LAND POLICIES OF UPPER CANADA

CANADIAN STUDIES IN HISTORY AND GOVERNMENT

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LAND POLICIES OF UPPER CANADA

by

Lillian F. Gates

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To the memory of
my brother, Reginald,
and
my father, Edward Cowdell

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PREFACE

"WHEN A MAN SITS DOWN to write a history," wrote the author of *Tristram Shandy*, "... he knows no more than his heels what lets and confounded hindrances he is to meet with in his way—or what a dance he may be led, by one excursion or another before all is over." That has been my experience in writing this book. It was my intention to give an account of the land policies of both Upper Canada and Lower Canada to 1841, but I soon found it advisable to confine myself to the upper province. By 1955 this study had been completed to 1841 and was submitted as a doctoral dissertation at that point. Since so many questions relating to the land policies of Upper Canada were in an indeterminate state at that date, it seemed unwise to stop here. It was some time before I decided that it would be possible to revise what had been written and to complete the Upper Canada part of the story without writing the Lower Canada part also. It has been my intention to relate the land policies of the province as closely as possible to its political history but it has not proved possible to discuss certain topics adequately without sacrificing a chronological arrangement of the material. There are certain "excursions"—into Indian lands, mineral lands, and timber lands —that I would like to have taken but this study had become so lengthy and had taken so much time that I was obliged to forego them.

It is with gratitude and affection that I recall the kindly guidance of Professor Frederick Merk of Harvard University, under whom the first part of this study was done. I have to thank Professor Edward Fox of Cornell for his expert advice on maps and Mr. Richard E. Rosenbaum for his skill in drawing them. Part of chapter four appeared as an article in the *Canadian Historical Review* in 1957 and I have to thank the University of Toronto Press for permission to use this material here. From the staffs of all the libraries and archives I have received much appreciated assistance, but I must make especial acknowledgment of the unfailingly courteous and efficient help given me by the staff of the Provincial Archives of Ontario and of the long continued favours allowed a mere faculty wife by the libraries of Cornell University. To the editors of this series, and to Mr. Donald G. Smith of the University of Toronto Press, my sincere thanks for numerous helpful suggestions. And finally I must state that the many conversations I have had with my husband Paul W. Gates on the subject of land policy have at times discouraged and exasperated me but also informed and inspired me. On his intellectual—and financial—resources I have made heavy drafts, and I acknowledge them with pride and gratitude.

New York

Ithaca LILLIAN F. GATES

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CHAPTER ONE

GREAT BRITAIN'S PLANS FOR CANADA

THE TREATY OF PARIS of 1763, which left Great Britain in possession of Canada, left her also with the problem of fitting this and other newly acquired territories into an Imperial mercantilist structure. For four years, pamphlet warfare had been waged over Canada's prospective value to the Empire. Controversy still continues with respect to the motives of the British ministers in keeping the country. Did they really want the French colony on the St. Lawrence for itself, and did they intend to colonize it with British settlers?

"It is not flattering to modern Canadian susceptibilities to reflect that the whole of New France was weighed in the balance against the little French sugar island of Guadeloupe," wrote Chester Martin.[1] Apart from Pitt's bit of rhetoric, however, the question did not pose itself in this simple fashion to the ministers of George III; the fisheries were more important to Great Britain than both these territories. What Pitt, in December, 1760, considered returning in place of Guadeloupe and Goree was Canada north of the lakes, without Cape Breton and the present New Brunswick, minus the fisheries, stripped of much that made her valuable to the French, and confined within boundaries that would give the thirteen colonies protection.[2] By June, 1761, when negotiations with France had begun, the Cabinet had decided to retain all Canada, including Cape Breton, and to restore Guadeloupe and Belle-Isle in return for Minorca.[3] At that time, its members were debating not the Canada-Guadeloupe question but whether or not France should be permitted to retain a share in the Newfoundland fishery. After the victories of 1762, the Cabinet was sharply divided over the question of returning Guadeloupe, but the fate of Canada was regarded as settled.[4] As for the pamphlets, particularly the first one, *A letter addressed to Two great men*,[5] was it not the opening shot in a sham battle? Its anonymous author seemed more anxious that Guadeloupe be returned to France than that Canada be retained by Great Britain. One is tempted to conclude that the Canada-Guadeloupe controversy was originally raised to ensure the return of that unwanted sugar island to France and that the British ministry, though divided over Guadeloupe and the fisheries, never had any intention of relinquishing Canada once its conquest was complete.[6]

Great Britain, then, really wanted Canada. Why did she want it? Was it, as W. S. Wallace has suggested, merely to prevent others from making use of it,[7] or did she intend to colonize the province with British settlers, holding out to them the promise of a liberal land policy, an assembly, and the laws of England? The Board of Trade, in its report of June 8, 1763, considered the chief advantages for Great Britain to be the fishery of the Gulf and River St. Lawrence, from

which British subjects had hitherto been excluded, and the fur trade.[8] Chester Martin has stated: "Among all the conquests of the Seven Years' War Canada was placed first among the 'Places where planting and perpetual Settlement and Cultivation ought to be encouraged. . . .'"[9] But Canada was merely named first, not placed first in the Board's report. It discussed the commercial advantages to be derived from the settlement and cultivation of other new acquisitions but said nothing about those to be derived from *settling* Canada.

Henry Ellis, whose "Hints Relative to the Division and Government of the Conquered and Newly Acquired Territories in America" was sent to the Board by Lord Egremont, Secretary of State for the Southern Department, suggested dividing Canada into two governments[10] and setting limits to the westward movement of the population of the thirteen colonies by a proclamation line. He thought that, as they increased in numbers, the people "would emigrate to Nova Scotia or to the provinces on the Southern Frontier. . . ."[11] Evidently, Canada was not expected to attract them. The Board approved of the idea of an Indian reserve but did not favour the division of Canada. Its Secretary, John Pownall, pointed out that such a scheme, in addition to being expensive, was "founded upon a supposed intention of settlement and jurisdiction as far as the Great Lakes, and does therefore militate against the general principles upon which all our system is founded."[12] British policy was to encourage seaboard colonies, not inland colonies that could not afford to purchase British manufactures. The Board did propose that the emigration of British and Protestant settlers to the former French colony on the St. Lawrence be encouraged as much as possible, although it acknowledged that the province would remain predominantly French for a "very long period of time." Egremont took no notice of this suggestion; he merely inquired by what methods the new governments in general could best be peopled.[13] In reply, the Board suggested issuing an immediate proclamation forbidding settlement in the Indian country (where Pontiac's uprising had by this time occurred) and encouraging settlement in East and West Florida and Nova Scotia. It did not mention Canada.[14]

Was this omission inadvertent or intentional, showing that Egremont and the Board of Trade had not yet agreed on the policy to be adopted with respect to Canada? They had already disagreed twice: on the division of the province and on placing the Indian country under the civil jurisdiction of the Governor of Canada.[15] Whatever the explanation of the omission, when the Proclamation of 1763 was actually issued, Canada was included among the new acquisitions to which its provisions were to apply.

Subsequently, the Board prepared a report which shows only a perfunctory interest in the settlement of Quebec. At its suggestion a notice was published in the *London Gazette* of November 22, 1763, that townships of 20,000 acres would be granted in East and West Florida to those who would undertake to settle them, within a limited time and at their own expense, with Protestant settlers from foreign countries or from other British colonies. Grenada was similarly advertised, although Nova Scotia was not, probably because it was not one of the "new" governments and also because there were already before the Board numerous requests for townships in Nova Scotia. "And as to your Majesty's government of Quebec," wrote the Board, "which has already upwards of eighty-

thousand inhabitants, it does not appear to us to be particularly necessary to make any other provision for its further settlement, or to offer any other encouragement for the present than what are contained in the draft of the instructions."[16] Paragraph 45-52 of these instructions, containing the terms on which land was to be granted, were published by Governor Murray as directed on March 7, 1765, in the form of a proclamation which was circulated in the thirteen colonies. His proclamation did not, however, make any mention of an Assembly.[17] It may fairly be concluded, therefore, that the Canada of 1763 was not valued as an area for settlement, that "a large influx of population from the congested colonies to the south"[18] was not expected, and that the President of the Board of Trade, Lord Hillsborough, was disinclined to push the settlement of the province.

C. W. Alvord has argued that a "mistake was made when there was included in the proclamation the announcement of the boundaries of the province of Quebec with its eighty thousand French Canadians. By this inclusion, all those alluring promises to new settlers [an assembly and the laws of England] were put in force in the northern province."[19] No mistake was made. If the boundaries of Canada had not been included, the limits of the Indian country would have been very incompletely defined. Had the proclamation been completed while Shelburne still presided at the Board, the boundaries would certainly have been included because the report of his board of June 8 said, "the Limits of such Territory will be sufficiently ascertained by the Bounds to be given to the Governors of Canada and Florida . . ." and had discussed reducing the boundaries of Canada at some length.[20]

No mistake was made either when the Secretary of State, the Earl of Halifax, caused the Board of Trade to add to the proclamation the form of government which all the new colonies were to enjoy. Alvord has maintained that an assembly was impracticable because in Quebec there was only a handful of Protestants and therefore that province could never have been intended to have one. His opponents have contended that an assembly was deliberately promised to Quebec as one of the inducements to new settlers and proved impracticable only because the expected Protestant immigration did not occur.[21] There are good reasons for rejecting both these explanations. It seems clear that Halifax and Hillsborough fully intended the French and Catholic population not only of Quebec but also of Grenada to enjoy representative government.[22] Unfortunately, in both cases, the governors' commissions, which were copied from those usually given to colonial governors, required them to see that all members of the Assembly subscribed the Test, and it was here, as Hillsborough later admitted, and as C. S. Higham has pointed out,[23] that the "mistake" was made.

When the Board of Trade first reported on the form of government for the new colonies, it proposed government by a governor and council for them all.[24] Halifax, who had learned from his previous experience with Nova Scotia that infant settlements would not long be content under the rule of a governor and council,[25] disagreed and proposed that the proclamation make known the form of government to be established for the present and that intended for the future. The Board fell in with this suggestion, remarking that an open and public

promise that the new colonies should have assemblies would be an encouragement to settlers. Before writing this reply of October 4, the Board first reconsidered its report of June 8 in which it had clearly recognized that in Quebec the number of French inhabitants "must greatly exceed, for a very long period of time, that of Your Majesty's British and other Subjects who may attempt Settlements. . . ."[26] With this consideration freshly in mind, the Board could never have intended the constitutional settlement of Quebec to be dependent on incoming British settlers. Furthermore, as has been shown, the Board was not interested in promoting British settlement to that province as it ought to have been if an assembly could not be established without it. Finally, we have Hillsborough's own statement of 1769, when he again presided at the Board of Trade, and when that body was considering the difficulties which had arisen in Quebc for lack of a "complete legislature" empowered to impose taxes:

> The having a complete Legislature competent to those regulations, which a Colony under such Circumstances necessarily require, appears to have been one of the first Objects; and there can be no doubt, but that His Majesty's Commission and Proclamation in the provision they make for this purpose, had in view to extend to his Majesty's new Subjects those Privileges, which exist in the principles of a British Constitution. But the exercise and operation of this Legislative Power . . . [was] rendered impracticable by inserting in the Commission, without sufficiently adverting to the State of the Colony the restriction, that no person should sit in the Assembly, who had not subscribed the Test. . . .[27]

Between 1765 and 1768 Hillsborough's successors at the Board of Trade had made two unsuccessful attempts to secure for Canada the promised Assembly but, limited by the wording of the Governor's commission as they pointed out, it was a Protestant Assembly they then had in mind.[28] In July, 1769, when Hillsborough once more presided at the Board,[29] it produced its famous report which stated emphatically that the proclamation had been intended to confer the benefits of the British constitution upon the new subjects. He now urged that an assembly be established in Canada in which Roman Catholics should have thirteen seats out of the twenty-seven, and that the Catholic members be required to be seigneurs. Owing to Carleton's influence, the whole scheme was rejected and Canada failed to receive an assembly of any kind until 1791.[30]

Sufficient has been said to make it plain that in 1763 the British government had no expectation of colonizing Quebec rapidly with British settlers and that the promise of an assembly was intended as much for the new French subjects as for old subjects who might come to settle. The Proclamation of 1763 was designed primarily to divert the swarming inhabitants of the thirteen colonies from the Indian country to other areas for settlement, and to assure them that representative institutions would be established and grants of land on liberal terms would be made in the new territories. Canada was included in the document by design, not by accident, and its Governor received the same instructions concerning land grants as the governors of Nova Scotia and East and West Florida, areas in which the Board of Trade took a much more lively interest.

Paragraphs 45-59 of Murray's instructions of 1763[31] were the first pronouncements on land policy for the province of Quebec, and they remained in force until 1771. The New England system of township planting was approved because it made possible mutual assistance and mutual protection. The townships were to be 20,000 acres in size and were to contain reserves for military purposes

and for the growth of naval timber. A townsite was to be laid out with building lots and pasture lots for each family and lots for the church, minister, and schoolmaster. Compact little villages enjoying religious and educational advantages and surrounded by agricultural land and woodland—not lonely farmsteads—were what the framers of these regulations had in mind.

In order to prevent speculators from holding large tracts of land unimproved, grants were restricted to those who were in a position to cultivate them and the quantity was limited to 100 acres for each petitioner plus 50 for every member of his household, black or white. Additional land, not exceeding 1,000 acres, could be obtained if the applicant were able to cultivate it and pay, cash down, 5 *s.* for every 50 acres so granted. Detailed settlement duties were required and provision was made for registering proof that they had been performed. Unfortunately the filing of proof was not required before patent and, indeed, was not obligatory at all unless the grantee wished to apply for a second grant on the same terms as the first. All grants became subject to an annual quit rent of 2 *s.* per 100 acres after two years. These land regulations were first drawn up for Florida and were applied to Quebec with a few additions suggested by the reports of Murray, Gage, and Burton. They contain nothing really new, being practically the same as those laid down for Carolina and Georgia in 1755. Some of them had also been applied earlier to New York and New Hampshire.[32]

The Proclamation of 1763 had made known the rewards in land which were to be made to reduced officers of the army and navy and to disbanded men of the British forces who had served in North America during the Seven Years' War and were resident there. Five thousand acres were promised to field officers, 200 to non-commissioned officers, and 50 to privates.[33] These grants were to be exempt from quit rents for ten years but otherwise they were subject to all the foregoing regulations.

No great changes were expected to occur in the composition of the population of Canada immediately after it became British, and none did. Murray's proclamation making known the terms on which settlers could obtain land attracted those interested in the whale and cod fisheries to the shores of the Bay of Chaleur and the Peninsula of Gaspé—districts which both Murray and the home government were anxious to settle with British subjects,[34] but it did not bring settlers to the new colony. Some 100,000 acres were granted in England by order-in-council, chiefly to persons engaged in the fishing industry. The limitations and restrictions which were supposed to bind Murray were completely disregarded in these grants but other conditions respecting the raising of hemp, payment of quit rents, and the adequate settlement of the grants were imposed. Some town lots in Quebec were petitioned for and granted, but no action was taken on petitions from discharged soldiers for land at Chateaugay, nor on a number of petitions for land at the Bay of Chaleur.

The French Canadians do not seem to have been attracted by the terms of Murray's land proclamation, and the system of township planting so successfully used by this people later failed to appeal to them at this time. Maseres quotes a French Canadian as referring to the "high rates" at which land was granted before 1771,[35] and Murray found that the seigneurs would lease their lands for less than the Crown demanded.[36] Yet the quit rent of 2 *s.* per 100 acres amounted

to only one-quarter of a penny an acre—less than was exacted in most seigneurial contracts.[37] Perhaps the explanation of the failure of the French Canadians to apply for lands is that which Carleton gave: the unfamiliar tenure. Perhaps it is simply that there was still plenty of room in the old seigneuries for the expanding population.

In 1771 the detailed land regulations were cancelled *in toto* and replaced by a single paragraph which directed that lands be granted in fief and seigneury, as before the conquest.[38] Various explanations of this *volte face* have been given,[39] but the most likely explanation seems to be that which A. L. Burt has emphasized—Carleton wished to restore the feudal system in Canada as a means of keeping the colony under control through its seigneurs, who would be bound to the Crown by the ties of self-interest.[40]

Shortt and Doughty, commenting upon Carleton's support of the loyalists' petition of 1787 for grants in free and common socage, observe that it was Carleton himself who had advised a return to the French system of land granting. But the documents to which they refer recommend only that French law and custom be made applicable to lands granted before the conquest and to lands granted by seigneurs since. These proposals were not to affect lands granted after the conquest by the Crown.[41] At the time, Carleton was not expecting many of the King's old subjects to seek homes in the province. For those who should come he did not propose the French tenure, as is clear from his letter to Shelburne of April 12, 1768:

> For the foregoing reasons it has occurred to His Majesty's servants here that it might prove of Advantage if, whatever Lands remain Vacant in the Interior parts of the Province, bordering upon those, where the old Customs prevail, were henceforth granted on the like Conditions, *taking care that those at Gaspe and Chaleur Bay, where the King's old subjects ought chiefly to be encouraged to settle were granted on such Conditions only, as are specified in his Royal Instructions. . . .*[42]

However, there was at this time before the Board of Trade a petition to change a grant which had been made on the conditions laid down in Murray's instructions to one in fief and seigneury. The land in question lay in the very region where Carleton had thought tenure in free and common socage might be continued—the Bay of Chaleur. When he returned to England, his opinion was asked on this petition and he stated, without his previous qualifications, that "the granting of land in general in Quebec in seigneurie as under the French would be far more advantageous than in the manner prescribed in the Instructions."[43] Consequently, the additional instructions of 1771, which were then drawn up, revoked all previous instructions with respect to the granting of land and deprived Carleton of the power to grant land on anything but seigneurial tenure. Hillsborough presented these instructions to the Council with the added justification that two kinds of tenure in the same colony were confusing.[44]

The new land regulations met with a chorus of approval in which the old and the new subjects joined. Yet the new subjects, who are represented by Lieutenant-Governor Cramahe and the Board of Trade as being delighted with the change,[45] really stood to gain nothing from it. They perhaps regarded it as a sign that the old laws and customs governing the inheritance of their properties would be restored to them, but this favour did not require that all future grants should be in fief and

seigneury, as the solution worked out in 1854 shows. It was the old subjects who stood to gain from the new land regulations and they knew it. New seigneuries were likely to be conceded chiefly to British merchants and traders who had come in since the conquest. They could thus acquire extensive tracts of land without the obligation of paying quit rents upon them and without being subject to the niggardly restrictions as to size imposed by the previous instructions. Moreover, the English-speaking inhabitants of Quebec were strangers to the laws and customs of the country and, as events proved, they sometimes preferred to remain in wilful—and profitable—ignorance of them. Even before the establishment of civil government, they had besieged Gage and Burton with requests for seigneuries,[46] and after 1771 their petitions poured in upon Cramahe. Twelve months after the receipt of the new land instructions, the Council had under consideration some forty-three petitions for seigneuries, most of them bearing English or Scotch names.[47] "One is tempted to speculate," says Burt, "upon what would have happened had not the outbreak of the American Revolution forestalled any action upon this swarm of appeals," and he adds that it was Cramahe who held up the decisions on these petitions.[48] Only one seigneury was granted between 1775 and 1792, the seigneury of Schoolbred on the Bay of Chaleur.[49] The instructions of 1771 were therefore of little practical importance except that they remained to plague the loyalists on their coming into the province of Quebec.

One is inclined to wonder whether it was these forty-three petitioners, and others who had bought seigneuries from the French,[50] who saw to it that the third draft of the Quebec Act contained a clause permitting those holding of the Crown in fief and seigneury to commute their tenure to free and common socage. This was a favourite project with the English-speaking inhabitants of Quebec because such a change in tenure would have given them control of the wild lands of their seigneuries and would have enabled them to sell those lands or to concede them at whatever rates they pleased; whereas, while they held under seigneurial tenure, they were forbidden to sell the unimproved land and were obliged to concede at the rates previously customary in the seigneury. The clause was deleted from the act before it was submitted to Parliament owing to the objections of Carleton and Hillsborough. English seigneurs had to wait until 1822 for the privilege they coveted, and, meanwhile, their interest in new seigneuries sharply declined.[51]

The second proviso to the fifth clause of the Quebec Act intimates that in future grants in free and common socage may be made. Hillsborough and Carleton objected to this proviso also; Carleton because he wished to make the seigneurial system the basis of the Crown's power in the province of Quebec,[52] Hillsborough because he was opposed to the settlement of the western territory by immigrants from any quarter. The fear of new Indian uprisings, the protection of the fur trade, and the cost of administering the area were only minor reasons for Hillsborough's stubbornness on this point. He and his mentor at the Board of Trade, William Knox, were convinced that inland colonies would not find it profitable to export their produce to Great Britain or the West Indies. Being unable to sell, they would be unable to buy, and therefore would begin to establish manufactures of their own to the detriment of their trade with the

mother country. For this reason, "The inhabitants of America should be left along the sea coast according to England's ancient policy." [53] Even a hint that grants in free and common socage might be made in any part of the enlarged province of Quebec would, thought Hillsborough, tempt settlers into the forbidden area. In his opposition to such grants he was thinking primarily not of the old part of the province of Quebec but of keeping settlers from the thirteen colonies out of its new western annex.[54]

In addition, Hillsborough did not wish to make the western territory attractive to emigrants from Great Britain or Ireland.[55] As an Irish landlord, he was afraid that Catholic Quebec, like Protestant Nova Scotia, would draw too many Irish emigrants, and he and Knox were agreed that Ireland must not be depopulated. This possibility had long ago given British ministers concern. In 1762 the Board of Trade had become alarmed at the eager interest in emigration shown by the people of northern Ireland and had instructed the Governor of Nova Scotia not to grant land to these people nor to permit them to settle in the province unless they had been resident in a British colony for five years.[56] When it was proposed to include the Indian territory within the boundaries of Canada by the Quebec Act, Hillsborough at once took alarm for fear the guarantees given to Roman Catholics by that act should be an inducement to "the Roman Catholic subjects of Quebec and to *all other Roman Catholics*" to settle in the annexed territory. His inclusion of the phrase "all other Roman Catholics" is clearly a result of his fear that the Catholic peasants of Ireland might emigrate and explains his resolution to oppose this provision of the Quebec Act, as he had the Ohio grant, but "with tenfold strength...." [57] Many who were not especially interested in Ireland shared Hillsborough's sentiments. In Great Britain, a reaction unfavourable to the promotion of colonies was already setting in as a result of the increasing friction with the thirteen colonies. The Solicitor General, Sir Alexander Wedderburn gave partial expression to these sentiments during the debates on the Quebec Act, and Knox developed them more fully after 1783.[58]

Carleton and Hillsborough did not succeed in deleting from the Quebec Act the intimation that grants in free and common socage might be made in future, but Lord Dartmouth assured Hillsborough that the Quebec Act by no means implied an intention of settling of the western territory annexed to Canada,[59] and Lord North remarked during the debate on the act "that all this uninhabited territory added to Canada should not be immediately considered as country which the government are to grant away." [60] It was probably owing to Hillsborough's influence that the new instructions issued to Carleton after the passing of the Quebec Act gave him no authority to make grants on anything but seigneurial tenure. Yet it remains a puzzle why the second proviso to the fifth clause was retained at all, unless its purpose was to leave the Crown free of statutory restrictions on its land-granting powers against the day when it might become advisable to permit settlement beyond the proclamation line.

CHAPTER TWO

THE LOYALISTS AND THE CROWN LANDS

THE PROCLAMATION of 1763 had included in the Indian Reserve the area subsequently known as Upper Canada. Although this territory was added to the old province of Quebec in 1774, the British ministry, as we have seen, had no intention of settling it and instructed Carleton to define the limits of the posts in the upper country and to permit no settlement beyond them.[1] These instructions were in effect throughout the American Revolution and partly explain the reluctance of Governor Haldimand to permit settlement in the vicinity of Detroit and Niagara, when Lieutenant-Governor Hamilton suggested it in 1778,[2] until he had received permission from home. Perhaps it was the difficulty of feeding the hungry refugees and the homeless Indian allies which made him think better of the idea. A few months later he wrote to Colonel Bolton, the commandant at Niagara, and to Lieutenant-Governor Hamilton at Detroit directing them to cultivate as much land as they could in the vicinity of the posts.[3] Bolton did not favour the project and remarked, "We must be cautious how we encroach on the lands of the Six Nations. . . ."[4] These Indians had ceded a tract on the east side of the Niagara River in 1764 to facilitate the transport of goods around the falls, but they had stipulated that the land should be reserved for the use of the Crown and they interpreted this to mean that no grants might be made nor improvements undertaken without their permission.[5] But Bolton changed his mind and later suggested allotting land to the refugees on the west or Canadian side of the river where these difficulties would not arise.[6]

By this time Governor Haldimand had become convinced that it would be useful to allow a few families to settle around the posts in the upper country to raise food for the garrisons. Having secured the home government's approval, he authorized the allotment of land to refugees at Carleton Island, Niagara, and Detroit in the summer of 1780.[7] At Niagara, a tract on the west side of the river was purchased from the Missisaugas and the Chippewas in May, 1781.[8] At Detroit, Hog Island was put under cultivation. The settlers were assisted with tools and provisions and were not required to pay rent, but they were subjected to restrictions which soon became irksome. They were required to sell the surplus of their harvests for the use of the troops, at prices fixed by the commandants of the posts, and they were not given title to their holdings but only the right of occupancy from year to year. By 1784 forty-four families had been settled at Niagara and a few at Carleton Island.[9]

When the terms of the Treaty of Paris became known to him, Haldimand saw that there were two classes of dispossessed for whom Great Britain would have to provide: her Indian allies and the loyalists. The obvious place to settle the

Six Nations was in what remained to Great Britain of the Indian Reserve, in other words, in what became Upper Canada. In his opinion, there was no room for the loyalists in the province of Quebec. In the lower part of the province the uncultivated lands would soon be required for the expanding French-Canadian population; in the upper country Indian territory ought not to be encroached upon. Cape Breton Island, the Gaspé Peninsula, and the shores of the Bay of Chaleur seemed to him the most suitable places to settle the loyalists and he urged these views upon the home government. Those loyalists who had already found refuge in the province he proposed to settle at Detroit, which he did not then know was to be given up; should they prefer it, he was ready to send them to the three localities mentioned above, and small settlements were eventually made at these three places.[10]

The loyalists, however, had ideas of their own. Some of them wished to settle in the district now known as the Eastern Townships,[11] but Haldimand was not disposed to countenance settlements so close to the American frontier. Loyalists and Americans, he informed Lord North, would not live peaceably together on opposite sides of the frontier, and since Canada, when the posts should have been given up, would hardly be worth fighting for, the sensible policy was to avoid a rupture by leaving the area east of the St. Lawrence unsettled as long as possible. He added, rather inconsistently, that when the area east of the St. Lawrence came to be settled, it might prove a good policy to place there a French-Canadian population, alien in religion, language, and customs to the restless New Englanders across the border.[12] One cannot but wonder whether concern for future generations of the expanding French-Canadian population or distrust of the future loyalty and politics of the refugees from the thirteen colonies was uppermost in his mind. Haldimand clinched his argument by asserting that the chief attraction which a settlement on the frontier had for some loyalists was the smuggling trade. Lord North accepted this line of reasoning, and the loyalists were refused permission to settle in those frontier areas for which they had asked.[13]

Some loyalists, anxious to end their wanderings, were inclined to take up land in the seigneuries. Without money, provisions, tools, or stock, they did not think themselves fitted to cope with the wilderness and they were willing to become the tenants of those who would provide these necessaries.[14] Several of the English seigneurs were eager to obtain loyalist settlers for their lands and held out inducements of one sort or another. But it was not Haldimand's policy to strengthen the English party in Lower Canada nor to permit the English to acquire land which future generations of French Canadians would need. While he could not forbid the loyalists to settle in the seigneuries, he did his best to dissuade them from doing so by refusing them the provisions and supplies which were normally issued to those who agreed to take up Crown lands.[15] After Haldimand's departure, in November, 1784, Lieutenant-Governor Hamilton, who was more sympathetic to the English party, drew attention to the treatment meted out to those loyalists who had settled in the seigneuries but he did not succeed in getting Haldimand's regulation set aside.[16]

In the spring of 1783 there were 30,000 loyalists in New York awaiting transportation to the new homes which the mother country had promised them. There

was at first no thought of colonizing Upper Canada with these people. Prior to the conclusion of peace, the British ministry had thought the loyalists might be settled in those colonies of which England still retained control.[17] In March, 1783, Carleton wrote to the Governor of Florida recommending that he grant land free of quit rent to officers and soldiers wishing to settle there.[18] In addition, William Knox, Under-Secretary of State for the Colonies, had worked out a detailed plan for the founding of a new province between the Penobscot and tht St. Croix rivers for the reception of the loyalists. Knox's scheme had been approved and was ready to be acted upon as soon as hostilities ceased.[19] After the treaties of peace were signed there remained only Nova Scotia, bounded by the St. Croix, not the Penobscot, and Quebec, to which the loyalists might go.

It might have been expected that numbers of the immigrants would be settled in Quebec to provide a strong loyal element there. Carleton had long stressed the strategic importance of Canada, and, although the thirteen colonies had been lost, Great Britain still retained hopes of winning the west. The Revolution had shown the folly of relying on the masses of French Canadians for the defence of British interests in North America. If Canada was intended to become the "foundation" of a western commercial empire whose life-line would be the St. Lawrence, as G. S. Graham has suggested,[20] surely it would have been wise to strengthen the small British party in the province by the addition of loyalist immigrants. Yet only a small minority of the New York loyalists was sent there, about 1,500 persons, 1,050 of whom were listed as loyalists and the rest as disbanded troops and their families; [21] by contrast, some 28,000 persons went to Nova Scotia.[22]

The policy of discouraging loyalist settlement in Quebec also accorded with the views of Carleton and Knox, and particularly with the latter's plan for the creation of a new province "cherishing monarchical principles." In sending the loyalists to Nova Scotia, and in subsequently making their settlement the separate province of New Brunswick, the Imperial authorities were simply continuing unrevised, except for boundaries, a policy which had originally been devised to humble Massachusetts, which served to placate local discontents and rivalries in Nova Scotia, and which accorded with established Imperial policy of keeping the inhabitants of America along the sea coast.

Assuming no attempt was made to influence the loyalists in their choice of a new home, it is not surprising that the majority of them went to Nova Scotia. Since 1749 the British government had been promoting the settlement of that province,[23] and many New Englanders had responded to the invitation to settle there.[24] No doubt the majority of the loyalists preferred to follow them than to undertake the longer sea voyage to a more distant province whose laws and language were alien to them. William Dummer Powell states that those loyalists who had taken refuge in Canada before 1783 were anxious to settle in the upper province and to induce the main body of the loyalists to join them, but that they realized this could not be achieved unless certain alterations in the Quebec Act were first secured. A petition for this purpose was taken home by Powell but Parliament was busy and, before the ministry could consider it, "the Province of New Brunswick was organized and the Establishment of the Loyalists there too far effected to think of removal." [25]

It is not quite clear how it came about that some of the New York loyalists chose Canada. Canniff states that when the loyalists were undecided whether to embark for Nova Scotia or for Quebec, Carleton inquired of Michael Grass, who had been a prisoner of the French at Cataraqui, whether that district would be a suitable place for them and received an affirmative reply.[26] Ryerson states that Carleton "being unable to transport any more loyalists to Nova Scotia and New Brunswick" sent for Grass and asked him about Canada.[27] Whether Carleton suggested Canada to the loyalists or they suggested Canada to him is not known, but it would seem that the choice of a locality, Cataraqui, was made in New York by the loyalists. Fortunately, this choice coincided with some plans of Governor Haldimand's already under way.

Mindful of Pontiac's uprising which had followed the peace of 1763, Haldimand and the officers of the Indian Department had been apprehensive of the consequences when Great Britain's Indian allies should learn that their lands had been included within the boundaries of the United States by the Treaty of 1783.[28] When the news leaked out, despite Haldimand's efforts to conceal that part of the provisional treaty that related to the boundaries, the Indians were furious. To placate them, he assured them their losses would be made good and offered them new lands on the north shore of Lake Ontario. Finding that this idea appealed to them, Haldimand purchased from the Missisaugas a tract of land extending about forty-five miles up the lake and assigned the Six Nations a location on the Bay of Quinte. Subsequently, a majority of these Indians decided they preferred land on the Grand River (a situation Joseph Brant had wanted from the outset).[29] Another purchase was therefore made from the Missisaugas and within this area the Six Nations received a reserve six miles wide on either side of the river from its mouth to its source.[30]

The fear of an Indian uprising haunted Haldimand and led him to plan two strong posts, or rather military colonies, in the upper country to show the Indians that they had not been deserted by Great Britain.[31] One of them was to be established near Detroit for the purpose of holding the friendship of the western Indians and for raising grain and cattle for the upper posts.[32] In August, 1784, a military settlement opposite the Island of Bois Blanc on the Canadian side of the Detroit River was authorized. It was to be composed of reduced officers of the Indian Department and as many men of Butler's Rangers as wished to settle there. Long before Haldimand came to this decision, Lieutenant-Governor Hamilton had permitted the loyalists at Detroit to till land, although he made them no grants. He probably could not have prevented the impoverished refugees from squatting even though the Indian title had not been extinguished. The officers of the Indian Department themselves set a bad example by attempting to make purchases from the Indians for their own benefit, in defiance of the strict prohibitions of the Proclamation of 1763. As a result, it took years to untangle the conflicting claims of those who had been allotted land by the commandants at Detroit, those who had bought and sold these allotments, and those who had just squatted. On this turbulent and restless frontier the disciplined military colony planned by Haldimand was never established.[33]

The other military colony was to be at Cataraqui. Here Haldimand planned to lay out a township, to rebuild the fort, and to settle loyalists around it. The

new post at Cataraqui was to replace that at Carleton Island which Haldimand feared would go to the United States when the boundaries prescribed by the Treaty of 1783 were drawn. Thus, early in June, when Carleton wrote that two hundred loyalist families wished to go to Canada and recommended that they be settled at Cataraqui, his letter simply made necessary an extension of Haldimand's original plan and forced no unwelcome decision upon him. Even after its receipt, he contemplated only a restricted settlement of loyalists in Upper Canada. His ultimate willingness to settle as many loyalists there as he could was occasioned, not by learning that the Indians desired white neighbours—he had been informed of this in May, not November—but by the fact that loyalist officers already in Canada had made it plain that they preferred a location on the upper St. Lawrence for themselves and their men. They wanted a farming, not a fishing, settlement, and Haldimand, who thought "humanity and justice" required that they have a choice, took pains to justify at some length to the home government the loyalists' preference for a settlement in the interior.[34]

The loyalists from New York, "incorporated" or "associated" into militia companies, had arrived in August, 1783, but most of them remained in the lower province until the spring of 1784 when unincorporated refugee loyalists, associated loyalists, disbanded loyalist regiments, and discharged soldiers all moved to the locations allotted to them. Nine townships running west from Point au Baudet, the western boundary of the last seigneury, had been surveyed for them at the request of Sir John Johnson, who preferred this location for himself and his battalion,[35] and, in addition, five townships running west from Cataraqui, as Haldimand planned. In June, 1784, Butler's Rangers were disbanded and a majority of them agreed to settle at Niagara, although it was with reluctance that they accepted their promised rewards of land on seigneurial tenure.[36]

Under the terms of the royal instructions of July 16, 1783, heads of loyalist families received 100 acres of land and 50 acres for every person then belonging to their families; single men received 50 acres. Discharged soldiers received 100 acres if privates, 200 if non-commissioned officers, and 50 acres for every person then belonging to their families. Family lands under these regulations were later restricted to men who came into the province before 1787. These grants were to be made only to persons ready to become actual settlers and were to be free of survey and patent fees.[37] A land policy which was a combination of homestead, head right, and military bounty grants was thus instituted.

Larger grants were made to reduced officers of provincial corps and of associated loyalists. Field officers received 1,000 acres, captains 700, subalterns, staff officers and warrant officers 500.[38] In addition, the following scale of grants for the 84th Regiment of Foot, which had been recruited under specific promises as to the amount of land it was to receive, was authorized: field officers, 5,000 acres, captains, 3,000, subalterns, 2,000, non-commissioned officers, 200, privates, 50. In 1788, the officers of Butler's Rangers and of the King's Royal Regiment of New York having petitioned for the same treatment as the 84th, Dorchester extended the above scale to "all reduced officers without distinction of corps . . ." who, prior to the date of his order, had actually obtained and improved the grants to which they were previously entitled.[39]

Only a single lot was assigned to officers at first, the balance of their land being later made up to them, and officers and men alike were to draw for their land. This impartial method of distributing the bounty of the Crown was determined upon by Haldimand who felt that it would be inequitable to allow the officers to monopolize the front lots and contrary to the royal instructions which required them to be interspersed among those of the men. The disgruntled Sir John Johnson protesting on behalf of himself and some other loyalist officers, was unable to move him on this point. But when the Surveyor General, Samuel Holland, complied with Johnson's wishes and assigned the lots in accordance with the plan the officers presented, the Governor was obliged to acquiesce.[40]

"Late loyalists," those arriving later than the families which Carleton had sent, were not entitled to all the foregoing privileges, but for some time the policy with respect to them was not clearly defined. To inquiries made in the spring of 1784 as to what encouragement would be given to persons from the colonies who wished to settle in Canada, Haldimand replied that those who could prove their loyalty would still be received and would be given land but that they could not expect provisions and other advantages like loyalists who had taken an early and active part in the war. The poverty and wretchedness of some of these latecomers moved him, however, to relax this regulation. Yet Haldimand was not anxious to see Lower Canada peopled by immigrants from the United States, whatever their degree of loyalty. With reluctance he had decided to settle the original loyalists in what he regarded as Indian territory though he had no wish to see further encroachments made on Indian lands by white settlers.[41] If he had remained in Canada, he would not have encouraged further emigration from the United States to any part of the old province of Quebec.

His successors did not know what policy to follow. Lieutenant-Governor Hay hesitated to make grants to loyalists arriving at Detroit in the spring of 1785, and Lieutenant-Governor Hamilton, who administered the province between Haldimand's departure and Dorchester's arrival in 1786, was uncertain whether to issue provisions to latecomers who had not made open demonstrations of their loyalty during the war.[42] The Colonial Office drew up a set of instructions which distinguished between those loyalists who had taken refuge in the province of Quebec previous to, or immediately after, the treaty of peace and the latecomers. The latter would have been refused provisions under its terms, but it is uncertain whether these instructions were ever sent.[43] Sir Guy Carleton also wished to know whether immigration from the United States was to be encouraged or connived at.[44] Chief Justice William Smith and Surveyor General Samuel Holland expected Carleton to come to Canada with "full instructions to improve the Province and encourage new settlers. . . ." Smith heartily approved such a policy in the belief that, on the whole, the Americans were well disposed towards Great Britain and inclined to return to their allegiance—a belief, remarked Adam Mabane, "for which there is not the least foundation but which may lead into Errors from which we will not awake till too late to prevent the evils arising from them."[45]

Carleton, who returned to Canada as Lord Dorchester, received the same land instructions as had Haldimand; loyalists in the United States were to be

encouraged to settle in the province, although the character of the incoming "loyalists" had changed somewhat since Haldimand's day. There was, however, an additional paragraph the meaning of which is not clear. Section 43 permits land to be granted to "those only who may have withdrawn themselves from the said Provinces or Colonies *after* the signing of the definitive Treaty of Peace with the said United States and no other."[46] No restriction on land granting was imposed by these words and there seems to be no point in the sentence. Its probable meaning is, *immediately after* the signing of the treaty, and no doubt it was intended to draw the same distinction between early and late loyalists as that attempted in the tentative instruction referred to above.

Whatever official policy may have been intended, new settlers from the old colonies continued to swell the numbers of so-called loyalists in the new settlements, which, by the spring of 1787, were rife with discontent. John Collins, Deputy Surveyor General, and William Dummer Powell, at that time practising law in Montreal and who later became judge of the Court of Common Pleas for the District of Hesse, were appointed by Dorchester as a commission of inquiry to investigate and quiet the unrest. The Deputy Surveyor went on this mission armed with the authority to grant settlers who had already improved their land a bonus of 200 acres. This grant was known as Lord Dorchester's bounty. Dorchester's avowed object in making these grants was to encourage the cultivation of the soil, but, since the bounty lands were to be bestowed only upon "real loyalists" of "Peaceable decent deportment" and were to be withheld from persons of "doubtful principles and reputations," one suspects that his real object was to make it plain that the role of agitator would prove an unprofitable one. This promise of bounty lands was intended to hold good for a limited time only. In July, 1790, it was proposed in Council to receive no more applications for bounty lands since the "purpose" of the order had been achieved.[47] However, in this case, as in many others to come, it was found difficult to end the life of a bounty regulation once it had come into existence. The Executive Council of Upper Canada later set August 1, 1797, as the time limit for receiving and hearing claims for Lord Dorchester's bounty.[48]

Another task assigned the commissioners was to inquire into the character of all newcomers since the original settlement, "as many persons not entitled to the protection of the Crown were reported to have settled themselves among the loyalists." It turned out, however, that there were very few settlers of this class. One real cause of the trouble was that the only way in which newcomers could obtain land was by the slow adjudication of the Land Committee of Council on their claims and their pretensions to loyalty. This committee, with Hugh Finlay at its head, may not have been over meticulous in distinguishing the children of light from the children of darkness, but the delays and the expense attendant upon its decisions exasperated the impatient and impoverished immigrants. This is the beginning of the squatter problem in Upper Canada and the slow motions of the Land Department, both at this time and later, were never able to overtake it. Deputy Surveyor Collins gave the newcomers locations, settled disputes about boundaries and erroneous surveys, and straightened out other difficulties related to land. But one old grievance still rankled. When some of the loyalist officers had insisted on having the front lots and had refused to draw with the men,

they had forfeited the confidence of the rank and file and it could not now be restored.[49]

Dorchester and his Council seem to have interpreted the vague words of the land instructions to mean that land was to be granted only to loyalists who before 1783 had given proof of their loyalty by joining the forces of the Crown.[50] What was to be done with "late" loyalists? Some of them were friends or relatives of the original settlers and many of them had plausible excuses for their failure to seek the protection of the Crown earlier. Sir John Johnson and many of the loyalist magistrates favoured the admission of such settlers provided they could prove their loyalty.[51] There were also the associations of so-called loyalists, who were primarily interested in speculation, whose leaders declared that all they needed to encourage them to place themselves once more under British rule was the grant of tracts of land ranging from one to forty townships, preferably situated on the New York frontier.[52]

The loyalist question was the subject of much debate in Council and occasioned sharp differences in opinion between the French and English parties. Four committees expressed their sentiments on this question. The Committee on the Courts of Justice, composed of Finlay, Mabane, and St. Ours, was not in favour of attracting immigrants from the United States. In the opinion of Mabane and St. Ours (Finlay dissenting), most of the loyalists who had stood forth on the King's side during the war had already sought refuge in Canada, New Brunswick, or Nova Scotia. Those Americans who now wished to come to Canada were not really loyalists: they were simply discontented with conditions in the United States. If it were policy to grant such people the protection of the Crown, they should be encouraged to go to the maritime provinces where they would not infect the loyal and contented French Canadians, the class of men "least likely to coalesce with the Neighbouring States of America."[53] The Committee on Population, Agriculture, and Settlement of the Crown Lands, composed of J. G. C. DeLery, Joseph de Longueil, Rene de Boucherville, Samuel Holland, and Sir John Johnson, opposed the loyalists' demand for grants in free and common socage and advised that lands continue to be granted on the unpopular seigneurial tenure. Sir John Johnson in a dissenting report argued that seigneurial tenure was unfair to the loyalists, adverse to agriculture, and would impede the growth of a populous English colony.[54] The Committee on Commerce and Police, composed of John Collins, Deputy Surveyor General, George Pownall, the Provincial Secretary, and William Grant and Edward Harrison, merchants, all members of the English party, made a brief and forthright report: "Commercial policy requires, that this great Country, should be peopled. Every encouragement therefore, should be held out to *all* who seek refuge, or fly from persecution, to its wild but friendly bosom. More especially to those who have suffered in support of His Majesty's ... Government."[55] The Land Committee, composed of Finlay, Collins, Grant, St. Ours, and de Lanaudiere, recommended not only that late loyalists be granted land but also that "industrious men ... be encouraged to come from all quarters to settle in this Province ... provided they will take the oaths prescribed and are well attached to the British government."[56] In Great Britain it was even proposed to send convicts to Canada and to put them to work in the interior of the country—a scheme which doubtless would

have found favour with none of the French party and perhaps with few, if any, of the English.[57]

There seems to have been some difference of opinion among the English party as to what treatment should be accorded immigrants from the United States. The English merchants of Lower Canada naturally wanted to attract population to Canada. The loyalists of the upper province wanted the new settlements to become populous but they did not want newcomers to be treated like loyalists. Their sense of justice was outraged by such a proposal. Besides, as one of the loyalist officers asked, where was a labour force to be had if every immigrant could obtain land and be his own master?[58] By the spring of 1788 the Americans had begun to make settlements on the southern shores of Lakes Ontario and Erie and this finally convinced Dorchester that enterprise must not be lacking on the Canadian side. In the end, the policy adopted seems to have been to grant land to all whom the term loyalist could be stretched to cover and to encourage the "speedy settlement of the upper country with profitable subjects."[59] This decision is reflected in the new arrangements for settling loyalists worked out in 1788.

To prevent squatting and to expedite the allotment of land to acceptable settlers, Dorchester authorized the deputy surveyors in the new settlements to receive applications for land and to assign the settlers lots when these applications were *returned* approved by Council.[60] During his visit to the western settlements in the fall of 1788, the delays which loyalists encountered from the lack of a local authority to allot them land was brought home to him. After his return to Quebec, he appointed a land board for each of the four districts into which the new settlements had by this time been organized: Lunenburg, Mecklenburg, Nassau, and Hesse. These boards were permitted to assign incoming settlers who were ready to take the oath of allegiance a single lot of 200 acres and they were required to forward to Council with their recommendations whatever additional claims to land the settlers might have. The duty of allotting family lands to loyalists already settled in the upper districts was also entrusted to them but no power was given to allot family lands to newcomers.[61] The Land Committee of Council acted as a sort of court of appeal from the land boards and reported on the larger claims. The Committee's own recommendations were subject to the approval of the Council as a whole. Adam Mabane disliked the Committee's policies. He wrote pessimistically to Haldimand that it was evidently the intention to introduce as many immigrants from the United States as possible and that this could only result in the loss of the colony since the newcomers brought with them the same licentious and republican principles that had created the Revolution.[62]

There was one unfortunate decision come to during Dorchester's regime, although, if it had been rightly understood, perhaps no harm would have been done. Under the regulations of 1783, heads of loyalist families had received 100 acres and 50 acres for every member of their families, exactly the same grant as was given men who had joined loyalist regiments and fought as privates. Evidently the privates regarded this treatment as unfair, probably because loyalists who remained under arms until the end of the war had been promised 200 acres.[63] Moreover, newly arriving loyalists were receiving 200 acres, although

not family lands, under the regulations of February 17, 1789.[64] The Land Board of Nassau dealth with these inequities by giving a twist of its own to Lord Dorchester's bounty. It decided that "as it appears to be the wish of government to distinguish their *active friends and adherents* by peculiar marks of attention *Those only* who had born arms, or in some other capacity had served government during the War . . ." should of right be entitled to Lord Dorchester's bounty in addition to their original grant of 100 acres. At the same time, the Board remarked that it would not grant family lands to newcomers (as indeed it had no power to do), but would leave "provision for their families to the Commander-in-Chief's future bounty, which will certainly follow their decent deportment. . . ." [65] Here is the origin of the U.E. policy instituted just one month later.

A report of the activities of the Land Board for Nassau of October, 1789, evidently came under Dorchester's eye, for in November he drew the attention of the Land Committee of Council to the fact that the local land boards had no authority to make locations to he sons of loyalists on their coming of age. He added that it was his wish to put a mark of honour, not upon loyalists in general, but "upon the families who had adhered to the Unity of the Empire and Joined the Royal Standard in America before the Treaty of Separation in the year 1783." Here Dorchester made the same distinction as the Land Board of Nassau had made. An order-in-council was then passed directing the land boards to compile lists of loyalists so defined, "to the end that their posterity may be discriminated from future settlers . . . as proper objects . . . for distinguished benefits and privileges." The same order-in-council authorized the boards "in every such case" to grant 200 acres of land to the children of "those loyalists," on the coming of age of sons and the marriage of daughters.[66] The unfortunate juxtaposition of these two statements cost the Crown 3,300,000 acres and £75,000 in land revenue, benefited speculators chiefly, and became one of the greatest obstacles to the settlement of the country. These U.E. grants were to be free of survey and patent fees, with the result that the land revenues of Upper Canada were for many years inadequate to sustain the burden of costs laid upon them. No list of U.E. loyalists seems to have been made at this time but those entitled to the letters were so distinguished on the militia rolls. The directions for enrolling them say, "Those Loyalists who have adhered to the Unity of the Empire and joined the Royal Standard before the Treaty of Peace in 1783, and all their children and their Descendants by either sex are to be distinguished by the following capitals affixed to their names: U.E., alluding to their great principle, the Unity of the Empire." [67]

In later years the text of Dorchester's order-in-council became the subject of much controversy. The loyalists were to claim that the order-in-council simply carried out the royal instructions as expressed to Dorchester, that they had been "promised" a grant of 200 acres for each of their children as part of their reward for their loyalty, that these grants of land were to be "free" gifts, that is, free from all conditions and all expenses, and that all loyalists, irrespective of the time of their arrival in the province, were entitled to land for themselves and their children.[68] These claims have no historical basis. The order-in-council originated with Dorchester, not with the home government. The loyalists had

not been promised land for their children but only for themselves. The order-in-council granting land to their children expressly states that they shall comply with the general regulations,[69] and, by requiring the children of loyalists to show that "there has been no default in the due cultivation and improvement of the lands already assigned to the head of the family of which they are members," it limited the promise of land to the children of loyalists already resident in the province.

It is very unlikely that Dorchester intended this order-in-council to set up a permanent regulation under which children of loyalists could claim 200 acres of Crown land. The mark of honour was one thing, the promise of land another. Yet the loyalists seem to have assumed that since the two were granted by the same order-in-council they were necessarily to be interpreted in the same way. Dorchester could see that the original loyalists would soon be lost sight of in the swarms of newcomers unless they were distinguished in some way and he seems to have understood the quality of loyalist feeling—admirable from one point of view, narrow, obstructive, self-righteous, and selfish from another. The Land Board of Nassau had practically asked for some mark of distinction for original loyalists and had plainly hinted that Lord Dorchester's bounty should be that mark. What Dorchester did was to grant as the permanent mark of honour the letters U.E. to be borne by the original loyalists, their children, and *all* their descendants by either sex. That part of his order granting lands to the children — and he had had in mind originally only the sons[70]—was intended simply to meet the needs to which his attention had been drawn by the Nassau report: the rising generation had to be provided for.

There is definite evidence that the sons of other settlers were intended to be treated no differently from the children of loyalists. The Land Board of Nassau had already assumed that the children of other well-disposed settlers would receive grants. A few weeks after the U.E. regulation had been made, the Land Board of Mecklenburg inquired whether the sons of those who had been admitted to the district since 1784 were entitled to 200 acres when they applied for it, "seeing it is evidently the intention of government to give lands to all persons of good character who are able and willing to cultivate them and have not before received any," and received an affirmative reply.[71] This decision wiped out whatever restrictions the words "in every such case" and "those loyalists" of the original order-in-council had imposed. Certainly no one could regard 200 acres of land, obtainable at that time by every settler and the son of every settler on coming of age, as a distinguished benefit or privilege. Furthermore, the freedom from survey and patent fees was an indulgence to which every person settled under the instructions of 1786[72] was entitled. There is nothing to show that this order-in-council, any more than many which were to follow, was intended to convey imprescriptible rights to which no time limit might be set and no conditions attached. Certainly the mother country put no such interpretation upon it, as later controversies show, but found herself obliged to accept the apocryphal interpretation of Dorchester's regulations which her ever so loyal, but expecting, children foisted upon her.

One interesting test of loyalty was imposed upon all applicants for land. In addition to taking the oath of allegiance, they were required to make and sub-

scribe a declaration acknowledging the King in Parliament to be the supreme legislature of the province. The letter to Haldimand which laid down this regulation was accompanied by another explaining that in view of the statute 18 Geo. III, c. 12, the supremacy of Parliament was not to be understood as extending to taxation.[73] An order-in-council of January 12, 1790, required the land boards to see to it that all landholders in their districts subscribed the declaration if they had not already done so.[74]

By 1791 the population of the province of Quebec west of Point au Baudet had increased to about 10,000. It consisted of discharged soldiers of the regular army, the "original" loyalists, comprising under that term loyalist regiments and their families, the associated loyalists who had come from New York, and loyalists who were refugees from the rebellious colonies, and "late" loyalists, some of whom were suspected of being mere land seekers.[75] These people had been alloted lands by the Council sitting at Quebec, assisted, after 1788, by the four local land boards. Neither the size of their grants nor the conditions upon which they were made pleased them.

Among the complaints in the petition of April 15, 1787, was a demand for grants "according to English tenure." All the grants, whether to loyalists, soldiers, or simple settlers, had been made upon seigneurial tenure and were subject to a quit rent of one halfpenny an acre after the expiration of ten years.[76] One would expect the proviso of the Quebec Act, which had implied that grants in free and common socage might be made, to have been acted upon after the influx of loyalist refugees had begun, or at least after the peace of 1783 had closed the door to the return of the loyalists to their old homes. Yet Haldimand's instructions of that year and Dorchester's of 1786 specified the seigneurial tenure again.

William Knox seems to have had a good deal to do with the conditions on which the loyalists received their land. It was he who devised the declaration of loyalty to King and Parliament and it was he also who proposed that the lands should be subject to quit rents. These quit rents were intended to provide a fund for the support of the civil government of the colony until its legislature should have provided a permanent revenue for this purpose.[77] Knox, of course, simply suggested for Upper Canada the scheme which Shelburne had been developing for the thirteen colonies before its prospects were blighted by the Revolution.[78]

The dissatisfaction of the loyalists with their tenure was not slow in expressing itself. Almost as soon as the conditions were made known complaints began to reach Haldimand.[79] After his departure, the desire of the loyalists for a change of tenure was pressed upon the home government by Hugh Finlay, Sir John Johnson, and other loyalist officers.[80]

The unrest in the loyalist settlements and the petition of 1787 were sufficient to convince Dorchester that the loyalists' demands must be granted. It was, he wrote Sydney, a more urgent matter than the demand for a change in the form of government. He considered it essential to remove "the Smallest Cause of discord between the King's Government and His people . . .," and to make residence in the British provinces as attractive as in the rebel republic to the south.[81] Indeed, he went further than the loyalists themselves[82] by recommending not

only that the lands be granted in free and common socage but also that they be granted free of quit rent.[83] The Imperial government was ready to take Dorchester's advice. On September 14, 1787, Sydney informed him that the loyalists would be granted the tenure for which they had petitioned.[84] A draft instruction was framed which omitted quit rents on all grants not exceeding 1,000 acres, and which empowered the Governor General to grant land in free and common socage. The draft further instructed him to propose to his Council a law enabling persons holding in seigneury or in roture to change their tenure to free and common socage with the consent of the seigneur. The proposed instruction, however, encountered the strong hostility of George Chalmers, Clerk of the Privy Council, who was convinced that colonists holding in free and common socage would soon seek independence. Its issue was never authorized.[85]

But the petitioners were soon to win their argument. Simcoe, the future Lieutenant-Governor of Upper Canada, added his voice to those from Canada demanding the change in tenures,[86] and Dorchester, after his visit to the western settlements in the fall of 1788, wrote home once more urging it. But already the decision had been made, and a dispatch was on its way informing him that grants in free and common socage would be made and that quit rents would be remitted for the first ten years.[87] The Constitutional Act which gave effect to the government's intentions makes no mention of quit rents. Clauses 43 and 44 simply provide that all future grants of land in Upper Canada should be made in free and common socage and that persons holding land on certificates of occupation might surrender the same and receive fresh grants on that tenure.[88] The loyalists had won. Other problems originating in the early years of settlement, notably the question of U.E. rights, were to plague Upper Canada for years to come.

CHAPTER THREE

SIMCOE'S FIVE-YEAR PLAN

THE CONSTITUTIONAL ACT of 1791 provided for the separation of loyalist and English-speaking Upper Canada from the old province of Quebec and, by promising grants in free and common socage, redressed the first of the long list of grievances of which Upper Canada was to complain. The legislature with which the new province was endowed found its power to frame a policy for the disposal and settlement of the Crown lands restricted in several ways. First, and most important, was the clause of the Constitutional Act which required that land bearing a "due proportion" to the quantity already granted by the Crown should be reserved for the support of a Protestant clergy and that, as future grants were made, additional Clergy Reserves should be set aside equal to one-seventh of their value.[1] Second, a separate instruction of September 16, 1791, directed the Governor to set aside Crown Reserves equal in quantity to the Clergy Reserves "for the purpose of raising, by sale or otherwise, a fund to be hereafter applied to the support of Government."[2] Third, clause 42 of the act required measures dealing with the Clergy Reserves or with the waste lands of the Crown to be laid before both Houses of Parliament for thirty days, after which the royal assent might be given to them provided neither House had addressed the Crown to the contrary in the meantime.[3] Fourth, Dorchester's instructions as Governor of Upper Canada, by which the Lieutenant-Governor was also bound,[4] required him to refuse assent to all bills naturalizing aliens in order to validate titles to land obtained from them, and the Trade and Navigation instructions of the same date required him to notify the home government if any persons should alienate land "other than to our natural born subjects of Great Britain, Ireland or our Plantations in America" without first obtaining an order-in-council approving the transaction.[5] An instruction similar to the first had been issued to the governors of American colonies since 1773 and a provision similar to the last had been included in the Trade and Navigation instructions since 1697.[6] The alien question was one that was to cause much trouble in Upper Canada. Finally, in the Governor's instructions the policy to be followed with respect to the surveying, granting, and registering title to the Crown lands was rather minutely set forth.

An unwritten restriction on the power of the legislature was the belief of successive lieutenant-governors and of the Executive Council that the lands of the Crown were not for the representatives of the people to meddle with. The translator of La Rochefoucauld has made him say, "The leading articles of the new constitution of Canada are as follows... That the allotment of lands in Upper Canada be, under certain restrictions, left to the authority of the local

legislature."[7] With this statement D. W. Smith disagreed. "The Legislature have nothing to do with the allotment of Lands, they belong to the Crown, and are granted by the Governor in Council," he wrote.[8] This represents the view held by the governing clique for many years. Clause 42 of the Constitutional Act, which clearly permits provincial legislation on this topic, subject to royal confirmation, was not taken advantage of, and it was not until 1837 that a measure was passed by the legislature touching the granting of Crown lands. By that time they had come to be thought of as public domain and the act referred to was entitled the Public Land Act.

The first Lieutenant-Governor of Upper Canada, John Graves Simcoe, could not bring himself to accept the American Revolution as an accomplished fact. In one of his unrestrained letters he wrote:

> I would die by more than Indian torture to restore my King and his Family to their just Inheritance and to give my Country that fair and natural accession of Power which an Union with their Brethren could . . . bestow. . . . Though a Soldier it is not by Arms that I hope for this Result, it is *volentes in populos* only that such a renewal of Empire can be desirable. . . .

Simcoe cherished the notion of demonstrating to Great Britain's rebellious colonies, by means of the rapid and orderly development of his province, the advantages of the Imperial connection. He was convinced that the settlements west of the Alleghanies would soon realize that their interests were at variance with those of the Atlantic seaboard and that they would then become part of the commercial empire of Great Britain. He believed that the trade routes of the Great Lakes and the trans-Appalachian country could be made to converge in the peninsula between the lakes, and he therefore urged the rapid development of this area while the alternative trade route—the Mississippi—remained closed by Spain.[9] The capital of the new colony should be located in the heart of this peninsula and the site which he subsequently fixed upon was—inevitably—named London.

In common with most members of the governing class of his day,[10] Simcoe attributed the success of the American Revolution to the lack of a strong and loyal aristocracy in the colonies. In the new colony he hoped this defect would be made good by the introduction of "every establishment of Church and State that upholds the distinction of ranks, and lessens the undue weight of the democratic influence. . . ." Thus equipped, his province would be able to demonstrate the superiority of an aristocratic system of government over the wild and turbulent democracy which he so mistakenly imagined to be governing the United States.[11] With the happy history of Upper Canada before them, perhaps the western settlements could be "weaned away" from the United States and induced to throw in their lot with the British colonies situated on their natural outlet to the sea: the Great Lakes and the St. Lawrence River.[12] As the opening shot in a campaign of seduction, Simcoe sent a man named Collins to the Kentucky country to stimulate trade between the western settlements and Upper Canada and allowed him to carry several species of contraband to make his experiment profitable.[13] What Simcoe hoped for, Washington feared. "The touch of a feather would turn them away," he observed.[14]

To bring his schemes to success, Simcoe felt that it was essential for the mother country to give the new province adequate financial support in the

beginning, rather than "trivial and procrastinated assistance" that might "starve into a petty Factory for the accommodation of the Fur Traders, what, if encouraged to attain its natural Dimensions, would dilate itself into an increasing and Majestic support of the British Empire."[15] Within five years he hoped to lay secure foundations for the development of such a colony in Upper Canada.

The most complete and most unrestrained account of Simcoe's hopes for Upper Canada is from the pen of Peter Russell. Russell was desperately anxious to receive confirmation of his appointment as Receiver General of Upper Canada and eager to assure Simcoe that he was in complete accord with his views for the new colony. Giving free reign to his fancy, Russell pictured the Indians of the Pacific coast, the Spanish inhabitants of California and New Mexico, the inhabitants of the trans-Appalachian country, all flocking to London, the "grand Mart and Imporium of the Western World," there to exchange their products for the excellent but cheap manufactured articles which Great Britain would provide. In short, by proper support of the colony of Upper Canada, Great Britain would be able "to ... secure ... to this country all those advantages which it once reasonably hoped to derive from the old Colonies without being loaded with the weight of their Government or Protection...."[16] Despite this fanciful vision of the future of Upper Canada, written to fall in with the mood of his prospective chief, Russell was a realist. "Our Chief is ... an excellent soldier," he wrote to his sister, "and a good natured man and in everything that is not an object of his Enthusiasm exceedingly sensible. But on such Subjects I must confess his Imagination seems to run away with him."[17]

In 1793 Captain Charles Stevenson had an interview with Secretary Dundas in which he outlined the following scheme as coming from Simcoe: Explain to Spain that America is hostile to her and that posts east of the Mississippi can never be advantageous to her. Get her to yield Pensacola to Great Britain and to concede also the right of navigating the river. Then Kentucky will "look up to you for Union or Alliance ...," and the American, "finding You in possession of both his flanks and on terms of friendship with all the Indian Nations at his back, would find it prudent to court your friendship."[18] Simcoe, who had certainly discussed plans of this kind, not excluding the possibility of war, with Sir Henry Clinton,[19] acknowledged that Stevenson had been much in his confidence but denied that he had been authorized to put forward these proposals. In response, Dundas merely remarked that discussions concerning the navigation of the Mississippi were "very premature" at the moment.[20] After all, Simcoe's plan for the winning of the west, whether in the exaggerated form in which Stevenson presented it or in the more moderate terms in which Simcoe himself outlined it, did not strike the Colonial Secretary with the force of a new revelation. Ideas similar to Simcoe's had been expressed by William Smith, later Chief Justice of Lower Canada, in a paper entitled by its editor "Observations on America."[21] Many of these notions had been brought forth during the peace negotiations of 1783, and in 1789 Grenville and Dorchester had discussed the possibilities of maintaining British influence in the back settlements.[22] So far as the Colonial Office was concerned, the scheme on which Simcoe's heart was set was a possible line of policy which future circumstances *might* make it worthwhile to pursue actively.

The first townships surveyed in Upper Canada were those on the St. Lawrence where Haldimand had placed the loyalists. He had received no specific instructions on the surveys except that he was required to reserve a glebe of 300 to 500 acres in each seigneury. He had directed that the new seigneuries (townships) should be six miles square "as the people to be settled there are most used to" that size.[23] They were divided into seven "concessions"[24] of twenty-five lots of 120 acres. For the loyalists at Niagara, two townships, Niagara and Stamford, were divided into small lots numbered consecutively, and there were no reserves. On the Detroit frontier, deep lots on a narrow frontage, such as the French settlers at Assumption were accustomed to, were laid out on the water boundary from East Sandwich to Gosfield.

Dorchester likewise had received no specific instructions on surveys. As a general rule, he had townships laid out nine miles by twelve if on a navigable river and ten miles square if inland. The river townships were divided into fourteen concessions of twenty-four 200-acre lots, the inland townships into ten concessions of thirty lots. A road allowance of sixty-six feet was left between concessions, and cross-roads were provided for at intervals of five lots. A town plot one mile square was laid out in the centre of the inland townships, and in the centre of the front of townships on navigable water. Within this area, a number of sites were reserved for public purposes and a reserve of half a mile around the town was left for the purposes of defence. The town lots were one acre in size and town parks of about 24 acres were laid out around the townsite for a distance of about on mile. Eight continuous farm lots in each corner of an inland township and ten in each corner of a river township were reserved. Since the townsite was also taken out of the front in the river townships, only two farm lots were left available for granting in the front concession, an arrangement which soon gave rise to complaint.[25]

Simcoe's instructions respecting the Crown lands became the basis of land policy in Upper Canada until 1826, although they were to be applied by successive administrators in a spirit very different from his. The instructions required townships, farm lots, town parks, and town lots to be of the size Dorchester had instituted but they did not prescribe the manner in which townships were to be divided or the reserves set aside.[26] As is related more fully in chapter IV, it was decided to scatter the reserves for the Crown and clergy throughout every concession instead of placing them in the corners of the townships. In practice, this system of scattered reserves was to be modified and the town plots were dispensed with except in special situations. The instructions specified that land was to be granted only to persons who could show they were in a position to improve it and their obligation to do so was to be expressed in the patents. But since the amount of improvement required was not precisely prescribed, it could not be expressed in the patents except as a general obligation, and for years the requirement seems to have troubled colonial secretaries and colonial administrators very little. In order to prevent a few favoured individuals receiving excessive grants, the maximum grant was prescribed in rather ambiguous language which was interpreted to mean 1,200 acres. All grants were to be issued free of expense except for fees payable to the officers of the Land Department according to a table to be established. Applicants for land were required to take

the oath of allegiance and to subscribe the declaration to which reference has already been made.

Simcoe thought the land policy of Upper Canada was patent proof of the superiority of the British colony over the United States. At this time, the United States was disposing of its public land for cash in quantities no smaller than 640 acres,[27] a method which meant, said Simcoe quite correctly, that they became "the subject of unconditional sale to the Land Jobbers of America or Europe." In Upper Canada, on the contrary, the settler received his land free except for patent fees. Moreover, as the Whiskey Rebellion had shown, the citizens of the United States, particularly those in inland situations, were becoming restless under the growing burden of taxation, but the happy residents of Upper Canada had been relieved from all worries on this score. By reserving one-seventh of the land for the support of the civil government, the Crown had seen to it that "their present exemption from taxation will be the inheritance of their Posterity. . . ." It is ironic that Simcoe thought these reserves, which proved to be a grievance, would be a great inducement to immigrants. He realized of course that they would fail of their purpose unless there was a quick growth of population to make them valuable enough to yield an income.[28] Like every part of Simcoe's closely integrated policy, the success of this scheme depended upon rapid accomplishment.

The Queen's Rangers, a regiment raised at the instance of the Lieutenant-Governor primarily for use as a labour corps, afforded another proof of the mother country's solicitude for the infant colony. The Rangers were to receive only the usual soldiers' pay, but they were to be allowed to hire themselves out two days a week to private persons at stated prices set by the government. After five years service they were entitled to be discharged and to receive a grant of land. Through the services of this regiment, Simcoe expected that labour costs would be reduced, a capital and other towns would be founded, and roads, bridges, and mills would be constructed, thus insuring the rapid progress of Upper Canada along lines very different from "the slow unsystematic and unconnected Gradations by which the British Colonies in America have usually been formed. . . ." [29] Simcoe was very proud of the Queen's Rangers and of the elaborate scheme which he had worked out for their employment. The idea of a labour force was not, however, unique with him. It had been suggested by Colonel Henry Bouquet, by J. F. W. Des Barres, and by Governor Bellomont.[30]

It was Simcoe's firm belief that there were still thousands of the King's subjects in the United States who would gladly avail themselves of the opportunity to be once more under British rule, an opinion which La Rochefoucauld called "an empty dream." [31] On February 7, 1792, while still at Quebec, Simcoe issued a proclamation, identical with one issued at the same time for the lower province, making known the terms on which land could be obtained in Upper Canada, and he requested the Colonial Office to publish it in the English and the West Indian newspapers so that it might reach the people of the United States by that means.[32] He also opened an active correspondence with Phineas Bond, the British Consul at Philadelphia, who thought he could induce a considerable number of Quakers to make their home in Upper Canada. Further measures which he might have taken to secure settlers were probably dropped when he

discovered that Dundas was by no means in favour of his going out of his way to "entice and allure them." Dundas was afraid that a too rapid influx of American settlers would not be conducive to the political stability of the new province and time was to prove him right. He warned Simcoe that an active immigration policy on the part of Upper Canada at the expense of the United States might lead that country to retaliate, and he expressed a doubt whether the province could hold its own in such a contest.[33]

Simcoe, however, had no notion of permitting Upper Canada to be overrun by unruly immigrants of unknown principles. He divided the province into nineteen counties,[34] and in October, 1792, appointed seven land board's to which he entrusted the allotment of land in thirteen counties, reserving to himself and the Council the hearing of all petitions for land in the Lake Erie counties eastward from Point aux Pins to the Grand River and in the Lake Ontario counties between York and the Bay of Quinte. Simcoe continued Dorchester's regulations, permitted the boards to give incoming settlers ready to take the oath of allegiance certificates for 200 acres, and advised them that "tho' His Majesty's bounty is not restricted solely to his own subjects, yet it is not meant to be extended to such as have wilfully resisted his Crown and Government, and who persist in principles and opinions which are hostile to the British Constitution."[35] Apparently the land boards closed their eyes to the loophole in Simcoe's statement which allowed repentant republicans to slip into the province. There are indications in the records of the time that the reluctance of these boards to admit new settlers from the United States did not please Simcoe.[36] At all events, in November, 1794, they were dissolved and their power of recommending immigrants for single lots was vested in the magistrates. At the same time the Council resolved that all persons professing the Christian religion whose past life was respectable and law-abiding and who were capable of manual labour should be admitted as settlers.[37] Loyalty as understood by the original loyalists was no longer to be the test of a settler's fitness to join the company of the elect in Upper Canada.

The change to the use of magistrates was part and parcel of Simcoe's plan for keeping the democracy of the new province in check by means of a loyal aristocracy. In 1792, he had appointed lieutenants of counties who were responsible for the supervision of the local magistrates. The magistrates in their turn were now to be held in some degree responsible for the conduct of those they admitted as settlers.[38] A loyal magistracy, Simcoe explained to Dundas, could be trusted to admit only such American settlers as would readily coalesce with the loyal inhabitants of Upper Canada. Unfortunately, this nicely detailed plan did not work out. Perhaps the lieutenants of counties were not sufficiently watchful of the "loyal magistracy," or perhaps the magistrates did not sufficiently inquire into the intentions of those to whom they allotted land. At any rate, the issuing of magistrates' certificates became one of the first scandals of Upper Canada.

It is odd that two persons well acquainted with the land regulations of Upper Canada—Richard Cartwright and D. W. Smith, the Acting Surveyor General—should have denied, the one by implication, the other outright, that the magistrates had this power. Smith rejected La Rochefoucauld's statement that "All the Justices of the Peace . . . possess the right . . . of assigning . . . every settler . . .

two hundred acres of land."[39] Yet the letter notifying the land boards that their functions were at an end and the public proclamation to that effect expressly state that in their individual capacities as magistrates they will still have this power.[40] On July 20, 1796, a public notice appeared over Smith's name announcing that the power of the magistrates to grant land had been suspended and that all persons holding magistrates' certificates must present them by August 20, otherwise they would not be honoured.[41] How could Smith have forgotten this notice and how could he also have forgotten the numerous letters about magistrates, certificates which his friend John Askin had written to him?[42]

From the outset Simcoe hoped to see Upper Canada settled not so much by individual effort as by the New England system of township planting.[43] He expected that petitions for townships in response to his proclamation would come chiefly from authorized representatives of associations of settlers already acquainted with one another, of the same religious persuasion, and more or less on a footing of equality. He knew that the people of Connecticut usually emigrated in this fashion, and he was anxious to encourage settlers from that "pure source of Emigration."[44] His original Queen's Rangers had been composed largely of Connecticut men,[45] and he believed there were still many persons in that state with loyalist leanings. The numerous petitions for land from associations of Connecticut settlers which the Council of Lower Canada had received before 1791 supported this belief.[46] In the early 1790's, too, the State of Connecticut was trying to dispose of its Western Reserve on the south shore of Lake Erie. Simcoe thought it would be desirable if a connection could be "formed between the Colony of Upper Canada and Connecticut and its offspring Vermont and the new Settlement on Lake Erie. . . ."[47] He felt this could best be accomplished by peopling Upper Canada with Connecticut settlers whose prosperity would testify to the advantages of British rule.

The key figure in Simcoe's plans was the Reverend Samuel Peters of Connecticut. Simcoe was most anxious to have "a popular character" among the American loyalists sent out as Bishop of Upper Canada to establish the Church of England on a firm foundation.[48] Peters believed that true loyalists would follow him to the new province and that he could prevent religious feuds among them as "No stranger to their puritannical ideas of episcopacy" could.[49] Simcoe and Peters thought the matter settled before Simcoe left England and both men were bitterly disappointed by the government's refusal to provide a bishop for Upper Canada.

As soon as the first meeting of the legislature had taken place, Simcoe turned his attention to the hearing of petitions for townships. Between October 6, 1792, and July 24, 1793, some thirty-two townships were "granted," that is, assigned for settlement to the petitioners—the "nominees."[50] These townships included all the land readily accessible from the Lakes, the Rideau, the Trent, and the Thames, and that in the vicinity of existing or projected settlements. Incoming settlers had the choice of going beyond the Grand River to the far distant and unsurveyed townships on the shores of Lake Erie, which Simcoe was not yet willing to open to settlers,[51] or of making what terms they could with the nominees of townships. Fortunately for Upper Canada the nominees' monopoly did not last long.