Grievances was guarded. Huskisson asked for a committee of investigation as to whether the system of civil government in Canada was suited to the people and adapted to their allegiance to the Mother Country, otherwise it was the duty of Parliament to change it.[153] After examining witnesses and official documents, the Committee sustained "the more important assertions" of the Assembly, agreed that the system of Government demanded reform, and recommended that the revenues under the 14 Geo.3,c88, and all other revenues of the province - except the casual and territorial revenues of the Crown - should be placed under the control of the Assembly provided it would grant a Civil List to support the judges and some other principle officials; that the Crown and Clergy Reserves should be improved; that a tax should be levied on all waste grants to compel their cultivation and to curb the improvident system of granting lands; that, with the exception of the Chief Justice, no judge should sit in the Legislative Council, and in order that a more independent character should be given to that body, a majority of its members should consist of persons other than those holding office at the pleasure of the Crown.[154] But these recommendations left the difficulties unsolved. The Committee simply postponed a settlement; they mistook the symptoms for the disease and played with a few of the minor consequences.

153. Dalhousie Papers,Vol.16, Supp.to the Times, May 3,1828.
154. Q 184, pp.537-650, Sept.3,1828: A Statement concerning the Report of the Select Committee on the State of the Civil Government of Canada; ibid, pp.651-702, Dalhousie's comments, and pp.748-812, Robinson's comments; Commons Papers, No. 113 (1836), p.36, Lord Aberdeen to Lord Amherst, April 2,1835; Dalhousie Papers, Vol.20, Extract from a Report of the Committee of the House of Assembly, U.C. Feb.1838, concerning the charges against Dalhousie.

their report was "a very meagre production, containing no recommendations on the knotty points which can assist in solving them and is not altogether free from error in its statement of facts."[155] The cause of the trouble was the extraordinary powers exercised by irresponsible councils and the evils complained of were symptoms of that power. To admit men of independent character into the Legislative Council without changing its policy was futile. What really happened was that the new members were partisans of the Executive making no change in the official attitude to public issues. The outcome was that political tension became more acute since anticipated benefits were denied.

The very serious view which the Colonial Office took of the situation, and its anxiety to allay public fears and do justice to the demands of the Assembly, short of conceding responsible government, are indicated in the official instructions given to Dalhousie's successor, Sir James Kempt, promoted from the more congenial sphere of Nova Scotia.[156] His policy was to be clearly one of conciliation. He was warned that he was entering upon the functions of his new Government "at a moment of considerable excitement in the province and at a most critical period for its future welfare and for the continuance of British ascendancy in North America. A false step at this time will be irretrievable," and that it would require great common sense and circumspection to allay the agitation which was "not without some reasonable ground of complaint." His most serious trouble would be over the revenue question, but he was told that "there seems no good reason why, after the Crown has provided from the revenues at its disposal for the salaries of the Governor and judges, the Assembly should not be allowed to dispose of the rest in any way they think fit. If they object to the existence of certain officers, they have a fair right to refuse to pay them, and they must be supposed by this time to know the wants of the province in this respect"[157] - truly a considerable concession to public opinion! But to maintain as much freedom of action as possible he was advised, as Dalhousie had so often suggested, that he reduce the expenses of government by dismissing "at any sacrifice the greater part of those at present employed" in the Land Department, "whose contingent expenses are enormous." Even the judicial branch was considered to be overmanned.[158] In conformity with the recommendations

155. Q 182, p.296, Dalhousie claims many of the statements were utterly false.
156. C.O.324/89, p.67 ff, Hay to Kempt, Sept.29,1828; Q 183, p.53, Kempt to Huskisson, July 6,1828: transferred from the government of Nova Scotia.
157. C.O. 324/89, Hay to Kempt, July 16,1829; Q 187, p.546 ff, Mar.25,1829.
158. Q 161, p.97, Dalhousie to Bathurst, Feb.23,1822; Q 182, p.326, Horton to Dalhousie, Nov.1,1826, urging economy in civil expenditure; C.O.324/89, Hay to Kempt, Sept.12,1829, and pp.224-226, March 30,1830; Q 194, p.7, Kempt to Murray, April 4,1830, unable to economise in Land Department; Q 195, p.38, Kempt to Murray, July 4,1830, consolidating the offices of Commissioner of Crown Lands and Surveyor-General of Woods.

of the Canada Committee, the Assembly was expected to "provide in some way or other permanent salaries for the Governor, certain of the judges, and for members of the Executive,[159] but that is just what the local Assemblies refused to do.[160] Instead of the olive branch there was the sword. The debates of the session of 1830 were unusually rancorous and expressions were used of a more violent nature than at any former period in the history of the Assembly. "We appear to be in a state of revolution here," wrote Cochran to Dalhousie.[161] The House of Assembly as usual insisted on its right to appropriate the total revenue of the province. Kempt kept himself severely aloof from all controversy and acted so cautiously that it was impossible to drive him to express an opinion that could be construed as favouring either party; working like a "galley slave" from seven in the morning to half-past three in the afternoon "seeing everybody who calls on business," and trying to settle matters "upon a system agreeable to all parties - as well might he attempt to dam Niagara with a hurdle," and doing everything possible to get recalled, refusing to be designated Governor-General, simply 'Administrator.' "No man," he told Dalhousie, "ever relinquishes an office of £8,000 a year with greater satisfaction than I shall do," seated on a barrel of gunpowder not knowing the moment of explosion.[162] During the first stage of his career he was openly censured by Glenelg,[163] and Murray practically ignored him. There was an absence of cordial relations between him and the habitants and the local press, which he attributed to gross misrepresentations and to the difficult problems he inherited,[164] while the Assembly seemed determined to discredit him, accusing him of many mistakes without affording him the privilege of self-defence.[165] His attempts to pacify the Assembly by offering Papineau and Neilson seats on the Executive Council proved futile, and he retired from an impossible situation,[166] and was followed by Aylmer, who seemed "perfectly blind to the difficulties of the task" which he had undertaken, "and altogether unacquainted with the duties of a Colonial kingdom."[167]

159. C.O. 324/89, p.239 ff, Hay to Kempt, May 6,1830.
160. Q 195,A, Kempt to Hay, June 29,1830, approving refusal of C.O. to surrender the revenues from 14 Geo.3.c.88; ibid, p.86 ff, Maitland to Hay, Oct.14,1830, Nova Scotia Assembly desires to control the revenues; ibid, p.79, Colborne to Hay, Oct.22,1830, U.C.Assembly desires to control all the revenues; ibid, p.156, Douglas to Hay, Dec.24,1830, New Brunswick Assembly desires control of the revenues; Q 354, p.63, Colborne to Hay, Jan.20,1830; C.O. 324/89,p.242, Hay to Maitland, June 4,1830.
161. Dalhousie Papers, Vol.18, May 29,1830.
162. Ibid, Vol.19, Kempt to Dalhousie, Aug.29,1830; ibid, Couper to Dalhousie, March 12 and Aug.29,1830.
163. Ibid, Vol.18, Cochran to Dalhousie, May 29,1830; Q 217, p.325; Q 222, p.227.
164. Q 195, p.290 ff; Q 217, p.532.
165. Q 212, p.305, Aylmer to Spring-Rice, Aug.10,1834.
166. Q 195, p.48, Kempt to Murray, July 10,1830.
167. Dalhousie Papers, Vol.19, Couper to Glenelg, Oct.20,1830.

With the advent of the Whigs to political power in 1830, more liberal ideas pervaded the Colonial Office regarding the government of distant colonies, and the demand for reform somewhat abated. In 1831, by the 1 and 2 Wm.IV, the Crown Revenues in Upper and Lower Canada, other than the Casual and Territorial Revenues, were handed over to the local assemblies, without the prior grant of a Civil List, but on the understanding that permanent provision should be made for the payment of the salaries of the Lieutenant-Governor, Executive Councillors, judges and law officers of the Crown.[168] In Upper Canada the concession of the revenues produced the results hoped for in the form of a Civil List, "although it was not quite to the extent which we could have wished;"[169] in the Lower provinces, the Assembly, in its desire to exercise an efficient control over the judiciary, stipulated that it would grant a Civil List provided that the tenure of office of the judges would depend on good behaviour, but that their salary would depend on the annual vote of the House.[170] The Colonial Office refused to sanction such a condition,[171] although James Stephen favoured giving Canada a free hand in providing for their own financial needs since no Imperial interests were threatened. On the face of it, the Assembly seems to have taken an unfair advantage of the surrender made by the Imperial Parliament. The judges were to be independent of the Crown by the tenure of office, but dependent on the House by the tenure of their salaries, and while the House could not dismiss them, it could starve them and compel their resignation. The explanation of the action of the Assembly is found in the appointment to judicial positions of men objectionable on the score of incapacity or party spirit in their irresponsibility to the Assembly, and their inclusion in the executive and legislative councils.[172] This intimacy with the official group made the judges political partisans, and they were therefore regarded as biased against the people; in a young country where justice should be cheap and expeditious, it was slow and expensive and believed poisoned at the fountain head since the impanelling of the

168. Q 195A, p.56, Kempt to Hay, June 29,1830, disapproves proposal that Assembly provide for permanent salaries of Governor, judges and executive council, since these are the last to be dependent upon the Assembly; P.P. (1831),XIX, Colborne's message to the U.C.Assembly; Bell & Morrell, Op.cit. p.7; Wallace, op.cit. p.75; Q 197, p.111 ff, the amount thus placed at the disposal of the L.C.Assembly was £38,125; Canada Arch.Report 1929, repudiating a Minute of the April 30,1836, Colonial Department on L.C. grievances, p.163.

169. C.O. 324/90, p.29, Hay to Colborne, Aug.4,1831; Q 356, p.47, Colborne to Goderich, March 21,1831, Assembly objecting to the payment of salaries of certain officials and of pensions as being too high and in some cases unnecessary; Q 377, p.275, Colborne to Goderich, March 30,1833, no provision made for judges; Q 390, p.744, Head to Glenelg, July 23,1836, opposed to the surrender because of the power it would give a Radical Assembly.

170. Q 190, p.168 ff, Kempt to Murray, Dec.11,1829, the judges objecting to their dependence upon the Assembly for their salaries; C.O.324/97, p.5, Horton to W.M.Hill, Nov.11,1826; Q 206, p.295, Aylmer to Goderich, Feb.7,1833.

171. C.O. 324/90, p.29, op.cit.; Bell & Morrell, op.cit. pp.10-12, Goderich to Aylmer, April 10,1832; Journal of Modern History, Vol.I, No.1, p.61.

172. A few words on the subject of Canada, by a Barrister (1837), p.42 ff.

jury was controlled by the sheriffs who were the subordinate tools of the executive. There was thus a total absence of public confidence in the integrity of the judiciary, that was often justified, while the groundless fear was freely expressed by the minority in power that judicial independence was impossible while the salary depended upon the vote of the Assemblies.[173]

(3).

This prolonged controversy over debatable claims and entrenched evils schooled the Assemblies of all the Colonies in parliamentary experience. Popular leaders came to understand better the value of the political weapons which the constitution had placed in their hands, and they were determined to use their opportunity to erradicate the evils they found in the government of their respective colonies. Many have questioned their methods. Their justification is found in existing conditions: the jealousies, misunderstandings and strife between the different branches of government, productive of the worst consequences in a new unsettled country whose remarkable possibilites remained stagnant while the legislatures wasted their time in fruitless legislation that contributed more to party than to the solution of social and economic problems.[174] Political peace was impossible while such grievances remained unredressed. The surprising thing is that during all this agitation the Reformers of both provinces had not advanced a satisfactory constructive programme - their criticism was largely destructive and therefore negative. They also seemed to have worked fairly independently of each other, but gradually a coincidence of grievances formed a bond of sympathy between the reformers of all the Colonies that reduced finally a fairly homogeneous programme of reform. Among the major demands were the abolition of patronage and the election of all public officers by public vote; the abolition of all land companies; the repeal of the Canada Tenures Act; the entire management of the Crown Lands and the absolute control of all Colonial revenues by the local legislatures; the popular election of the Legislative Council and the subordination of the Executive Council to the Assemblies.[175] Connected

173. Q 217, p.322, Aylmer to Spring-Rice, Sept.2,1834, the Assembly objects to Judge Gale because he was English, Aylmer appointed him to the Council because he opposed Aylmer's policy; Q 226, p.490 ff, Gosford to Grey, Mar.3, 1836, demanding Gale's removal from the bench; ibid, p.622, 649 ff; Q 229,p. 831 ff, Gosford to Glenelg, Assembly demands the suspension of Judge Thompson; Q 344, p.445, Maitland to Huskisson, Dec.15,1827, the importance of preserving the independence of the judiciary.

174. Montreal Gazette, Editorial, Nov.6,1828.

175. Q 183, p.202, Kempt to Murray, Nov.28,1828; Q 376, p.73 ff, for U.C.; Q 190, p.221 ff; Q 198, p.7, Aug.26,1831; Q 197, p.140,ff, Aylmer to Goderich, Mar. 5,1831; ibid, p.284, removal of these justifiable grievances would establish cordial relations between government and people; Q 230, p.436, Canada quiet till Hume - the great grievance-monger - got up committees of grievances about 1826; see also Q 190, p.523; Q 201, p.65; Q 182, p.1 ff; Q 179, p.260; Q 207 p.388, 437; Q 217, p.459; Q 236, p.724; Q 389, p.355; Q 207, p.350; Q 216,p. 365; Q 197, p.161; Q 203, p.268ff, ~~traced the discontent~~ trace the discontent to factions, newspapers, certain self-seeking irreconcilables, Papineau, Tenures, customs duties, emoluments of officials.

with these were others, important in themselves but somewhat subsidiary as being matters more of detail than of principle.

One of the most objectionable features of Colonial administration was the patronage system and the emoluments and servile favouritism accompanying it.[176] Charles Buller says that "the patronage of the Colonial Office is the prey of every hungry department of our government. On it the Horse Guards quarters its worn-out generals as governors; the Admiralty cribs its share; and jobs which even Parliamentary rapacity would blush to ask from the Treasury are perpetrated with impunity." Even the selection of a governor, with rare exceptions, was "a mere affair of patronage; and the influence of a man's friends a much weightier recommendation of his claims than any reputation for ability he can possibly bring to back them;"[177] men of broken fortunes were thus shipped off by their friends to lucrative positions in the Colonies.[178] The same situation prevailed in French colonies where "men without fortune or character...eagerly sought and obtained...appointments." It is not surprising therefore that "much ignorance, as well as much corruption, prevailed in all the details of office."[179]

In 1835, a joint committee of the Upper Canada Legislature claimed that the chief source of colonial discontent arose out of the abuse of patronage by the Executive Government and the power and prestige it gave them, and that the number of public offices in the colony was excessive and used in the exclusive interests of a class.[180] Lower Canada similarly complained of the exclusive distribution of patronage and the plurality of offices held by some persons; called for the abolition of sinecures and of the accumulation of incompatible offices, and for the redress of grievances which abounded in the various departments of the public service. Similar complaints came from the other colonies. The power of the governor was immense. He appointed the members of both councils, the judges of the King's Bench, the heads of the Executive departments, of all the officials of the Assembly except the Speaker, a sheriff in each district, the justices of the peace, all coroners and local judges, the registrars of the counties, the commissioners of customs and immigration officers, all the militia officers - which in Upper Canada alone numbered one thousand five hundred, the district boards of education where they existed, and exercised great influence over the granting of lands together with the control of Crown revenue. This official army was recruited without public approval

176. Q 350, p.396, J.Smith to Colonial Secretary, April 6,1828; Q 312, p.293 ff, Gore to Castlereagh, Dec.21,1809, statement of tenures and duties.
177. Wrong, Responsible Government for the Colonies, p.209.
178. Hansard, N.S. Vol.XXIV, p.1010; Westminster Review, July 1827, article on Canada.
179. Merivale, Colonization, Vol.I, p.60.
180. N.B.Despatches Vol.XV, pp.621-699, op.cit.; Q 377, p.485, Colborne to Goderich April 30,1833, an elaborate account of local politics; ibid, p.510, Colborne to Hay, May 8,1833, difficult to settle the patronage issue; see P.F.76, Canada Public Archives, Reports on patronage by the Governors of N.S.,N.B.,and P.E.Island.

and was free from public control. Durham says that local hostility to an official was even a recommendation in the eyes of the executive who, ignorant of the province, relied for information upon men who were often regarded as indifferent or even hostile to public interests. Glenelg justified such an extensive use of patronage on the ground that in a new colony the number of public officers must be large in proportion to the population and the wealth of the inhabitants, and that the general machinery of government must exist in a new as in an older and wealthier colony. And whereas in order communities many administrative duties devolved upon the better educated and leisure classes, in Canada all public business had to be entrusted to the care of the government and its officers, which resulted in an "increase of patronage without attributing any peculiar desire for the exercise of such power." Nor was the Imperial Government desirous of retaining more patronage than was strictly necessary for the public welfare and the adequate conduct of public affairs. On the other hand, Glenelg claimed that to entrust the distribution and control of patronage to a political party would result in its use for purposes far less defensible and in a manner less conducive to the public good, since officials chosen by irresponsible patrons would themselves be virtually exempt from responsibility and good government would be impossible. The only guarantee of justice and order lay in the responsibility of every official to the head of the Government; the delegated powers of the Crown were to be exercised through responsible officers and patronage necessary for these ends must be retained, but whatever was unnecessary for the conduct of efficient government was to be immediately abandoned. These principles are good in theory; in Canada they were vitiated in practice. Extreme favouritism was shown to separate interests and undue individual advantages to a particular religious denominations, preferences in the direction of education, in appointment to offices of trust, honour, and profit, which explains the desire of assemblies to control all public appointments. The Colonial Office showed its anxiety to remove all reasonable grounds of complaint, first by enquiring how much patronage could safely be entrusted to other hands and whether certain offices might not be beneficially consolidated; secondly by informing the governors that he was to regard "as of no weight whatever, when opposed to the general convenience of the public, any considerations of patronage...;" thirdly that all useless offices be discontinued;[181] In 1835, it surrendered Canadian patronage altogether and urged the Treasury to do likewise, but without immediate success.[182] Similarly

181. Q 387, p.339, Nov.30,1835.
182. The Journal of Modern History, March 1929, op.cit., Article on Mr.Over-Secretary Stephen, by Paul Knaplund; U.C. Seventh Report, pp.197-99, for the use made by the banks of its funds for political patronage; Can.Hist.Rev. Vol.35.

the Committee of 1828 claimed that the emoluments of the public officers were excessive, far higher than the salaries paid to corresponding officials in the more prosperous United States, and therefore out of all proportion to the value of the services rendered. A demand was made that salaries and fees of office be proportioned to the duties performed.[183] The discovery that money voted for public purposes, as in Upper Canada, had been devoted to pensions and increase of salaries, aggravated the situation.[184] Glenelg agreed that abuses were inseparable from the government of a pioneering country, but urged that no saving of public money would compensate for poverty of public service. The answer to that is that Canada was perfectly familiar with the latter, but not with the former. At the same time, he concurred with the view that an improvident increase of the pension list must be guarded against, and that a limit should be put to the charges which a colony might reasonably be expected to pay on this account, and pledged the support of the Colonial Office to any just and reasonable scale of pensions determined upon by the local legislature.[185]

Equally exasperating was the refusal of the executive to share with the legislatures the control of all the provincial revenues, and the suspicious secrecy that surrounded certain expenditures. The surrender of 1831 still left the Casual and Territorial Revenues in the hands of the Government. Part of these came from the Crown Lands and were used to meet civil expenses and other inconvenient charges, such as pensions. Hence the demand by all the local assemblies that the whole public revenue raised in the Colonies, from whatever source derived, and the expenditure thereof be placed under their constitutional control as the sine qua non of political liberty and security, efficiency and responsibility in government.[186] After the formation of powerful land companies, whose payments to Government were intended

183. Wells, Op.cit. p.87 ff; Q 195A, p.127, Douglas to Hay, June 20,1830, Commission appointed to reduce salaries to a proper scale; Q 157, p.213, Dalhousie to Bathurst, June 10,1821, Ryland had a large salary, fees of office and a pension at the same time; Q 177, p.264, Amyot, Secretary and Registrar of Records, 1807-1812, averaged a salary of £600 annually; Q 178, p.588, Aug. 4,1826, Uniacke, Attorney-General had an annual salary of £3,000.

184. Q 376, p.47 ff, op.cit.

185. Q 280, p.519, U.C.Civil Expenses; Constitutional History of Canada (1791-1818); p.257, for L.C.Expenses; Q 322, p.278-347, U.C.Official's duties and salaries; Q 386, p.206 ff, Colborne to Glenelg, Aug.19,1835, salaries of judges and civil officers either reduced or stopped.

186. Q 183, p.266 ff, Dec.13,1828, L.C.Assembly denies right of the Crown to any duties levied in the colony; L.C.Grievances,(1836), p.15; Barrister, op.cit. pp.45-52; Seventh Report on Grievances, p.196 ff; Q 197, p.123, L.C.Assembly calls for atatement of Casual and Territorial Revenue; Wells, op.cit. p.87 ff; Q 376, p.47 ff, op.cit.; Q385, p.160, U.C.Assembly claims control of Casual and Territorial Revenue; ibid, p.724, Colborne to Aberdeen, Nov.20,1835, U. C.Assembly claims control of all provincial revenue; Can.Arch.Report, 1929, p.162; Q 209, p.127 ff, Aug.1833.

to perpetuate executive independence, the issue assumed a more serious character. This was true of all the Colonies whose control over the executive was limited to annual grants to meet the contingencies of the executive department and of the law courts, and the bulk of whose income went to promote unofficial undertakings, such as primary education and public works. As the Colonies increased in population and wealth and the government remained irresponsible, public criticism and discontent increased, which was ventilated at public meetings, in the opposition press, and on the floor of the Assemblies. It was this irritating situation that led moderate but liberal thinkers in the interests of public peace to advocate a policy that would make the government amenable to public opinion, instead of being controlled by a few individuals. The irreconcilable differences between the executives and assemblies are quite intelligible on this basis alone without ascribing to the latter any revolutionary tendencies or a desire to sever the Imperial connection.[187] To refuse to grant a permanent Civil List whilst an arbitrary government appropriated any part of the public revenue without the consent of the Assembly, was not an unconstitutional attitude according to British Parliamentary practices; and to insist on redress of grievances as a preliminary to a money grant was a practice in English experience that runs back to the time "when the mind of man knoweth not to the contrary." In no other way was it possible to remove the public discontent in all the Colonies, but instead of yielding to this rising tide of popular indignation, the executives sought to maintain independence of action and to control the assemblies on every important question in order to legalise their position.[188]

In every colony demands were made for the reform of the councils as a necessary preliminary step to good government. The form these demands took varied slightly between the various colonies. The main idea was to make the councils responsible to the will of the people through their representatives conformably to the principles and practices of the British consitution. Upper Canada objected to the arbitrary character of the executive council, Lower Canada to that of the legislative; Nova Scotia had similar grievances, and New Brunswick was constantly disturbed by collisions between the executive and the legislature. Durham claims that it would be difficult to imagine an institution "more singularly calculated for preventing the responsiblity of the acts of government resting on any body than the Executive

187. Q 238, p.58; Q 242, p.916, 1050; Q 207, p.68 ff, Aylmer to Goderich, Mar.14, 1833.

188. Q 171, p.29, Bathurst to Burton, June 4,1825; Q 197, p.106, Aylmer to Goderich, March 4,1830; Q 351, p.247, Colborne to Murray, April 6,1829, "It will be fortunate for the province if the Civil List can always be defrayed without having recourse to the Provincial Legislature;" Q 189, p.424, Kempt to Hay, Nov.30, 1829, Colonial Government must "be independent of the Assembly;" Q 195A, p.156, Douglas to Hay, Dec.24,1830, asking release from his governorship if control of revenue is handed over to the N.B.Assembly.

council;" not only because of its irresponsible character, it had long ceased to possess public confidence, and was generally "composed of persons most obnoxious to the majority of the Assembly." And since the Governor acted on their advice in matters of local interest, he not only excited opposition to his policy, but led the people to believe that he himself was nothing and the council everything.[189] It was also defective in its constitution; it resembled the Privy Council in that each member was sworn to secrecy; there was no division of labour and therefore no individual responsibility since each took an equal share in the business. The older members were rarely removed, and as the governor need not consult the council as a whole, it was difficult to know on whose advice he acted on important matters of state. The Upper Canada Reformers therefore judged rightly that if the higher officers and the Executive Council were amenable to the party in the majority in the Assembly, the constitution of the Legislative Council was immaterial, since its composition could always be changed to suit the purposes of the advisors of the governor.[190] The Colonial Office, however, insisted that the Lieutenant-Governor was primarily responsible to the Crown and must vindicate every act of his administration both to the Crown and the Imperial Parliament. Under the existing representative system of government it could not be otherwise, but that was not to exclude careful attention to the public welfare, and lieutenant-governors were instructed to investigate carefully every public grievance.

In all the Colonies the constitution and the composition of the Legislative Council was objectionable. In 1828, in Upper Canada it was composed of all the executive councillors and all public officers except the attorney and solicitor generals. Of the nineteen non-official members, William Allan was a Collector of Customs, Postmaster of York, President of the Bank of York, Inspector of Licenses, a police magistrate, and later one of the salaried commissioners of the Canada Company.[191] The other eighteen were well-to-do landowners. The Lower Canada Legislative Council was composed of sixteen Protestants who represented a fraction of the population and seven Roman Catholics;[192] eight were natives of the province, and fifteen of the United Kingdom or other countries. Twelve held Crown offices, seven were large landed proprietors and four were merchants. Serious objections

189. Ball & Morrell, op.cit. p.43, Extract from Poulett Thomson to a friend, Dec.12,1839; Q 376, p.47,ff, op.cit.; Wells, op.cit. p.87 ff.
190. Durham Report, p.37, 53.
191. Q 378, p.4, 686 ff; Q 385, p.253; Seventh Report on Grievances, pp.248-57, List of Members of the Executive and Legislative Councils stating the various offices and public situations each holds and salaries received, July 1,1832; Q 337, p.111; Can.Arch.Report, 1898, P. XVIII.
192. Ibid, 1899, p.XI; Dalhousie Papers, Vol.18, Kempt to Murray, Jan.3,1830; Q 195, July 1,1830; P.P. 1830, XXI, pp.126-28; Q 198, p.406, Aylmer to Goderich, Dec.19,1831, recommending 11 new members to the Leg.Ccl.8 of whom were French, 4 members of the Assembly and only 1 independent on the local government.

could also be made to the composition of the Nova Scotia Council. Of its twelve members, the Anglican Church, representing about a fifth of the total population, claimed nine, the Presbyterian Church which greatly outnumbered the Anglicans had two, and the Roman Catholics, as numerous as the Presbyterians, one. Not only so, but two family connections, partners in the one banking firm, had five members on the Council.[193] New Brunswick and Prince Edward Island had similar complaints. But quite apart from the composition of the council, its constitution raised grave difficulties. The doctrine that any body of men could possess legislative powers independently of the public for whom the institution was created, and that a ministry should exist which the people could not remove,[194] was regarded as an anomaly in legislation. And when almost every popular measure originating in the House of Assembly met the disapproval of the Council, and no measure hostile to the will of the Executive was allowed to pass,[195] the case for its abolition seemed incontestible. A partial reform, as recommended in 1828 and again in 1830, was merely playing with the issue, since the constitution remained unchanged.[196] The Legislative Council was but a veto in the hands of public functionaries used without scruple; its work was therefore largely negative and defensive, satisfied often in defeating a popular measure without proposing a better. The Assembly thus stultified, as in Lower Canada, "made national development subordinate to its struggle for power by methods totally incompatible with the principles of constitutional liberty."[197]

It is not to be wondered at that in Lower Canada the Legislative Council was regarded as "imperfect and vicious...factiously opposed" to the feelings and needs of the people and as the centre of oppression, and by Upper Canada Reformers as a "monstrous legislative abortion and nondescript machine of disturbance" long "the theme of loathing and detestation," and "as at present constituted has utterly failed, and never can be made to answer the ends for which it was created." The Maritimes swelled the chorus of criticism, and everywhere a demand was made that the Council be remodelled on the elective principle in the interests of legislative

193. P.P.1839, XXXIV, Address to the Throne; Q 195A, p.120, Douglas to Hay, May 21,1830.

194. Q 355, p.164, MacKenzie to Hume, April 20,1830; Can.Arch.Report, 1899, p.XI; ibid, 1929, p.167; ibid, p.161, from Minute of April 30,1836, Colonial Office: "It ought then to be clearly understood that so far as ~~the~~ respects the legislative council, the Canadian Constitution is a mere experiment for which no precedent can be found in any other dependency of the British Crown. Throughout the British Colonies as now existing, there is not to be found, nor does the history of the United States before the Revolution supply an example of a Legislative body of whom the members held their offices for life on the nominations of the Crown, or were confined exclusively to legislative duties..."; Q 197, p.165.

195. Seventh Report on Grievances, pp.258-277, List of Bills of public character rejected by the U.C.Legislative Council since 1824; U.C.Grievances, Feb.4,1836.

196. Q 195A, p.1 ff, Kempt to Hay, Jan.3, 1830; Canada Committee 1828, Query No.4; A Plain Statement of the Quarrel with Canada (1838); C.O. 324/89, p.269 ff, Hay to Kempt, Aug.6,1830; Roebuck, op.cit. p.20 ; Dalhousie Papers, Vol.18, Composition of the U.and L.C. Councils, 1830.

harmony and good government.[198] But the proposed solution was as crude and as ill-digested as that which it would supersede. To many the cure was worse than the disease, a republican expedient and alien to British institutions and practices. To choose the councillors from and by the same constitutents as the House of Assembly and give the latter the exclusive control of the purse would have made the council even more contemptible and useless than it really was. Men of ability and ambition would avoid the council and seek seats in the Assembly, while the council would either be entirely subordinate to the Assembly or complete with it for popular support by extravagant pledges, resulting in a ceaseless collision between the two authorities. Nor could the elective principle be conceded while responsible government was withheld. Great Britain was responsible to other nations for the behaviour of Canada. Responsibility invariably involves control, and only when the one ceases can the other be surrendered; and were both branches of the Legislature independent, British control could not be enforced save through the exercise of the veto over Colonial legislation and the difficult method of enforcing Imperial acts in the Colonies. It was partly to minimize the possibility of such dangerous friction that colonial legislatures were created and on the assumption that in advancing the interests of the Colonies, Imperial rights should not be violated. To safeguard still farther the cordial relations between the protector and the protected and enable the former "to exercise a direct influence" in colonial legislatures, a second chamber was created. For were the governor by his sole authority to try to maintain this direct influence by modifying or rejecting the legislation of the Assembly, the colony would be thrown into a state of perpetual dissension. The public peace would be endangered still more were he to reject a bill passed by a legislature of which both Houses were elective. His conduct would be attributed to the worst of motives, and his slightest mistakes magnified into crimes against the colony. Under such circumstances, the Imperial bond would certainly be weakened. But by interposing between the governor, as the local representative of the Crown, and the representatives of the people, "the weight and influence of a body of men partaking of the nature of a popular assembly but less directly influenced by the force of popular excitement," the possibility of perpetual friction was reduced.[199] In practice however, such a body of men was usually unprogressive,

197. Durham Report, p.29.
198. C.O.324/89, p.242, Hay to Maitland, June 4,1830; Bell & Morrell, op.cit,pp.34-37; P.P. 1839, XXXIV, Address to the Throne, April 17,1837; Can.Arch.Report, 1929, p.168 ff; Wells, op.cit.p.87,99; Q 206,p.207, Aylmer to Goderich, Jam. 16,1833; Q 193, p.24 ff, Kempt to Murray, Jan.3,1830, favours introducing a large number of persons not holding office at the pleasure of the Crown and eliminating all judges except the Chief Justice; ibid, p.28 ff, List of Councillors; Q 195A, p.120, Douglas to Hay, May 21,1830, favours altering composition of Council only; Q 207, p.213 ff, Aylmer to Goderich Mar.27,1833; Q 231,p. 586, Tracy Thomas to Glenelg,Oct.18,1836.
199. Barrister, op.cit. p.14 ff.

often self-seeking, and not always free from doubtful political practices. Even then the solution of the difficulty was not by making the second chamber elective - it was tried and found wanting in 1854 - but by an alteration of its composition which would give it a greater hold upon public opinion and at the same time result in a more sympathetic understanding with the moderate members of the majority of the Assembly, while retaining a character of steadiness and moderation. In no other way could an effectual control be maintained over the House of Assembly.[200]

Again, the Assemblies demanded that the entire management of the waste lands be committed to their control. The land policy of the Government was one of the main elements of the political unrest of that era.[201] The Colonial Office, though sincerely anxious to utilise the immense tracts vested in the Crown for the benefit of actual settlers, was handicapped by ignorance of local conditions, while its best intentions were liable to be baffled by a combination of men pursuing a different course, who converted to their own advantage official proclamations that were intended for the encouragement of bona fide settlement. Nor was it surprising that, in a country with such natural advantages as the British North American Colonies, the attention of speculators should have been directed at an early date to the waste lands. Speculation was a contagious disease in American colonization; the results were serious. Every colony groaned under its load of practical grievances. Undue alienation of land, as compared with the total population, was accompanied by extreme difficulties either in the way of securing suitable land for actual settlers near older settlement, or in attracting emigrants able to invest some capital in the development of their grants. Add to this the folly of rewarding such a variety of classes with grants of the waste lands, which were regarded as immune from settlement duties, were left waste or sold to speculators, confusing the situation still more. In time the local officials, seeing how easily grants of land were made, thought less of applying a remedy as of sharing in the plunder, and instead of being the mere agents or servants of ths Crown, they became the distributors of the provincial territory. In this way favouritism was encouraged. So utterly careless of public opinion were they that they made grants to others to be retransferred later to themselves, while at the same time, "the diagrams of the townships were dotted and disfigured with the names of clerks, surveyors, and others

200. Can.Arch.Report,1929, p.170; Q 236, p.516, Gosford to Glenelg, Mar.8,1837, recommending change in the composition only of the Council; Q 242, p.155, Glenelg to Gosford, April 29,1837, opposed even to a change in the composition of the Council; ibid, p.168, reluctant to violate the "great principle" of the Act of 1791.

201. Q 179, p.218, Dalhousie to Bathurst, May 27,1827; Q228, p.454, Gosford to Glenelg, March 28,1836; Q 390, p.745, Head to Glenelg, July 27,1836, and Q 391, p.5 ff, Aug.20,1836, Head claiming that the Land Granting Department was regarded as the major grievance.

belonging to these offices." And with the development of the colonies it became a common practice on the part of the public officials to buy in valuable tracts of land that had been sold for taxes.[202] When settlement duties were imposed upon all "unprivileged" grants various means were found to evade the true spirit of the regulations; and individuals could always be hired to fulfil the minium requirements, only to transfer the property to their employers after the deed had been issued. The Loyalists and speculators, like Elmsley, an Executive Councillor, regarded the settlement duties as unfair innovations that should be disregarded altogether.[203] These and other disagreeable facts were long withheld from the public, though the results could not be. Those benefitting from the system had every reason to fear publicity and to brand as disloyal anyone bold enough to demand an investigation. And when huge tracts were sold to speculative companies in order to guarantee the independence of the executive governments, the case against the land system seemed conclusively proved. Thus, a land policy so honeycombed with defects that favoured the speculator in land and imposed heavy penalties upon the actual cultivator, that destroyed equality of condition and discouraged industry, that left the control in the hands of irresponsible, self-regarding officials, stood condemned even by local officials.[204] Gradually the idea dawned upon the settlers that there existed a definite relation between the undeveloped state of the country and the land policy of the Government, and that relief lay in the control of all waste lands by the people through their representatives, as an essential preliminary to the peace and welfare of the provinces, to the confidence of the people in their government, and in order to cement ~~this~~ their political union with Great Britain.[205]

The transfer of control was demanded also on other valid grounds. New countries have peculiar difficulties to overcome. Waste lands were about the only asset the Colonies possessed to enable them to supply the expenses of government. To render these lands useful local and particular knowledge was requisite. Selection of new locations suitable for settlements could best be made by persons not only familiar with the country but vitally interested in its progressive settlement. The management of waste lands influenced profoundly the well-being of the Colonies; it was not a mere list of regulations or a matter of administration, but the more important issue of applying to the best advantage the resources of each colony.

202. Q 430, pp.23-46, Sir William Bonnycastle, April 23,1840, for thirteen years engaged in various capacities in the Land Department.
203. Q 381, p.48, Colborne to Stanley, Jan.10,1834, Elmsley resigned from the Executive Council in sympathy with the opposition of the U.E.Loyalists to taxing land.
204. P.P. 1837-38, XL, p.183 ff; Wakefield, The Public Land, p.43; Mills, Colonization, p.268; Lucas, Durham Report, Vol.III, p.350.
205. Lower Canada Grievances, 1836.

And regarding the huge extent of these lands and the wasteful purposes to which so many millions of acres had been put, the matter was all the more urgent. Since the honesty of almost everyone responsible to the Executive was suspect, and the Crown could have no interests that were opposed to those of the Colonies, the Assembly claimed that the determination of the Colonial Office to retain control of these lands was not only incompatible with public welfare, but was dictated purely by its love of patronage and the fear of losing it. Nothing but good could have followed a policy that cultivated the goodwill of Canada during these trying years; it was by persisting in a contrary policy that the first Empire was disrupted and the second endangered.[206]

Of all the Colonies, Lower Canada had the strongest reasons for objecting to the Imperial Land Policy as administered there, and was therefore loudest in its condemnation. It became the rallying point for the strong opposition to the government that gradually assumed such an alarming character. Not only did the colony suffer from the evils associated with the system in the other colonies, it had distinct grievances of its own. To the Government, these grievances were largely due to the feudal tenure of land; to the inhabitants they were the direct result of the disregard of the ancient laws and institutions of the colony by the Executive.[207] The immediate cause of such a change of policy was traced to the arrival of the Loyalists, into whose hands the administration of the province was entrusted. Many of them had held offices in the revolted colonies, few had any love for the French, and from their arrival they agitated for the substitution of British laws and institutions for those of Lower Canada as guaranteed by the Quebec Act. The persistent demand for the introduction of the English system of land tenure was referred by Dorchester to the Council in 1790, with instructions to report upon the comparative merits and demerits of the two systems of land tenure. The Council recommended the introduction of free tenure into all new grants and favoured the abolition of the feudal tenure even in the old grants, on the ground that the change was necessary "to the growth, strength, defence, and safety of the province."[208] The Constitutional Act of 1791 established free tenure for all new grants in both provinces, but left the feudal tenure intact in the seigniories. Within the same period practically every office in the colony was filled by newcomers, who also monopolized the professions and made themselves masters of the trade and commerce of the colony. They established new industries, purchased

206. Roebuck, op.cit. pp.53-56.
207. First Report of the Committee of the House of Assembly (1821-24), p.4,
208. Ibid, p. 3 ff.

French seigniories, developed the natural resources, constructed or improved means of communication, reversed the social status; in every walk of life the superior skill, energy, and capital of a small minority of the population secured control. And just as the seigniors weredemanding higher rents, and all new grants were made in freehold tenure, the Government surrendered millions of acres to leaders of townships and attempted to dispose by sale of large tracts of waste lands to defray the civil expenses of the colony, constituting an unpleasant innovation in the land history of Quebec that gradually affected the social and economic welfare of the natives; and as it became increasingly more difficult for the habitants to secure grants of land for their sons within the old seigniories, they were compelled, as in Ireland, to divide their already inadequate holdings to provide for the economic needs of their growing families. This was not a solution, ~~that~~ but a confusion of the difficulty: the population rapidly increased without a proportionate increase in the amount of land cultivated. This explains, at least in part, the bitter opposition to a land policy that encouraged absentees, deprived native born sons of farms and encouraged Protestants to settle, and forms the burden of the Ten Reports of the Committee of House of Assembly, which between 1821 and 1824 investigated the causes that had hitherto retarded the settlement of Lower Canada.[209] After making due allowances for possible bias, the consensus of opinion of the many persons and papers examined by that Committee throws a strange light upon the working of the land Regulations in the colony. The Committee reported the anomalous situation of a surplus population surrounded by land advantageously placed but reserved from actual settlement, asked how such a situation developed and why it was allowed to persist, and concluded that the answer must be sought in "the abandonment of the ancient method of granting lands in fief or seigniory and the introduction of the tenure of free and common soccage, a tenure novel and unknown to the people of this country,"[210]

Regarding the relative merits of the two tenures, the Committee found that the feudal possessed "decided advantages over soccage tenure in the settlement of a new country," where the two great obstacles to settlement were the lack of capital and markets, and where the acceleration of settlement was possible either by the fortuitous coming together of capitalists seeking a profitable field of investment and persons having labour to sell, or by loans from Government. Neither of these means had been found successful and both were precarious and uncertain. The feudal

209. Seventh Report of the House of Assembly, L.C. pp.22-25; ibid, p.66, John Neilson's Evidence.
210. First Report, p.4; Second Report, p.13, the number of seigniories in L.C. in 1821 was about 218.

provided an alternative system that granted lands in trust to be regranted to actual settlers subject to accustomed and stipulated rents and dues.[211] In return the seignior was expected to open a road, to communicate with the most remote settlement in his seigniory and build a grist mill. Moreover, he was interested in the settlement of his property to save it from forfeiture. Such a system allowed the greatest elasticity that assured certain returns to the seignior and offered considerable benefits to the settler. Confined within proper limits as to seigniorial and permanent rents, the feudal system was regarded as "the most advantageous mode of inducing the habitants to become proprietors of the waste lands of the colony. It offered "an easy, expeditious, certain and economical mode of obtaining lands in a manner most congenial to the means, habits, wants, and usuages of nineteenth-twentieth of the population".[212] The burdens imposed were at no time severely felt since they increased with the means of the individual settler, and at no time was he likely to be laid under any burden resulting from the tenure which he could not easily bear.[213] The arrangement was particularly advantageous to the censitaire since he could devote whatever capital he possessed to the development of his land. Moreover, the system was familiar to and understood by the habitants; it produced an equal division of lands; was conducive to the general happiness of the people by the establishment of a well-ordered agricultural community with secure titles free and fixed as to conditions, while the progress made since 1763 seemed to prove that the tenure was not inimical to progress. Thus in 1766, the population was 65,000, in 1789, 120,000, and in 1835, it was about 450,000, largely natives.[214] On the other hand, the habitants avoided the townships where land was granted in freehold tenure. The reasons were many: ignorance of the nature of this tenure, and the difficulties, delays and expenses involved in securing a grant; the manner in which the Crown and Clergy Reserves were interspersed and the huge increase of needless labour incurred thereby; the encouragement the freehold tenure gave speculators, the uncertainty of titles, distance from older settlements and markets, and the absence of their customary religious instruction.[215] Any reform of the constitution and laws that left the social and economic grievances unsolved would fail; the issue was a practical and an immediate one - racial, linguistic, religious issues, manners, social habits, all entered into the struggle, and ~~as part~~ at the heart of them all was the administration of the Land Regulations.

211. First Report, p.18, Second Report, pp.58-60, Seventh Report, p.3.
212. First Report, p.14 ff. 213. Seventh Report, p.69 ff.
214. First Report, p.58 ff; Q 48, p.28; Merivale, op.cit.Vol.I, p.126.
215. First Report, p.7 ff, 18 ff, Second Report, p.14, 34 ff, Sixth Report, p. 48, Seventh Report, p.43, 68 ff.

Supplementing the demand for the entire control of all waste lands was the strong disapproval of the land companies and a demand for their abolition.[216] There was a general protest against the method of making the public lands a subject of profitable speculation, largely to persons resident in Great Britain. The right of the Crown to charter such companies was indefensible on constitutional grounds, and though the grants were not strictly monopolies - except in the sense that only one such company could be chartered in each colony - still the companies could not have been able to function without the active assistance of the Crown. To avoid all possibility of question and to give the companies the best legal title, the authority of the Imperial Parliament was invoked, and statutes were passed incorporating the companies, allowing them to purchase lands and binding them to make certain payments which were expressly declared to be applicable to provincial purposes, but independent of public control. The Assemblies insisted that these sales were an infringment upon the rights of their colonies.[217] Upper Canada was very perturbed because of the partisan uses to which much of the income from the Canada Company was devoted, while Lower Canada asserted with justice that the sale to the British American Land Company rendered impossible the free settlement of the only portion of the waste lands which had "escaped the action of the system of fraud, speculation, and monopoly maintained in the Land Department."

The demand for the revocation of these charters was based, however, not on legal but on political grounds. The question of the motives of the Government in sanctioning the companies was important. Canada needed the capital such companies introduced; but the conditions were too favourable to the companies, in no case were the conditions completely carried out, and in every case the relations between the company and the local government were too intimate for the welfare of the colony. In Upper Canada, William Allan, A Commissioner of the Canada Company, was appointed an executive councillor and was thus in a position to influence the sale of Crown lands; while Lower Canada resented the introduction of so many Protestants. It seems fairly evident that the objection to the land companies was advanced as contributing to a statement of grievances the advantage of an additional item, and taken in isolation would scarcely have been the cause of a public protest; taken in conjunction with the other more serious grievances, the cumulative effects were such that local leaders were able to precipitate open rebellion to constituted authority.

Of all the disturbing elements in local politics none was more provocative of strife than the Clergy Reserves. The issue became political in 1821, when the

216. Q 201, p.409, the Minerve opposed the Land Company; Q 207, p.91, Aylmer to Goderich, March 18,1833, Assembly opposed to land company.
217. Barrister, op.cit.p.37 ff; L.C.Grievances (1836), p.9 ff; U.C.Grievances, Feb.4,1836; Wells, op.cit. p.87 ff; Q 376, p.47 ff, op.cit.

control of the Reserves was vested in a Corporation of the Clergy of the Church of England, but without power to dispose of them. In 1825, the protest of the Corporation defeated the attempt of the Canada Company to secure control of half the Reserves in Upper Canada; but the expediency of adopting a new policy that would remove the more objectionable features, while retaining the original principles of the provision for religion, was becoming increasingly more insistent, and resulted in 1827 in the passing of the Imperial Act 7 and 8 Geo.4.c.62, authorising the annual sale of 100,000 acres, but not more than one quarter of the total acreage reserved.[218] In this change of policy Parliament showed no evidence of any change of intention in regard to the principles declared in the Act of 1791; on the contrary, the proceeds of the sales were expressly directed to be applied either to the improvement of the unsold Clergy Reserves, or to the purpose for which the Reserves were originally made. The great object of the measure was to relieve the inhabitants from the difficulties which they had experienced in consequence of the Reserves remaining in an unimproved state in the vicinity of developed tracts. Hence blocks offered for sale were to be those which "from their local situation present the most serious obstacle to the general settlement of the province." The obtaining of an advantageous price, or the reservation to the Clergy of tracts favourable for future settlement, were to be considered subordinate to the main purpose of the measure, "and must if necessary be sacrificed to it." A tract of 300 or 400 acres was to be left unsold in each township as a glebe for the Protestant Clergy who might in the future settle there.[219] The arguments of the Anglicans, that the Reserves were sold primarily to raise a fund for the support of their church, were thus refuted; the main object was the progressive sale of the lands and their settlement for the removal of a standing grievance.

The Act provided that Peter Robinson be appointed agent with authority to select the land to be sold and fix the price upon condition of actual settlement, the payment of ten per cent down and the balance in nine annual instalments. The result testifies to the quality of the land and the growing prosperity of the colony. Between 1829 and June 1833, 104,108 acres were sold at an average price of 13/3¼ cy.[220] Up to 1831, the average price had been 7/6 per acre. It is evident that the Government would have suffered an immense loss had the Canada Company's offer of 3/6 per acre been accepted. By 1839, half a million acres out of the two and half millions reserved had been disposed of.[221] It was the disposal of this

218. P.F. 75, No.19, p.91 ff, Corr.about the Clergy Reserves; Q 377, p.464, Maitland to Hay, April 20,1833.
219. U.C.State Book H, p.440,ff, Huskisson to Maitland, Nov.20,1827; P.F. 75, No. 19, p.21 .
220. Ibid 66, No.12, sales up to 1830; Q 353, pp.374-80; Q 351, pp.317-21, Colborne to Murray, April 11,1829; P.F. 75, No.19, Commissioner of Crown Lands Office, York Sept.4,1832.
221. Ibid, Arthur to Normandy, June 8,1839; Q 353, pp.374-80.

fund that caused the future trouble. Colborne would devote the whole of it together with the glebes to the exclusive support of the Anglican Church. To prevent the Assembly, critical in its attitude, from securing control of the unsold portion of the Reserves, he recommended that this balance be reinvested in the Crown.[222]

At the same time the erection and endowment of rectories came up for settlement. The first attempt in 1818 to mature this provision of the Act of 1791, failed because there were "certain difficulties attending it;"[223] and in 1825, financial stringency prevented action, but the Executive Council recommended that Upper Canada be divided into parishes to give a religious character to the country.[224] The matter remained in abeyance till July 1831, when the Bishop of Quebec reminded Goderich of the latent power to create and endow rectories, the residue of the land to be used to place the Church of England on a respectable footing in Canada, to enable her "to rescue her own scattered children from infidelity." Towards this end he recommended that every township be divided into two parishes with a glebe of 200 acres and an endowment of 4,000 acres, that a separate reservation of 20,000 acres be made for a Bishop, 6,000 acres each for two archdeacons, and that the residue be sold and the interest applied to the support of the Anglican Clergy.[225] In November, Goderich instructed Colborne to proceed with the creation and endowment of rectories, and "to prevent jealousy and attempts at interference with the territorial fund",[226] the balance in the Casual and Territorial Revenue was to be applied towards the stipends of other denominations, but not on the basis of right, justice or equity. In September 1832, Colborne recommended to the Bishop of Quebec that steps be taken to mature the plan, but owing to the heated conditions of local politics, and the opposition of the other denominations to the claims of the Episcopal Church, final action was postponed. In the meantime resolutions were drafted by conventions of leading Anglicans and forwarded to Colborne, calling for immediate action in forming sufficient endowments "for every mission or parish now constituted in this province;" demanding a special endowment for the maintainence of the Episcopal Office, the retention of three-fourths of the Reserves in each township, a minimum price of 10/- per acre, the foreclosing of lots in arrears, the suspension of the practice of leasing the Reserves and that parsonages be built of stone or brick.

222. Q 377, pp.464-65, Colborne to R.W.Hay, April 20,1833.
223. Q 324, p.129, Maitland to Bathurst, ~~April 19,~~ 18 Aug.19,1818.
224. Q 200, pp.261-62, Minute of Executive Council, Nov.21,1825, in answer to Bathurst's letter of ~~July~~ July 22,1825.
225. Ibid, pp.242-56.
226. P.F. 75, No.19, April 5,1832; Land Book R, Upper Canada, pp.240-41.

Annexed was a list of the stipends paid to the various incumbents and their parishes.[227] In January 1836, during the "dying hour" of Colborne's administration, the Council recommended "that no time be lost in authorising the Attorney-General to prepare the necessary instruments to secure to the incumbents...and their successors the lots of land there enumerated as having been respectably set apart for glebes."[228] Shortly afterwards, Colborne signed forty-four out of fifty-four patents endowing the rectories with land varying from 400 to 800 acres each.[229] The remaining ten were never completed.

The simultaneous establishment of so many rectories alarmed the other denominations, and was immediately followed by vigorous protests from press and pulpit, in pamphlets and mass meetings, and in every township and hamlet where the Scotch were settled.[230] The Colonial Office protested its ignorance of any such instructions having been given, and immediately instituted an enquiry involving the legal rights of the parties to the endowment in question.[231] In the House of Assembly, Colborne's action gave rise to a most abusive and violent debate, though ultimately his policy was sustained.[232]

The objections to the rectories were due largely to the superior authority, which by ecclesiastical law was supposed to be conferred upon the rectors. Up to 1836, in spite of Government favour, the Anglican Clergy though an endowed was not a dominant priesthood. They had a far larger share of public money than other denominations, but without any exclusive privileges or authority. Colborne's action completely changed the public aspect of the question. It was understood that every rector possessed all the powers, privileges and jurisdiction which belonged to the Established Church in England. Other Protestant Clergy regarded this as degrading them to a legally inferior status and warmly resented it. The settlers believed they would be compelled to clear and crop the rector's lands and build his

227. U.C. "S" Dec.12,1834, Bishop of Quebec to the Governor, enclosing a list of those receiving a salary of £10 per annum paid by the S.P.G. in Foreign Parts, or out of the Clergy Reserves' Fund:- At Cavan, Adelaide, London, Brockville, Peterborough, Sandwich, Markham, Thornhill, Osnabruck, Guelph, March, Huntly, together with some pensioners making a total of £1,430. Those receiving £200 or more at Cornwall, Port Erie, Coburg, Prescott, Carleton Place, St. Thomas, Bellville, Niagara, St. Catherine, Port Hope, Adolphus Town, Woodhouse, Bay of Quinte, Carrying Place, Grimsby, Yonge, Perth, Chippawa, Williamsburg, Ancaster, Toronto Township, Chatham, Hallowell, Oxford, Toronto, Amherstburg, Bath, Kingston, Richmond, total 6,525. Dr. Strachan received £575 for Toronto, and Dr. Stuart £500 for Kingston. The following missionaries received £100 per annum, at Blandford, Carradoc, Etobicoke, Warwick, Beckwith,

228. Land Book R, pp.240-41, Minute of Council, Jan.15,1836.

229. P.F. 75, ~~119~~, p.50, April 7,1836, Paper respecting the creation of rectories; Wells, op.cit. p.121.

230. Q 396, pp.16-30, Patition from West Gwillimbury Presbyterians to the Throne; P.F. 75, No.19,p.108.

231. Ibid, No.19, Sir George Grey to Dr. Black, April 24,1837; Q 396, pp.22-30, C.O. to Bond-Head, Jan.20,1837; Kingsford, Op.cit. Vol.10, p.335.

232. Mrs. Jameson, Vol.I, p.165.

rectory. Durham's assertion that the issue was the chief disposing cause of the Rebellion in Upper Canada has a grain of truth in it - it was at least contributory. Colborne and his Council grievously blundered, for in spite of the practice of numbering in its ranks all who belonged to no other sect, the Episcopal Church in Canada never numbered more than a quarter of the total population among their members Therefore it was not to be expected that other and more numerous sects would quietly acquiesce in the supremacy of a minority church; and to show a marked partiality to any church in Canada endangered the Imperial connection.[233] Thus a question which attracted but a slight share of public attention while the Reserves were of little value, became the burning issue in local politics. The Statute of 1791 remained unchanged; the determination of the right of any church in the Reserves, or in the proceeds of them, was still confined to the words of the statute, aided by such helps to the construction of it as could properly be admitted from the circumstances under which it was passed, the history of its passing, the evidence of contemporaneous construction, the light in which the provisions were viewed and the understanding with which they were carried into effect by responsible persons in Great Britain and the Colonies. But whatever interpretations Parliament placed upon the Act in 1791, Portland, in 1795, limited the meaning to the Church of England,[235] and the criticism of Fox was confined to the amount of land reserved. On the face of it, the Act seemed to bear out the Anglican claim that the term "Protestant" Clergy referred only to her. It was now to be tested in the crucible of heated denominational and political strife.

The request of the Presbyterian congregation of Niagara in 1819 for an annual contribution of £100, out of the Clergy Reserve Fund, "or any other fund at your Excellency's disposal," towards the support of a minister, precipitated a political and sectarian struggle that disturbed the peace and safety of Canada till 1854.[236] The basis of the request was not so much a claim to a legitimate share of the proceeds of the Clergy Reserves, as a plea for assistance in rebuilding their church destroyed by the American forces during the War of 1812.[237] The legal claim was raised in 1829, when sales had made the Reserves more profitable. The provincial law officers ~~favoured the exclusion~~ denied the right of the other denominations

233. Durham Report, p.63; P.P. 1839, XXXIV, (141), pp.33-106, Corr.dealing with the creation of rectories in U.C. Aug.1836- to Oct.1838; Strachan's Report, pp.107-160, Oct.18,1837, in Despatches concerning the Clergy Reserves in U.C. Dec.1837 to July 1839; Wells, op.cit. p.120,"among the grievances entailed by the Constitutional Act none has caused so much disturbance as this insane provision for the Clergy."
234. Q 385, p.579 ff.
235. P.F. 76, No.16, to Dorchester,April 6,1795, same to Bishop of Quebec, Nov.14, 1794; Wells, op.cit. p.117.
236. Q 269B, pp.69-185, share received by Church of Scotland in U. and L.C.
237. P.F. 75, No.19, March 30,1819, in Maitland's to Bathurst, May 17,1819.

to a share in the fund.[238] Because of the public interest in the issue, Maitland requested Bathurst for an official ruling upon the legal implications of the Canada Act. The law officiers of the Crown in England ruled that while in their judgment the Church of England alone could be endowed with any portion of the land, the pecuniary assistance out of the rents or profits of the Reserves at the discretion of the Colonial Government might be contributed to the support of the Clergy of the Church of Scotland, because "recognised and constituted by law." But dissenting ministers, not belonging to either of the national religions , were not acknowledged as coming within the term 'Protestant' Clergy, and could not therefore participate in the provisions.[239] Bathurst, in 1828, agreed with the Committee of the House of Commons, but pleaded lack of revenue in refusing the Niagara petition.[240] To him the proportion each church should have was purely a political matter, and for that reason he instructed that provision be made in land for the Church of Scotland where that Church predominated.[241] But since the exact share due to the Scottish Church was not indicated, or the authority by which such an appropriation could be legally made, no action was taken. The claim of the Scottish Church, however, backed by the local Legislature, was from that period persevered in,[242] and as late as 1838, Glenelg saw no reason to question the equity of the opinion of 1819.[243] Both Churches strove to prove their right to the Reserves either in whole or part; the Church of England claimed a monopoly, the Church of Scotland an equal share with her sister church. Both advanced arguments drawn from political theory, the meaning of words, the intentions of the original provisions, and the needs of a pioneering country.

The Church of Scotland claimed that they were both established churches, recognised within their particular limits; that the Union of 1707 placed the subjects of each nation on a footing of reciprocity with the respect to the rights, privileges and responsibilities of subjects; that since the Conquest of Canada was subsequent to 1707, her claims to a share of the Reserves came within the meaning and spirit of the Act of 1795; and that as a matter of absolute right, apart from that Act, neither church had any claim to State support in Canada, but since the provision was made

238. Q 325, p.212, Maitland to Bathurst.
239. Q 385, p.579 ff; P.F. 75, No.19, p.92, Copy of the Opinion of the Law Officers relative to the Clergy Reserves, Nov.15,1819, and May 6,1820; Q 169, pp.91-94, Jan. 9,1824, Stephen to Horton; Q 154, p.177, Lushington to Gouldburn, July 9,1819, Richmond was authorised to pay £ 500 towards rebuilding the Niagara Church.
240. Q 371A, p.107,.
241. Q 319A, p.234.
242. P.F. 76, No.14, Thomson to Russell, Jan.22,1840. In 1833 the U.C.Legislature petitioned the Throne for the recognition of the right of the Church of Scotland to share with the Church of England in the Reserves.
243. P.F. 75, No.19, Nov.5,1838, Glenelg to Arthur, upon the demand of the Church of England to submit the issue to the Judicial Committee of the House of Commons.

the Church of Scotland claimed her share.[244] The case for the Church of Scotland was further supported by the indisputable assertion that the Colonial Office had never fully acknowledged the claim of the Church of England to be the established church of the Colonies,[245] and that in both the provinces of Upper and Lower Canada, the Church of Scotland outnumbered the Church of England, admitted by Sir George Grey,[246] whereas the Church of England was the smallest of the four great religious demoninations in the provinces. Neither church could claim priority on the basis of the poverty of their members since both were unable to provide for their own religious needs.[247] In answer to these arguments, Bathurst desired to know the particular situations where inconveniences, arising from the want of religious instruction, were particularly felt by the Church of Scotland, and where additional clergy should be situated and the number required, the amount of support necessary for this,[248] and whether there was any society in Scotland to contribute towards it.

The answer seemed conclusive. There were only four ministers of the Church of Scotland in Upper Canada - at Williamstown, Lochiel, Cornwall and Kingston. The districts of Gore with a population of about 10,000, two-thirds of whom were Presbyterians, had no clergy of the Church of Scotland, while the settlements of Grimsby, Clinton, Barton, Bellville, Port Hope and others were ready for Presbyterian ministers. In Lower Canada, Presbyterian ministers were required near Montreal at Mount Johnston, La Prairie, Lachine, New Glasgow, River Duchene, Beauharnois, Ste. Rose, Ste.Therese, New Paisley, and at other centres nearer Quebec. There were only fourteen Church of Scotland Ministers in all the Maritime provinces. In Nova Scotia the settlements of Porters' Lake, Londonderry, River John and Cape John, Mount Graham, and Mount Dalhousie, East River Pictou, Barnes River, Manchester, Gainsborough, and others were destitute of religious instruction, many requiring Gaelic preachers. In Cape Breton there were six settlements without ministers, and in Prince Edward Island two thousand Presbyterian families were inadequately supplied, while thirty Presbyterian ministers were called for in New Brunswick alone. To overtake this shortage and possibly in answer to Bathurst's enquiry, there was

244. Ibid, Jan.3,1824, General Assembly of the Church of Scotland to the Throne, (Bathurst's answer May 8,1824); ibid, Aug.12,1831, Petition by ministers of the Church of Scotland in U. and L.C.; ibid, Dec.27,1823, Maitland to Bathurst concerning the claims of the Church of Scotland; Q 169, p.91 ff, Stephen to Horton, Jan.9,1824, Petition from the ministers and elders of the Church of Scotland in U. and L.C.; Q 266, p.330 ff, Church of Scotland to the Marquis of Normandy, March 30, 1839, stating her rights.

245. Q 180, p.360 ff, Dr. Burns to Horton, June 12,1827; Q 342, p. Stephen to Horton, the Church of England can be the established church in the colonies "only by a positive statute which has not been done."

246. Q 266, p.330, ff, op.cit.; Dr. Black, Feb.8,1837, concerning Lower Canada.

247. Q 200, pp.186-93, May 16 and June 20,1831, claims of the Church of Scotland; P.F. 75, No.19, p.15, April 21,1824, General Assembly to Bathurst.

248. Q 174, pp.326-333.

established in Scotland in 1825 a society for promoting the religious interests of the Scottish settlers in the British North American Provinces in connection with the Church of Scotland, corresponding to the English Society for the Propagation of the Gospel in Foreign Parts. The Society was to send out ministers, catechists and schoolmasters on application from settlers who were prepared to contribute towards their salary.[249] In answer to these efforts at self-help, a meagre grant of £750 was made by the Colonial Office to the Church of Scotland to be divided among thirteen congregations, and made in such a humiliating manner as to suggest charity. The great influx of poor immigrants in 1831, who formed isolated settlements, made the problem all the more urgent for all denominations.[250] In 1839, the maximum grant to the Church of Scotland in Upper Canada was £1,350, and for Lower Canada, £500, while the whole proceeds of the Clergy Reserves were appropriated for the support of the Church of England.[251] This utterly inadequate provision made for the Church of Scotland as compared with the Church of England, was attributed to the machinations of Dr. Strachan, who hoped to stultify the work of the former by starving her.[252]

The Church of England, acting on the defensive, ~~endeavoured to~~ resisted all efforts to reduce her endowments.[253] She maintained that the Presbyterian form of church policy was restricted to Scotland, whereas that of the Church of England extended to the colonies beyond the seas - a claim rather difficult to uphold since there had been no establishment in the 'Old Thirteen.' It was further argued that since the Scottish church was not mentioned in the Act of 1791, her claim if admitted must come under the general term 'Protestant Clergy,' which must also embrace all other Protestant creeds,[254] and that any financial assistance to the Scottish Church must be to individual congregations at the discretion of the government, not on general principles, or by way of encouragement to her increase, or as an admission of equal rights with the Church of England.

It was singularly unfortunate that the Church of England, when her legal claims to a monopoly of the Reserves was being investigated, ~~she~~ erroneously assumed that the Church of Scotland were dissenters from the established religion of the Empire: she supplied the argument that strengthened the assertion of the various denominations of Protestant dissenters, as Colborne had foretold, that the term

249. Q 180, p.306 ff, April 2,1825.
250. Q 200, pp.186-93, May 16 and June 20,1831, op.cit.
251. Q 266, p.330 ff, op.cit.: for the first three years ending Dec.31,1835, the Church of England in U.C. received £27,705-2/6, out of the Clergy Reserve Fund, and all other sects £17,414-6/10, out of the proceeds of the Casual & Territorial Capital Revenues, see P.F. 75, No.19, Sir George Grey to Rev. H.F.Palmer, March 21,1837.
252. U.C. "S" A.Pringle, Kingston, to Rev.John Machar, April 4,1829.
253. Q 169, pp.91-94, Stephen to Horton, Jan.9,1824.
254. P.F. 75, No.19, Maitland to Bathurst, Dec.27,1823.

included them,[255] and that out of the funds an equal provision should be made for all Christians outside the Church of Rome, and that no exclusive right could be vindicated under the Act of 1791 in favour of any one or more Protestant churches.

Nor were these the only arguments used to buttress the claims of the Church of England.[256] Up to 1798, she alone had the right to solemnize marriages; Charles Inglis was appointed Bishop of Nova Scotia with jurisdictions according to the laws and canons of the Church of England, and in 1795 the diocese of Quebec was established.[257] In 1819, the control of the Reserves was placed in the hands of a Corporation of Anglican Clergy, and in 1821 the provinces were divided into dioceses and parishes according to the custom in England. In the same year a doubt arising whether the Church of England could collect tithes, the Upper Canada Legislature passed a short declaratory Act, which received the Royal assent by proclamation in February 20,1823, denying the right since the Reserves had been made in lieu thereof.[258] But in this connection, it was pointed out that no one imagined a claim to tithes would ever be advanced by an Anglican clergman in Upper Canada; and that it was from extreme caution, and most probably from a desire to remove any obstacles that existed in the erection of parishes, that the Act was passed. Later the heavy claim upon her resources, due to the huge influx of poor settlers since 1831, was advanced as an argument in favour of her monopoly, more particularly since the S. P. C. K. had withdrawn its financial support in 1833, and the Imperial grant available for present incumbents only had been reduced fifteen per cent, making no provisions for their successors or for new districts. Voluntary support was inadequate in a backward country; the only alternative was a State supported religion to safeguard public peace, public justice, and public morals, for "the testimony of experience...has proved that there can be no national prosperity without religion; that there can be no national religion without a respectable clergy; nor a respectable clergy without a decent maintenance annexed to the office."[259] By 1837, however, the Church of England had been forced to acknowledge the claims of the Scottish Church to be considered an established church, and to divide the spoils with her on the basis of their numerical strength in Great Britain.

255. Q 351, p.317, to Murray, April 11,1829; Wells, op.cit. p.117.
256. P.F.76, No.16, p.9, Presbyterian protest against the exclusive claim of the Church of England to solemnize marriages.
257. Can.Arch.Report, 1894, p.452 ff, B.T.N.S. Vol.30, A & W,1, Vol.597, pp.157-168; N.S. Col.Cor. Vol.18, p.367.
258. P.F. 75, No.19, April 22,1823, Petition from the Clergy Corporation to Parliament and the Throne; Q 385, p.579 ff.
259. P.F. 75, No.19, p.109 ff, Glenelg to Head, Oct. 7,1836, and Dec.20,1836, referred to the Archbishop of Canterbury; P.F. 76, No.3, July 1,1837, claims of the Church of England; Q 284, p.61, Political significance of a religious Establishment.

The Church of England also had the advantage of the moral and official support of the Lieutenant-Governor and Council. The policy of the local government of Upper Canada had always been so directed as "to act as a bounty for the adoption of the episcopacy." Churches were built by its support in new districts where no other church existed, while other denominations had to provide for themselves the best way they could. The lieutenant-governors were all partial to her interests. Simcoe claimed that the national Church of England was and should be the national Church of Canada, and any attempt to diminish her rights and privileges was "the product of a wicked head and most disloyal heart."[260] Both Maitland and Colborne (1818-36) favoured her claims; to them a monarchy and an established church went together. They also maintained that democracy was the curse of the Colonies; that all reformers were traitors; that the welfare of the Colonies depended on retaining a strong executive control; that all concessions to popular demands should be denied, and that the church establishment must be preserved. Maitland feared that a surrender to the demands of other denominations would only augment the discontent and reduce the Church of England to the level of dissenting sects. His ideal was that "two or three hundred clergymen living in Upper Canada in the midst of their congregations, presented to their livings by the King, and receiving the greater part of their stipends from funds deposited in London, must attach the province to the parent state. Their influence would gradually spread; they would infuse into the population a tone and feeling entirely English, and acquiring by degrees the control of education, which the clergy at home have always possessed, the very first feeling, sentiments, and opinions of the youth must become British."[261]

The mouthpiece and leading champion of the Church of England in Canada, however, was the Rev. John Strachan,D.D., born of Presbyterian parents in Aberdeen, Scotland, and a graduate of Aberdeen University. Emigrating to Canada, he served for some time as a private tutor to a family in Kingston and was later ordained an Anglican clergyman. From 1815 to 1853, this ruthless, uncompromising ecclesiastical politician directed the destinies of Upper Canada, while his offensive attitude to other denominations discredited the cause he served, weaned the affections of the people from British rule, and impressed upon their minds a sense of British injustice; while his special pleadings, with the raw enthusiasm of a convert on behalf of his adopted church, would have been in better taste had he shared less in the spoils of office. By 1832, he was an executive and legislative councillor,

260. P.F. 76, No.16, pp.8-9, Simcoe to Portland, June 20,1796.
261. P.F. 75, No.19, pp.16-18, Maitland to Bathurst, Feb.4,1824.

president of the college, and a member of its Council, a civil magistrate and rector of York, a member of the land committee of the Executive Council, ~~a civil~~ and a very extensive landowner, president of theprovincial Board of Education and senior member of the local boards in eleven districts, a member of the Clergy Corporation, and a receiver of the glebe rents, one of the principal proprietors of the York Bank and Archdeacon - later Bishop-of the Church of England, a commissioner under the heir and devisee Act for proving titles to estates, and a trustee of the Royal Institution.[262] As rector he had high fees and prerequisites and the old jail ground for glebe; as councillor he had a salary and patronage, and a salary as president of the Board of Education. MacKenzie would relegate him to the performance of his spiritual functions, and Colborne and the Colonial Office were forced to admit that he was more of a liability than an asset to the cause he served.[263]

In 1823, in a lengthy and impassioned petition, he made glaring misstatements in an endeavour to promote the interests of the Anglican Church.[264] The bulk of the people, he claimed, were Anglicans, whose clergy numbering twenty-two ministered to all creeds; other denominations had made little progress; the Church of Scotland was not only the least, but was unpopular in Upper Canada; the Reserves, even if productive, would be inadequate for the support of the Anglican Clergy. He deprecated the rivalry of other bodies, and those endless evils of disunion, competition and irritation, which only strengthened prejudices against the establishment, alienated neutral and undecided minds from the Church and made them enemies to the State connection. He saw the social harmony of the province in the judicious protection of the Anglican Establishment already formed and provided for.

He did not rest there. On My 16,1827, he sent his notorious Ecclesiastical Chart to R.W.Horton, wherein he claimed that in Upper Canada there were thirty Anglican Clergymen, thirty Methodists, six Independent Presbyterians, and two Church of Scotland ministers; that the Upper Canada settlers preferred the Church of England and that the great majority of the dissenting ministers came from the United States and spread doctrines hostile to monarchy and the establishment. The publication of the Chart added fuel to the flame of social, religious and political discord, and under its influence all denominations of dissenters united to oppose the permanent establishment of a Protestant Clergy in the Canadas on any principle. The

262. Q 376, pp.305-07, W.L.MacKenzie to Goderich, Aug.3,1832.

263. Ibid, pp.289-90; Robertson, The Fighting Bishop, p.11; Q 386, p.28, July 30, 1835, Ripon tried to induce Strachan to confine himself to his ecclesiastical functions, and accused him of using his position as an Executive Councillor to influence local politics; Q 387, p.260, Colborne to Glenelg, Nov.3,1835, suggesting that Strachan should retire from the Council because of his opposition to the declared opinions of the Assembly.

264. P.F. 75, No.19, April 22,1823, A Petition from the Corporation for superintending, managing and conducting the Clergy Reserves in Upper Canada to the Imperial Parliament and King; Q 333, p.191 ff; Wells, op.cit. p.122 ff.

Scottish General Assembly formally protested against the inaccuracy and unfairness of the Chart.[265] Dalhousie astonished by such incorrect and erroneous statements, censured Dr. Strachan; the Upper Canada Legislature examined witnesses, refuted the Chart, reprimanded the author, and while declining to dispose of the legal points at issue, they would include all Protestants as beneficiaries in the Reserves Fund.[266] But no definite action was taken though the discussion and investigation of the question exposed the lavish assistance and encouragement given by Government to the Church of England, emphasized her relative weakness as compared with other denominations, particularly the Methodists who were more numerous than all the others and a political factor in Canadian politics since their American trained ministers used their influence to swing general elections. To neutralise their political effects, Colborne advised Sir George Murray, Secretary of State, to send out preachers from the English Wesleyean Methodist Church.[267] The exposure of Dr. Strachan's misstatements also confirmed the arguments of the reformers that the real authors of the trouble were the local executive and not the British Government, who were eager to arrive at a satisfactory adjustment of the various claims.

Indeed there was scarcely any question connected with public affairs in Canada for whose satisfactory solution the Imperial Government showed greater anxiety than that of the Clergy Reserves. Independently of its intrinsic interest, the question derived an importance from the nature of the feelings it evoked. Involving much of a religious character, it was approached with sentiments far more serious and deeply rooted than were brought to the discussion of ordinary political questions. It was therefore with no groundless anxiety that the Imperial Government contemplated the unsettled state of the problem. The subsequent discussion in the local Assembly bordered on pandemonium. The intensity of public feeling was attested by the large space devoted to its discussion in the press, while the difficulty of finding a satisfactory settlement, and the ill effects of postponing a settlement, threatened dire results to the province. In the Legislature a deadlock prevailed between the two branches. The Council insisted on restricting the Reserves to their original purposes,[269] while the House of Assembly refused to sanction any act that might be construed, either directly or indirectly, to recognise an established church in Upper Canada, with exclusive claims, powers and privileges,

265. P.F. 75, No.19, March and May 12,1828.
266. Ibid, p.93,1828; Dalhousie Papers, Dalhousie to Horton, Oct.23,1827; Q 385, p.579 ff; Q 347, p.19, Maitland to Huskisson, May 12,1828; The Assembly refutes the accuracy of Dr. Strachan's Ecclesiastical Chart; Q 345, p.342, Strachan to Horton, May 16,1827, sends Chart; ibid, p.158, Comments on the same by the Canadian Freeman.
267. Q 357, p.317, April 11,1829.
268. P.F. 75, No.19, p.44, March 22,1836.

demanded the sale of the Reserves and the application of the proceeds to the purposes of public works and education, and justified their position on the basis of the injustice and impolity of excluding any creed, whose labour had given their value to the Reserves, from sharing in the proceeds; they pointed out the impractibility of adequate and just distribution among all denominations, and the endless disputes and jealousies that a policy of favouritism could cause. The only equitable solution was one of equality of civil and religious liberty to all.[269] From this position the Assembly never rededed.

Despairing of reaching a harmonious solution of the difficulty, both branches of the Legislature, on more than one occasion, to the great inconvenience of the British Government, referred the matter to their decision.[270] The Secretary of State for the Colonies, in 1831, and again in 1835, refused to referee the skirmish between the contending parties and left the determination of the matter to the Provincial Legislatures, pledging the Imperial Government to do their utmost to get a parliamentary sanction to whatever course they might adopt.[271] At the same time, aware of the difficulty of reconciling these conflicting views and to end public excitement, both Ripon and Glenelg suggested to the Legislatures of both Provinces that the power of appeal, specially delegated to them by the 41st Clause of the Statute of 1791, should be exercised by them to merge the Reserves in the general demesne of the Crown, in order to bring them within the reach of the general rules under which all the waste lands were disposed of.[272] That was the only constitutional way out of the difficulty since in a British colony, possessing a representative assembly, Parliamentary legislation, on any subject of exclusively internal concern, would be countenanced only in extreme cases where necessity at once created and justified the exception. Clearly the Reserves question was not of that nature, particularly since it was thought that the differences of opinion did not present an insuperable impediment to the ordinary ~~danger~~ administration of public affairs, and were not expected to involve urgent danger to the peace of society as compromise was possible through mutual surrender of extreme views. Apart from that, the authors of the Constitution Act of 1791 declared this to be one of those subjects

269. Ibid, Jan.13,1830, Feb.25, and Dec 14, 1831, Jan.21, 1832, Resolutions and Petitions of the House of Assembly; ibid,p.106 ff, Glenelg to Bond Head, Dec.5,1835; Q 385, p.710 ff, April 10,1835; N.B.Despatches, Vol.XV, p.621,ff; Wells, op.cit. p.121.

270. P.F. 75, No.19, Sir George Murray to Colborne, Sept.29,1829; ibid, p.28, Colborne to the Legislature, Jan.17,1829; ibid, Sept.26,1835, Legislative refers the decision to the British Government; ibid, p.50, Committee of the House of Assembly, April 7,1836.

271. Ibid, pp.103-104, Glenelg, ~~to~~ July 31,1835.

272. Ibid, p.75, Lord Aberdeen to Earl Amherst; ibid, Ripon to Colborne,Dec.21, 1831; C.O. 323/53, James Stephen to Glenelg, Aug.4,1836: "The principle of leaving to the Canadas the regulations of their own local interests must be fully followed out into all its consequences, as the only basis on which the connection between the two countries can now be maintained."

in regard to which the initiative was expressly reserved and recognised as falling within the province of the local legislatures. In thus referring the subject to the future Canadian legislatures, they must have contemplated the crisis that later arose - the era of warm and protracted debate which, in a free government, may be said to be a necessary precusor to the settlement of any great principle of national policy; and they guarded themselves against devoting these lands irrevocably to uses which might at some future period be distasteful to the people and legislatures of the provinces. They seemd to have foreseen that the question of ecclesiastical endowments might become in Canada, as elsewhere, a fruitful source of contention, and means were accordingly provided for reserving to legislative bodies the freedom of action necessary for meeting any such difficulty if it should arise. It was therefore felt that Parliament must not have recourse to an extreme remedy, even to avoid an embarrassment which was the result of its own deliberate legislation; and that to withdraw the Clergy Reserves question from the Canadian to the Imperial Legislature would be an infringement on that cardinal principle of colonial government, which forbids parliamentary interference except in answer to an evident and well established necessity.[273]

At the same time it must be observed that in the main English officials, in sympathy with the claims of the Church of England, delayed settlement. Thus the friendly attitude of Maitland and Colborne undoubtedly encouraged the Legislative Council to resist the Assembly; and Ripon, while instructing that steps be taken to reinvest the Reserves in the Crown, admitted without reserve his "own extreme anxiety for the widest extension of the Church of England," if it could be secured without antagonising other churches.[274] He seemd rather uneasy about the whole matter; ghost of dubious acts, which he would keep in the dark recesses of official pigeon holes, were haunting the Colonial Office. He was extremely anxious to prevent a discussion of the whole problem of the policy of Government regarding religion, and particularly the appropriation of the funds of the Clergy Reserves, which hitherto had gone to the support of the Church of England.[275] On the other hand, James Stephen of the Colonial Office, was not sympathetic with the efforts of the State to interfere with the religious life of Canada, and favoured leaving the question to be settled by the colonists.

In response to the suggestion of the Imperial Government that the Reserves

273. Ibid, Murray to Colborne, Sept.29,1828, and Colborne to the Legislature, Jan. 17,1829; ibid, p.106 ff, Glenelg to Bond Head, Sept.5,1835; N.B.Despatches, Vol.XV, p.621 ff.
274. P.F.75, No.19, April 5,1832.
275. Ibid, Ripon to Colborne, Nov.21,1831.

be vested in the Crown, the Attorney-General of Upper Canada introduced a bill into the Legislature on the last day of the session, but discussion was postponed until the next session when the bill was dropped, due perhaps to pressure being exerted upon the Secretary of State to withdraw the objectionable instructions, and to the growing public opinion in favour of sale for education and general purposes.[276] In 1834, a bill to sell the Reserves for educational purposes carried in the Assembly by a majority of twenty-two to twelve, but was lost in the Council. In 1835, it was again passed in the Assembly by a majority of thirty-nine to seven, but was again ignored in Council who referred the matter to the Imperial Parliament. A bill for the same purpose was passed in the Assembly of 1836 by a majority of thirty-five to five, and even after amendment was rejected by the Council. This was followed by a resolution of the Assembly to dispose of the Reserves for purposes of religious and moral instruction, which the Council was willing to accept if it meant purely religious purposes. In 1837, a bill introduced to dispose of the Reserves for the support and maintainance of the Christian religion was dropped because of the Rebellion.[277] In Lower Canada, Aylmer was instructed to introduce a bill to reinvest the Reserves in the Crown, and was warned "to proceed with the utmost cautious observance of the privileges of that body, and of all constitutional forms." The bill was rejected. Thus the evils complained of continued and an issue which was at first purely denominational- a mere matter of casual and incidental support of individual churches - gradually widened to embrace the control of the main Reserves Fund, and finally became a political question involving a struggle over the establishment principle and the entire control of the Reserves by the Legislature.

The Rebellion made no changes in the attitude of the various parties to the Reserves question, except perhaps that it intensified the desire on the part of the majority of the people to secure a speedy and permanent settlement of such a dangerously explosive issue. From that time till 1854, the question was before the public owing to the lack of harmony among ecclesiastics and politicians as to what constituted a satisfactory solution. The Assembly was divided into small groups; negative majorities were easily procured, but an affirmative vote in which a majority might concur from conscientious approval could not be obtained. There was throughout a lack of unanimity.[278]

Within that period three schools of opinion strove for mastery. The Church of England still insisted on her pound of flesh. Her clergy, lead by Dr. Strachan,

276. Ibid, Colborne to Goderich, Feb.3,1832.
277. P.F. 76, No.14, Thomson to Russell, Jan.22,1840.
278. P.F. 75, No.6, Arthur to Normandy, May 14,1839.

were eager to transplant into Canada the religious inequalities and disqualifications attached to dissent in Great Britain; they would make religion a department of the State and dependent upon its provision for financial support. To them the provision of the Act of 1791 was a blessing and not a grievance, and the agitation over the Reserves was traced to misrepresentations and unhallowed purposes, but not to the morals of the case.[279] To the Bishop of Quebec it was not even a matter of controversy. It was only towards the end of the undignified strife that the Church of Scotland dissociated herself reluctantly from the establishment principle, and joined hands with the party of secularisation, who, in 1830, formed the majority of the settlers and were more interested in the removal of all unnecessary obstacles to settlement than in sectarian strife over the legal definition of the term 'Protestant Clergy.'[280] They objected to the Reserves on economic grounds because they obstructed progress; on political grounds because of their disturbing effects upon public opinion; on constitutional grounds because they endangered the Imperial connection; on religious grounds because they precipitated and perpetuated an undignified sectarian strife; and on the basis of justice and equity because they favoured one class, and that a minority, more than another by which the interests of a particular church were preferred to the welfare of the province. Between 1826 and 1841, the policy of this group, as expressed on fourteen different occasions in the Legislature of Upper Canada, called for the sale of the Reserves for purposes of education and general improvement.[281]

There was also a small group of voluntarists, who claimed that the employment of public money to support the opinions and interests of any religious body whatever was liable to strong objections on the grounds that State interference always encroached on the rights of private judgment; that the worst religious divisions were caused by favouritism enjoyed by certain denominations, and that political ascendancy in religious matters always subordinated conscience to expediency. Ministers of religion should therefore be supported by the voluntary contributions of their congregations, for where either religion or its ministers were connected with the State, its functions were not only carelessly discharged, but men were political hypocrites.[282]

Between these extreme views stood the moderates, who favoured State support to all recognised churches during the hardships inseparable from pioneering days. At no time were the advantages of religion more apparent than then, preventing a recurrence to barbarism, promoting order and sociability, and

279. P.F.75, No.6, Petition to the Colonial Office, Oct.11, 1838.
280. P.F. 76, No.3, p.16, Aug.25, 1837, and No.19, June 23, 1837.
281. Ibid, No.14, Sydenham to Russell, Jan.22, 1840.
282. Q 266, p.350 ff, op.cit.

reconciling man to his lot. Without religion Sunday became a day of sloth and drunkeness. The human mind required some wholesome diversion from the dull routine of constant labour in a society where all men were on an equality.[283] This group included men of all classes.[284] Clergymen, like Egerton Ryerson, laymen like Isaac Buchanan, who would treat each denomination alike and support their respective churches in proportion to the assessment of each to the support of their own clergy;[285] politicians like Draper, a fervid Presbyterian, and Baldwin, a devoted Anglican, who without bitterness sought to remove the issue from party politics and at the same time advance the cause of religion. Sir George Arthur and Lord Sydenham, unlike Maitland and Colborne, favoured moderation and justice to all denominations. During his brief regime in Upper Canada, Arthur was unable to find a satisfactory answer, yet his moderate spirit as expressed in his speech to the Legislature on February 27,1839, must have poured oil on the troubled waters, lulled political strife and prepared the ground for his successor in office, Poullett Thomson, Lord Sydenham;[286]

> "The strongly excited feelings to which the long agitated question of the Clergy Reserves has given rise in the province, have sensibly impaired that social harmony which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the country, in proportion as they have created divisions among its defenders. It is painful to reflect, that a provision piously and munificently set apart for the maintenance of religious worship, should have become the cause of discord among the professors of the same faith, the servants of the same Divine Master; and I feel that, on every account, the settlement of this vitally important question ought not to be longer delayed. I therefore earnestly exhort you to consider how this desirable object may be attained, and I confidently hope, that if the claims of contending parties be advanced, as I trust they will, in a spirit of moderation and Christian charity, the adjustments of them by you will not prove insuperably difficult. But should all your efforts for the purpose unhappily fail, it will then only remain for you to reinvest these Reserves in the hands of the Crown, and to refer the appropriation of them to the Imperial Parliament, as a tribunal free from those local influences and excitements which may operate too powerfully here. My ardent desire is that, keeping in view as closely as you can the true spirit of the object for which these lands were originally set apart, this embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large, and conducive to the diffusion of religion and true piety throughout the Province."

A bill to reinvest the Reserves in the Crown for religious purposes passed the Lower House,[287] was rejected by the Legislative Council, after which a resolution was passed urging the cessation of further reserves, the sale of those made, and the application of the proceeds to provincial purposes. A previous act, placing the disposing of the Reserves in the hands of the Imperial Parliament was not confirmed.[288]

What does this mean

283. Q 192, pp.544-63, Richards to Murray, Sept.23,1829.
284. U.C. "S" Ryerson to Glenelg, April 9,1838.
285. Q 242, p.139 ff, and pp.178-193.
286. P.F. 75, No.79, Extract from Sir George Arthur's Speech to the Legislature of Upper Canada, Feb.27,1839.
287. Correspondence relating to the Clergy Reserves, Upper Canada, Arthur to Glenelg, July 11,1838.
288. P.F. 76, No.14, Jan.22, 1840, Thomson to Russell, Stating the number of bills and resolutions passed by the Lower House and rejected by the Council; Russell to Sydenham, Feb.7,1839.

Poulett Thomson succeeded where Arthur had failed. On January 22,1840, having convinced both branches of the Upper Canada Legislature of the necessity of the union of the two provinces, he wrote to Lord John Russell: "There is no subject of such vital importance as the question of the Clergy Reserves; there is none, with reference to the future union of the two provinces, which is more necessary to determine without delay.... It has been for many years the source of all troubles in the province; the never-failing watchword at the hustings, the perpetual spring of discord, strife and hatred." In Lower Canada, on the other hand, the disposal of the Clergy Reserves had never produced the least excitement. The Catholic Clergy were well provided for and had no claim to participate. It was of very little moment in Lower Canada how the distribution of the funds were made, whereas in Upper Canada the question was the all-absorbing and engrossing topic of interest. Small wonder that Thomson did not feel very confident of success where so many had failed. But to leave the question undetermined until the Union of the two provinces was established, and transfer the decision to the United Legislature, would have been to add an entirely new element of strife to the already existing sources of discord, which unhappily prevailed in both provinces. His popularity, however, effected a compromise. A bill was passed on January 15, in the House of Assembly by a majority of twenty-eight to twenty, and on the 20th in the Legislative Council by a majority of thirteen to five, which enacted that the Reserves were to be sold, the proceeds funded, and the annual return shared in specific proportions by the Churches of England and Scotland, together with the other recognised religious bodies.[289] Lord John Russell agreed that this settlement should be accepted. It was a tribute to the personality and ability of Thomson; but only the strong desire for a final settlement had persuaded the former opponents to agree to the measure, and Thomson claimed that their assent could never again be secured, and that the body that dissented most strongly was the Church of England, though the majority of the Anglican members of the Assembly voted for the bill.[290]

His fears were well founded. Two weeks later Dr. Strachan, that stormy petrol, fanned the dying embers of sectarian strife by publishing an address to the Anglican Clergy and laymen, in which he accused the Anglican members of the Legislature of treachery in voting for the bill, which he declared degraded the Church of England to the level of other sects in Canada. He gloried in opposition to the

289. P.P.XXXII, pp.27-34, Jan.22,1840; P.F.76, No.14, p.17 ff, Copy of an Act passed by the Legislature of U.C. to provide for the sale of the Clergy Reserves and for the distribution of the proceeds.
290. P.P. XXXII, pp.21-27, Thomson to Russell, Jan.22,1840.

measure, boasted of the friendship of English Episcopalians who would prevent its passing the Imperial Parliament, and called upon every Anglican Church to petition Parliament to that end. Russell strongly deprecated Strachan's action in reviving "an element of discussion which has been so long the fruitful source of irritation and discontent, and which could only be protracted at the risk of the best interest of the province." Strachan's prophetic statement came true. Not only did the English judges declare the bill ultra vires,[291] but Phillpotts, Bishop of Exeter, discovered that the Act was beyond the power of the Assembly to pass, and that a confirmatory could not pass in the House of Lords in the face of the Episcopal Bench. In consequence of this legal difficulty, the Church for the first time expressed its readiness to compromise, with the result that the ministry passed the Canada Clergy Act of 1840,[292] which Howick declared only scotched but did not kill the snake.[293]

This Act, similar in principle but differing in detail from Thomson's Act, made it legal for the governor, by and with the advice of his executive council, "to sell, grant, alienate and convey in Fee Simple all or any of the Clergy Reserves to the extent of 100,000 acres in any one year without the previous approval of one of Her Majesty's Principle Secretaries of State. The proceeds of all past sales were left subject to the orders of the Governor-in-Council, to be used to honour the past promises of Government to the support of religion. The balance of interest and dividends were to be divided into three parts, of which two should go to the Church of England and one to the Church of Scotland, while the nett interest and dividends from the Act of 1840, were to be divided into six equal parts in the ratio of two to the Church of England, one to the Church of Scotland, and the balance to be applied by the Governor and Executive Council, for the purpose of public worship and religious instruction in Canada. Out of the Consolidated Fund of the United Kingdom, the sum of £~~700~~ 7,700 was guaranteed to the Church of England and £~~100~~ 1,500 to the Church of Scotland.[294]

For various reasons the Act was regarded, both in Canada and Great Britain, as a final settlement of a most difficult question. Not only was the issue pressed upon the Imperial Government by successive governors of Upper and Lower Canada, and by the general wish of the Canadian people, but a settlement was most particularly imperative before the two provinces, differing so widely in race and religion were united under one government.[295] From 1840 to 1849, no discontent was

291. P.F. 76, No.15, pp.1-2, Opinions of the Judges on the question of the Clergy Reserves (Canada) Act; P.F.75, No.6, Russell to Thomson, Sept.7,1839.
292. 3 and 4 Vict.c.LXXVIII.
293. P.P. 1852-53, LXV, p.611, Parkington to Elgin, Dec.16,1852.
294. Bell & Morrell, op.cit. pp.41-43.
295. P.P. 1852-53, LXV, p.611, op.cit.

manifested in any quarter on account of the provisions of the Act. During that period and up to 1852 inclusive, the sum of £252,348-13/4 was paid to the various denominations recognised by law in Upper and Lower Canada.[296]

In 1850, the ten-year truce suddenly came to an end through an address from the Upper Canada Legislature to the Throne, calling for the repeal of the Imperial Acts of 1840, and requesting that power be conferred upon the Canadian Parliament to dispose of the Clergy Reserves, subject to the condition of securing their stipends to those already in receipt of such, and to them alone.[297] The basis of repeal was found in the grave objections to religious endowments that were used to keep certain favoured denominations, connected with the State, in a position of superiority over others; in the distributions of the funds that excluded the majority of the population; and in the injustice of the policy that gave a particular denomination a vested interest in a branch of the Colonial revenue. Moreover, Lord Elgin represented that the Act of 1840 was regarded by certain reformers as the result of Imperial interference in a matter of Provincial concern, while the friends of the settlement by influencing public opinion in England, accentuated local bitterness. Earl Grey informed him that the Imperial Parliament would be asked to repeal the Act in order that the desired power might be available, providing the existing interests were respected.[298]

There was an immediate protest from the beneficiaries of the Reserves Fund. Strachan called upon the clergy of the Church of England to oppose the action of the Assembly, and petitions were sent to the Throne by both churches protesting the re-opening of the question. The Methodist Church, however, with their thousand congregations, and a membership of 100,000 persons, favoured the Assembly.[299] A bill was passed to repeal the clause in the Act of 1791 sanctioning the creation and endowing of rectories.[300] But the Imperial Parliament was not prepared to advise Cabinet Parliament to repeal the Act, on the ground that it was undecided how far a fund set apart for the upkeep of religion should be diverted from its original purpose, and raised the question whether an accidental majority in favour of repeal in a

296. Ibid, p.593 ff, the Church of England received £140,252-9/1, the Church of Scotland £63,451-8/3, the U.P.Church, £8,396-13/5, the Roman Catholic Church, £20,946-19/3, the Methodist Church, £9,751-3/4; P.P. 843, XXXII, p.347, amount of the investments in the Public Fund of Great Britain on account of the Clergy Reserves in Canada with interest: U.C.Sales, £119,283-4/10, interest £3,578-10/-, L.C.Sales, £47,259-14/11, interest £1,417-15/10.

297. P.P.1851, XXXVI, p.229 ff, July 19,1850.

298. U.C.Population, 1848, 723,332, of which 239,651 were members of the Churches of England and Scotland; L.C.population, 678,490, of which 70,229 were members of the above churches.

299. P.P. 852, XXXIII, pp.29-62, Elgin to Lord Grey, Feb.4,1851.

300. Ibid, 1852-53, LXV, p.520, July 12,1852, Church of Scotland against reopening the question, pp.522-46, same action by Church of England.

dying local legislature should have the absolute power to decide such an important question. The Government offered to reconsider the redistribution of the Fund in line with the change in the population through recent immigration.[301] To this the Canadian House of Commons replied that the disposition of the Clergy Reserves was "one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the Provincial Legislature," and that the opinions of the majority of the inhabitants on the question remained unaltered and unalterable. Thus the question of self-government was raised in an unmistakable form.

No doubt Elgin's well known approval of the principle of self-government to the Canadian Colonies must have been responsible for the acceptance of the point of view of the Commons of Canada.[302] Soon afterwards the entire separation between Church and State in Canada was declared by an Act which appropriated to secular purposes both the Clergy Reserves Fund and the unsold lands, after provision had been made for the salaries of existing incumbents;[303] and further declared that the monies arising from the ~~sale, rents and investments of the~~ Reserves in ~~its own district~~ both provinces would form a separate fund called the "Municipalities Fund," by which each section would have the benefit of the nett proceeds arising from the sale, rents and investments of the Reserves in its own district. The balance, after paying the religious obligations, would be apportioned equally among the several county and city municipalities in proportion to their population, and with full control over the disposal. On January 1,1853, the unsold portion of the Reserves in both provinces amounted to 1,574,600 acres, valued at £430,482-10/-.[304]

The battle was over, but the effects remained. Apart from the religious strife the Reserves engendered, their uncultivated state broke the continuity and retarded more than any other circumstance the improvement of agriculture, isolated settlers and prevented the construction of the means of communication,[305] without being productive of any corresponding advantages.[306]

In reviewing the evidence one is forced to the conclusion that there was little doubt among a large section of thinking people of the real nature of the

301. Ibid, p.526, Parkington to Elgin, April 22,1852.
302. Ibid, p.585, Newcastle to Elgin, March 24,1853.
303. P.P. 1854-55, XXXVI, pp.525-34, Address from the Leg.Ccl and Assembly of Canada touching the legal position of bishops and other members of the Church of England in that province passed in the latter, march 29, and in the former March 30,1855.
304. P.P. 1852-53, LXV, p.607.
305. P.F. 75, No.19, p.93, Select Committee of the House of Commons, 1827; Q 145, pp.149-54, Sherbrooke to Bathurst, Nov.26,1817; Q 359, p.563, Evidence regarding the state of the Province, 1824; Tenth Report L.C. pp.35-36, 1824.
306. Emigration, Vol.30, Nov.21,1831, Goderich to Aylmer; Q 373, p.227, Goderich to Colborne, Nov.21,1831; P.P. 1837, XLII, p.417, Gosford to Glenelg, Nov.12, 1835; Q 266, p.345 ff.

issue involved in the Reserves and their appropriation. The evidence was both cumulative and conclusive. For over thirty years they had been a bone of contention that increased in rancour with the years, seriously endangering public peace. But to expose the evils, point out possible consequences and suggest practical remedies, was considered bad form by those vitally interested in perpetuating the system. Criticism was regarded as an attempt by evil men to make political capital out of the adversity of a church that claimed to be simply accepting the legal provision made for her support by an indulgent and appreciative government. The weakness of her position blinded her to obvious facts. As in Ireland, she was a minority church with a dubious claim to exclusive patronage in a day when Tory strongholds and prescriptive rights were being successfully stormed and questioned by the friends of freedom in the realms of intellect and commerce. She weakened her case by assuming the justice of her cause and by refusing to admit, till forced to do so, the truth of a contrary opinion whether of learned and unbiased judges, of committees of Parliament, of the censure of public opinion expressed in local Assemblies, or the considered judgment of discerning and unprejudiced men of various shades of opinion. Sir William Bonnycastle, "a member by education and inclination of the Church of England," and long resident in Upper Canada where he filled many an important office, said in 1840, that the Reserves were undergoing their ordeal, "I cannot, neither do I conceive, that any sensible man who had resided in Canada, can shut his eyes to the fact that the Church does not embrace the majority of the inhabitants of the Upper Province, that it never can and never will, and that therefore it is only just and reasonable that it should not be endowed with such a vast portion of" territory.[307]

The Church of Scotland was less guilty in that she never aspired to be the established Church of Canada, never claimed a monopoly of the Reserves, and while demanding her rightful share, she admitted, though grudgingly, the rights of other denominations to participate in the funds. Particularly blameworthy were those responsible British officials who, in the face of sustained protests, allowed the opinion of one-fifth of the population who benefitted from the system to outweigh the sentiments and outraged feelings of four-fifths on whom the system pressed so heavily, and by partiality to the few, created an impression that there was no prospect of the Reserves beging judiciously or equitably apportioned while Canadian affairs were managed from Downing Street.

307. Q 430, p.39, April 23,1840.

(4).

In view of these political and religious controversies it is not strange that observant persons found a general tone of complaint and discontent among all classes in Upper Canada, together with a mutual distrust and inertia felt even by the most loyal. Everywhere there existed a feeling of the insecurity of property; a moral depression due to the poverty of many, the inadequacy of education and the absence of public spirit on the part of those in responsible positions. Add to that maladministration and mistakes not chargeable to any one individual or any one measure, but to the whole tendency of the Colonial system of government with its perpetual changes of officials and measure that undermined public confidence.[308] Thus a colony that abounded in material possibilities was poor in population, wealth and initiative, traceable to the want of wisdom, of judgment, and of sympathy on the part of the government. In 1835, Mrs. Jameson found in Toronto a petty oligarchy and a self-constituted aristocracy, a hateful factious spirit, but no public or patriotic feeling, no recognition of general or generous principles of politics. In this mad scramble for political power, many golden opportunities for vigorous and much needed reforms of laws and the whole administrative system were lost. This is equally true of Lower Canada, whose indigenous institutions were cramped and weakened, and where unwise centralization of power was not compensated by well developed municipal institutions of local self-government. The province, with its unreformed judiciary and the absence of a public system of education, was unprogressive. The Assembly, wasting its time in fighting the Executive, neglected its great public works. There was a complete disorganization of institutions and of the administrative system of the province. "From the highest to the lowest officers of the Executive government, no important department is so organized as to act vigorously and completely, throughout the Province; and every duty which a government owes to its subjects is imperfectly discharged."[309] In such an atmosphere, Papineau's influence is intelligible.

The similarity of grievances in both provinces called for identity of treatment on the part of the Colonial Office. A policy of conciliation was adopted. The military governors were recalled and civil governors appointed: Lord Gosford to Lower Canada and Bond-Head to Upper Canada, accompanied by a commission of enquiry with conciliatory but vague instructions. The Royal instructions issued to the Governors and the official counsel accompanying those instructions were

308. Dalhousie Papers, Vol.3, Dalhousie to Kempt, June 10,1820, deploring the frequent change of Governors and the unhappy consequences to the provinces: "When any measures have been begun, it too often happens that they are left unfinished" since the successor knew nothing of the causes of their origin."
309. Durham Report, p.44.

almost identical.[310] Glenelg informed them that they had been selected "at an era of more difficulty and importance than any which had hitherto occured in the history" of Canada, and where remedial measures of such magnitude and variety as apparently to embrace every conceivable topic of complaint were called for.[311] They were urged to avoid extreme men, pursue a policy of reconciliation and build up a moderate party. But while the instructions were similar, the men who were to carry them out and the people to whom they were to be applied, were dissimilar. Gosford was expected to reconcile two warring races; kindly and good-natured, inexperienced and weak, he was not the man for such a task, and though he used every auxiliary that hospitality and good breeding could command, he failed either to conciliate the French or win the confidence of the British settlers.[312] As for Bond-Head, not even that gentleman himself could offer a satisfactory explanation of his appointment; he was certainly not qualified either by training or temperament to solve the problems that faced him. But like Gosford, he went heartily to work to carry out his conciliatory commission. True he blundered in indiscretely exposing his instructions, which unmasked his mission rather badly at the start,[313] but he tried to bring political peace and seemed anxious to consult the leading reformers, three of whom he named to the Executive Council,[314] only to dismiss them shortly afterwards, and replace them by passive Tories.[315] Very early both governors experienced difficulties; they were called upon to deal with subjects for which their instructions were not elastic enough, and their failure rather estranged still farther the very parties they were expected to conciliate. Thus, Gosford, in Lower Canada, refused to entertain for a moment the idea of an elective Legislative Council, and Bond-Head told the Upper Canada Assembly "that it was inconsistent with his responsibility to his sovereign, and wholly incompatible with a condition of colonial dependence" to subordinate the Executive Council to the Assembly.[316] The issue in both provinces was thus clearly raised, and failure in both cases logically followed. Neither could accomplish what was expected of him, and both had to bow to the inevitable and resort to a system of personal government, a rule of conduct

310. Q 226, p.353 ff, Gosford to Glenelg, Fev.19,1836; Q 228, p.3, same to same, June 2,1836; Q 389, p.355, Bond-Head to Glenelg, Feb.5,1836; Q 223, p.3, Gosford to Glenelg, Aug.26,1835; C.O. to Colborne, Oct.28,1835, His Majesty's fixed purpose is to redress every real grievance affecting any subject.

311. N.B.Despatches, Vol.XV, pp.621-699, op.cit.

312. Q 390, p.14, May 5,1836, Head says that Gosford's conciliatory policy is fruitless; Q 230, p.396 ff, March 8,1836, Gosford not a success; Q 231, p.132, James Buchanan to Spring-Rice, June 1,1836, failure of Gosford; Q 242, p.1042, Gosford an excellent man but too lenient for revolutionary heroes like Papineau, he needs the nerve and determination of Craig.

313. Q 389, p.353, Glenelg to Head, March 22,1836; Q 390, p.723, Head to Glenelg, May 8,1836.

314. Q 389, p.368, Head to Glenelg, Feb.23,1836; ibid, p.378, same to same, March 21, 1836.

315. Q 389, p.286, 282; Q 395, p.356, Ryerson to Glenelg, May 7,1836.

316. Q 389, p.333, Head to Glenelg, April 27,1836; Q 390, p.108, same to same, June 3,1836.

perfectly congenial to Bond-Head who opposed any concession to popular demands and gloried in the rough and tumble of local politics, and by an adroit appeal to the principles of "loyalty and the British connection," and a liberal use of new deeds to government supporters, won the election of 1836, and placed the reformers in a decided minority in the House.[317] Official conduct so undignified had unfortunate political repercussions. The Assembly reprobated Head's tactics and stopped all supplies; some of the reformers became secret conspirators and later open rebels.[318] Glenelg, however, supported Bond-Head's political methods and unconstitutional proceedings as decisive influences upon the destinies of British North America.[319] In Lower Canada, the continual stoppage of supplies for four years forced the Imperial Government to take coercive action by voting the sum of £142, 160, as a loan for the payment of arrears of civil service to be paid in the event of the Assembly's refusal to provide the necessary funds; this with the attempted arrest of Papineau and his lieutenants precipitated the Rebellion of 1837.[320]

The British Government frankly faced the gravity of the situation to which a policy of procrastination and misunderstanding had reduced Colonial relations, admitted that colonies with a population of approximately 1,200,000,and a distinct national character, could not reasonably be expected to remain much longer in tutelage to the British Crown, and suggested that provision should be made "for the peaceful and honourable abdication of a power which ere long it will be impossible to maintain...," more particularly since "the authority of the Mother Country rests altogether upon the respect and voluntary obedience of her Colonial subjects," These ideas foreshadowed independence provided "adequate security could be taken for maintaining the connection between the two countries as members of the same monarchy - if the outlet for poor emigrants could be left open - and if those commercial interests which may be supposed to depend upon the colonial character of the Canadas, of New Brunswick and of Nova Scotia, could be protected.[321] The difficulty was to find a formula that would satisfy the colonists. The recommendation of the commissioners - Sir Charles Grey and Sir George Gipps - that the concession of 1831 to Lower Canada be revoked,[322] was unhesitatingly rejected as a breach of

317. Q 389, p.259, 333; ibid, p.436, Glenelg to Head, June 14,1836, approving his methods; Q 390, p.14; ibid, p.56, Head to Glenelg, May 23,1836; ibid, p.743, same to same, July 8,1836; ibid, p.744, same to same, July 16,1836, and p.647, July 20, Republicans crushed; ibid, p.33, Glenelg to Head, July 25,1836; Q 391, p.209, same to same, March 2,1837, censuring Head; Hunter, Simcoe County, Vol. 1, p.217, for the title deeds; Canada as it Was, Vol.I, p.192 ff, gives an account of the large increase in new patents.

318. Q 390, p.744; Q 231, p.564, March 28,1836; Q 238, p.187,190; Q 239, p.4 ff; Q 393, p.3 ff; Q 395, p.45, 356.

319. Ibid, P.72; Q 395A, p.89, 141, Glenelg to Head, Sept.8,1836; P.64-3, P 345-5, charges of his misdemeanours at the late elections preferred against His Excellency, Sir Francis Bond-Head, before the Commons House of Assembly (Canada Public Archives).

320. Dent, op.cit.Vol.I, pp.296-323; Wallace, op.cit.p.100; McArthur, The Canadian Rebellions, pp.361-383; Lindsay, W.L.MacKenzie,Chpt.1-14; Q 242A,p.236: the loan

3219 322 : see next page.

national faith and "a violation of the solemn pledges of 1788 and 1791, and as a disregard of the principles laid down by the Canada Committee of 1828, and afterwards affirmed by Sir George Murray, by Lord Ripon, and by Lord Glenelg." Further, to disarm "the popular leaders of some financial authority" would increase tenfold "their moral influence." An alternative recommendation that Parliament be asked to bear the annual expenditure of Lower Canada for a year was similarly rejected, since to use the power of the British purse "to defeat what the Assembly regards and asserts as a constitutional right would be regarded throughout the Provinces as an injury the more intolerable because so apparently easy of perpetration," and as the plan "while it meets the evils of the moment left the future unprovided for." There was even a greater objection to such an easy solution of the difficulty. Hitherto the "British Legislature have been no parties to the Canadian controversy;" it was purely a matter within the province of the Executive Government. To ask for a parliamentary grant would not only "commit Parliament to the controversy," but it was deemd unwise "to invoke the interposition of Parliament except upon a full explanation of the policy which the Government intended to pursue towards the North American Provinces." This the Government was unwilling to do without the additional information which the Commission of 1835 was intended to supply. "That information has not yet arrived," and without it the Colonial Department could scarcely recommend any consistent action to Parliament: "To avow the purpose to concede under such circumstances, would be to acknowledge the irresistible power of the Assembly. To announce a purpose to resist, would be to prejudge the results of the investigation. To say that there was no fixed purpose whatever, would be to raise a great if not insuperable obstacle to the success of the application for money." Ultimately, however, the Government was compelled to approach Parliament for a loan to carry on the government of Lower Canada, while admitting at the same time that the solution of the dilemma lay in applying more fully the principle of self-government.[323] Had the same policy prevailed thirty years earlier it might be reasonably assumed that there would have been no Rebellion. The matter brooked no delay. Lord Durham was sent as High Commissioner "in order to lay the ground for a permanent settlement of the questions which agitate Lower Canada, also of those which create divisions between Upper and Lower Canada...(and) to ascertain

321. Canada Archives Report, 1929, p.161.
322. Bell & Morrell, op.cit. p.18 ff, quoting C.O. 42/267, P.R.O. Eliot's Minute of the Second Report of the L.C.Commissioners, May 16,1836; Canada Archives Report, 1929, p.165; Q 232,-235, Reports of the Commissioners.
323. Bell & Morrell, op.cit. pp.20-23, from Russell Papers, P.R.O. Memo of Russell to the Cabinet, May 30,1836.

the wishes and opinions of the people of both Provinces regarding" legislative measures of "a comprehensive nature" for restoring peace.[324] His masterly Report states the case in clear, unforgettable phraseology, and explains why an advanced reformer and firm believer in self-government was unable to recommend its immediate adoption in a colony so torn by racial animosities as Lower Canada. But he did recommend the subordination of the Executive to the Assembly and the union of the two provinces under one Legislature, where the Anglo-Saxon would balance the French.[325] The Imperial Government adopted the latter and postponed the former. Charles Poulett Thomson succeeded in persuading the Canadians to consent to legislative union. Parliament passed the Act of Union in 1840, but responsible government was denied until Elgin's great experiment in political honesty and courage.[326]

324. Quebec Mercury, March 17,1838; Q 246, p.5 ff, 20, 57, Durham's Commission.
325. Canada Archives Report 1923; The Greville Diary, edited by P.W.Wilson, two vols. Toronto, 1927: much space given to Durham, Buller, Wakefield, it deals severly with Durham both as a political force and as a navigator in troubled waters.
326. Wrong, Buller and Responsible Government, various pages; Morison, British Supremacy and Canadian Autonomy (1839-54), p.187 ff; Bell & Morrell, Op.cit. pp.1-194; Nova Scotian, p.140; Haliburton,"Bubbles," p.3 ff, a criticism of Durham; McArthur, Lord Durham and the Union of the Canadas, pp.389-406; Lucas, Durham's Report; New, C.R., Life of Lord Durham; Reid, Life and Letters of Durham, Chapters 23-29.

XI.

THE NEW CANADA: SOCIAL AND MATERIAL CONSEQUENCES OF SETTLEMENT.

The last chapter dealt with the most outstanding political results of the land regulations and settlement; this chapter briefly sums up the most conspicuous social and economic consequences of settlement in each colony. A detailed history of each settlement from its origin down to 1841, showing the progress made during given periods, and the degree of culture diffused among them, though an ideal to be aimed at, is neither attempted nor possible in view of the paucity of local records, physical limitations and other restrictions: Wherever the evidence permits, prominence is given to the settlements that best illustrate the interesting and important features of pioneering experience. It is difficult in fact to secure reliable first hand information of the progress of settlement in those distant days. The settlers were too busy fighting the forest and making a precarious living to leave a written record of their daily toil and common tasks for the instruction or pleasure of posterity. It did not occur to them perhaps that future historians would be sufficiently interested in them and their struggles to write about them. There are, however, stray bits of information which can be combined and interpreted to reconstruct fairly accurately the social and agricultural conditions of the late eighteenth and early nineteenth centuries.

From 1791 to 1815, the development of all the colonies was very slow. The causes were general and particular. Few blamed the natural assets of soil and climate, so admirably suited to agriculture. It was a region where a numerous family, instead of being a burden, was a source of wealth. And yet travellers frequently remarked upon the comparative backwardness of social and economic life in the British North American Colonies, and the remarkable development of corresponding sections of the United States. There was wide diversity of opinion, however, as to the causes of this depressing distinction. Some found an easy explanation in the poverty of the first settlers, and in the fact that every accession of inhabitants since then had been somewhat of the same description. Practically all the wealth in the provinces had been painfully extracted from the soil. Others pointed to the immense extent of the colonies so sparsely settled in small communities, isolated by forests, swamps, and unimproved speculative grants, in many instances without means of transportation, making mutual assistance difficult, and driving the emigrants further into the wilderness. The Imperial Government, after

the loss of the 'Old Thirteen' was not over anxious to colonize Canada. From 1796, Napoleon was harassing Europe and many a potential settler found temporary employment in connection with military and transport operations, not needing for the time the opportunities offered by emigration. Of those who emigrated, many found the attractions of the United States too alluring to be successfully resisted. Finally, the War of 1812, practically suspended for the time being all settlement. Others again pointed to the fact that few, if any, large capitalists had settled in the British Colonies and used their wealth to build mills, make roads, or in any way prepare the land for settlement. The consequences had been an apparent languor compared with the neighbouring States, where it became almost axiomatic for capitalists to purchase large tracts of land and prepare them for settlement, selling the land at a profit, withholding for security the titles to the lands until the settlers had fulfilled the conditions on which they were sold to them, and until the capital advanced to them was repaid with interest. Failure to comply with the conditions meant that the land with its improvements reverted to the capitalists. The claim was made that the same method could be adopted in the Canadas with the certainty of even speedier returns. But this was difficult, if not impossible, because of the practice of reserving large blocks of land for various purposes and large grants to various individuals that were left undeveloped. It was not until these obstacles were removed that profitable large-scale speculation was possible in the Canadas. In the meantime each colony had its own problems, growing out of initial mistakes of policy, the character of its early settlers, its local politics or its geographical situation. A brief discussion of these is therefore considered necessary for a clear understanding of the development and the character of the settlements.

The Maritime Colonies, with their fertile soil, fine climate, splendidly indented coast line and fine rivers, which in the pioneering days swarmed with fish invaluable to the poor settlers, offered many attractions to emigrants. Not only did they form a geographic unit, but they were under the same government until 1784, and afterwards continued to develop along somewhat similar lines, maintaining a harmony of attitude to the problems of immigration. Up to 1815, at least, they attracted the great majority of British emigrants who desired settlement within the Empire. Timber ships, returning empty, offered cheap fares; Upper Canada was too distant and expensive to reach, while the social and religious issues of Lower Canada debarred many. The Irish, with the exception of a few farmers (the descendants of those who settled in Nova Scotia in 1749), were largely fishermen or labourers in Halifax. The English formed a small part of the population, thinly settled over the colony, but chiefly in Cumberland. The Germans were to found at Lunenburg,

while the Negroes formed about one sixth of the polulation of Halifax, besides a few in Annapolis County, brought in by settlers from New York in 1763, and held as slaves under a very doubtful order of government. The French Acadians formed a few coast settlements engaged largely in fishing, while the Loyalists with their wealth and experience soon secured a social and economic ascendancy which they long maintained; they monopolised the professions, commercial life and politics, until the force of public opinion reduced their influence. The Scots were very numerous both in town and county, dispersed all over the colony as traders and farmers. The first shipload of them arrived by the Hector in 1773, and by 1841, there were over 85,000 Scots and their descendants lining the Gulf Shore.[1]

Rural and urban life within the same period was making slow progress. True, Halifax, with a population of about 8,000, was a commercial centre and valuable market for the sale of country produce, and communication was established between it and most of the distant villages and districts,[2] while Liverpool though surrounded by a rocky and barren neighbourhood showed great enterprise and increasing trade, and Lunenburg, without trade and with poor soil, was made rich by the industry of its German settlers who supplied Halifax with country produce. On the other hand, Shelburne, settled at the close of the Revolutionary War by about 13,000 Loyalists of different descriptions, who squandered their substance in building a large town and an indifferent harbour, was by 1812 stagnant, surrounded by a miserable tract of country, and its inhabitants poor and disheartened. Barrington and Yarmouth, centres of a more fertile soil, were largely occupied in fishing and smuggling. Digby had only potential greatnees in 1812, while Annapolis, the original centre of French culture, being too far up the river was unprogressive although in the midst of a fine, rich and productive area. Cumberland, on the Chignecto Bay, Horton, Falmouth, Newport and Windsor were the centres of thriving settlements of very fine soil with dyked meadows of inexhaustible fertility. Londonderry, Onslow and Truro, in the centre of fertile country, were badly managed; Manchester, well situated for fishery, was not thriving and required a few enterprising people. Such was the condition of the affairs of Nova Scotia in 1812, that offered many attractive features for colonization. No part of it was more than twenty-five to thirty miles from navigable waters.

When Dalhousie became Governor, he found agriculture seriously handicapped. There was an extreme scarcity of specie and exorbitant price of labour; steady progress required improved farming on the one hand and increased immigration on the

1. Can. Arch. Pamphlet List, No.1484, p.47; A 155, pp.27-37, Letter to N. Atcheson Esq., London, August 20,1812.
2. Belcher, p.151 ff.

other. But before 1820, very few new arrivals became farmers because of their poverty which precluded them from becoming owners of the soil. In addition to this, the ungranted lands were situated far inland from the means of communication, while large grants comprising the finest land in the colony were withheld from cultivation by absolute proprietors.[3] And since population alone stamped a value upon property and laid the foundation for improvements in agriculture, the presence of these grants was a serious handicap to social and economic progress. Indeed prior to 1825, the pulse of the colony beat rather slowly. Agriculture was at a very low ebb; ploughing was still defective in many districts; the land was badly drained, poorly fenced and insufficiently fertilised. On the whole, the Highlanders made poor farmers. The Gulf Shore settlements, embracing almost the whole of the tableland, were very backward. The very qualities that made these settlers valuable pioneers - the ability to endure hardships and to live on the humblest fare and with a minimum of creature comforts - seemed to become an integral part of their mentality that they retained those qualities even after they had reached a degree of comparative comfort and independence: visible signs of progress were lacking. Many of them followed lumbering to the neglect of their land and the accumulation of a load of debt.[4] It was their failure as woodsmen that forced many to return to farming;[5] / There were extenuating circumstances. prosperous farmers ignored the lumber trade altogether.[6] It is difficult to cure the evils rooted in local conditions peculiar to a young country, where land was cheap and farms extensive;[7] and whereas the Acadians under French rule raised and exported much grain, the English-speaking settlers raised little and imported much, devoting their time to the raising of cattle. In this preference to grazing they were guided partly by the high price of labour and partly by the extent of land available for that purpose.[8] The situation improved somewhat under Dalhousie. To promote the independence of the colony in wheat and flour, he established a Provincial Board of Agriculture, with twenty-five subordinate branches, which, by their example and premiums supplemented by the pen of "Agricola," stimulated a healthy interest in progressive agriculture throughout the colony. New implements of husbandry, a variety of valuable seeds, an improved breed of cattle were imported and distributed

3. A 157, pp.69-71, S.B.Robie, Speaker of the Assembly, to Dalhousie, Feb.27,1817; ibid, p.161, Sur.Genl.to Dalhousie, Dec.4,1817, suggesting that certain large vacant tracts be subdivided; N.S.C.O. 217, Vol.139, p.22, Dalhousie to Bathurst, May 20,1820; Moorson, op.cit. p.343; Dalhousie Papers, Vol.II, pp.208-209, Judge Stewart to Dalhousie, May 29, 1818: The Scottish settlers determined to remain, though they were "banished...into the society of bears and foxes, because the extensive monopoly of large grants" excluded settlement.
4. Nova Scotian, Aug.18,1830; Patterson, Pictou, p.244.
5. Moorson, op.cit. p.340. 6. Haliburton, op.cit. Vol.II, p.67.
7. P.P. 1828, XXI, pp.380-482, Cockburn, A Topographical Account of Nova Scotia.
8. Belcher, op.cit. p.93 ff.

among the branches. The results fully justified the hopes entertained.[9] Between 1817 and 1827, the population grew from 82,653 to 123,848.[10] Within the same period farm stock increased at a corresponding rate. Richards (1830) claimed that Nova Scotia with its active, hardy, intelligent settlers, should be prosperous.

There were other valuable contributions to success. The colony was rich in minerals and fish. Iron was found in many places up the Annapolis valley, copper at Cape D'or and River Philip, salt springs in various places, freestone at Pictou, slate at Rawdon and grindstones at Chignecto Bay. In several spots along the upper shores of the Bay of Fundy, and in the district of Pictou, large masses of gypsum afforded an article for export, chiefly to the New England States, where it was used for manuring purposes. Coal mining was developing; trade with the United States was growing, and the West Indian trade in rum, sugar and molasses was extensive. In this way a large number of men were employed in a fairly thriving coastal trade. The immense fecundity of the surrounding waters provided resources to the thousands of fishermen, whose cabins lined the innumerable inlets along the coast. The fishery became the branch of industry that produced the staple export of Nova Scotia, and constituted a most important source of national wealth that increased annually. In 1743, the fisheries of Cape Breton alone, then in French possession, produced nearly £1,000,000, indicative of immense future possibilities.

The history of settlement generally may be illustrated by reference to Pictou, in whose fine harbour three rivers that drained the fertile uplands meet. It was the last section of Nova Scotia to be settled, and has become one of the best known. In 1767, a dense unbroken forest spread from the harbour to the nearest settlement at Truro, fifty miles away.[11] The first settlers from Loch Broom arrived by the ship Hector, which has become to the Nova Scotians what the Mayflower is to the Puritans of New England. Since that eventful day the great majority of the emigrants to Pictou, were from Inverness-shire, Ross-shire, Perthshire and Sutherlandshire.[12] By 1786 they were thinly scattered along the intervales of the three rivers and the shore of Merigomish, grinding their wheat in hand mills and using wheat and maple sugar as media of exchange. Fresh arrivals each year swelled the population to 5,000 in 1803. By 1825, it was the most populous district in the province except that of Halifax, with the largest body of cultivated land, a

9. Agricola, Letter of, Vols. 14-15, 1822; N.S.C.O. Vol.139, p.22, op.cit.; Belcher, op.cit. p.151.
10. N.S.C.O. 217, Vol.148, p.79 ff, Kempt to Hay, May 12 and Oct.24, 1828; Merivale, op.cit. Vol.I, p.127, population of Nova Scotia and Cape Breton: 1817, 98,913; 1827, 153,878; 1840, 200,000.
11. Rogers, op.cit. p.55.
12. Monro,op.cit.p.341; Can.Arch.Pamphlets, No.2415, p.35; Martin, Nova Scotia, p. 21; Murdoch,Vol.3,p.224; Patterson, Pictou, p.67 ff; N.S.C.O. A 160,p.154, June 10,1819, Dalhousie to Bathurst.

pioneer in agricultural development, raising enough bread for its own population, while the general use of oatmeal enabled the farmers, and particularly the Highlanders, to offer their wheat for sale. The settlers elsewhere in the colony, who liked "good living and mortgages," consumed all they produced and imported more.[13] By 1827, nearly all the land had been granted; good roads made by statute labour had taken the place of former trails, and horse waggons were numerous, where forty-seven years before the sight of a horse terrified the settlers.[14] In 1837 the population numbered about 21,000.

The town of Pictou contributed its share to this general prosperity by its commercial activity, its exports to New Brunswick and Newfoundland, its fisheries to the West Indies, and its extensive timber trade and shipbuilding which in 1836, totalled £100,000. In 1827, it had a population of 1,500, second in size in the province, with an academy of fifteen students in scarlet robes and one "learned professor," a small museum of native animals, and a public library - one of the earliest in Canada. The town presented "a picutre of religious, intelligent, industrious population, reaping the certain rewards of such qualities," importing all its goods from Scotland, and "all the feuds of the Macs from A-Z" and concentrated them in all their violence within the precincts of Pictou.[15]

No part of the Empire was better suited for settlement than Cape Breton Island, forming the eastern section of Nova Scotia. In extent it is 118 miles long by 69 miles at its widest section, comprising about 3,345,000 acres, of which one million are fit for cultivation, and so intersected with lakes and rivers that no part is more than seven miles distant from water communications. In 1763, the Island, after many vicissitudes, finally became a British possession and was annexed to Nova Scotia; it was reserved for naval purposes until 1784 when it became a separate colony, and grants of land to settlers were permitted. In this way Cape Breton missed the influx of U.E.Loyalists and left the way open for the Scottish invasion of the closing years of the eighteenth century and the opening years of the nineteenth. Many of the Highlanders came to join relatives and friends who fought under Wolfe at the second siege of Louisburg and remained in the Island upon demobilization. Others came as a result of the break up of the Clan system in the Scottish Highlands after 1745. Thus Cape Breton became as Gaelic as the most Gaelic part of Scotland, and it remains predominantly Highland Scottish in its population.

13. The Nova Scotian, June 30,1830; Dalhousie Papers, Vol.2, pp.208-09, Judge Stewart to Dalhousie, May 29,1818 - praises the progress of Pictou.
14. P.P. 1828, XXI, p.380 ff; Cockburn, Topographical Account, various pages; Moorson, p.345.
15. Patterson, op.cit. p.136 ff; Martin, Nova Scotia, p.29; Macgregor, Pamphlet No.941, p.60; Boucnette, British Dominions, Vol.2, p.19.

Apart from the comparatively few Loyalists,[16] the settlement of the Island began about 1791 with the arrival of two shiploads of Catholic emigrants from the Hebrides, who were persuaded by Father McEachern of St. Johns Island to leave Pictou and settle along the Gulf shore towards Antigonish. Some of them crossed over to Cape Breton and settled upon the northwest shore between the Gut of Canso and Marguerite, where they found a more congenial soil and great facilities for fishing. They sent home such favourable accounts of the country that many of their friends and relatives were persuaded to join them, settling about Judique and Mabou and gradually finding their way to the sheltered shores of the lakes, whose innumerable bays, arms and creeks offered such desirable places for settlement, that shipmasters began to land their passengers at Bras D'Or Lakes instead of at Pictou or Canceau. The pioneer ship on this route arrived on August 16, 1802, and from that date until 1828, when the last emigrant ship arrived, about 25,000 emigrants from the north of Scotland reached the Island. All the best lands fronting on the lakes and rivers were taken up by 1820; later settlers occupied rear lots. In 1836, the population was about 30,000.[17] But though settlers came, development lingered. For years everything was in a most primitive state, no roads or bridges, no comfort in the homes; the settlers were in constant danger of flood and fire.[18] The few Loyalists who had settled there threatened to return to the United States because of the conduct of the Lieutenant-Governor and his evil counsellors,[19] and the heavy burden of the cost of the civil administration, which in 1809, with a starving population of about 5,000, amounted to £5,275.[20] A worse grievance arose out of the tenure of land. Unlike the conditions in Nova Scotia and New Brunswick, settlers were merely tenants-at-will of absentee proprietors, and were alarmed at the insecurity of their title, fearing their labour would be all in vain.[31] Many left for other colonies rather than endure such uncertainty,[32] or accept the conditions imposed.[33] This evil, more than any other, retarded settlement. On several occasions the settlers petitioned for security of titles before the desired change was granted in 1818,[34] which was followed by a large increase of settlers, and titles which formerly cost £13 for 100 acres, became available for £3.[35]

16. C.O.C.B. M 410,pt.1, p.61 ff, 90 ff; ibid, p.9 ff, p.27-31, Sydney to the Lieutenant-Governor, Nov.27,1784; Q 23, p.91, A.Cuyler to Sydney, Feb.21,1784; ibid, p.102 ff, June 7,1784; ibid, Haldimand to Sydney, Oct.3,1784.
17. Martin, Nova Scotia, p.84; McGregor, pp.108-109; B.Wilson, pp.221-22; Roger p.56; Haliburton, Vol.2, p.248.
18. McMillan, op.cit.p.9,15. 19. M 427, p.81.
20. Brown, Cape Breton, p.429.
21. M 129, p.11, W.McKinnon, Clerk of the Council to Nepean, Feb.7,1811.
22. M 132, p.5 ff. 23. Ibid, p.106.
24. C 217, Vol.135, p.98, Govr.Ainslie to Bathurst, July 9,1817; ibid, Vol.136, p.38, same to same, March 23,1818.
25. C.B. 1820, Vol.136, pp.136-38; C.O. 217, Vol.142, pp.144-46.

In 1820, Cape Breton was reunited to Nova Scotia, without making any perceptible difference to its prosperity. The large absentee grants continued undeveloped. The most noted of these was the Mire grant of 100,000 acres, made in 1787 by Governor Des Barres to one hundred grantees, on condition of improving it and paying the quit rent. In 1801 it was escheated for non-fulfillment of conditions, and in 1838, the half of it was claimed by about 1,000 persons, with considerable improvements and stock. Many of them were squatters. The Nova Scotia Legislature vested the title in the Crown in order that each claimant should receive his legal share.[26] A number of these grants remained unescheated in 1826, with the result that they were among the least improved of any land on the Island. But by far the larger part of the Crown lands was occupied by squatters, who lacking the means to make regular applications for land, and unable to pay for the survey, located on any vacant spot; others were impelled to this unlicensed proceeding by the imminent danger of starvation.[27] In 1833, practically the same condition of affairs existed. In order to make it easy for the poor to become owners of their lots, the price of Crown lands, unlike the other colonies, was fixed at 2/- per acre, but with very poor results.[28] Nor was the moral and religious condition of the people very advanced, whether in the south of the Island, occupied almost exclusively by Catholics, or in the north which formed one unbroken line of Protestant settlement. In both cases the settlers were debarred by poverty from securing the means of religion or education for themselves, and they were sunk in gross ignorance.[29] Gradually prosperity dawned upon the settlement, and to-day Cape Breton is one of the most attractive sections of Canada.

The history of the agricultural development of New Brunswick resembled that of Nova Scotia, which, like Cape Breton, formed a part of that province until 1784, when it received a separate administration under which grants of land were made up to 1827, when the principle of sale was introduced. It possessed great natural resources for the maintenance of large communities, and a wide range of fertile soil for agricultural purposes. In addition to that it contained a large amount of fine timber and extensive regions of valuable minerals. It is famous for its safe and commodious harbours, while its long and deep rivers supply the means of easy internal intercourse and the structure of the province generally afforded the utmost facility for every kind of land communication. And yet as late as 1825, the

26. Ibid, Vol.172, pp.121-128. 27. Ibid, Vol.146, p.103 ff, Oct.14,1826.
28. N.S.C.O. 217, Vol.156, p.9 ff, Dec.18,1833.
29. Ibid, Vol.159, pp.469-475, Memorial for help for the Church of Scotland Clergy and Schoolmasters, July 7,1834; N.S.Hist.Socy. Vol.18, p.73 ff; Brown, Cape Breton, p.422 ff.

agriculture of the colony was still struggling with the difficulties of a first settlement. The reasons for this comparative stagnation were many. Very few Loyalists settled there and immigration from Britain was almost negligible until 1815, when a large number of ships discharged from the transport and other public services were transferred to the New Brunswick timber trade, and in order to earn a little on the outward voyage, they carried at cheap rates the discharged and superabundant population of Ireland to the ports where the returned cargos were to be loaded, either to become a burden upon the colony or find their way into the United States to whose ports fares from Britain were much higher.[30] The seasons and climate also seemed to militate against the welfare of the colony. In 1783, the snow remained on the ground till June, and the winters for a number of consecutive years were extremely cold with very deep snow, while the summers were very warm and dry, and the crops poor. In 1816, not only was there cold weather until June, but there were frequent frosts in every month of that year, which blighted the crops and was followed by a succession of lean years until 1822. In 1825 there were destructive fires which swept away several settlements and destroyed property valued at £300,000, including Government House,[31] while one hundred and sixty persons were either burned or drowned. The worst destruction was at Miramichi, Fredericton, and on the Oronocto River. To make matters worse the fire was followed by a period of years in which rust prevailed, while vast quantities of agricultural produce were being annually imported from the United States that taxed the food of the people, raised the price of labour and placed the sparsely settled colony under a serious disability.[32] And during the thirties, the Colony was deluged by Irish and English immigrants, sent out by parish relief, who were utterly unable to cope with the difficulties of clearing heavily timbered land or purchase semi-improved farms. Under such circumstances the progress of New Brunswick was slow and uncertain yet by 1832, Baillie speaks of a riband of clearances generally confined to the margins of rivers and navigable streams, and gives a brief account of the general state of agriculture.[33]

St. John's County, because of its territorial formation, the difficulty of access to its best soil, together with the commercial and maritime difficulties of its population, and the ignorance of the farmers regarding the use of fertilisers,

30. N.B.C.O. 188, Vol.23, pp.56-60; Dalhousie Papers, Vol.2, pp.208-209, Judge Stewart to Dalhousie, May 29,1818: "part of the emigrants are Irish,...but the most of whom are on their way to the United States.
31. ~~Ibid~~ N.B.C.O. 188, Vol.35, p.61 ff, Douglas to Bathurst; Notitia of New Brunswick, p.20; Cooney, New Brunswick, pp.65-73, as a result of the fire 160 persons were burned or drowned, 595 buildings destroyed, 875 cattle and property valued at £ 204,323, relief provided in provisions £ 15,845, and cash subscriptions £ 33,513.
32. Ibid, Vol.33, p.140, Douglas to Horton, June 28,1826; ibid, Vol.35, pp.169-214, Douglas to the Legislature, 1825.
33. Thomas Baillie, An Account of the Province of New Brunswick p.2 ff.

was rather backward agriculturally. The most extensive immigrant section was on the Shepody Road; Portland, near St. John, was developing rapidly under the stimulus of men of capital, but Lancaster which formed the western section of the county, was largely in the hands of individuals who were unable to develop it; the remainder was settled by poor farmers who impoverished the soil by cropping year after year the few acres they cultivated.[34] The section along the Nova Scotia boundary to Bay Verte boasted the best roads in the colony, while detached French villages were scattered over the triangle formed by the main roads from the Bend to the Shediac and from both to Dorchester.[35] In Queen's County there were extensive clearings on the Grand and Washademoak Lakes, and on the St.John and Salmon River, while all the rivers and their branches in Kent County were lined with settlers for several miles above tide mark. The French had the exclusive occupation of the whole Gulf shore, and "altho they are good, peaceable subjects, they are the worst of agriculturists."[36] Similarly every river in Northumberland County was lined with settlements in various degrees of development. On the Renous River every farmer was a lumberman but every lumberman was not a farmer: this explained the languishing state of agriculture on many a river.[37] Chatham with its hundred houses near the mouth of the Mirimachi was "compactly but not elegantly laid out;" Newcastle across the river was "laid out in a manner highly prejudicial to the public convenience and beauty of appearance;" reduced to ashes in 1825, it had two hundred houses and a new Court House in 1832, while Douglas Town, a flourishing commercial centre of sixty houses three miles away, was rising Phoenix-like with little attention to symmetry. The whole of Miramichi Bay and River was well settled though the soil in many sections was poor. Farther up in the County of Gloucester detached French and English settlements fringed the shore of Chaleur Bay to Caraquet, thence along the shore to Bathurst, the county town on the Nepisiquid, and up its banks and those of the Middle and Tetagouche Rivers, thence to Dalhousie, at the mouth of the Restigouche, and for miles up every river in that section, dense settlements and villages, mostly French, had been formed. The counties of Sunbury and York boasted of some of the "garden" settlements of the colony, such as Waterborough, Sheffield and Maugerville. The whole front of the St. John was a dense settlement extending up to the banks of the Nashwaak, Tay and Keswick etc.[38] Charlotte County, with soil as varied as its natural features, received settlers fairly early; St. Andrews, formed in 1784, had two hundred houses and a population of 2,200 in 1832, and St. Stephens 100. The racial elements in farming population were clearly marked.

34.. N.B.C.O. Vol.35, pp.226-40, May 24,1827; ibid, Vol.33, p.357, Sept.25,1826, Report of St.John's Agricultural Society; Baillie, op.cit. p.52 ff.
35. Ibid, p.64 ff. 36. Ibid, p.71 ff.
37. Ibid, p.81 ff. 38. Ibid, p.96 ff.

Practically every contemporary writer refers to the "tidy, well-kept, well-fenced farm of the English, the thrifty and canny Scot, and the wretched cabin, and the slatternly and dilapidated precincts of the Irish," which persisted even in the second and third generation.[39]

Generally speaking the progress of agriculture was made possible in large measure, as in Nova Scotia, by the stimulating example of the various agricultural societies importing a good breed of stock and encouraging the use of improved implements of husbandry and machinery, which tended to reduce the cost of farm labour, and in turn to accelerate the rate of progress.[40] This development would have operated much more quickly had it not been for the excited, forced and somewhat unnatural condition of the lumber trade, whose extent compared with the limited population and capital of the colony, gave the industry a fictitious and immediate advantage over agriculture, drew labour to itself, kept up wages and prices to the discouragement and neglect of the other, and the consequent injury to the colony. It was therefore necessary to stimulate agriculture by adventitious aid that would attract both labour and capital to the soil.[41] It was in this connection that the Agricultural Societies achieved their most constructive results. Largely through their activities old settlements revived and new ones were formed. Not only did they direct immigrants to suitable lots of land, but they relieved the needy, advanced necessary capital, distributed stock to the deserving in remote spots, visited them, thus forming links with the outside world which in turn encouraged individual effort.[42] Their work was supplemented by the deep interest of Lieutenant-Governor Howard Douglas in the agricultural progress of the colony,[43] and his ceaseless efforts to promote habits of frugality, domestic economy and useful industry among the rural population, in order to hasten the economic independence of the colony,[44] which in turn led to the construction of public works such as roads, bridges, schools and churches.[45]

39. Monro, New Brunswick, p.162; Johnson, Notes on North America, Vol.I,p.394.
40. N.B.C.O. 188, Vol.35, p.169 ff, Douglas to the Legislature, 1826.
41. Ibid, Vol.33, p.244 ff, same to same, Feb.17,1825.
42. Ibid, pp.335-356.
43. Ibid, Vol.35, p.169 ff, op.cit.
44. Ibid, Vol.33, p.278.
45. Ibid, Vol.29, p.129.
46.

Compared to modern experience, however, the tempo of development was slow as may be seen from the following table of statistics of 1836:-[46]

COUNTIES	POPULATION	ACREAGE	SQUARE MILES	CROWN LANDS VACANT	
York	10,478	1,842,073	2,878	78,000	
Carleton	9,493	2,816,000	4,400	148,000	By grant up
St.John	20,668	427,648	668	32,000	to 1784,
King's	12,195	834,035	1,303	66,000	3,000,000
Queen's	7,204	1,046,246	1,634	24,000	acres.
Sunbury	3,838,	650,956	1,017	86,000	By sale
Westmoreland	14,205	1,147,922	2,307	57,000	500,000 acres.
Northumber-land	14,170	2,236,224	5,056	12,000	N.B.Land Coy. 500,000 acres.
Kent	6,031	1,123,584	1,755	170,000	
Gloucester	8,325	2,236,889	3,495	16,000	
Charlotte	15,852	907,904	1,418	235,000	
	119,459	16,598,553	25,935	944,000	4,000,000

In 1841, waste lands near settlements could still be purchased from 4/- to 9/- per acre, and partially cleared land from 4/- to £9. There were no public works of any kind, but domestic servants were in great demand at good wages, and the various building trades were active. Education was fairly well provided for; elementary schools existed in every parish, a Grammar school in each county, and a College of Liberal Arts at Fredericton.

In 1763, the development of Lower Canada was almost stationary. Its varied and ample resources were undeveloped; its scanty population exhibited in most sections an aspect of poverty and stagnation, a striking contrast to the conditions in the 'Old Thirteen,' where good roads, schools and thriving farms testified to energy and good management. The French Canadians were little qualified for agriculture, and less for trade and commerce. Agriculture was more a matter of necessity than of choice. The favourite occupation was hunting and trapping for peltries for which a good market was found in Europe, but insufficient in quantity to effect a favourable balance of trade. General Murray has left a vivid account of the social and economic backwardness of the colony in his day, intensified by the results of the Conquest, which distressed the minds of both habitants and noblesse, aggravated by new laws and regulations, and unrelieved by the conduct of officials out of sympathy with their history. The merchants were almost wholly British with small capital and long credits. Few of them flourished and many failed. Not more that five per cent ever paid their debts, due partly to the long winters, the bad roads - or lack of them - and the high rate of interest which accumulated in winter and summer regardless of trade conditions. Barter was common, lack of money proved a serious handicap to all concerned. Sales were slow,

46. Notitia of New Brunswick, 1836, p.16; ibid, p.46 ff, an account of the chief towns, p.81 ff, for trade, p.91 ff, a topographical description of the several counties: Charlotte, p.92 ff, Carleton, p.96 ff, York, p.102, Sunbury, p.107ff, Queen's, p.109 ff, King's, p.112 ff, St. John, p.114 ff, Westmoreland p.117 ff, Kent, p.122 ff, Northumberland, p.130, Gloucester, p.130: N.B.C.O. 188 (169), Vol.XXII, 1841, state of the Province.

customers were few. Farmers got into debt, found it impossible to escape from it and were compelled to dispose of their produce at the merchants' price in order to live. Manufacturing was negligible; the winters were too long and the wolves too numerous for sheep-farming on a large scale. The small quantity of wool was used for domestic purposes. There were a few distilleries making rum and bad whisky, and a few tons of potash and some thousands of oak staves were exported to Great Britain.[47]

Long after the Conquest, the state of agriculture remained precarious, forming a mortifying contrast to the enterprising farmers of the United States, who penetrated the forests extending cultivation to remote regions.[48] The habitants were content to remain for two centuries in the same locations, due partly to being exposed during the early stages to Indian attacks, partly to their religion which demanded strict and frequent observance of numerous ceremonials, and partly to their inviting and fertile situations on the banks of the majestic St. Lawrence which afforded the means of a ready communication with each other besides providing subsistence at a time when cultivation was in its infancy. Farming was greatly handicapped by the continued use of the agricultural customs which the habitants had brought with them from Normandy, and exhibited in the New World the characteristics of feudal Europe. Up to 1812, the only changes introduced were the growth of potatoes and wheat. Nor were the seigniors deeply interested in the struggles of the farmers - they were chiefly concerned with the enforcement of feudal customs. This lack of encouragement had a depressing effect upon the peasants who dared not risk a new pursuit lest failure overtake them and their families. Thus, the attitude of the seigniors and the comparative isolation from the outside world of improved agricultural methods, sealed the minds of the habitants to the influence of new ideas, and long habit confirmed them in an unprofitable partiality to old customs. Stock of all kinds was poor and diminutive, the most thriving were the pigs and they constituted the chief substance of the French Canadians of those days.[49] The population grew slowly from about 8,415 in 1676, to 65,000 in 1759, and to about 113,000 in 1784.[50]

Even under British rule, up to 1815, the pulse of the province was slow, and its path of progress strewn by deserted cabins and numerous handicaps which a vicious land system had only too plentifully interposed between the settler and

47. Lambert,J. Travels, 1810 (3 Vols.), Vol.I, p.216 ff; G 8, pp.227-29.
48. Durham, Report, various pages; Lambert, op.cit. pp.153-165; Can.Arch.Pamphlets, No.1445; Gray, Letters (1809); Wright, Views etc. pp.249-51; Richards' Report 1831, p.9 ff; Anderson, Canada, pp.52-53.
49. Lambert, Travels in Canada, Vol.I, pp.139-43.
50. Evans, W., Agriculture, 1836, p.61.

prosperity. As late as 1822, a Committee of the Assembly drew a dark picture of low wages, poor prices and small demand for real property, entailing "great difficulties, distress and ruinous sacrifices" upon "all descriptions of industrious" settlers, resulting in decreased imports and exports and a corresponding decrease in provincial revenue. This sad state of affairs was due in part to protective regulations in the interest of British trade, and to the navigation laws which excluded vessels from Canadian ports and Canadians from sending their staple products to foreign markets.[51] There were also local causes far more detrimental to the health of the province than any navigation laws. The archaic methods of agriculture practised by the peasants opened the door to vast imports of cattle and farm produce from the United States, which in turn depressed local effort to a greater degree. Canadian trade was similarly depressed for the Americans would accept only cash in payment. The policy of the Government of encouraging agricultural societies, of offering prizes to stimulate competition, of advising rotation of crops and of introducing a better breed of farm stock,[52] was practically useless while huge waste grants were left undeveloped between struggling settlements, while roads were quagmires, the price of manufactured goods so high and that of farm produce so low, and while capital was so scarce and the competition with, and the open door in to the United States was so one-sided and attractive. Even yet the shadow of her mighty neighbour darkens the future and the present efforts of Canada towards wealth and greatness. Like the other provinces, Lower Canada needed either the encouragement of settlers with capital who would be assured of a sufficient supply of labour, or loans by government to needy settlers - as in Upper Canada in 1783-84, and later on a wider scale by certain governments within the Empire. Where everything had to be done by hand, and where in many cases food had to be carried on human backs through miles of forest and settlers were unaccustomed to pioneering conditions, progress was essentially slow and improvements few. It may in fact be safely said that whatever improvements were visible were largely due to the influx of American settlers and capitalists - more familiar with clearing waste lands - who settled, often unceremoniously, during the early years of the nineteenth century on the south side of the St. Lawrence, on townships bordering the frontier line, where their enterprise improved the country more in one generation that the habitants in a centur

From 1763 to 1783, British settlers preferred the Older Colonies, though a few settlements such as Murray Bay, were formed of disbanded troops. But the French language and laws were serious obstacles to English-speaking emigrants, and the

51. Q 161, pp.77-80, Jan.25,1822.
52. Grece,C.F., Canada; L.C."S" Feb.6,1812, to Governor.

United Empire Loyalists, with no love for the French, chose either the Maritimes or, what later became, Upper Canada. The first real stimulus to British settlement in Lower Canada was largely due to the purchase of seigniories by British subjects, who brought in Scotch and Irish settlers, and to the efforts of a few leaders of townships who introduced the Americans. In the older French settlements south of the St. Lawrence, there was a chain of villages from Chateauguay to Rimouski, and a highway from Riviere-du-Loup to Point-aux-Peres. The habitants were breaking new ground, and in the vicinity of Quebec were encroaching upon the rear of the seigniories and opening new ranges. The parishes of Sainte Marie and Saint Joseph had already a considerable extension, and that of Saint Frances was developing regularly. A party ascended the Chaudiere, another by way of Saint Henri ascended the Eschemin and penetrated gradually the townships of Frampton, Dorset and Cranbourne. The Seigniory of Lauzon on the river Yamaska was being transformed, and from 1783, large numbers occupied lots in that delightful section, clearing the land from St. Hyacinthe to Farnham. The Isle Montreal and Isle Jesus were completely occupied by 1815, and their population was moving across the river of the Prairies into the seigniories of the Thousand Isles, Blainville and Terrebonne.[53]

Among the earliest settlements by British stock after 1791, were those on the north bank of the Ottawa River in the seigniories of LaBelle and Argenteuil, both famous for the beautiful scenery of their inland lakes and their picturesque mountains, wild gorges and waterfalls, interspersed with rich valleys and spaces of fertile, level and well irrigated soil, better adapted for dairying and stock-raising than grain-growing. Argenteuil was purchased by Major Murray from P.L. Panet in 1800, and became the property of Sir John Johnson in 1814.[54] Mention has already been made of the settlement of the township of Chatham, thirty-five miles from Montreal in Argenteuil seigniory, by the 84th Regiment. In 1786, a large migration of McDonells arrived at Quebec and were offered lands at Riviere-au-Raisin, where many of their countrymen were already settled. As their plight was rather desperate, and to prevent their becoming a burden upon their friends, they were provided with the necessities to the value of £3 for each adult. Their friends gave a bond for £615, guaranteeing the payment of the food, but in 1787, on pleading distress, Dorchester cancelled it.[55] In 1790, twenty more families from Arisaig and the Island of Eig arrived, desiring to join their friends of 1786,

53. Caron, The Eastern Townships, p.228 ff.
54. Sir John Johnson, 1742-1830, died at St. Mary's County of Rouville.
55. Quebec, Privy Council Report, Vol.H, pp.483-87, John Craigie to Stephen Delancey, Inspector of U.E.Loyalists at Lachine, Sept.4,1786; Hope to Lt.Angus McDonell, Sept.25,1786; Dorchester to Executive Council.

whose favourable accounts encouraged them to emigrate. They finally settled near Johnstown above Montreal.[56] In connection with these arrivals of poor settlers, a Committee of Council was formed to enquire into the circumstances of their emigration, and report to Dorchester the best means to prevent their becoming a public burden and to consider what emigrations should be encouraged. On November 1, the Committee reported that as the people of a nation constituted its strength and wealth, no encouragement should be given to emigration from Great Britain, but that immigrants from foreign countries should be encouraged.[57] Other Scots settled in the adjoining townships of Grenville and in 1797 received the usual grant of 200 acres each in the first, second and third concessions,[58] while other occupied lands in St. Andrews and Lachute, and converted the agricultural failure of former settlers into a commendable success.[59] In 1817, amidst general rejoicing, their first minister arrived from Edinburgh, and for fifty-nine years preached at Lachute and Chatham.[60]

In 1802, 500 Highland settlers were introduced into the colony through the activities of Archibald MacMillan of Lochaber, Scotland, who secured on their behalf a lot of 200 acres each in the townships of Grenville, Suffolk (later Lochaber), and Templeton. MacMillan, however, was more anxious to secure control of these townships than to develop them. Within a few years, even though the settlement duties had not been completed, all these grants were reconveyed to him by the grantees.[61] He was more interested in thelumber upon these townships than in their settlement, which accounts for their neglected condition. In 1821, there were only ten settlers in Grenville, but by 1828, large numbers of Scottish emigrants settled in those townships, living for years in great poverty.[62]

Similar conditions existed in the other townships on the north bank of the Ottawa throughout an extent of about one hundred miles, due to the fact that, since 1800, both banks of the river to the depth of about five miles had been granted to individuals who left their grants in wilderness condition, and were demanding from $4 to $8 per acre from the immigrants.[63] The only exception to this dismal

56. Ibid, p.177, Miles McDonell to Dorchester, Oct.20,1790; ibid, pp.481-83.
57. Ibid, pp.178-79, 482-83. 58. L.C.Land Papers, July 1797.
59. Thomas, op.cit. pp.60-64.
60. G 9, p.96, Bathurst to Sherbrooke, April 12,1817; G 10, p.41; G 150, pp.756-58, April 19,1818. Rev. Mr. Henderson.
61. There are a number of petitions regarding the townships amd official action thereon to be found in the unbound L.C."S" and Land Papers, and in Land Book E.
62. L.C."S" Sept.8, and Oct.24, Nov. to Dec. 1826, Sept.21, and July to Oct.1827, Quarterly Returns of Locations made in the township of Lochaber, Oct.1828; Gourlay, op.cit. Vol.I, p.607; Bouchette, Topographical Description, p.248; Roger, op.cit. p.162.
63. L.C. First Report 1821, p.42, 50; Dalhousie Papers, Vol.3, Aug.20,1820, Philemon Wright's Report to Dalhousie on the state of settlement on the Ottawa.



record was the township of Hull, across the Chaudiere from Ottawa, settled by Philemon Wright and regarded as an object lesson of what able management and capital could do in opening up the country. In 1800, Wright left Woburn, Massachusetts, with twenty-five labourers, mill irons, axes, scythes, hoes, fourteen horses, eight oxen, seven sleighs, and many barrels of pork, arriving at his destination on March 8, eighty miles beyond any settlement, to the delight and astonishment of the Indians, who had never before seen domesticated animals or agricultural implements. As leader for a quarter of the township, he received the customary 1,000 acres out of the 1,200 to which each of his nine associates were entitled, thus securing an estate of 10,200 acres on condition that he pay all the expenses in connection with the survey and patent deed. He was fortunate in his choice of location for the land was very fertile and the timber valuable. His success was immediate and astonishing, in spite of loss from fire and flood. In twenty-four years he had cleared 3,000 acres on four farms, which with their buildings and stock were valued at £57,000, besides the extensive clearings of the other settlers valued at £23,000. He employed sixty-three labourers and thirty-three mechanics and assistants, owned his own hemp and saw-mills, tannery, bakery, tailor and blacksmith's shops, raised 1,000 tons of hay annually, constructed roads and bridges, and engaged extensively in lumbering, bringing the first lumber raft from Hull to Quebec. In 1821, there were over 700 of a population in the township, with three schools and one hundred and fifty pupils,[64] whereas in 1832, in the whole of Argenteuil, the population was only 2,800, with six public and three private schools, two flour and three saw-mills, a paper, a carding and a fulling mill, four potash works, two distilleries, six blacksmith's shops and three tanneries. What of the founder of this successful experiment? Dalhousie says that "Philemon is a strange character, of shrewd sense, deep cunning and Yankee manners - he is a compound of qualities that at the same moment recommend and shew him a person that must be constantly suspected of a desire to cheat."[65]

In the meantime, the south bank of the St. Lawrence was being quickened into fertility by land-hungry immigrants. The seigniory of Beauharnios near Montreal, early attracted settlers. In 1802, Sir John Johnson settled Glenelg Highlanders on the Chambly property,[66] whose success in time attracted others. Some time later, Edward Ellice, sone of Alexander Ellice, a London merchant and land speculator, purchased the seigniory from the family of Lotbinere and infused new life into its

64. L.C.First Report, 1821, p.43 ff; Tenth Report, 1824, p.56 ff; Dalhousie Papers Vol.3, Aug.23,1820, Dalhousie to Wright expressing surprise and great satisfaction at improvements made in Hull township; ibid, paper marked "D", Wright's answers to certain questions sent him by Dalhousie.
65. Bouchette, op.cit. various pages; Dalhousie Papers, Vol.12,private memorandum.
66. Caron, op.cit. p.219; Sellar, op.cit. p.48 ff.

agriculture. He appointed L.C.Brown as agent with instructions to make the land pay by attracting settlers. By 1827, there were two hundred and twenty-eight families on 20,000 acres, on terms of $10 for location ticket, rent free for three years and $10 annual rental afterwards; by 1832, there were three hundred and twenty-six Scottish families alone in the seigniory.[67] In 1840, the North American Colonial Association took over the seigniory, made extensive plans for its development,[68] and advanced large sums of money towards emigration and public improvement.

Similarly, Chateauguay Basin was taken possession of in 1802 by settlers from Fifeshire, who purchased farms from the earlier settlers, and by improved agricultural methods transformed the landscape making the 'Basin' the centre of navigation and trade[69] while the Chateauguay River remained the highway for emigrants and traffic. In 1821-22, the English River Settlement was formed by Lowland Scots - liberals to the verge of radicalism, intelligent and industrious, largely shepherds or tradesmen. They had everything to do - make roads, bridges, shacks, clear the land, make their own boots and clothes, plant, sow, reap, grind - their nearest mill was at Beauharnois, three miles away. In 1827, they held their first ploughing match at Chateauguay.[70] In the Gaspe region, originally founded by U.E.Loyalists, there were already extensive clearings when Scottish settlers, among whom was McPherson of Cluny, occupied Chaleurs Bay; later Irish emigrants entered and settled at Perce. Thus the whole district became predominantly British.[71] By 1816, Valcartier township was largely settled by Irish and Scots, and about the same time, Metis River, in the county of Ramouski, was opened for settlement by Mr. MacNider, the proprietor; in 1823, forty Scottish families joined the settlement.[72] Dorset township, the property of the heirs of Simon McTavish, Arthabaska, the property of John Gregory, and Leeds, partly owned by George Hamilton, attracted many others. Clarendon township, on the Ottawa, was taken possession of by Scots in 1824, and after erecting their homes and clearing some land, they discovered their lots were really in Bristol township and that others were applying for them.[73] In 1827, an attempt was made to establish a colony of English and Scottish farmers on the principles of Robert Owen, near River Aux Sables. The Quebec Mercury states that by October 30, sixty families from Hamilton and eighty from Devonshire, had applied for membership in the undertaking. At the same time, settlers were rushing into New Carlisle.[74]

67. L.C.State Papers, 1792-1841, Ellice to Gosford, July 31,1836.
68. Montreal Gazette, Aug.15,1840, quoting the London Standard.
69. L.C."S" 1829; Quebec Gazette, Dec.9,1830; Sellar, op.cit. p.35 ff.
70. Sellar, op.cit. p.257 ff.
71. Roger, op.cit. pp.91-92.
72. Bouchette, op.cit.
73. L.C. "S" Feb.11,1830; L.C. Land Papers, March 7,1833.
74. L.C. "S" Oct.30,1827.

Mention should be made of the settlements of New Glasgow and New Paisley, in the townships of Abercrombie and Fortrose, north of Lachute, because of the wide foresight of the original settlers. On June 28,1820, a band of Scottish families of varied pursuits, poor in gear but rich in determination, arrived at Montreal.[75] To save the expense of a long journey, and that they might be near a market and mutual help, they agreed to keep together, select their land carefully and as near Montreal as possible. Hearing that the Hon. Roderick McKenzie, Seignior of Terrebonne, had a large tract of unoccupied land close to Montreal, they resolved to apply in a body. The seignior received them with kindness, relieved their wants, provided shelter, provisions, medicine for the sick, and seed for the land. After the usual fearsome experiences of being lost for days in the forest in their search for a suitable location, they finally settled on the banks of Lachigan, at the termination of the Government line of road leading from Terrebonne. There was not a woodsman amongst them, "none dared trust himself a perch distance from the river-side for fear of being lost in the forest, some of us had not one shilling remaining, and the small pittance of the greater number was nearly exhausted. This made it necessary to form a sort of community of our provision." The winter of their discontent gave place to the promises of spring; the years brought well-merited successes and attracted others to the same locality. In 1824, the River Lachigan was settled on both sides for a distance of six miles with seventy-seven householders. There were no roads, however, and the nearest mill was nine miles away.[76]

Few sections of Canada offered more opportunities to the settlers than the Eastern Townships. Not only were they near the ready markets of Montreal and Quebec, but they were unrivalled for the fertility of their soil and their beautiful scenery.[77] Rivers, with such romantic names as the Chaudiere, Becancour, Nicolet, Saint Frances and the Yamaska, drain and renew their soil. But in 1832, these townships were known as a nest of crime and smuggling, particularly that of Hereford, on the boundary line, in the county of Compton, where the ephemeral republic of "Indian Stream" was established. Such a prejudice existed against the whole district that respectable settlers hesitated to become close neighbours to those of such an indifferent reputation.[78] In 1831, ninety-eight townships, in whole or part,

75. The Canadian Magazine (1824), Vol.3, pp.229-303.
76. L.C. "S" 1824, Bouchett's Report to the Lt.Govr.; Montreal Gazette, Nov.10, 1824; L.C."S" Nov.10,1824; L.C."S" Feb.4,1828, calling for an investigation into the rents charged; ibid, Dec.14,1829, Petition by 114 persons to Kempt protesting against the high charges for grinding oatmeal.
77. Montreal Gazette, July 9,1835; Quebec Mercury, Sept.1,1832; Thomas, Eastern Townships for the details; Mrs.C.M.Day, Eastern Townships, gives an intimate account of social and economic life; Caron, Les Cantons de L'est, 1791-1815, is the latest contribution to their history; Bouchette, The British Dominions in North America, Vol.1,p.307.
78. Quebec Mercury, Oct.8,1836, deals with the lawless character of the early settlers; L.C."S" Nov.27,1821, Wm.Hamilton to Dalhousie - no jails and the distance from Montreal precluded the bringing of criminals to punishment.

had been surveyed and ten more remained to be erected by letters patent, to complete the internal division of the tract. Very few, if any, were destitute of settlers though by far the greater number presented but unconnected and partial settlements, thinly scattered over the country, and Aylmer after a visit to the district wrote that half a million people could easily find prosperity there.[79]

The pioneers into this region were almost exclusively from the 'Old Thirteen,' chiefly New York, Vermont and Connecticut, who formed scattered settlements in the counties of Brome, Compton, Missisquoi, Richmond, Shefford, Sherbrooke and Stanstead. The majority of them were experienced farmers, energetic and industrious, with an eye for good land in a favourable situation and not easily discouraged by initial difficulties. Their agricultural methods were far superior to those of the French Canadians, while their domestic industries in time made the Eastern Townships a place of prosperity. As early as 1780, refugees found their way into the county of Sherbrooke, attracted by its excellent and well-irrigated lands. Gilbert Hyatt, formerly a prosperous farmer in Schenectady, New York, whose property had been confiscated by the rebels because of his loyalty, settled in Ascot township and was joined by forty other families from Vermont and New York. His practical knowledge and energy soon converted the township into an enviable success. In Compton county, the townships of Compton, Eaton and Newport were also early noted for their prosperity; the latter under the leadership of Samuel Heard, a man of similar spirit to Hyatt, established a flourishing settlement. Similarly, the favourable soil and natural advantages of Missisquoi county were turned to good advantage by those Loyalists. By 1815, considerable settlements had been formed at Freligsburg, Abbot's Corner, Pigeon Hill, Saint-Armand, Dunham, Nelsonville and Sweetsburg, and a road opened from the bay to St. Hyacinthe. Brome County, with its undulating surface and soil of uneven value, received its quota fairly early and clearings were made along the lake shore as the initial step in a journey that ultimately led the settlers over the surrounding hills. Others advanced up the lake and via the River St. Frances to the site of the modern and flourishing city of Sherbrooke, thence into Richmond county, and finally settling in the townships of Shipton and Melbourne, constituting the most extreme penetration of the interior. In 1821, Melbourne was thickly settled, and Shipton, on the east bank of the St. Frances, was one of the best settled neighbourhoods in the whole district with one hundred families, three grist and three saw mills, three distilleries for making whisky from potatoes, several schools, but neither a clergyman nor a magistrate.[80] Hatley and Barnston

79. Aylmer to Goderich, Oct.12,1831.
80. L.C. "S" March 8,1821, "Obeervations made on a visit to some of the Eastern Towhships" in 1821, by W.Shepherd and James George; L.C.Second Report, p.22 ff, 122.

received favourable mention, but Wendover, on the east bank of the Chaudiere, had only three families, Simpson,on the east bank of the St. Frances, five; the adjoining township of Kingsey had twenty-six, 1,000 acres in cultivation, a saw and grist mill, and calling for a minister, a schoolmaster and a magistrate. Stanshead, the best settled of all, had five hundred families. Bury and Dudswell received a large number of Highlanders, and sixty-five families were petitioning for land in Upton township on the St. Frances, where in 1808, 25,000 acres had been granted to David Alexander Grant.[81] Altogether, there were supposed to be about 25,000 settlers in the Eastern Townships in 1821.[82] Generally speaking, however, the settlers found stock-raising for the Quebec market a more lucrative source of income than grain-growing.

Apart from these settlements, many years elapsed before much progress was made in the Eastern Townships. They were too remote from the older settlements and isolated from each other by forests and impassable rivers, while distances from markets, the lack of schools and absence of magistrates to enforce law and order, kept many away. In addition, nine-tenths of the land granted remained in the hands of absentees, the disposable land was largely inaccessible, the Crown and Clergy Reserves so injudiciously distributed blocked progress in every direction, and as there was no means of compelling the settlers to contribute to the opening and repairing of roads, since the Road Act owing to the quantity of land unsettled was not applicable to the townships, the means of transportation long remained inadequate.[83] It was to speed development and encourage British immigrants to settle in these townships and link them up with the more settled parts of the province, that the Craig Road was constructed. A beginning was made in 1805 by private subscription;[84] later the Commissioners of Internal Communication greatly extended it even though they were hampered by the indifference of the absentee proprietors.[85] In 1820, the road from Richmond passed through the townships of Shipton, Tingwick, Chester, Ireland, Leeds and St.Giles, and was much used during the summer for driving cattle to the Quebec market.

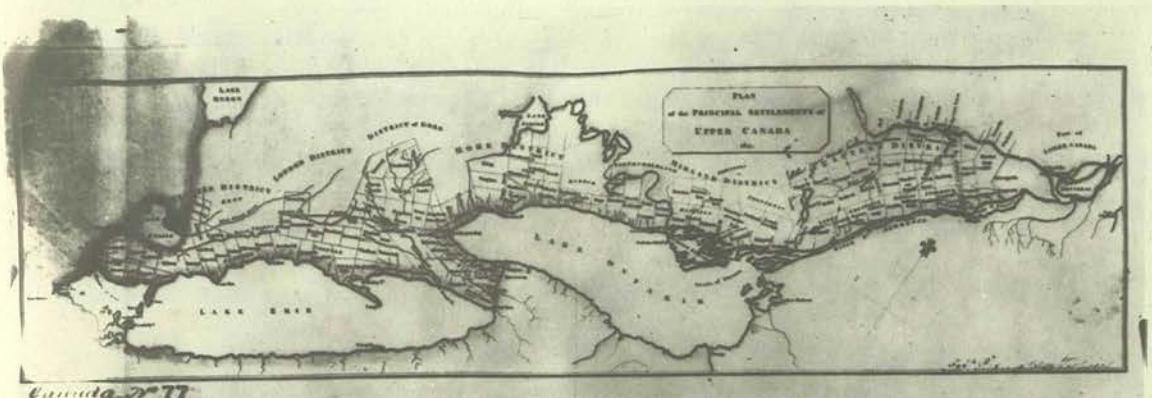
The remarkable progress in the new settlements of Lower Canada between 1820 and 1828 has been justly ascribed to Lord Dalhousie's deep interest in that important branch of local administration, and the judicious measures he adopted in furthering it.[86] Not only did he oppose the policy that granted large tracts to

81. L.C.Land Book G,p.81, Council Report, May 10,1819; L.C.Land Papers, Feb.7,1819; ibid, Mar.18,1819, Surveyor-General's Report; L.C."S" June 1,1821; L.C.Land Book G, p.81, May 16,1819; L.C.Land Petitions, Upton Township, 1819.
82. L.C.Second Report, 1821, p.122; L.C. "S" Mar.8,1821.
83. L.C.Second Report 1821, p.123; Const.Hist.of Canada,1791-1818,p.313 ff; Q 98, p.101, Milnes to Camden, Aug.1,1805.
84. In 1805, Wm.Hall of Quebec contributed £130 and George Hamilton £1,000 in return for Crown lands.
85. Tenth Report, L.C. 1824, pp.34-5, 76.
86. Q 176, pp.499-503, Dalhousie to Bathurst, June 19,1926.

private individuals on the specious promise of introducing settlers, but he compelled absentees to perform the conditions of settlement, irrespective of the terms upon which they held their lots, or forfeit their rights.[87] Townships long held locked from settlement were thus thrown open; their history illustrated the evils of the system. This was particularly true of the townships of Godmanchester, Hemingford, Hinchinbrook and Huntingdon, in the district of Montreal, originally appropriated to the settlement of officers and soldiers who bore arms in the defence of the colony during the American Revolution, and were located by certificates of 200 acres each. Many of the soldiers disposed of their lots to Alexander Ellice, who purchased 25,952 acres,[88] others owners were unknown, some were dead without heirs or assignment of their interests. Others simply retained their rights. For forty years these townships had remained largely waste, and the claims of the several persons interested in them were so various and conflicting that it was deemed necessary to investigate the merits of each case by a special Commissioner before titles to land could satisfactorily guaranteed.[89] Dalhousie ordered that as many as possible of these townships should be thrown open for immediate settlement to bona fide settlers, and between 1820 and 1828, hundreds of British settlers made their homes there with considerable success.[90] In 1828, their total population, composed largely of Irish and Scots, was about 4,000, with 11,616 acres under cultivation.[91] So eager were the emigrants for land that many took possession of any apparently vacant lot hoping to get a clear title later; the Irish were particularly addicted to this method of robust possession.[92] In Hemingford alone, three hundred and forty-five persons were found in illegal possession in 1825.[93] Godmanchester Village, on both sides of the River Chateauguay, in 1826 had a population of one hundred and forty, with three stores, and three taverns, several mechanics and one schoolmaster whose terms were 1/- per month for reading, and 6d extra for grammar, writing and book-keeping.[94]

The evil results of allowing public lands to pass into the possession of any but actual settlers, was again illustrated by the situation in the township of Huntingdon, on the boundary line. The military grantees made no settlement. In 1800, a large band of Lanarkshire weavers arrived in Quebec in search of homes;

87. L.C.Land Book H, pp.128-131, May 28,1821.
88. Caron, 1791-1815, p.219.
89. L.C.Land Papers, Dec.4,1798, a long list of those who had taken the oath of allegiance; ibid, July 9,1798; L.C."S" Jan.1,1826, the agents report to the Government; L.C.Land Book H, pp.179-180, Mar.21,1822, Ccouncil's recommendation
90. Ibid, p.180, Petition from forty Scottish farmers to Dalhousie,for land, April 3,1822; L.C."S" Jan.1,1826.
91. Ibid, Bouchette; Ibid,Aug.1,1828, in 1820 the population in the three townships was 834, with 3,854 acres cleared.
92. Ibid, Feb.10,1826, Agent's Report. 93. Ibid, August 1,1825.
94. Ibid, Jan.1,1826, and June 22,1829.


Plan
of the Principal Settlements in
Upper Canada
&c.
Lake Erie

Canada N° 11


Plan
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Upper Canada
&c.
Lake Erie

they refused land at Terrebonne, since it was burdened with ecclesiastical titles that made absolute ownership difficult. Bouchette advised them to squat in Huntingdon, promising to secure lots for them when the township was surveyed. During the winter they were joined by others, and soon there was a string of shanties from Port Lewis to Hungry Bay, which later received the name of Dalhousie Settlement. Scottish merchants in Montreal took a deep interest in its welfare; a road was opened to Chateauguay, and next summer the arrival of others extended the settlement to Newfoundout. Just then the agents of the original grantees demanded that the settlers either pay for their lots or vacate them, with the result that early in 1822, the whole settlement moved to Elgin. Later Irish and Scots purchased these lots.[95]

From 1830 there was an increasing number of new and enlarging settlements, much to the evident delight of local officials, of whom the most outstanding was Buchanan, the energetic, efficient and sympathic agent at Quebec, who not only planned wisely, but by good management induced others to cooperate with him in assisting the emigrants upon their arrival and distributing them throughout the provinces.[96] There was still considerable room for improvement owing to defective surveys and difficulties of transportation, but in spite of these obstacles, settlements increased in number and resources until 1837, when the Rebellion temporarily interrupted development.[97] For various reasons the development of Upper Canada was more steady and sustained.

Prior to 1815, Upper Canada, because of its inland situation, distance from the sea-board, and the tense diplomatic relations between the United States and Great Britain, made slow progress in actual settlement. In 1806, it was practically a wilderness, with everything in a crude state. Its population of about 40,000 peppering 500 miles of waterway from the Ottawa to the Detroit River, clustered more densely between Cornwall and Brockville, along the Bay of Quinte, and in the Niagara district, which was fairly well settled by 1817.[98] The nuclei of its few towns and villages were isolated in dense forests. Kingston, the largest, yet without a side-walk or pavement, had a population of about 600, and modern Toronto had a modest 500. Newark (Niagara) was the capital, until its exposed position

95. Sellar, op.cit. pp.149-163.
96. Richard's Report, 1831; L.C. "S" Buchanan's Report to Aylmer, Nov.26,1830.
97. Amongst these new settlements were Hillhead, St.Phillip, Brownsburg, Dalesvale, Edina, La Belle Falls, Point-au-Chine, Avoca, Harrington, Lost River, Lake View, The Glen, Wentworth, Arundel, Frampton, Jacques Cartier, Stonehaven, Tewksbury, Kilkenny, Kildare, Chambly, Inverness, Leeds, Ireland ect.; Caron, op.cit. p.182; Thomas, op.cit. p.278 ff; Quebec Mercury, Dec.11,1830.
98. Gourlay, Statistical Account, Vol.I; Sketches of Upper Canada; Smith, Autobiographical of the Province of Upper Canada, pp.40-49.

compelled Simcoe to select York. The majority of the Loyalists, familiar with the American type of farming, could command at least the bare necessities of life, while many of them were comparatively wealthy and leaders in their communities. British immigrants, ignorant of the conditions, made on the whole indifferent farmers and suffered accordingly. There were no banks or markets, and trade was largely by barter. A few schooners crossed the lakes in summer, the roads were "navigable" only in the winter when the ground was frozen. Once a month there was a mail between Montreal and York, and yet by 1806, four and a half million acres of land had been alienated - an average of over one hundred acres for every individual in the colony. Some of the more westerly settlements were almost wiped out during the War of 1812, and had to start over again. But standards are relative; if social life was slow and civilisation crude, both were healthy, vigorous and promising.

After 1815, Upper Canada became increasingly the most favoured of all the British North American Colonies, and received the greatest number of immigrants. It was desirable from the point of view of soil and climate, and politically the Imperial Government encouraged its settlement by appropriating towards its development the largest share of the funds spent on the colonization of Canada. Mention has already been made of the military and other settlements under the direction of Government, which opened up important sections of the colony and facilitated the progress of other communities.

Between 1815 and 1841, the face of the province was transformed. The population increased steadily from 100,000 in 1816, to 231,000 in 1826, to 276,000 in 1832, and about 500,000 in 1841.[99] Within the same period capital poured into Upper Canada fairly freely, creating general activity and prosperity, filling up old and new townships in every district of the province, and resulting in "astounding" developments that were regarded as nothing short of marvellous. The pessimists were confounded and the oscillations of Government between renouncing and retaining Canada were converted into zeal for its material development - the immigrants converted the officials. This development was apparent in many ways. Everywhere new clearings were being made and what a few years before had been a dense forest, became surveyed townships and bustling communities.[100] Between 1819 and 1827 alone, 100 townships were settled; towns and villages doubled in populations. Belleville was a mushroom of yesterday, too much adicted to lumbering; Brockville, a neat and thriving new town of about 1,500, with several handsome stone houses,

99. Dalhousie Papers, Vol.II, 1825 - extract from official returns.
100. McMillan, op.cit. p.347; Views of Canada, p.2 ff; Quebec Mercury, Feb.20, Oct.13, 1827.

churches, court house, supported by the rich back country of the Perth and other settlements.[101] In 1834, Carleton Place, one of the most pleasant and important centres in the province, had three inns, three shops, two churches, a grist and saw mill, a good distillery, and many dwelling houses. Ramsville was considered "a romantic place with great possibilities and likely to become the county town when Parliament awakes to its charms." Six miles down the river stood Packenham, with a Post Office, grist and saw mill.[102] Between 1829 and 1833, Dundas and Brantford trebled in population, Paris grew from eight to one hundred homes; Guelph, which in 1826 was a forest, had one hundred and fifty houses in 1833. The same remarkable development was seen in the villages of Ancaster, Galt, Oakville and many others. Hamilton was a wilderness in 1826, and there was not a white inhabitant within twenty miles of it. In 1836, there were 18,000 people settled in its vicinity and the town grew from 250 in 1829, to 1,275 in 1833, and again to about 4,000 in 1836. In 1829, it boasted of four stores, one church, five taverns; in 1833, it had eighteen stores, five churches, thirteen taverns, thirteen groceries, druggists, watchmakers and manufacturers.[103] In 1836, there were in addition newspapers, published weekly, a ladies' boarding school, a commercial and classical academy and an agricultural society. In 1830, a farm sold in its vicinity for $1,500, was resold in 1833 for $22,500, to be laid out in building lots. Port Hope and Coburg,because of their enviable situation and other natural features, were growing rapidly. Dalhousie, who visited the district in 1825, reported favourably upon the enterprise of the inhabitants and the flourishing state of local industries. In Port Hope there were oil, grist and saw mills, tanneries, breweries and distilleries, whose Durham ale was "proverbial for its goodness," and whose liquor resembled "the bland pleasant Holland gin." The most outstanding man was "Squire Brown...a native of Ireland, but having resided for some time in the United States, his days of purification have not expired:" An extensive farmer, a storekeeper, a tanner, a miller, a brewer, a distiller, and a justice of the peace. Coburg, on a level plain, was "the handsomest town in the district," with its neat church and manse, commodious houses, business premises, and good roads, promised well for the future.[104]

York, now known as Toronto, was in 1793 a mere swamp, a tangled wilderness of trees down to the water's edge. In 1796, Duc de Rochefoucald found it rather an unsavory place, consisting of twelve miserable log huts, and a town site marked out

101. Richards' Report, January 1831. 102. Perth Courier, Aug.19,1834.
103. Hamilton Mercury, Oct.1833.
104. Martin, Upper and Lower Canada, p.321; Dalhousie Papers, Vol.10, notes taken on a Tour to Kingston, 1825.

in lots running parallel with the shore for two miles and crossed by others at right angles. In 1800 it was still a wilderness, the haunt of the bear and the deer, "with a little ugly, inefficient Government."[105] By 1826, it had developed into a long straggling street, with a population of about 2,000, which in 1833 had become a city of 5,000; in 1838 it became Toronto, with a population of about 10,000, and boasted several newspapers. It was still most strangely mean and melancholy looking, badly built on low land with one very ugly church, lacking tower or steeple, some Government offices built of staring red bricks in the most tasteless vulgar style imaginable, with hundreds of four-wheeled open and closed carriages, gigs and pleasure waggons.[106] Bonnycastle, in 1841, wrote of its decaying pier, where the passenger was in danger of his life from the jostling carriers and the pliers for hotel preferences which gave him no very exalted notions of the city. He found the value of property incredibly high. On a military reserve in the west end lots were sold as high as £600, building ground in the centre of the city from £10 to £20 a foot, and those who had received lands free were becoming rich. Because of the prevalence of fires, brick was displacing lumber for building purposes.[107] In 1842, its religious statistics were:- Anglicans about 6,500, Roman Catholics about 3,000, Presbyterians about 2,500; its criminal record over a given period was as follows:- Irish 2,506, Canadians 439, English 301, Scots 116, Americans 31, while in the Provincial Asylum there were 79 Irish, 55 Canadians, 25 English, 24 Scots, and 11 from the United States.[108]

Modern and picturesque Ottawa owes its existence to Colonel Bye, who was in charge of the construction of the Rideau Canad, after whom it was originally named, though others called it Cork's town. Two brothers (Burrows) drew the lands on which Bytown afterwards stood and sold it to Mr. Nicholas Sparks for less than £80. The first shanties built there were to house labourers who worked on the Canal.[109] McTaggart claims that in 1827, it was the only town in Canada regularly incorporated according to an Act of the inhabitants, sanctioned by a justice of the peace, to the great amusement of the surrounding districts. Its officers consisted of "a provost, two baillies, dean of guild, treasurer, ten common councillors, surveyor-clerk, two deacons and a convenor. They were the means of greatly improving the place, and considered necessary to keep order among its unruly population of lumberers and navvies. But as it was "not overrun with Americans it may probably turn out a moral, well-behaven town, and afford a lesson to its neighbour."[110] In 1830 it was the centre of a flourishing lumber trade and was

105. Jamieson, op.cit.Vol.I, p.1 ff.
106. Jamieson, Views of Canada,p.2 ff.
107. Vol. I, p.146.
108. Day, Vol.2, p.29.
109. Gourlay,op.cit. p.53.
110. Vol.2, pp.218-19.

visited twice a week by the Montreal steamer.[111]

London was Simcoe's first choice after Newark because of its central position between the great lakes, at a safe distance from the frontier, thus marking it as an eligible site for a metropolis. In ten years the town of London was third in population and prosperity in the province. Begun in 1827, it had a population of 1,300 in 1837, with a fine court house, five places of worship, three schools, seven taverns and a number of small grocery stores, where one ordered nuts and received a large glass of whisky "free." Mrs. Jamieson saw nowhere in Canada such evident signs of progress and prosperity though there was too much drunkenness and profligacy; the people worked hard but lacked education and amusement except what the taverns afforded. Better class women lamented the total absence of social life except of the lowest grade in manners and morals. In 1841 its population was about 2,000.[112]

The development of the colony was evident in other ways. Travellers commented upon the increasing number of grist mills, of public buildings in the chief towns, and of the churches that were being constructed throughout the settlements, while many of the private buildings presented every appearance of comfort.[113] The manufacturing of coarse linen and woollen cloth was becoming more extensive; iron and hollow ware were made at Marmora and London, and nail cutting at Port Hope. Paper of an excellent quality was manufactured in the Gore and Home districts, while distilleries and breweries abounded; from the western district leaf tobacco was exported in large quantities. Parliamentary provision was made for public schools in each of the eleven districts of the province, where classical education could be obtained, and for schools in every township according to the means they had of supporting them. Hopes were entertained for a university. The learned professions were also well represented and newspapers multiplying. In 1825, there were only two newspapers in Upper Canada - the Government Gazette and the Kingston Gazette; in 1840, Toronto alone had nine, "and though some of their proprietors complained that the papers they publish are not patronised or paid for, it may safely be attributed to the intemperate manner in which they are pleased to conduct them."[114] At the same time there was only one mail a fortnight between Montreal and York, and thence westward once a month, while a few post offices sufficed for the needs of the few insignificant towns scattered along the frontier. In 1840,

111. Richards' Report, various pages.
112. Jamieson, op.cit. p.143; Views of Canada, p.95.
113. Dalhousie Papers, Vol.11, 1825, op.cit., acres cultivated 1,116,000, grist and saw mills 771, merchant shops in towns and villages 560, horses above three years old 31,774, milch cows 76,873, young cattle 80,800, legal valuation of above property £ 2,213,094.
114. Chronicle and Gazette, Aug.1,1840.

however, there were two hundred and thirty-eight postoffices, and mails were despatched according to the following plan - six by land to the east, west and Niagara frontier, and by steamer during the season; there were three more to the north, two to Markham and Scarboro, and three to Rochester and New York.[115]

The rate of progress may also be estimated from the point of view of improved facilities of inland navigation. In the early part of the century, water communication was both uncertain and tedious, but by 1840, it was so well provided for that the recollections of the older inhabitants "bordered on the marvellous:" journeys that took fourteen days and over in 1820 were covered in less than three days in 1840.[116] There were hundreds of small vessels on Lakes Erie and Ontario, besides several steamboats, while many were being built whose engines even were made in the colony. From Montreal to Quebec there was a daily steam packet, charging 20/- for cabin, and 5/- for steerage, for the 180 miles; thence to Prescott which was the centre of considerable mercantile activity, connecting with every important point westward. The steamer Iroquois plied from Prescott to Long Sault, the United Kingdom, of 120 h.p. to Kingston, Toronto and Niagara, while the Coburg, of 150 feet in length, supplemented the other two. In 1815, there was only one fortyton schooner between Prescott and Kingston; in 1833, there were fourteen steamers and fifty schooners with a combined registered tonnage of 5,647 tons.[117] In 1836, from Hamilton alone, ten steamers plied between the town and Lake Michigan, Detroit, Goderich, Sandwich and Buffalo. At the same time a new steamer, "a handsome boat, elegantly fitted, offering superior accomodation for travellers and merchants who desired to return to Hamilton the same day," was being built for the Toronto and Buffalo route. The sensation of the country was the

115. Quebec Mercury, Feb.20,1827.

116. Bonnycastle, Canada and the Canadians, Vol.I,p.91; Kingston Gazette, June 8, 1816: "Repeated experiments which have been made in this country and Europe appear to have established in the minds of intelligent persons, acquainted with steam navigation, a confidence that steam-boats, properly constructed, can navigate the ocean in safety, even in the most tempestuous weather. If ~~lakes-with~~this fact is established it follows of course that they can be used on the lakes with great certainty of success;" Stuart, Guide, p.7 ff, Journey from Quebec to Amhertsburg in 1820, distance 858 miles:-

From Quebec	to	Montreal	by	boat	Fare	£ 3	0	0	Distance	180 miles
" Montreal	"	Lachine	"	stage	"	-	5	-	"	9 "
" Lachine	"	Prescott	"	boat	"	1	-	-	"	111 "
" Prescott	"	Kingston	"	"	"	1	-	-	"	60 "
" Kingston	"	York	"	"	"	3	-	-	"	180 "
" York	"	Queenstown	"	"	"	1	-	-	"	40 "
" Queenstown	to	Fort Erie	"	stage	"	-	12	6	"	28 "
" Fort Erie	to	Amherts-burg	"	boat	"	4	5	-	"	250 "
Additional expense through delays						3	10	-		
						£ 17	12	6	"	858 "

117. Smith, Canada, Vol.I, p.XCVI; Martin, op.cit. p.317 ff; English Farmer, p. 46 ff; Montreal Gazette, July 4,1833; Buchanan's Report, 1834.

steamer 'Rapid' whose twenty-five foot wheel, "making seventeen revolutions a minute, the largest in these waters, and covering six miles in thirty-one minutes,"[118] and the Perth Courier astonished the neighbourhood by stating the achievement of a traveller who covered fifteen miles in two hours on the local roads.[119]

This phenomenal development was facilitated and accelerated by the activity of the large land companies, the huge amount of money spent on public improvements, together with considerable sums in clearing and cultivating the land, giving employment and good wages to the labouring classes that enabled many of them later to establish themselves advantageously on their own property. Among the most important of these public improvements were the canals, the highways and later the railroads. The Welland Canal, with a capital of £100,000, was intended to connect the inland lakes with the ocean; the Rideau Canal, "a stupendous work of the most vital importance in the event of war and opening a communication for the new settlements." The Rideau, originally intended as a war communication, in a secondary way as a peace one, manifested its advantages not only in floating produce and merchandise between the two provinces, free of interruption on the American frontier, but it opened up a line of settlement to the north of it by which the new townships could be filled up and the population pushed along the centre of the province. The Burlington and Desjardine Canals, which were intended to afford "most desirable facilities to the commerce of a rich and fertile part of the country," were all commenced within a few years.[120] Nor were these the only ambitious enterprises of that nature. The Port Hope and Rice Lake Canal, with a capital of £50,000, the Niagara Harbour and Dock Company of £25,000, and the Kingston Company for refitting and repairing shipping, with a capital of £30,000, were intended to link up the water communication between Lake Huron and the Bay of Quinte, and form an unbroken chain of navigation intersecting Lakes Simcoe, Cameron, Pigeon and Trout, passing through the new settlements on Rice Lake and River Trent, a distance of 140 miles and running through a fertile country.[121] Supplementing these were the railroads, such as the Hamilton and Port Dover (1835), with a capital of £40,000, the Erie and Ontario (1835), the London and Gore (1834), and the Great Western (1837), with a capital of £500,000, which "promised to equal the far-famed Manchester railroad," and would connect Lakes Huron, St. Clair, Erie and Ontario.[122] Lieutenant-Governor Bond-Head secured from the Upper Canada Legislature about £4,000,000 in 1836, for new surveys, construction of roads, harbours, lighthouses, the improvement of the navigation of

118. Prescott Gazette, Aug.19,1834. 119. August 19,1834.
120. Quebec Mercury, Feb.20,1827. 121. Ibid, Oct.13,1827.
122. Q 431A, p.194 ff; Kingston Chronicle 1834; Montreal Gazette, Aug.14,1834.

the Trent and Grand Rivers, and the completion of the Welland Canal,[123] and Sir George Arthur in 1840, obtained loans of £40,000 from the banks and spent them on the following public works - £13,000 on the Welland Canal, £5,000 on the Kingston and Napanee Road, £7,000 on the North Toronto Road, £600 on the Hamilton and Brantford Raod, £5,000 on the Dundas and Waterloo Road, £5,000 on inland navigation.[124]

The quickening effects of these public works upon trade was soon evident, besides acting as a stimuli to other improvements, even though Durham complained that the management of these works was entrusted to members of the ruling party, and that the carelessness and confusion that followed was the result of a deliberate policy and permitted if not encouraged in order that a few might benefit at public expense. There was no scarcity of labour in Upper and Lower Canada apart from the difficulties of transportation.[125] In 1829, 2,700 persons were required at the Rideau Canal alone,[126] and in 1835, Buchanan claimed that 20,000 would be required for public works, apart from the land companies and the farmers who were offering $10 to $16 per month with board. In 1836, there was an increasing demand for all kinds of labourers at high wages, particularly to carpenters, tailors, shoemakers and blacksmiths.[127] The Montreal Gazette of September 20,1832, commenting upon the unprecedented demand for labour, said that "if there were in nature such a being as a sober blacksmith, he might make a fortune...in Canada." All these various activities displayed unequivocal proofs of progress that constituted the basic essentials of a new country; the refinements followed as a matter of course

During the same period, agriculture was emerging slowly from its crude origin into something resembling modern methods, under the stimulus of the Agricultural Society, founded in 1806, with a branch in every district.[128] By 1830, it had become an important institution in the province, subsidized by Government to the extent of $500 to each branch.[129] It encaouraged a better breed of cattle and horses, improved agricultural methods, and by annual ploughing matches accompanied by prizes,[130] enabled farmers to meet and observe; later they practised what they had learned.[131] From the reports of these branches is derived some of the most valuable information regarding the progress of agriculture and commerce, and the difficulties that hampered both.[132] There was the usual lack of capital among the farmers, the dearth of proper means of transportation which interfered with social intercourse

123. Wallace, op.cit. p.111. 124. Q 427, p.186.
125. Q 272, p.173, Poulett Thomson to Russell, May 26,1840.
126. Q 192, p.75, June 12,1829; L.C. "S" Jan.1,1829.
127. Buchanan's Report 1836, wages - carpenters 6/- to 7/6 per day, masons 4/6 to 6/-, blacksmiths 5/6 to 10/-.
128. Q 305, p.96. 129. U.C."S" 1832.
130. Richards' Report, 1831.
131. Alexander, Transatlantic Sketches, p.168.
132. U.C. "S" April 28,1835, Report of London District Agricultural Society.

and made access to markets always difficult and sometimes impossible. Towards the end of the period these obstacles were being slowly and only partially overcome by the greater diffusion of general knowledge, the exercise of strict economy in public expenditure, in the judicious development of economic resources, and above all by improved agriculture.

John Richards in his Report of his travels in Canada in 1830 gives a vivid picture of the development of agriculture in Upper Canada.[133] He was enthusiastic over the progress made in the district of Gore where in 1804, about 10,000 bushels of wheat at 2/- per bushel had been shipped from Burlington Bay, in 1830, 150,000 bushesl at 6/- per bushel wereshipped due to the admission of colonial wheat into English markets at a low duty, and the growing trade with the West Indies which stimulated agriculture and business. Brantford, "a beautiful piece of country," was isolated and handicapped by a block of over twenty miles of unsettled land held by absentees, and the worst roads he met anywhere. The Dundas section was less prosperous because of the clayey nature of the soil and the huge gullies which hampered road-making. Neilson in his Observations states that in 1837, the district of Gore with its fine farms had a population of 34,618, and 136,284 acres of improved land.

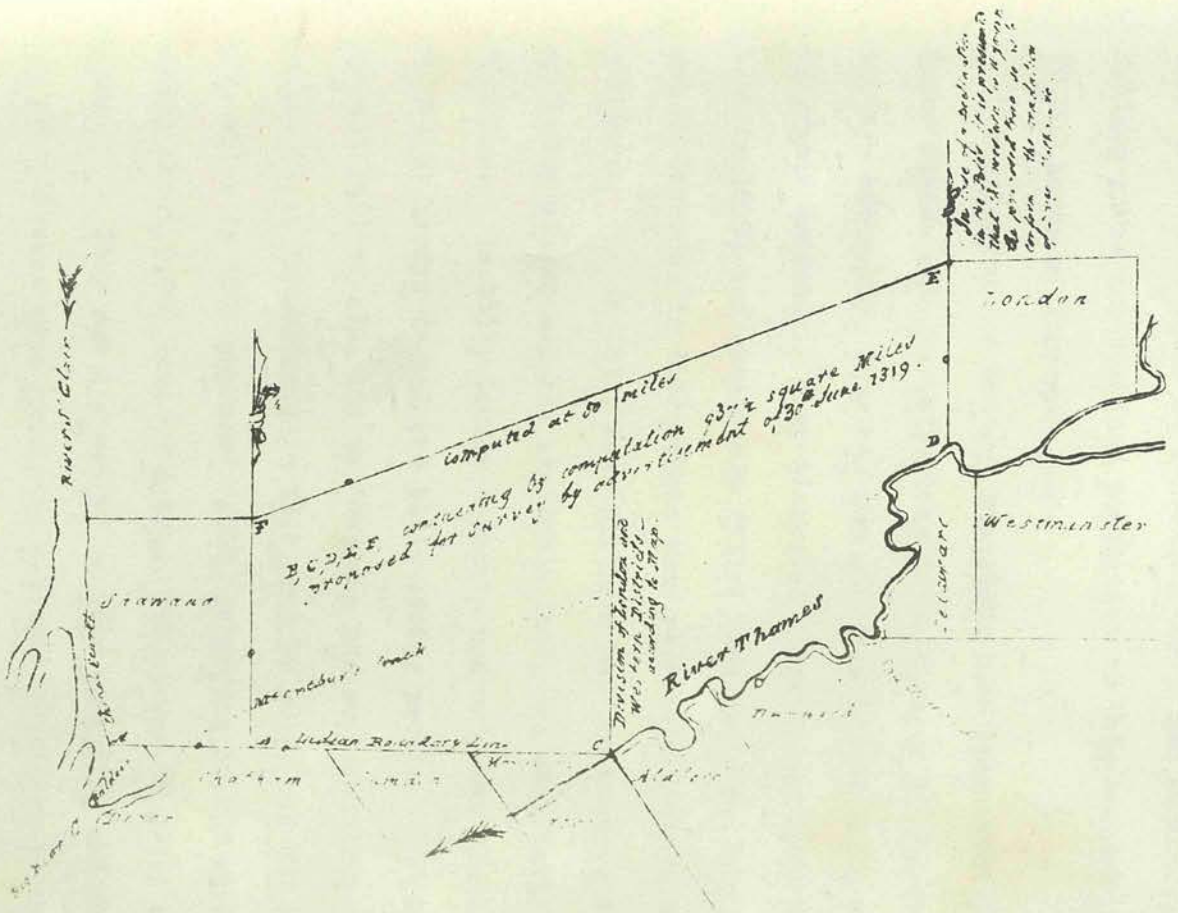
The township of Dumfries, twenty miles north-west of Hamilton, may be cited to illustrate the benefits that followed the judicious application of capital to the development of waste lands during pioneering days in Canada. It was purchased by William Dickson of Niagara, a member of the Legislative Council, for $1 per acre, from the Hon. Thomas Clarke of Stainford, County of Lincoln.[134] In 1818 there were about thirty-eight settlers on it, mostly Scots from Genessee County, New York State. Dickson took immediate steps to advertise the attractions of this fine township. He sent an agent to Scotland to secure settlers, corresponded with certain leading Scots on the matter, among others James Hogg the Ettrick Shepherd, and published articles in Chambers Journal. The result was that by 1834, there were about 2,500 persons in the township, 6,000 in 1842, and the price of land had advanced from $4 to $20 per acre. Much of the credit must be given to Dickson who bore practically the whole of the expense in settling these poor people, advancing them money to purchase stock without insisting on prompt payments.[135] The founding of Guelph and the opening of roads provided work for the needy and helped them in their initial difficulties. A major problem was to get their produce to

133. P.P. 1831-32, XXXII (334), pp. 21-48.
134. Young, Settlement of Dumfries, p.32. Dickson was born in Dumfries, Scotland in 1769, came to Canada in 1792 and practised law at Niagara; Waterloo Hist. Soc. Report, 1916, pp.26-32; Selkirk Papers, Folio 20,024.
135. Ferguson, op.cit.p.128; Pamphlet No.1116, pp.85-86.

market. The swamps of Beverly blocked navigation at Dundas and Hamilton. To overcome the difficulty several flat-bottomed boats called 'arks,' 80 x 16 feet, with a carrying capacity of four hundred barrels of flour, were built to convey the produce to Dunnville, through the Welland Canal to Lake Ontario, and though difficult to handle they served the immediate purpose for a number of years. The first school was built in 1832. The town of Galt, named in honour of his friend John Galt, the Scottish Novelist, and the original promoter of the Canada Company, was founded in 1834 upon the banks of the Ouse and quickly flourished. Dickson lived in it until 1836, when he returned to Niagara.[136] Dr. Rolph summed up the situation in 1842, by saying that neither Dickson nor the settlers had any reason to lament their choice of the township, that many of them had acquired wealth, and all were comfortably independent.[137]

The Home district, stretching from Toronto northwards to Georgian Bay, was emerging slowly from its dense forests. Yonge Street presented a splendid vista of fine farms which were selling from $2,500 to $5,000. The settlers of Gwillimburg, Vaughan and Markham, who entered the colony at an early date from the United States, occupied a highly cultivated tract of country.[138] In 1837, this district of thirty-three townships had a population of 46,288, with 156,089 acres cleared and cultivated. The Newcastle district, watered by the Rice, the Clear, and Mud Lakes, the Otonabee and Scugog Rivers, was giving conspicious evidence of future prosperity. From Coburg to Peterboro, agricultural conditions were excellent, except where absentee landlords obstructed progress by demanding "impossible prices" for their land. The settlers of Peterboro, Cavan, and Monaghan, composed chiefly of Irish, had made fine progress.[139] In 1837, its twenty-one townships had a population of 27,404, with over 51,000 acres cleared. The agricultural progress of the Midland district was seriously interferred with by military grants, reservations, faulty surveys and weak soil. From the Bay of Quinte to Kingston, however, the front townships exhibited an almost unbroken stretch of rich and prosperous farms and orchards; many of the back townships were still in a state of nature.[140] Neilson states that in 1837, the cultivated acreage of the district had amounted to about 172,000 to support a population of 44,000, where the Johnstown district, with its fine soil and undulating surface, had a population of about 29,000, scattered through

136. Young, op.cit. p.50, 56 ff, 89; Brown, op.cit. p.224.
137. Pamphlet, No.14443, old marking, p.13.
138. Q 354, pp.304-310, Colborne to Hay, Oct.4,1830.
139. Dalhousie Papers, Vol.10, Notes taken on a Tour to Kingston, 1825; Richards' Report, op.cit.; Q 354, p.304 ff, op.cit.
140. Canniff, The Settlements of Upper Canada, various pages; Simcoe Papers, Vols. 2-3, various pages.


London
Westminster
River Thames
Division of London and Westminster Pitches
B, C, D, E containing by computation 9 3/4 square Miles
proposed for survey by advertisement of 30th June 1719.
computed at 60 miles
Stamford
Greenwich
Hackney
Chelsea
Battersea
Lambeth
Rotherhithe
Deptford
Blackwall
Limehouse
Ratcliff
Shadwell
Wapping
Stepney
Poplar
Bow
Bromley
Stratford
Hackney
Islington
Hampstead
Kensington
Chelsea
Battersea
Lambeth
Rotherhithe
Deptford
Greenwich
Blackwall
Limehouse
Ratcliff
Shadwell
Wapping
Stepney
Poplar
Bow
Bromley
Stratford
Hackney
Islington
Hampstead
Kensington

its eighteen townships and 78,000 acres cleared and cultivated. In the well-watered Bathurst district, the military settlers were independent by 1830. Robert Gourlay sings the praises of the Ottawa valley where the pioneers "waded through a continent of mud, battled with millions of mosquitos, and was only half way through purgatory" when he reached his lot. In 1796, as far as the eye could see, an unbroken forest covered both sides of the Ottawa; not an axe had been laid to a tree by a white man. When Gourlay wrote his account there were extensive clearings "so well cultivated, so productive, luxuriating in waving meadows, golden grain fields and green pastures, teeming with flocks and herds of improved breeds of many varieties." The first sod was turned by half-pay officers who settled on the south bank.[141] In 1824, good stages connected the main towns, and comfortable inns were to be found at convenient spots and steamboats up to the Chaudiere.[142] Neilson gives the combined population of this section as about 31,000, with about 70,000 acres of improved land.

The London and Western Districts have been rightly called the most fertile in Upper Canada and gradually became the granary of the colony. Situated at its western extremity, they had few settlers before 1815, when large numbers of Highland emigrants entered.[143] They pioneered Ilderton and Hyde Park, entered Ekfried and Lobo in 1820, and completely filled them by 1835; they broke ground in Mosa in 1821, and in Carrodoc in 1822, where they were later joined by a large number of English settlers.[144] In 1831, East Williams had one hundred Scottish families in it, occupying almost all its available land, and overflowing in a few years into West Williams. In 1817, London township had only two families, and in 1842, it was filled by hardy, frugal and plain-living people.[145] Westminster township had the richest soil of all, and by 1841 was the most populous of the district. It received its first inhabitants in 1811, and by 1817, had 107 houses and a population of 428, which in 1841 numbered 2,680, occupying 60,000 acres and cultivating 12,000, owning about 2,000 head of cattle, 444 horses, 4 grist and 2 saw mills, 3 distilleries.[146] They set a great value upon education and in spite of their poverty, log schoolhouses were among the earliest buildings in the settlement. In seventeen townships in the London district alone, there were by 1847, 195 schools paying annual salaries amounting to £6,786.[147] According to Neilson, in 1837 the London district had a population of over 27,000, and an improved acreage of 129,000, and

141. Gourlay, History of the Ottawa Valley, p. 4 ff.
142. Montreal Gazette, Oct.6, 1824. 143. Ontario, Hist.Soc.Vol.IX, pp.26-32.
144. U.C. "S" June 10, 1837, Dec.27, 1832; Q 427, p.48, Address to Sir George Arthur 1840; Views of Canada, p.93.
145. Ibid, p.95, Population 4,250 and 2,000 in London town.
146. Ibid, p.83, 94. 147. Smith, Canada, p.185.

that the Western district with a population of 12,572 had 224,000 acres of improved land. In the two districts there were in 1842, 54 grist mills, 78 saw mills, 13,540 horses, over 29,000 head of cattle, with a total rateable property valued at £803,041. Besides this, there were in the London district 7 fulling mills, 11 carding mills, 2 paper mills, 6 distilleries, 7 breweries, 100 taverns, 2 ironworks, 11 tanneries, and 9 manufacturies of various kinds.[148] In the neighbouring district of Niagara, with its fine climate and fertile soil, there was in 1837, a population of over 27,000, with 105,000 acres cultivated.

The counties of Prescott, Stormont and Glengarry, in the Eastern district, early established a reputation, not only for density of population, but also for military prowess which they long retained. Their early settlement, the quality of their soil and their enviable location between the two great rivers, the Ottawa and the St. Lawrence, conduced to the former as the character of their settlers to the latter. In time they became synonymous with the martial spirit of pioneering days and with some of the finest traditions of modern Canada.

Their original settlers were U.E.Loyalists, largely of Highland extraction.[149] Before 1806 they were joined by other bands of Highland emigrants, partly through invitations from their friends already settled there, and partly through economic reasons, but largely through the agency of Father Alexander MacDonell, Scotus, who in 1785 brought 500 from Glengarry, Scotland. The success of the venture induced others to follow them, and in 1791 and 1793, other groups arrived and settled at Kirkhill. Emigrants from Lochiel arrived in 1799, naming their new home after the old,[150] where in 1815 they were joined by another large contingent. Alexander McMillan settled 400 in Finch township in 1802, while others settled in that of Caledonia,[151] named in their homour. The town of Charlottenburg was "so entirely confined to Scottish settlers it seldom attracts other strangers," and received the attention of every traveller.[152] It was originally setted in 1784, by the Royal Yorkers, who were chiefly Scots. In 1822 it had a population of 3,000, with 5 churches, 12 schools, 12 stores, 18 taverns and 6 grist mills.[153]

What was considered to have been the most important contribution to the population of the district was made by the Glengarry Fencibles, mostly Macdonells and their immediate connections, all Catholics. It was the first Catholic corps raised since the Reformation, was embodied in 1795, saw service in Guernsey, and in 1798,

148. Ibid, Vol.I, pp.17-18; Views of Canada, p.34; Emigration, Vol.30,p.24 ff.
149. Selkirk Papers, Vol.75, pp.106-112 (1803-1804).
150. U.C. "S" July 19,1820.
151. Q 293, pp.189-194, May 24,1802, Report of Commissioners of Customs, Scotland; Selkirk Papers, op.cit. p.106 ff.
152. Pamphlet, No.612, p.25.
153. U.C.Land Petitions, Nov.15,1832; Gourlay, op.cit. Vol.I, p.124.

was sent to Ireland under General Hunter, later Lieutenant-Governor of Upper Canada, who praised them highly as men and soldiers.[154] Like all other Fencible regiments, it was disbanded after the Peace of Amiens, and left without employment or means of subsistence. Their chaplain, Father Alexander Macdonell, approached Hobart and Addington on their behalf,[155] offering to use them as a barrier against the Republican ideas of the United States, and in the interest of the political stability of Canada. For these ends he would isolate them in certain townships, thus preserving their national characteristics, customs and language.[156] As a step in this direction he urged the Government to supply the means of providing Scottish priests for these Catholic emigrants.[157] The Imperial Government, realising the valuable acquisition such a trained body of men would be, granted permission to take them as a body to Canada.[158] Hunter was instructed to give them every assistance in his power.[159] A change in the administration, however, and the objection of the Highland Society prevented them leaving in a body,[160] but from quiet Highland lochs and sheltered bays they stole away, until in 1806, there were 10,000 Catholics in Glengarry, which by 1817 had grown to 15,000.[161] In 1804, on Hobart's recommendation, Macdonell was sent to Upper Canada to instruct his countrymen in patriotic principles, where his influence was far reaching and his political services highly appreciated and rewarded by the Government.[162]

The concensus of opinion would indicate that up to 1841, the clearing and cultivating of the soil in Glengarry was comparatively small and the degree of culture somewhat low. The Highlanders seemed more at home in wielding the claymore or in extracting 'mountain dew' than in the more prosaic tasks of agriculture. Much valuable time was spent in the forests in a semi-savage kind of existence, cutting

154. Q 299, p.49, Hunter to Hobart, June 20,1804.
155. U.C. "S" Dec.20,1814, an account of the regiment by Macdonell; Quebec Mercury, Nov.29,1838, an Address to the Glengarry men by Macdonell; Canniff, Upper Canada, pp.303-308, Rev.Alex.Macdonell, first Roman Catholic Bishop of U.C. 1822-1840, born Glengarry, Scotland, 1760, educated for the priesthood at Valladolid, Spain, ordained in 1790, returned to Scotland and officiated at Badenoch, and later at Glasgow. In 1798, he joined the Glengarry Fencibles for duty in Ireland, and come to Canada in 1804. He died in Dumfried-shire in 1840; in 1862 his body was moved to Canada and buried in the Kingston Cathedral.
156. Q 305, pp.4-8, April 1806.
157. Q 299, p.184, March 1804, Macdonell to John Sullivan.
158. Ibid, p.49, Hunter to Hobart, June 20,1804; G 54, p.179, April 7,1804, Hobart to Hunter.
159. Ibid, p.93, Hobart to Hunter, March 1,1803.
160. U.C. "S" Statement by Macdonell, Dec.20,1814;
161. Q 305, p.24, Macdonell to Mr. President Grant, April 1806; Q 303, pp.117-183, Macdonell to Bathurst, Jan.16,1817; Ibid, p.20 ff, June 15,1817; Q 157, pp. 52-61, Macdonell to Dalhousie, Dec.16,1820, an account of the Fencibles.
162. G 54, p.179, Hobart to Hunter, April 7,1804; C 620, p.134; U.C.Land Petitions May 16,1805, Macdonell petitions for 1,200 acres of land; G 60, p.65, July 3,1812, Bathurst to Maitland, ordering a grant of land for Macdonell's services; Q 323, pp.208-210, July 7,1817, Macdonell asking for a further 1,200 acres; Colonial Advocate, Sept.26,1833, Bishop Macdonell of Regiopolis, Legislative Councillor, stipend as Bishop £600, appointed on the recommendation of the British Government.

and preparing timber for market wherever they could find it, which if steadily devoted to the cultivation of the soil would have been more beneficial to the settlement: the immediate profit of lumbering blinded them to the first needs of pioneering.[163] In 1803, Selkirk visited Glengarry and found little land cleared; he attributed the blame partly to their poverty and partly to their gregarious habit of settling together, which gave them less opportunity of learning easily the method of agriculture peculiar to the country. The Loyalists,were, however, generally comfortable,[164] while many of the recent emigrants were living in the homes of their friends.[165] Gore also wrote of the indifferent farmers of Glengarry, and Maitland, who visited the Eastern district in 1818, was disapointed with the Glengarry settlement[166] whose people were far less comfortably housed than he expected to find them,[167] while everything about the farms bore evidence of indolence and carelessness, owing in a measure to the frozen crops in 1816, which rendered destitute over five hundred and fifty families.[168] Colborne in 1830, corroborated the testimony of other witnesses,[169] and Howison, who visited Glengarry in 1827, has left a very uncomplimentary picture of local conditions.[170] He had expected to find his countrymen elevated in their character and improved in their manners through independence; he found them uncouth though hospitable. He visited at the home of one of the so-called superior class and "found a large family devouring pork and onions in a rooom containing as much dirt as it could conveniently hold." The majority of the houses had one room only, and their "possessors display no intention to improve their mode of life, being dirty, ignorant, obstinate." They were, however, busy clearing their land, enveloped in columns of smoke from blazing logs that covered the forest for miles. In 1836, Glengarry had a population of about 12,000, but in 1848, in the three counties of Dundas, Glengarry and Stormont, there was a population of 37,000, with 81,000 acres under cultivation and 30,500 in pasture, owning between them about 30,000 neat cattle, over 11,000 horses, 48,000 sheep and about 30,000 swine.[171]

But if agriculture was not as progressive as in other sections,martial vigour and patriotism flourished "like a green bay tree." The influence of Glengarry in war and peace during the early history of Canada has become a national tradition.

163. Ferguson, op.cit. p.265 ff; Q 354, p.306, Colborne to Murray, Oct.12,1830; Rolph, op.cit. p.139 ff; U.C. "S" Mar.30,1824, the settlers of Godmanchester complaining that the people of Glengarry were stealing their timber and threatening to hang anyone who opposed them.
164. Selkirk Papers, Vol.75, pp.106-12 (1803-04).
165. Q 305, p.46, Gore to Windham, Oct.1,1806.
166. Q 324, p.130, Maitland to Bathurst, Aug.19,1818.
167. Bell, op.cit. p.53.
168. U.C. "S" Feb. 3, 15, April 10,1817.
169. Q 354, p.306, Colborne to Murray, Oct.12,1830.
170. Howison, pp.18-23.
171. Rolph, Statistical Account, pp.138-140; Pamphlet No.1152, pp.138-39; Brown, op.cit. p.144.

The large American population in Upper Canada caused considerable anxiety to Government. Gore wrote of them as emissaries of rebellion, and the source of constant trouble in the body politic. On the eve of the War of 1812, General Brock stated that the defeat of the Militia Bill was due to the American influence in the local Assembly and advised the Home Government to encourage emigration to counteract this influence.[172] In that War, Glengarry's contribution was undoubtedly the most conspicuous, and Colonel Baynes claimed that had it not been for the loyal Scots of Stormont and Glengarry, Upper Canada would have been American by peaceful penetration no less than by war.[173] Impressed by their contribution in that struggle and to safeguard Canada from further aggression from the same source, he urged the enrollment in the north of Scotland of a corps of Frontier Light Infantry "of men whose allegiance is unimpeachable." Each man was to receive 100 acres of land after five years service in Canada. Prevost, with the same idea of frontier defence in view, secured permission to grant 100 acres to the men of the disbanded Glengarry Fencibles in the frontier township of Sherrington, on the theory that the defenders of Canada in the War of 1812 could be safely entrusted with the defence of such an exposed section of the boundary line.[174] Thus Simcoe's theory of the close relationship between defence and land settlement received fresh corroboration. During the troubles of 1837-38, they rallied once again to the Imperial connection and offered their cordial assistance to the Civil Government.[175] Not only did they muster 2,000 men in Upper Canada, but they volunteered their services to Lower Canada, and two corps of them served there until the trouble was over,[176] in which connection Bond-Head says that "there was so much of Rob Roy in their disposition...that though they went down infantry they came back cavalry."[177]

There was one serious handicap to agricultural development and general prosperity that was common to all colonies alike: there was an absense of good roads. It is a truism that the degree of culture enjoyed by a nation bears a close relationship to its means of transportation. The lack of roads in pioneering Canada isolated settlements, discouraged effort, retarded development, fostered ignorance and the coarser expressions of human life, whereas good roads immediately quickened the pulse of social and economic life, encouraged the settler to hope for returns commensurate with his effort, increased the value of land, and in time transformed a trackless wilderness into a land of prosperous farmsteads enjoying the opportunities of an advanced type of civilisation.

172. Dunham, Political Unrest in Upper Canada, p.16.
173. C 621, p.10 ff, E.Baynes, Military Secretary to Prevost, June 18,1814.
174. Q 127, p.326 ff, Prevost to Bathurst, May 9,1814; Q 625, p.72, July 12,1814, Bathurst agrees; Selkirk Papers, Vol.75, p.106, and Diary No.3, for an account of Glengarry; G 54, p.93, 94, Hobart to Hunter, March 1,1803, and p.179, same to same, April 7,1804; Q 299, p.49 ff, Hunter to Hobart, June 20, p.184, Macdonell to Sullivan, Mar.1804; C 621,pp.10-17,op.cit.
175. Quebec Mercury, Nov.29,1839, Address by Bishop Macdonell; U.C. "S" Address to Bond-Head, Nov.17,1837.
176. Q 263, p.149, Bishop Macdonell, June 22,1838; U.C."S" Chisholm,Dec.27,1839.
177. Q 263, M. 116-118.

XII.

C R I T I C I S M.

It must be apparent even to a casual reader or observer of colonization that there exists a very close connection between the land system of a new country and its progressive development. The first object of a colonizing government in disposing of the waste lands of a new and extensive country should be to attract speedily an industrious class of immigrants so that the population might be increased, the price of labour reduced, the economic burden lightened, and general prosperity stimulated as rapidly as possible. Such an object calls for a land policy uniform in its scope, permanent and consistent in its outlook, impartial in its operation, and adapted to the circumstances of the colony, that would made available a constant and regular supply of new land in due proportion to the needs of an increasing population, encourage the investment and the rewards of capital, satisfy the legitimate needs of bona fide settlers, remove unnecessary obstacles, and at the same time promote every means that would encourage the material comfort and social development of the settlers. Instead of a uniform, consistent and impartial land policy within the period covered by this study, the Imperial Government practised in all the colonies a complicated and wasteful system of disposing of Crown Lands. Not only did the regulations vary almost from year to year, but the wide variety of ends to which the waste land was applied, and the different interpretations that could be twisted out of the same regulation, caused endless confusion in the system, disappointed the settlers and interfered seriously with the immigration both of labour and capital into the Colonies. Successive Secretaries of State for the Colonies resembled the Stuart and Bourbon Kings in their obtuseness to the varied lessons of experience,while they continued the practice of parcelling out continents in generous portions seemingly indifferent to future consequences. Grants were made or refused on all sorts of different and contradictory grounds: some to stimulate immigration, others as a means of raising revenue for the Crown; some to induce capitalists to enter, others as a reward, real or pretended, for service to the colony or to the Mother Country. Some grants were made conditionally, others unconditionally; some on condition of paying a quit rent to Government, which was irregularly exacted, others for so much per acre which Government spent at its pleasure. Huge tracts were granted unconditionally to anyone who found favour with English ministers or colonial governors, and through bribes to local officials. Loyalists, disbanded soldiers and military pensioners were placed

in the privileged class of grantees with the political clergy, and while many grants were made to actual settlers with some capital to invest in the development of their land, others of a charitable kind were made because of the poverty of the settlers. All these methods were practised simultaneously; grants were refused with equal irregularity according to the humour of successive governors. Disappointment always awaited applicants who had offended the government, or those who petitioned for grants in townships which the governor for some undefined purpose withheld from immediate settlement, or to enable him to control the direction and character of settlement. It is unnecessary to elaborate the situation. Enough has been said to illustrate in general the very unsatisfactory working of the Imperial Land Regulations and to support Wakefield's assertion that in no colony had any consistent policy been systematically followed in disposing of the waste lands.[1] It is therefore not surprising that settlement was slow and unsatisfactory.

From its origin as a British Colony, land and its settlement has been at the heart of the history of Canada and has determined its main lines of development. As in the case of the early days of Australia, only the wilfully blind could remain ignorant of the prevailing evils for any length of time. In both colonies, lands were so thoughtlessly alienated without any regard to their future values or any concern for the future needs of an expanding population. It appears obvious that the Imperial and Colonial Governments viewed the Crown lands as a useless State property to be squandered, and individuals, rich or poor, can scarcely be blamed if they desired the utmost quantity of it. In the scramble there was no thought taken to maintain a due proportion between grants and population or an insistence upon cultivation and improvement. It would be difficult to find a more extravagant and careless system of land distribution than that of the period from 1763 to 1841, in the British North American Colonies. One might compare it with the present day land policy in Kenya, or the old Dutch policy in South Africa where anyone desirous of obtaining land could do so on condition of taking far more than he could possibly make profitable use of in order that the colonists would be dispersed over so wide an area as to preclude the desire for self-government. No system could be better calculated to effect the ruination of a colony.[2]

Conditions closely approximating these prevailed in the British Colonies. In Upper Canada alone, out of the seventeen million acres within its surveyed area in 1837, only about one million and a half acres remained ungranted of which 450,000 acres were a road reserve, 500,000 acres were earmarked to satisfy claims founded on past pledges, and the remaining 700,000 were of inferior quality. Of these

1. Wakefield, England & America, Vol.II, p.138,140,147; Mills, Colonization,p.159.
2. Wakefield, England & America, Vol.II, p.125.

millions of acres granted, less than a tenth was actually occupied and much less reclaimed and cultivated. In Lower Canada, out of six million acres surveyed in the new townships, two-thirds were either granted or sold, while unsatisfied claims for half a million acres pended, but only one-twentieth of the land granted was occupied by settlers. In Nova Scotia, nearly six million acres had been granted leaving about 300,000 acres available for settlement. The Government of New Brunswick alienated about four and a half million acres, while the whole of Prince Edward Island was in the hands of a handful of proprietors.[3] In theory, the Imperial Government visualised Canada as a land of peasant proprietors, but its indiscriminate policy of free grants, interspersed with various reserves, scattered the settlers over too wide an area which precluded mutual assistance, imposed crushing economic burdens upon all, and threw large tracts into the hands of speculators.[4]

In addition to incredible recklessness in practice, there was a corresponding lack of uniformity and consistency in the land regulations that were based on English experience by officials ignorant of colonial conditions. Durham says that "in no two colonies in fact has the same system prevailed at the same time." In Upper Canada, after 1804, land was granted upon payment of fees to almost every applicant in lots of 100 to 1,200 acres, not to mention free grants to private persons, and until 1818, no settlement duties were demanded. In Lower Canada, at the same time, the land was granted in tracts of from 10,000 to 40,000 acres subject to conditions of settlement. In New Brunswick, grants were made subject to quit rent, while in Nova Scotia, until 1808, all grants were absolutely forbidden. And even after 1826, when a uniform system of sale was established in theory, practices widely different actually and concurrently prevailed. In Upper Canada, for example, payment of the first instalment was not required at the time of sale, and the nominal price was 10/- per acre, but after 1833, interest was required upon arrears. In Lower Canada, however, payment of the first instalment was always required, the nominal price was about 3/6 per acre, and interest was never demanded. In New Brunswick and Nova Scotia, the price was about 2/- per acre, and payment of interest was never required, but in the former, timber land was sold for 10/- per acre, while in Lower Canada the same land was sold as low as, or lower than, other land. In both Upper and Lower Canada free grants continued to be made down to 1837 to satisfy previous pledges, while in New Brunswick no free grants were made after

3. Johnson, Emigration, p.197; Durham Report, p.78 ff.
4. G 28, p.197; Mills, Colonization, p.~~125~~ 156 ff.

1828. Again, in Lower Canada and New Brunswick, all purchasers appear to have been bona fide, while in Upper Canada the greater part of the purchasers were speculators. Thus a system that should have been uniform was full of contradictions.[5] In fact "a consistent policy was the last thing the colonists came to expect from the Colonial Office, and it was difficult for them to know how much attention should be paid to orders and despatches which might soon be revoked."[6]

A more distinct picture of the adverse effects of the land policy upon the development of the Colonies may be obtained from a comparison with the land system of contemporary United States. In that country, ever since 1796, the disposal of the public lands within the control of the Federal Government was strictly regulated by one law of Congress, and not by various laws for different parts of the Union as in Canada. The general principle of the policy was to make land as reasonable as possible to actual cultivators, and of comparatively little value to the capitalist or absentee proprietor. To protect the interests of the former several safeguards were adopted. All land was surveyed previous to sale and offered in the first instance at public auction; the unsold portions were later disposed of privately. One simple and uniform system of management was established and every grant made to private interests was duly registered and guaranteed by authority. A sufficient price was charged for all lands disposed of by sale, which prevented speculators from monopolising and withholding from cultivation large quantities of land. By taxing all lands for local purposes, whether cultivated or not, the interests of the actual cultivators were protected. Under a system of taxation unproductive lands constituted a liability and not an asset, with the result that subdivision and alienation of land was continually in process to such an extent that land was at all times both cheap and accessible to poor settlers, and less profitable to the speculator. It is evident, therefore, that the chief intent and aim of such a land policy was to promote the rapid and dense spread of settlement, and to invest only so much capital in land as was necessary to render productive the labour of a family employed on an adequate piece of land.[7]

The merits of this system are clearly marked. Instead of an irregular, changing system, there was a uniform policy for all public lands unchangeable except by Congress, which alone could fix or change the price, make or withhold exceptional grants, appoint responsible officials to administer the regulations, and force home responsibility. In comparison with Canada it was a simple and intelligible system that facilitated the acquisition of land for bona fide purposes of agriculture and

5. Durham, Appx.B, p.14 ff; Wakefield, England & America, Vol.II, p.147.
6. Mills, Colonization, p.13; Hume's Complaint, Hansard 3rd Series, Vol.XI,p.834.
7. Parliamentary Papers, 1837-38, XL, pp.181-185; Wakefield, England & America, p.132 ff; Durham Report, pp.75-6.

at the same time restricted, by means of an adequate price, the individual appropriation to the actual needs of the settler. It gave an instant and secure title, admitted of no favouritism and promoted an unprecedented immigration and settlement.

The results of the frequent changes and dissimilarities in the Imperial Land Regulations exercised depressing effects upon the individual settler and upon the Colonies as a whole. Permanency and uniformity are the essence of a sane land policy; quick alteration of rules discouraged settlement in the British Colonies, drove capital elsewhere and encouraged re-emigration. For if one Secretary of State sold the land and his successor gave it away free, investment in land was foolish and risky since prices were bound to fluctuate.[8]

But apart from the confusion inherent in such a capricious and, to many, mysterious land policy, gross favouritism prevailed in the disposal of the public lands. The discretionary power left in the governor's hands assumed to some a sinister aspect of improper partiality to individuals. In fact, no colonial government was able to resist the temptation of land jobbing and official favouritism. It constituted one of the ugliest and most prominent features of early colonial history and proved one of the most effective impediments to progress by producing an immense crop of disappointments, jealousies and irritations. For not only were exceptional grants made to people connected with government averaging from 5,000 to 20,000 acres,[9] but these grants could be and often were made in favourable situations which in time would command a high price.[10] The temptation to favouritism was all the greater in proportion to the immediate or potential value of the land to be given away; an argument that justified the practice of rewarding public service by grants of waste land, and the facility with which service could be thus acknowledged, encouraged the practice.[11] A most glaring example was the sale of almost half the Clergy Reserves in Lower Canada by Mr. Felton, Commissioner of Crown Lands, principally to individuals "who obtained them with a view not to settlement but to the increased value they would acquire in the course of years," and at prices "very much below their real value."[12] Durham claims that it would be "difficult to imagine a case in which there has been a more reckless profusion in the alienation of the property of the Crown, or one in which all the regulations that have been successfully framed for the direction of the Commissioner of Crown Lands have been more deliberately and systematically violated. From the first step

8. Wakefield, The Public Land, p.41.
9. Gourlay, Statistical Account of U.C. Vol.I, p.575, accusing Land Committee of favouritism; Accounts & Papers, 1828, ~~Vol.575, accusing Land~~ Vol.VII, p.375.
10. Wakefield, Art of Colonization, p.33.
11. Wakefield, England & America, p.165 ff.
12. Q 248, p.178, Glenelg to Colborne, Jan.25,1839, commenting on Durham's Despatch No.92, Oct.20, 1838.

in the business to the last the proceedings of the officers of the Crown were characterised by duplicity and irregularity."[13] But this was by no means an isolated and uncommon case; "on the contrary the instances have been numerous in which irregularities as great have been suffered, and an assumption of power...even more unwarrantable has been sanctioned by the Government of the Colony at that time."[14]

There were other ways of conferring favours: mill sites and town sites were carefully distributed among political friends. An immigrant's chance of obtaining a favourable location near a town or market for his produce depended upon his social status; if he arrived well recommended to one of the local officials, the grant would be made but not otherwise. Similarly, preference was given in the matter of issuing patent deeds. Tht first deed issued in Lower Canada after 1763 was to Thomas Dunn, a member of the Executive Council. Captain Daniel Cozens of the 2nd Battalion New Jersey Volunteers, was on June 30,1796, recommended for a grant of 3,000 acres by the Upper Canada Council, free of all costs. On March 12, 1798, he wrote D. W. Smith, Surveyor-General, offering to pay the survey "if you will procure...a preference order in my favour to put my deeds out of course,and expedite the patent through the different offices."[15] On March 13, the necessary "preference order" was secured and accompanied "the patent in its progress through the different offices," for the sum of $82.50. At the same time a similar "preference"was extended to all persons having like claims, who would be willing to pay the same extortionate charges, which confirmed Judge Thorpe's accusation that the Executive Council accepted and laid on fees at pleasure.[16]

There were other valid grounds of complaint. In the settlement of these Colonies proper precautions were not taken to prevent the choicest situations from falling into private hands; left undeveloped, they formed extensive wildernesses in the midst of settlement and were regarded as general public nuisances. A large grant was a temptation which few could resist and fewer could develop. Even the poorer class of settlers were monopolists in the sense of acquiring more land than they could develop; in fact the policy of making free grants to immigrants without capital to develop their land was a distinct impediment to progressive settlement. The whole wasteful land policy constituted a major grievance that was ventilated in many a public petition for redress from the struggling settlements, and in the private correspondence of harassed governors and in the columns of the local press.[17]

13. ~~Wakefield, E~~ Ibid, p.172, Glenelg to Colborne, Jan.14,1839.
14. Ibid, p.226, Durham to Glenelg, Oct.20,1838, concerning an unadvertised sale of 66,000 acres of land.
15. Land Book C, p.296, June 30,1796; Pamphlet No.639, Appx.No.3, Mar.12,1798.
16. Ibid, p.40, Appx.No.4, March 13,1798; Q 310,p.113, March 12,1807.
17. Montreal Gazette, Nov.10,1828, Dec.3,1840; Q 325, p.202 ff, Maitland to Bathurst, May 15,1829.

The mischief was already accomplished, however, before the Imperial Government or the colonists fully realised the very serious nature of the problem which had been gradually developing. Not only did the Crown and Clergy Reserves create a disagreeable problem since the former could not be legally sold until its transfer to Land Companies, and the latter being encumbered with so many discouraging features attracted only the most desperate characters as settlers,[18] but School lands were also interspersed among the settlers' grants. Surveyors were paid for their services by grants of land in the most favoured situations. Whole townships were given to so-called leaders on terms which were seldom carried out. The idea that Government was a trustee and that the future needs of colonies required the conservation and protection of public lands dawned very slowly upon the minds of local officials who were among the most flagrant offenders.[19] Had the Imperial Government insisted upon the New England system of compact settlements by actual settlers instead of the method of wholesale dispersion practised in every colony, the results would have been very different and much discontent and disillusionment avoided. The whole system was wrong; it placed the settlers in an almost hopeless situation; isolated from their neighbours, they could scarcely expect during their life-time to see their neighbourhood sufficiently settled and developed to support mills, schools, shops, markets, churches, without which civilisation retrogrades.[20] The extent of the damage may be gathered from the fact that in 1815, Drummond was unable to find a sufficient quantity of ungranted land in the surveyed townships of Upper Canada to form a compact military settlement, while at the same time whole townships were held by absentees in a state of nature.[21] The prolonged refrain of the reports made to Gourlay in answer to his questionaire was an unqualified exposure of the evils of absenteeism.[22] The Maritime Provinces suffered seriously from the same cause.[23] The whole of Prince Edward Island centres around absentee grants. As late as 1826, in Lower Canada, waste grants embraced the best and most accessible portions along both banks of the St. Lawrence.[24] In the Western District of Upper Canada alone, nine-tenths of the lands granted by the Crown were still in a state of nature in 1837, and in 1849, most of the land in the vicinity of Kingston was held by speculators demanding prices beyond the financial ability of bona fide

18. L.C. "S" Stephen Burroughs to Colonel Ready, May 17,1821.
19. Q 346, p.503, March 31,1828.
20. Q 170, p.37, April 12,1824; Q 359, p.77, April 19,1824,-II,p.563; Q 305,p.48, Gore to Windham, Oct.1,1806; Q 108, p.43, Craig to Castlereagh, Nov.13,1808; Wakefield, England & America, Vol.II, p.175.
21. Q 132, p.139, Drummond to Bathurst, June 6,1815.
22. Gourlay, op.cit. Vol.I, ~~p.387, 1818~~ p.334 ff.
23. N.B.C.O. 188 (194), Vol.I, p.387, 1818.
24. Report of the House of Assembly, 1821-24, various pages; Prospectus of the British American Land Company; North American Review, Vol.18, p.15 ff (1828); U.C. "S" May 14, 1821, James Barnard to Dalhousie.

settlers.[25] This was a different situation from legitimate investment of capital in the purchase of waste lands in the hope of future gain through their development, and where the proceeds of sale were, at least partly, applied to local purposes. Such speculation was a distinct benefit to pioneering communities and deserving of encouragement; but no indulgence should have been shown to absentee proprietors who contributed nothing to the development of their land and simply derived a profit through the increased increment of the labour of others, while every unnecessary restriction on the acquisition of these undeveloped lands by actual settlers should have been removed.

It is in their effects upon immigration and settlement that these waste grants are to be condemned. Not only were their owners unable or unwilling to develop them, but in many cases the owners were unknown, thus sealing the land up indefinitely from settlement.[26] In addition to this, the value of the ungranted lands of the Crown was entirely dependent upon these grants. Durham claims that it was immaterial how much land remained ungranted since any attempt to make it available for agriculture would be contingent upon the proceedings of the proprietors of these unimproved grants over whom the Crown had no control, and that the first concern of Government was with these grants and the evils associated with them before there could be any successful or just disposition of Crown lands or immigrants.[27] In this dictum he was supported by the thousands of settlers whose industry was rendered barren, and who after years of fruitless toil left the country in disgust. The burdens of new settlements demand the united and sustained efforts of all the landowners; but, under the circumstances complained of, it was utterly impracticable for a few isolated settlers to meet unaided the burdens of the whole township. Hence the illiteracy, depraved habits, and heavy debt which were the common lot of so many of the early settlers, since through the scarcity of money, trade was by barter at the local store where the settler had to sell his produce and buy what he required at the merchant's terms, perpetuating poverty.[28]

The criticism of the system is by no means exhausted. It often happened that owing to the confusion in the Land Department, or carelessness on the part of an official, lots were assigned to settlers in one township which accurate survey placed in a neighbouring township and alloted to a totally different set of applicants; and it was a common experience for settlers after having built homes and cleared so many acres to find that their land was claimed by persons to whom it had been granted years before but who had neglected to occupy it. The actual settlers

25. Pashley, Diary.
26. L.C. "S" May 17,1821, Stephen Burroughs to Dalhousie.
27. Appendix B, p.1.
28. Pashley, Diary; Durham,op.cit. p.52.

were thus forced either to sacrifice their labour or purchase the land at the owner's price.[29] How far such mistakes were consciously made by local officials to benefit their friends would be difficult to prove, though often hinted at. Faulty surveys long remained the bane of the settlers, involving needless uncertainty, endless difficulties over land titles, and loss of property. "The Suits at law are now truly alarming" was the complaint from many a district. No title was considered safe except through delays and expense that were sufficient to deter settlers from purchasing or settling.[30] Dalhousie, after repeated attempts at reform, lamented that "The Colonial Office has turned a deaf ear to my entreaties and makes no answer on the subject." John Richards, sent out by the Colonial Office to report upon the affairs of the Colonies in 1830, reported in this connection that from the errors which had been detected in the Surveyor-General's Department of Lower Canada, it "was probable that no diagram can be acted upon without practical verification,"[31] and that without such verification settlement was impossible

One of the most common criticisms of the whole land policy was that it abounded in needless delays and difficulties that harassed and exasperated applicants. Up to 1820, they had to apply personally at the Capital, often far distant, over bad roads, employ a surveyor and find their own lot in the pathless wilderness of trees, so that many lost heart even before they concluded the initial transaction. Even those who persevered had to contend with the interested motives of the land-jobbers and township agents, who were accused of exercising a control highly prejudicial to settlement.[32] The hardships of the settlers were aggravated still further after 1826, when the land business was conducted under two separate and independent heads in two separate offices (the Surveyor-General's and the Crown Commissioner's), and by two separate set of clerks. The fruit of such divided authority was increased expense, a spirit of idleness and carelessness, great delays and frequent mistakes.[33] It might take months and even years between the application for land and the final disposal of it by the various officials: in New Brunswick the results were so serious that the offices had to be combined.

29. L.C. "S" James Brown, Agent for Godmanchester, to Lord Dalhousie, April 23, 1823; ibid, Brown's Report, Jan.1,1826.
30. Ibid, James Barnard to Dalhousie, May 14,1821.
31. Ibid, Richards' Report, to Kempt, Sept.28,1830; Sixth Report, L.C. p.76; Dalhousie Papers, Vol.17, Dalhousie to Sir Howard Douglas, Aug.25,1828, "In this Province there does not exist a correct survey of any county or township;" ibid, Vol.10, Dalhousie to Bathurst, May 12,1825, "without an accurate survey life is difficult...;" ibid, Vol.11, Dalhousie to Peter Burnett, Aberdeenshire Nov.11,1824.
32. L.C. "S" Buchanan's Report, May 11,1829.
33. C. Rankin to Elgin, Toronto, May 20,1847: a Pamphlet published at Toronto by Roswell and Thompson, 1847; Dalhousie Papers, Vol.17, Dalhousie to Sir Howard Douglas, Aug.25,1828, "the new regulations...are both injudicious and inconvenient... a piece of machinery that cannot work, and must be simplified before it can be practically applied...!

A curious and inevitable result of such dilatory business methods was the practice of squatting so frequently met with in the early experience of all British Colonies. Indeed the practice was one of the oldest traditions in the history of American land settlement, and justified on the ground that the tide of immigration was always in advance of the surveyor, and that waste lands were regarded as the legitimate property of the bona fide settlers regardless of prohibitory regulations, threats and even forcible evictions. On their part, the squatters claimed they opened up the country to the skill and capital of organised effort.[34] In the 'Old Thirteen' the practice was widely used,[35] so that when Congress took up the question of the waste lands after the Revolution, there was scarcely a township, private patent or public territory in Maine, Vermont and the western parts of Virginia and North Carolina without its quota of squatters. The origin of Iowa is founded on squatter sovereignity,[36] and the first white settlers into Indiana were squatters.[37] These men, impatient of the blunders and delays of Government, were not to be denied. The officials resented their presumption, but found it difficult to cope with the situation. When their lands were later offered for sale by Government regulations, the squatters banded themselves together into associations and appointed one of their number to buy the lands, thus keeping the price down and defeating the monopolising activities of the speculators.

This "robust title of occupancy" was a familiar feature in the land situation of the British colonies. It was on a colossal scale in Australia,[38] and in New Zealand, in 1845, four squatters occupied over seven and a half million acres between them, and fifty-six of the largest holders held 12,110 square miles of territory.[39] Similarly, in Canada, squatting was prevalent. The Maritime Provinces, and particularly Cape Breton, swarmed with this type of settler. They peppered the Eastern Townships fairly thickly; in 1823, nearly every lot in Hinchinbrook had a squatter on it, and Inverness township alone had over one hundred in illegal possession. In fact there was scarcely a new township in either Upper or Lower Canada that was clear of them.[40] The Crown and Clergy Reserves were particularly inviting to this class,[41] and some had been in undisturbed occupation for ten years and over.

There were other reasons advanced for squatting in Canada. Many settlers, and particularly the Americans, adopted this method as an excuse for cutting down the best timber.[42] The majority of Irish and Scottish settlers took robust possession either because of the delay and expense of obtaining a legal title, or as a protest

34. Stephenson, op.cit. p.21. 35. Ford, op.cit. p.112 ff.
36. Stambaugh, Constitutions of Iowa, pp.30-65.
37. Ball, North-West Indiana, pp.38-45, 59-60.
38. S.H.Roberts, History of Australian Land Settlement, pp.151-211.
39. Currey, British Colonial Policy, p.116.
40. U.C. "S" D.McG. Rogers to Ridout, April 12, 1816.
41. L.C. "S" Bathurst to Felton, Sept. 1825. 42. L.C. Tenth Report, p.34.

against the official and vicious practice of withholding large tracts from bona-fide settlement and forcing the settlers deeper into the forest. In this way, squatting became another word for colonization when public opinion favoured the man who invested his labour in cultivating and improving the waste land. Of such was Peter Armstrong; this case deserves mention both because it illustrates a common practice and because of its human elements. He represented the thousands who just squatted wherever they found a fine river, a fertile valley or cool spring, in the belief that if disturbed after a few years they could always buy at a fair value.[43] He called himself a plain working man from Hawick, Scotland, who, coming to Canada in 1812, fought his way to "a place ca'ed Perth," and finding no "country Wark" to do, went far into the heart of the forest with his axe, dog and gun, fixed on a location, built a hut and tamed young deer. "Year after year he wrought away all by himself, read the Bible every Sabbath day," made a journey to Perth twice a year for necessaries, got a horse and sleigh and cleared four acres of land. He had few wants, good health, good water and plenty of fuel. One day he met Tibby Patterson whom he knew in Scotland; they had few friends, and "we just took ain anither's word on't" and became husband and wife, without any formal marriage service: "We are contented and that is enough; we are not much bothered, and Tibby likes this kind of life as well as myself," Peter said years later.

The official attitude to the bona fide squatter was generally favourable. Caustic McTaggart considered squatting "a splendid method" since it rightly deprived the land office of all fees, and because the squatter became his own surveyor instead of being directed to a farm on a diagram that often had no existence or was unfit for cultivation. For various reasons, no colonial government ever seriously attempted to prevent squatting. The 'Older Colonies' were generally indulgent, and the Federal Government tried in vain to inhibit the custom.[44] The British Board of Trade favoured the actual settler even if he took illegal possession, provided he did not interfere with the rights of another. In 1816, holders of warrants of survey were not allowed to dispossess earlier settlers who had improved their lots.[45] This indulgence to the squatter class was interpreted in 1825 by Bathurst to mean that undisturbed occupation did not confer a right to the entire lot of 100 or 200 acres, but was "limited to the particular piece of land which such persons may have actually cleared, enclosed or brought into cultivation, and the buildings erected thereon."[46] In the case of a dispute between a squatter and a legal grantee, a compromise satisfactory to both parties and at the same time honourable to

43. McTaggart, op.cit. Vol.I, p.200.
44. Ford, op.cit. p.115 ff; Sato, op.cit. p.139; Treat, op.cit. p.46; Hubert, Ohio, p.XXIII; Johnson, Iowa Journal, Summary III, p.5 ff.
45. U.C. "S" Rogers to Ridout, April 12,1816.
46. L.C. "S" Bathurst to Felton, Sept.1825.

the government was attempted.[47] Settlement was more difficult in cases where squatters - as often happened - sold out to others, who in turn might dispose of the lots before they were legally granted by the government.[48] In these cases also a solution was attempted along equitable lines.

Durham regarded squatting as the inevitable consequence of the dilatary methods of the various provincial land departments, and by proclamation granted a conditional right of preemption to all squatters.[49] Russell, however, instructed Sydenham to limit this privilege to a period of one month after August 31,1840.[50] Nova Scotia, in 1839, legalised the squatter's claims to all grants actually occupied and improved on condition that he purchase his land at a price to be fixed by a commission.[51] The Colonial Office concurred but distinguished between "encroachments which had acquired some degree of prescriptive right and mere lawless usurpations," and left the final decision to the local legislature.[52]

One of the immediate effects of so many conspicuous evils in the land system of the British North American Colonies was found in connection with the constant stream of emigrants across the Canadas into the United States. Almost every official report and every writer of the period upon the subject of land settlement mentions this notorious fact with regret. For population is wealth to a new country, and when immigrants bring industry, intelligence and some capital the receiving country is much benefited along the lines of her greatest needs.

It is unwise,in the absence of reliable statistics and because of the wide divergence of opinion upon the subject, to dogmatise regarding the actual extent of re-emigration. Durham claims that sixty percent of the total immigration into the British Colonies found their way across the international boundary.[53] Of the 39,163 who arrived at Quebec between 1817 and 1820, not 100 families settled on the lands of Lower Canada,[54] Another report claims that about an average of two-thirds of all the immigrants arriving at Quebec between 1818 and 1826, passed over into the United States, and John Richards maintains that scarcely any remained of the 29,000 immigrants of 1827-28, and that in 1830, only 10,000 out of 25,000 remained, but in 1831, only about 6,000 left out of an immigration of 52,000.[55] Merivale says that of the half-million British emigrants to the North American Continent between 1830 and 1840, fully three-quarters settled in the United States;[56]

47. G 414, Letter Book of Governor, 1818-1825.
48. L.C. "S" Brown's Report,Mar.26,1823. 49. Emigration, Vol.31, p.30.
50. Ibid, p.37. 51. N.S.C.O. 217, Vol.173, pp.471-485.
52. Ibid, Vol.176, pp.485-490, Oct.10,1840. 53. Appx. B, p.16.
54. North American Review, Vol.18, p.16.
55. M 173, (1831-32), pp.3-4, Oct. 19,1833; L.C. "S" Buchanan's Report, May 11,1829.
56. Merivale, op.cit. Vol.II, p.92.

and A. B. Hawke, Emigration Agent for Upper Canada, reports that from 1834 to 1836, the immigrant population of the province received no addition to its numbers, partly due to the cholera epidemic and partly to economic conditions.[57] The Examiner says that from 1825 to 1846, fully fifty per cent of the total emigration was to the United States (July 21,1847). It is thus difficult to say with any degree of certainty how many re-emigrated to the United States. The Imperial and Colonial Governments were eager to retain as many as possible of the English and Scottish settlers, but for religious and political reasons were glad to get rid of the restless, thriftless Irish who in turn were eager to shed their British citizenship.[58] In view of their antipathy to England it is not surprising that the Irish emigrants sought the United States, but that so many Englishmen should follow their example seems to prove that economic considerations decided the choice of the country of adoption. To balance this exodus somewhat many entered Canada via American seaports, and the claim has been advanced - though without sufficient proof - that large numbers, too poor to make an immediate settlement in Canada, went as temporary visitors to the United States in order to earn some money.[59] It seems more than likely that few of these ever returned to Canada.[60]

The chief causes of this lamentable exodus into the United States may be traced in part to the respective land systems of the two countries, in part to the inspired and glowing reports of the prosperity of the United States which filtered through the various agencies to the districts that sent forth the largest number of emigrants, but more particularly to the contrasting social and economic conditions in both countries. From a material point of view it is not to be wondered at that so many chose the United States; in contrast with the British Colonies, the young Republic offered a progressive civilisation where farms were being rapidly and widely cultivated, settlements multiplying, good roads being constructed, domestic comforts increasing in diversity, and the means of primary education keeping pace with its expanding life. On the Canadian side of the frontier, even as late as July 21,1847, the Examiner - perhaps biased - could only report a state of stagnation, waste and desolation, except in a few favoured spots. In the country districts particularly, comparison was almost painful, where struggling settlers were living in poor houses, isolated from each other without the means of improving their lot. The same marked

57. U.C. "S" March 31,1836.
58. Wakefield, Public Land, p.38; Niles, Weekly Register, XXIV, p.393 (1823), from Abbott, op.cit. p.563; Merivale, op.cit. Vol.I, p.245n.
59. Q 359, p.68, April 1824; Aylmer to Goderich, May 12,1831; Buchanan's Report to Stanley, June 14,1834; Q 192, p.108; L.C. "S" Bathurst to Lt.Govr. of Lower Canada: British Agent at New York instructed to spend ten dollars on each emigrant arriving at New York who wished to be forwarded to Canada.
60. Q 371, p.164, Galt to Horton, April 7,1827; emigrants direct to New York 12,030, through Quebec and the Maritimes to U.S.A. 14,370.

contrast existed in the comparative value of land which in some cases amounted to several hundred per cent. For example, in Vermont land sold for $5.50 an acre, in Upper Canada for $1.25. In many districts of Lower Canada land was unsaleable, while on the American side land rapidly changed hands. In the Maritime Provinces, the dense forests of New Brunswick, lack of roads,and capital, the poverty of the settlers and their ignorance of pioneering conditions, not only kept many away but drove many of those who came across the frontier.[61] There was also the question of franchise. British subjects were aliens in Canada until they obtained a deed for their land which might take from four to ten years, whereas in the later States of the Union a six months' residence qualified a settler to all the rights of the franchise. The reason of such discrimination in Canada was that the older settlers desired to retain political control in their own hands. These invidious distinctions antagonised many to Canadian institutions.

Such were the chief grievances that were responsible for the great trek across the international boundary. Durham found the same adverse circumstances operating in 1838, and recommended the policy of making the Colonies attractive to middle-class-~~English~~ British settlers, who alone were able to augment their commerce and cultivate the soil, by abandoning the prevailing policy of indifference towards them and showing some concern for their welfare after their arrival. The great desideratum was to enable them to take up residence in Canada immediately on arrival instead of leaving them to find their way through thecountry, often hungry and discouraged, resulting in hostility to the Government. This desirable end could have been secured by preparing townships for their reception near settled communities, or better still, by placing as many as possible of them in older settlements. The advantages of such a sane policy were so obvious that a contrary policy could not have been accidental. To the settlers there would have been available the inestimable blessings of roads, markets, schools and churches, the presence and example of more experienced settlers, and an assured supply of food during the early stages. The Government would have secured a large increase of desirable population; there would have been increased cultivation, exports and imports would have multiplied the comforts of life, while the best defence of the Colonies - so desirable then - would have been found in settlements of happy and loyal subjects. Instead of such a constructive and obvious plan, the Government for years trifled with the bribe of a free grant of fifty acres to poor settlers, and thousands of acres to speculator

61. N.B.C.O. Vol.28, p.155, Douglas to Bathurst, Oct.18,1824; ibid, 188 (195), Vol.II, p.192 ff; ibid, Vol.41, pp.338-59, Wedderburn's Report, Oct.1831.

There were several other valid remedies open to Government. A fair trial of Wakefield's plan of an equilibrium between land, labour and capital, would most certainly have been an improvement upon the prevailing regulations; while a generous subsidy by the Imperial Government for the opening of roads and other public improvements beyond the immediate power of poor settlers to perform, would not only have made the lot of the pioneers bearable during the most trying period of settlement, but it would have retained in Canada the thousands who escaped from it. To argue that the Imperial Government could not afford such a subsidy is to overlook the twenty million pounds paid to the West Indies sugar planters to induce them to liberate their slaves, while leaving thousands of British settlers under conditions that resembled economic slavery. There were other remedies. The size of the grant should have been strictly related to the grantee's ability to improve it, the conditions of settlement should have been precisely defined and exacted, and a sufficient tax should have been levied upon all grants to compel their development. Better still, responsible government should have been granted to the Colonies long before 1854; those who have to bear the burdens of a mistaken policy under self-government are usually the first to apply a remedy. And since to the Imperial Government the local affairs of "wretched Colonies" were considered unworthy of serious attention, and there was no surer way of emptying the House of Commons - unless it were an oration by Edmund Burke or a horse race,- than by introducing a discussion of colonial affairs, the time for a transfer of control had more than arrived.

The picture I have etched is not an attractive one. What of those men responsible for it? The attitude of the various Colonial governors and Lieutenant-governors to colonial questions has already been indicated, and needs little elaboration. There is really little to distinguish between them in their official capacity. Aylmer, Governor-General(1830-1835),though a distinguished soldier, was inexperienced in colonial administration and possessed no particular capacity for government. Sir Archibald Campbell, Lieutenant-Governor of New Brunswick (1831-1837), another brilliant soldier, was not very successful in dealing with colonial assemblies. Sir John Colborne, a man of strong will, unblemished integrity, and high military reputation, shared the prevailing Tory antipathy to the political aspirations of colonies. Gosford had never held any other important office and scarcely possessed the exceptional qualities requisite to dispose of the political problems of that distracted colony in 1836. Sir Frances Bond-Head's main objective in Upper Canada was to crush the democrats at all cost. On the other hand, the governed, whether in Upper or Lower Canada, were no more capable of taking a broad view of their own grievances or a generous view of the difficulties

of Empire than were the champions of the Clergy Reserves and Anglican establishment of appreciating the point of view of the recalcitrant Upper Canada Assembly. With few exceptions, the record of British statesmen, officials, and theorists is no better. Huskisson, of course, has the reputation of being the first Imperial statesman of the nineteenth century; Lord Howick was a statesman and an excellent administrator with "the worst temper of any statesman of his age except Roebuck;"[62] Lord Elgin escaped contamination by being debarred from both Houses of Parliament because the inheritor in youth of a Scottish peerage, and James Stephen remains "the honest and efficient public servant, the friend of colonists and colonisation." But "Wakefield never quite knew the difference between right and wrong;" Buller was clever, Molesworth eloquent, but both lacked administrative experience; Goderich, Secretary of State for the Colonies (1830-1833), is known as the weakest minister who ever held office in Great Britain; Peel, a consumate man of affairs, a sound financier, a domestic rather than an Imperial statesman, regarded the Empire primarily as a liability, lacked sympathy with colonial reformers, opposed any comprehensive change of Imperial policy, and was entirely irresponsive to arguments for responsible government. To Stanley, the aristocrat and the amateur, fell the direction of colonial policy. He knew little of the Colonies and cared less, for both by training and temperament he was incapable of understanding the colonial point of view; he missed the significance of most of the forces that were transforming the Empire, and apart from his limited acceptance of systematic colonization, his mind was impervious to new ideas. Too ready to resent democratic encroachments upon monarchical institutions, he "uniformly advocated a policy of firmness in Canada" during the thirties, "and in 1837 he urged the ministry to throw their whole weight into the support of the Loyalists,"- not a promising approach to the solution of inflamable local politics. Russell never understood the Canadian viewpoint; Durham's regime was too brief, Glenelg lacked judgment and independence of mind and was "incurably sluggish and somnabulent;"[63] and Sydenham, with all his ability was too clever and conceited to wear well. "Under these circumstances it is surprising that any one ever did anything right, and no wonder that Downing Street should become synonymous with inefficiency and blunderings."

62. Garnett, Wakefield, p.144.
63. Mills, Colonization , p.13.
64. I am indebted to Bell & Morrell, British Colonial Policy and to Morrell, Colonial Policy of Peel and Russell, for valuable information about the Colonial Office and officials.

APPENDICES.

Abstract of applications for lands in Nova Scotia made by Mr. Alexander McNutt and others on behalf of several persons, May 1, 1765.
(N.S. A 76, p.92; ibid.111, pp.178-84, for other applications of a similar nature.)

Thomas Falkner, Liverpool	May 28,1762	100,000 acres
Alexander and Thompson, New York	Nov.1, 1762	100,000 "
Sam Henderson and Co., Bristol	n.d.	200,000 "
Ben. McNutt,	n.d.	100,000 "
John Ewing & Co., Philadelphia	Jan.1,1764	200,000 "
Dr. Franklin & Co., "	June 20,1764	200,000 "
Chas. Beatty & Co., Warminster	July 23,1764	100,000 "
Germain & Co., Philadelphia	Oct.1, 1764	100,000 "
M. Clarkson & Co., "	Oct.20,1764	100,000 "
D. Rhea & Co. "	Nov.1, 1764	100,000 "
Jas.Lyon, Trenton,New York	Nov.12,1764	200,000 "
John Murray & Co. Philadelphia	Mar.12,1764	100,000 "
John Hughes, "	Dec.20,1764	200,000 "
Andrew Orr & Co., "	Dec.20,1764	100,000 "
John Leister & Co., "	n.d.	200,000 "
	TOTAL	2,100,000 "

LANDS ESCHEATED IN NOVA SCOTIA; JANUARY 25,1782 to DECEMBER 23,1784.
(N.S.C.O. A 106, p.143).

Alex. McNutt	100,000 acres	James Boutineau	1,000 acres
" " & others	200,000 "	James Brown	1,000 "
" " "	170,000 "	H. Brown	1,000 "
James Amsburg	100,000 "	Edward Vance	1,000 "
M. Clarkson	4,000 "	John Frame	1,000 "
Earl of Egmont	3,000 "	S. Mercer	1,000 "
Township of Gage	100,000 "	W. Ansell	700 "
Township of Conway	50,000 "	John Hill	1,000 "
A. Oldham	10,000 "	Thomas Falconer ect.	18,250 "
William Graham	10,000 "	R. Spry	20,000 "
Edward Crosby	10,000 "	William Spry	3,920 "
Thomas Gamble	2,000 "	Township of Lenberg	100,000 "
John Tucker	10,000 "	Township of Hillsboro	20,000 "
Lord Colville	30,000 "	N. Shepherd	20,000 "
Charles Colville	10,000 "	L. Lochman	350,000 "
John Major	10,000 "	Walter Stirling	10,000 "
John Hencher	10,000 "	Andrew Watson	10,000 "
John Fisher	10,000 "	B. Doucks?	10,000 "
G. Haggins	10,000 "	Township of Burton	100,000 "
J. Freguson	10,000 "		

NOVA SCOTIA LANDS GRANTED 1749-1826.

Granted to old settlers before 1782 1,971,726
" " new " May 1,1783 to Dec.31,1786 1,255,582
" 1752 to 1782 2,890,062
of which 1,945,372 were escheated to provide lands for the U.E.Loyalists etc. (1782-83), in the Counties of Shelburne, Sydney, Pictou, Hants, Cumberland, Halifax.
Granted 1783-1808 1,873,941
" 1809-1826 1,343,936
of which total 2,152,662 were escheated leaving 3,979,277 acres granted.

From the Reid of Lauriston Castle Collection.

Dr Sir

This goes by my Son Johnie who thank God tho I am issfortunat in othere respects is happy in his haveing so good a friend as you are to take him under his protection, he seemed when here to be a good natured bidable Boy, without any kind of vice; make of him what you please and may the Blessing of the almighty attend you alongs with him which is all the retourn I am able to make for your many and repeated freindships shown to me and this family; of which there will soon be no rememberanc in this poor miserable Island, the best of its inhabitance are making ready to follow theire freinds to america, while they have any thing to bring them; and among the rest were are to go, especially as we cannot promise ourselves but poverty and oppression, haveing last Spring and this two years lost almost our whole Stock of Cattle and horsies; we lost within thire years, three hundred and twenty seven heads so that we have hardly what will pay our Creditors which we are to let them have and begin the world again, a newe, in anothere Corner of it. Allen was to write you but he is not well with a pain in his Side this ten days past Sir I beg of you if you see any thing amiss in the Boys condut to let me know of it as some Children will Stand in awe of ther parents more then any body Else, I am with respects to you and mrs.mckenzie, Sir with esteem,

your most obedient humble

Servant Flora mcdonald.

Kings; agust th12
1772

Mr. John Mackenzie

of Delvine Writer to the Signet

Edin^{r}

INDENTURES (1803).

"I...hereby bind myself (under certain penalty) to go to the Earl of Selkirk's settlement in Upper Canada and there to serve and work for him faithfully and diligently for the space of twelve months after my arrival..., and to be obedient to any orders I shall receive from the said Earl or the persons he shall authorise; and I will be ready to embark at Fort William at any time after the...day of... next, that I shall be called upon."

"I hereby promise to convey A.B. to my settlement in Upper Canada free of expense and on condition of his working for me for the space of twelve months after his arrival.... I will furnish him an adequate quantity of meal and other wholesome provisions during the time of his service, and at the expiry thereof give him a free grant of 100 acres of land.... In case his behaviour during the time of his service shall be entirely to my satisfaction, I will further make him a grant of a cow and 50 stone meal when he enters upon his farm."

(signed) Selkirk.

"I hereby promise to convey A.B. to my settlement in Upper Canada, and to defray the expense of his passage and journey from the time he leaves his own home, to provide him in board, lodging and washing during the time he is in my service or allow him an adequate allowance for providing for himself, and pay him £12 a year wages, and at the end of three years I will give him 100 acres of land in property if he chose to settle, or if he prefers to return home, I will convey him free of expense, and continue his wages in the same proportion till he is landed in Scotland."

(signed) Selkirk.

"I hereby bind myself to go to the Earl of Selkirk's settlement in America and there to work for him diligently and faithfully for a space of three years... in obedience to orders I shall receive from Earl Selkirk...and all this I bind myself to under penalty of £20 and all damages in case of failure."

Selkirk Papers, Vol.76 (19966-67), pp.2-3.

York, Upper Canada,
December,22,1803.

A letter by Selkirk to the Grandfather of Annie A. Chisholm, Oakville, Ontario.
(Mitchell Papers, Vol.IV).

Sir,

I am informed that you will soon have occasion to take a journey into the State of New York. If your business should lead you through the counties of Montgomery or Delaware you may have an opportunity of seeing some of your countrymen who are settled in that neighbourhood. I imagine that many of them are unacquainted with the advantages of this province and might be inclined in it if they knew the liberal terms on which land may be had.... I propose to bring a settlement of Highlanders to a township near Lake Erie, I should like very well that a few of their countrymen who have been long in America and can instruct the newcomers in the methods of the country, should settle amont them, and if uou find any of this description...who would incline to come into the province, you may sned me a list of their names. I can make them certain of a grant of excellent land; but I beg you will make particular enquiry as to their character. The people who are coming out are respectable and substantial farmrers from several parts of the Highlands and I would not chose to bring them among any people but such as are worthy of associating with them, and I would not for any consideration that any whom I recommend to the Governor should disgrace themselves and me by misconduct.

The Governor promises that my settlers shall get their deeds without being required to attend the Land Board in person - this will save a great deal of time and trouble - my friend Sheriff MacDonell will transact the business of getting out their papers and all they will have to do will be to send some person to pay the Patent Fees and show a certificate of their arrival in the province.

(These Settlers were sent later to Prince Edward Island.)

U.C.Land Petitions, September 9,1821.

Island of Anticosti in the Gulph of St.Lawrence,
9th September, 1821.

Rules, Laws and Regulations to be observed, kept and put in force by the whole Passengers lately on board the Earl Dalhousie of Greenock, Capt.Scott Master which was cast ashore on the 6th of September and now a wreck on the Island of Anticosti and is incapable of carrying them away to Quebec according to Capt.Scott's and Montague's Agreement with Mr. Donald Cameron, which Rules and Regulations are to be put in force by Mr. Cameron immediately in order to preserve our lives and property as far as possible in our power to do so by the Help of God viz:

1. And first of all to provid and make ready a boat that may go off for Quebec with despatches as soon as possible.
2. To Gett our weekly allowances of provisions served out to us to-morrow being the 10th Sept. having no provisions served out from the ship for the last Eight days and the whole passengers to be put on Short allowance in order to save our lives in case that we may be detained on this Island longer than expected.
3. That a Certain Number of the men will be appointed for the purpose of fishing and hunting to enable us to subsist longer on said Island and the remaining part to build Hutts and Cull Firewood for the Society.
4. That any Person or head of a Family that will refuse to comply with and sign the foregoing rules and regulations are to entirely excluded from our Communion and Society and are not to receive any aid or assistance whatever from the Society.
5. That any Person or Persons after complying with and signing the above rules will break thro them again and will not attend thereto will be inflicked with whatever Punishment that Five of the Members will judge necessary to inflict upon the agressor.
6. That any man that is sick or unable to assist in any degree shall be excluded from any duty by a proper examination of Five of the Members by their giving him a Certificate of being unfitt for duty.
7. That when Mr. Cameron's absent on any excursion him to appoint a proper Person with Authority to Act and Govern in his behalf until he returns.
8. That three men every night shall be on Guard on the boats and Provisions and Sundries which will report the nights Transactions to Mr. Cameron or the person appointed by him in his absense every morning and that whenever requested that these Centiels or Guards may be sworn that neither themselves of any Other has taken or Pilfered any provisions or any Other Articles belonging to the Society and that these men every night shall have their orders Arms and Amunitions in order to defend and do their duty as it ought to be done.
9. That all Laws and Customes shall remain in full force and effect to all intents and purposes.

And therefore we subscribe our names as under thereto accordingly:-

*Alex.Crawford, Duncan Cameron, Donald Cameron, John Cameron, *Archd.MacPhee, *Angus MacDonald, *John MacDonald, *Ewen Ban MacPhee, *William MacKinloch, Archd.Mason, *Donald MacPherson, *Duncan MacMillan, Donald Rankin, Donald Cameron, *Donald MacMartin, *John MacIntyre, Ewen MacVicar, Donald Cameron, John Kennedy, Alexander Fraser, *John MacPherson, John McKenzie, *Roderick MacKenzie, William Douglas, Duncan McCallum, *Robert Baillie, *Alexander MacPhee, Dougald Macvicar, *James Cameron, Donald MacGillies, Peter Grant, Alexander Murray, Duncan Macintyre.

*Those marked thus were unable to sign their own names.

EXTRACT from the Minutes in Council, 14th May 1830, respecting an alteration in the Location Ticket to Discharged Soldiers.

The following form of a location ticket for grants to discharged soldiers, was laid before the board, with His Excellency the Lieutenant-Governor's remarks thereon.

LOCATION TICKET (not transferable).

Under the authority of an order in council of the day of 18 , granting unto of the township of in the district of in the county of containing acres, subject to the settling duties required by an order in council of the that is to say, to clear and fence five acres for every 100 acres granted; to build a dwelling house of 16 feet by 20; and to clear one-half of the road in front of each lot; and to file a certificate of the due performance of the same within two years; and after having been actually resident on said lot five years from the date of this ticket, the locatee will be entitled to receive from the Crown a patent for the same.

LIEUTENANT-GOVERNOR'S REMARKS.

That soldiers who receive grants of land may not be induced to seel their locations tickets, it is proposed to make this alteration in the location ticket specified above.

The council fully concur in the alteration suggested by his Excellency.

(Truly extracted)

JOHN BEIKIE, Clerk Executive Council.

STATISTICS 1817 and 1832.

	1817	1832
Barrell of flour	2-16 -	- 16 -
Bushel of Potatoes	- 2 -	- 1 -
" " maize	- 2 -	- 2 -
" " wheat	- 4 -	- 4 -
Beef per pound	- - 9	- - 3
Pork " "	- - 10	- - 3
Butter "	- 1 8	- - 8
Cheese "	- 1 -	- - 6
Horse	20 0 0	12 - -
Cow	6 - -	4 - -
Sheep	1 - -	- 8 -
Wages per month		
to men	3 4 -	1 4 -
to women	1 4 -	- 12 -

RENTAL OF THE TOWNSHIP OF McNAB, 1839.

NO.	NAMES	CONCESSION	LOT	BUSHELS	VALUE PER ACRE
1.	Donal Kerr	1	3	1½	10/6
2.	John Wallace	1	16	2½	12/-
3.	Alex.McNiven	1	19	2	10/-
4.	Duncan Anderson	1	18	2½	10/-
5.	Colin McFadden	1	20	3	12/-
6.	Widow McGregor	1	21	1½	13/-
7.	Archd.McNab	1	23	2	5/-
8.	Robt. Stewart	1	25	1½	10/-
9.	Andrew Hamilton	1	26	2	12/-
10.	Dugald McGregor	2	12	2	10/-
11.	Iset Duff	2	13	1½	7/6
12.	Donald McNaughton	2	14	2	15/-
13.	Duncan McLauchlan	2	15	3	15/-
14.	James McKay	2	18	1½	7/6
15.	Alex.McNiven	2	19	2	7/6
16.	John McNab	2	20	1½	12/-
17.	Angus McNab	2	22	2½	14/-
18.	Peter McArthur	2	24	3	5/-
19.	James Morris	2	25	3	14/-
20.	John Forrest	2	27	1¼	10/-
21.	Peter McNab	3	3	2	10/-
22.	E.Barrie	3	5	1½	15/-
23.	Widow Cameron	3	10	3	12/-
24.	Alex.Stewart	3	11	1	7/6
25.	James McKay	3	13	1½	10/6
26.	John McLauchlan	3	15	2	10/6
27.	P.Mooney	3	19-20	2	7/6
28.	George Morris	3	25	2	7/6
29.	James Dunlop	4	4	2	10/6
30.	Peter Ferguson	4	9	2	7/6
31.	Angus Cameron	4	12	1	7/6
32.	Angus Cameron	4	13	3	12/6
33.	Duncan Anderson	4	14	2½	10/-
34.	Robert Robertson	4	20	1½	11/-
35.	John Robertson	4	22	1½	11/-
36.	John McDiarmid	4	27	1½	14/-
37.	Donald Paterson	5	5	3	12/6
38.	Duncan McNab	5	6	2	14/-
39.	M. Barr	5	7	2	12/-
40.	Thomas McLachlan	5	8	2	12/-
41.	Alex. Thompson	5	11	3	11/-
42.	James Robertson	5	12	3	10/-
43.	John Stewart	4	19	2	7/6
44.	John Ferguson	5	20	1½	10/-
45.	Duncan Carmichael	5	21	2	10/-
46.	Thomas Frood	5	23	1½	11/-
47.	Murdoch McDonald	5	26	2	10/-
48.	John Carswell	5	26	1½	8/-
49.	Duncan Campbell	6	24	2½	15/-
50.	Peter McMillan	6	24	2½	15/-
51.	John Wilson	6	11-12	2	8/-
52.	John McDiarmid	6	25	2½	8/-
53.	James Millar	6	25	1½	12/6
54.	John McInnes	6	26	1½	12/6
55.	Alex. Stewart	6	26	1½	8/-
56.	Robert McNee	6	27	1½	8/-
57.	John McIntyre	7	10	2½	12/6
58.	Peter McIntyre	7	11	2½	12/6
59.	Daniel McIntyre	7	12	2½	8/-
60.	Donald Stewart	7	12	2	12/6
61.	John Campbell	7	13	2	12/6
62.	Daniel McIntyre	7	13	1½	10/6
63.	James Aiken	7	17	2½	7/-
64.	Daniel Wilson	7	18	2	7/-
65.	John Preston	7	25	1½	5/-
66.	Malcolm McFarlane	7	26	2	7/-
67.	John Anderson	7	26	2	7/-

68.	James MacDonald	8	7	2½	7/-
69.	James McFarlane	8	9	2½	7/-
70.	Neil Robertson	8	11	1½	10/-
71.	Andrew Taylor	8	11,13	3	8/-
72.	John Brown	8	13	2	8/-
73.	Donald Fisher	8	14	2½	8/-
74.	Alex.Stevenson	10	22	2	10/-
75.	Duncan Dewar	10	19	1	7/-
76.	James McLaren	10	24	2½	12/6
77.	William McKinlay	9	16	1½	7/-
78.	William Storie	10	26	1	10/-
79.	Robert Storie	10	26	1½	7/6
80.	James Brown	11	6-7	1½	7/6
81.	Widow Brown	11	8	1½	5/-
82.	Hugh Campbell	11	15	1¼	7/6
83.	James Carmichael	11	16	2½	14/-
84.	Alex. Dewar	11	21	2	10/-
85.	Alex. MaNab	12	6	2½	15/-
86.	James McFarlane	12	7	2½	11/-
87.	James Robertson	12	11	1½	12/6
88.	Peter Campbell	12	15	2	12/6
89.	Archd.Stewart	12	22	2¼	15/-
90.	Duncan Campbell	12	23	3	12/6
91.	George Buchanan	12	5	1½	7/6
92.	George Buchanan	13	3	1½	7/6
93.	Malcolm McLaren	13	8	3	13/-
94.	James Robertson	13	10	1½	12/6
95.	John O'Connor	13	10	1	12/6
96.	Owen Haig	13	5	1	5/-
97.	Alex. Goodwin Sr.	14	1	2	15/-
98.	Alex. Goodwin Jr.	14	1	2	15/-
99.	James Storie	14	4	1	12/6
100.	James OcConnor	14	9	2	8/-
101.	Charles Goodwin	15	1	2	10/-
103.	James Storie	15	3	1	12/6

Total ..... 202 bushels.

Glengarry County Census 1825. Number of persons of the following clans:-

	CHARLOTTENBURG	KENYON	LOCHIEL	LANCASTER
Macdonell or Macdonald	880	803	419	1,126
McMillan	7	138	351	49
McDougall	156	71	147	167
McLean	12	131	218	76
McRae	69	163	90	134
Grant	290	45	8	72
Cameron	93	228	43	35
McGillies	88	25	60	186
Kennedy	119	153	31	30
McLennan	111	44	89	78
Campbell	51	155	84	14
McIntosh	50	53	120	39
McGillvray	15	20	184	24
McKinnon	27	79	99	37
McPherson	57	39	35	64
McPhee	3	48	97	9
McIntyre	49	65	9	17
McGregor	88	16	7	3
McLaurin	28	0	74	0
McKenzie	35	22	39	3
McCormack	7	9	66	1
McMartin	63	2	7	0
McKay	30	23	13	6
McArthur	52	5	12	1
McLauchlin	35	14	1	18
Cattanach	10	8	20	12
Fraser	67	34	50	25
Ross	67	13	24	35
Chisholm	45	38	34	16
Ferguson	73	19	12	6
Morrison	0	27	50	22

In 1864, Glengarry Populations 18,000, of whom 3,300 were Macdonells or Macdonalds. (Mrs. Day, Vol.I, p.57).

Lieutenant-Governor Bond-Head says a case was lately tried in Glengarry in which not only the names of both plaintiffs and defendant were Macdonell, but each had selected a counsel of that name, the jury, twelve in number, were all Macdonells or Macdonalds, and so were all the witnesses. The four members of Parliament for the county and town bear the same name; their sheriff is a Macdonell, so is their Vicar-General, so are most of their priests and their late Bishop. (A Narrative, pp.116-118).

List of U.E.Loyalists and their descendents residing in Glengarry, U.C. in 1835:- Heads of families 80, sons 233, daughters 212, grandsons 715, granddaughter 690, great-grandsons 84, great-granddaughters 79, total 2,093. (Q 388, pp.467-469, the Rev. John MacKenzie to Lord Glenelg, June 6,1835).

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Series B: Haldimand Papers: Originals in the British Museum, Additional Mss. Transcripts in the Canadian Archives; a complete calendar of the series will be found in the Public Archives Reports, 1884, 1885, 1886, 1887, 1888, 1889. The series is of great historical value and indispensable for a study of Canadian history.

Series C: Deals largely with Military affairs but devotes much space to administration of Justice, civil government, the construction of bridges, canals, docks, lighthouses, roads, wharfs, public buildings, immigration and the location of settlers, exploration of the country, the state of political feeling and the relations with the United States.

Series G: Comprising some 437 volumes composed of:-

1. Original despatches from the Colonial Office to Governors and Lieutenant-Governors;
2. Letter-Books, entry-books and drafts;
3. Interprovincial Despatches;
4. A few despatches to and from the Treasury.

Vols. 1-52. Despatches from the Colonial Office to the Governor of Lower Canada, 1787-1841.
Vols. 53-95. Same to the Lieutenant-Governor of Upper Canada, 1796-1841.
Vols. 96-107. Enclosures of Despatches from the Lieutenant-Governor of Upper Canada to the Colonial Office, 1838-1841.
Vols.181-183. Instructions to various Governors, 1791-1843.
Vols.183a-184.Drafts of despatches from the Governor-General to the Colonial Office from 1812.
Vols.266-278. Correspondence of the Lieutenant-Governor of Prince Edward Island with the Colonial Office 1771-1841.
Vols.359-365. Largely letter-books of despatches from Lieutenant-Governors to the Treasury, 1800-1835.
Vols.366-391. Letter-books of despatches from Lower Canada to the Colonial Office, 1807-1841.
Vols.392-423. Same from Upper Canada, 1799-1841.
Vols.424-444. Same from the Colonial Office to the Governor-General, 1793-1841.
Vols.467-479. Indices to despatches to and from the Colonial Office, 1786-1841.
A brief index of the contents of each volume is found in "Guide to the Documents in the Manuscript Room at the Public Archives", Vol.I, David W. Parker,1914,pp.7-67.

Series Q: This series,comprising about 900 volumes, is a transcript from original papers at the Public Record Office, London, forming part of C.O.42, and "is composed of correspondence of the governors, lieutenant-governors and administrators of Quebec (Lower Canada) and Upper Canada from the first year of British rule until 1841." (Parker's Guide, op.cit. p.99). A fairly detailed calendar of the greater part of this valuable series has been made by the Public Archives, Ottawa, and published in the Report on Canadian Archives, 1890-1902.

Nova Scotia State Papers: Copied largely from the records of the Board of Trade and the Colonial Office at the Public Record Office; the bulk of the remainder are transcripts of Papers at the British Museum and selections from documents at Lambeth Palace. Since 1801, the transcriptions have followed the Colonial Office series known as C.O.217, and until recently scattered throughout a large part of the old series M. They are arranged thus:-

A. Correspondence, 1603-1815.
B. Minutes of the Executive Council, 1720-1785.
C. Journals of the Legislative Council, 1758-1807.
D. Journals of the Assembly, 1758-1807.
E. Instructions to Governors, 1708-1840.
F. Commissions to Governors, 1766-1840.

In the Report on Canadian Archives for 1894 is a Calendar of the Correspondence from 1603-1801.

Cape Breton State Papers: In "origin, mode of treatment and general character, is similar to the Nova Scotia Papers," and are arranged as follows:-

A. Correspondence, 1784-1819.
B. Minutes of the Executive Council, 1785-1806.
E-F. Commissions and instructions to Governors.

Transcriptions from 1802 onwards have been from the Colonial Office series known as C.O. 217 (old M series). A Calendar of the Correspondence from 1784-1801 inclusive forms an appendix to the Report on Canadian Archives for 1895.

New Brunswick State Papers: Similar in every respect to those of Nova Scotia and follow the same arrangement. The transcriptions from 1802 onwards are from the Colonial Office series known as C.O. 188. A Calendar of the Correspondence from 1784-1801 inclusive, forms an appendix to the Report on Canadian Archives for 1895.

Prince Edward Island State Papers: Similar to those of Nova Scotia and follow the same arrangement:-

A. Correspondence, 1763-1821.
B. Minutes of the Executive Council, 1770-1798, 1805-1831.
C. Journals of the Legislative Council, 1773-1806.
D. Journals of the Assembly, 1776-1807.
E. Instructions and Commissions to Governors, 1769-1839.

Transcriptions since 1802 onwards have been made from the Colonial Office series known as C.O. 226. A Calendar of the Correspondence forms an appendix to the Report on Canadian Archives for 1895.

Parliamentary Papers: Relating to the Colonies and other matters in Reports of Committees, Commissions etc:-

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Report from the Committee on the Survey of the Coasts etc. of Scotland relating to Emigration.
1817 (462) VI. Report from the Select Committee on the Poor Laws.
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1822 (165,236,346) V. Report from the Select Committee appointed to enquire into the allegations of the several Petitions complaining of the distressed state of Agriculture of the United Kingdom.
1823 (561) VI. Report from the Select Committee on the Employment of the Poor in Ireland.
1823 (401) XIII. Estimate of the sum required for facilitating Emigration from the South of Ireland to the Canadas and the Cape of Good Hope, see also in P.P. 1825 (131), XVIII; 1826-27 (160), XV.
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1826-27 (499) XV. Regulations adopted in Canada for granting lands; Address on the Clergy Reserves.
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1830 (37) XXI. Communications between the Colonial Office and the Governors of Upper and Lower Canada in Pursuance of the Recommendations of the Canada Committee, February 23,1830.
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1830 (650) XXIX,p.435 ff. Number of persons who have emigrated from the United Kingdom to any of the Colonies of Great Britain. (Also P.P. 1833, (696) XXVI).
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1833 (696) XXVI, p.279. Number of persons who have emigrated from the United Kingdom to any of the Colonies of Great Britain, 1825-1833.
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Land Petitions by Townships in about 983 folders:-

Upper Canada	.....	725 Folders
Lower Canada	.....	228 "
Land Papers for Upper Canada	.....	30 "

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" "	1836-1840	.....	17 "
" "	undated	.....	13 "
" "	Educational	.....	5 "
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	"	B.	The Constitutional Act of 1791.
	"	D.	Internal Communications of Canada.
	"	E.	Relations with the United States after the Peace of 1783.
Report 1891.	"	A.	Settlement and Surveys, 1782-84.
	"	B.	Division of Upper Canada, 1798.
	"	C.	War with France, 1793.
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Report 1892.	"	A.	Settlements and Surveys, 1788-89.
	"	B.	Lower Canada in 1800.
	"	C.	Ecclesiastical Affairs in Lower Canada, 1803.
	"	D.	Political State of Upper Canada in 1806-1807.
Report 1896.	"	B.	Anticipation of the War of 1812.
	"	C.	Roman Catholic Church in Upper Canada 1784-1817.
Report 1897.	"	A.	Proposed Union between Upper and Lower Canada, 1822.
	"	B.	Claims for losses, 1812-15.
	"	C.	Internal Communication in Canada.
Report 1898.	"	B.	Land Companies of Canada.
	"	C.	Naturalization Question.
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	"	B.	Education in the Canadas.
	"	C.	Report on the Civil and other Establishments of Upper Canada, 1831.
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	"	B.	Emigration, 1832-34.

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" " No.16. Instructions for the Surveyor-General for Cape Breton.
" " No.12. Minute of Intended Arrangements with the Canada Company, April, 15, 1825.
" " No.19. (1) Copies of the Regulations...for granting the Waste Lands of the Crown.
(2) Clergy Reserves, dated April 9,1827.
" " No.5. Colonial Grants, April 26,1830.
" " No.12. Canada Company, March 10,1831.

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