

THE CORRESPONDENCE
OF
The Honourable Peter Russell
WITH ALLIED DOCUMENTS
RELATING TO
HIS ADMINISTRATION OF THE GOVERNMENT
OF
UPPER CANADA
DURING THE OFFICIAL TERM OF
Lieut.-Governor J. G. Simcoe
WHILE ON LEAVE OF ABSENCE

COLLECTED AND EDITED FOR THE ONTARIO HISTORICAL SOCIETY
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VOLUME II.—1797-1798



TORONTO:
PUBLISHED BY THE SOCIETY
1935

INTRODUCTION

Having finally taken up his residence in the second house he had built at York, Mr. Russell definitely announced his intention of carrying on the government from that place as the capital of the province. The Attorney General, the acting Surveyor General, and the Clerk of the Executive Council had complied with Simcoe's instructions and removed their offices there at much personal inconvenience, while their families remained at Niagara. The Secretary and Register of the province defied the order much to Russell's discontent, "not having made the smallest effort for the removal of his office, remains at Niagara, and most probably means to do so," he remarked, until Simcoe returned. The Chief Justice came there by land to hold the first session of the court of King's Bench, in conjunction with Justice Powell, who had returned from England. As the terms of the provincial act constituting that court appeared to require the presence of at least two Justices, Russell had renewed his own appointment as a puisne Judge in the event of Powell's absence by issuing a new commission to himself. He discreetly abstained from taking his seat in the court but notified Elmsley by letter that he was prepared to attend if called upon. The Chief Justice tartly questioned his authority to make such an appointment. Russell made no reply. He firmly asserted that he had not been influenced in this step by any desire to increase his own income, which might be suggested. The breach with the Chief Justice was perceptibly widened.

The ordinary delay in corresponding with the Colonial Secretary was much increased by adverse weather and the vicissitudes of naval warfare. A letter from the Duke of Portland, dated on July 13, 1797, approving a proposal by Prescott for increasing the fees on grants of crown lands in Lower Canada with the object of raising a revenue and suggesting its adoption in Upper Canada, was not received by Russell until November 18. He readily concurred in this plan, which practically amounted to a sale of the land to actual settlers for six-pence sterling per acre in addition to a fee for surveying of three half pence per acre in Halifax currency.

"I perfectly agree in opinion with General Prescott," he wrote in reply, "that by an early adoption of a similar plan, several thousand Pounds might before this have been raised for defraying the public Expences of the Province, especially the making of roads of Communication which the people are too poor to do for themselves thro' the new Settlements & without which the Country cannot be properly organized and Governed. The lands of this Province being of at least an equal value with those of Lower Canada & enjoying a much milder Climate & longer Summer (which in great measure compensate the disadvantage of its distance from the Sea) I cannot see an objection to the fee being set as high here as there."

As a meeting of the Executive Council attended by all its members could not be held until the navigation of the lakes again became practicable, he directed a copy of the plan to be sent to each of them, "that they may digest it well in their thoughts before they deliver their opinions upon it." But on the 3rd of February, 1798, all doubt on the subject was removed by the receipt of a letter, dated on September 11, enclosing royal instructions authorizing the imposition of the increased fees but reserving to the Crown only mines of gold and silver, instead of all minerals.

After his return from St. Domingo Simcoe had been consulted and Russell's letters on the perplexing subject of relations with Brant and the Six Nations were shown to him. He had strongly advised the appointment of James Givens as the most suitable agent for the Chippewas and other Indians in the neighbourhood of York for the distribution of presents to them "at that most important Post to prevent them from falling into the hands of Brant, nurtured," he declared, "by impolicy & indecision into dangerous consequence."

Instructions were accordingly sent to Russell to make that appointment without consulting Sir John Johnson, the Superintendent General of Indian Affairs, who was apparently considered unduly biased in favour of Brant. At the same time he was directed in a secret and confidential letter to pay particular attention to the Chippewas "for the purpose of fomenting the jealousy which subsists between them and the Six Nations, and of preventing as far as possible, any junction or good understanding taking place between those two Tribes."

Nine days later, Russell was greatly disturbed by receiving a letter from General Prescott enclosing copies of letters lately received by Sir John Johnson and Prescott's military secretary, reviving Brant's former complaints against the government of Upper Canada, which he accused of a design "to tie us (the Six Nations) down in such a manner as to have us entirely at their disposal for what services they may in future want of us, and in case we should be warned out & obliged to remove, the lands would then fall to them with our improvements & labour."

By the same mail a much belated letter arrived from Robert Liston, the vigilant envoy of Great Britain in the United States, dated at Philadelphia on the 3rd October, 1797, stating that "there is no doubt that endeavours are used to inspire the Indians along the western Settlements of the United States with sentiments hostile to the British as well as the American Government, but they do not appear to be attended with much success." Brant's complaint to him was restated.

Some weeks before Brant had surrendered to the government on behalf of the Five Nations residing on the Grand River the several tracts of land, which they had agreed to sell to the persons named by them, who were all British subjects living in the province. Russell had signed deeds to the purchasers, which were not to be delivered to them until an order was received from each of three trustees appointed at the request of the Indians to receive the purchase money or securities for its payment. Brant had shown no sign of discontent but remarked that the Indians of Lower Canada had made a wrongful demand for payment for land belonging to them in the State of New York, which they alleged had been improperly sold by the Six Nations. "I cannot say where this affair will end," he wrote angrily to Russell, "unless our friends in Government should interfere more than they have done."

Some time later he stated that he might be obliged to repel an attack from these Indians, whom he accused of being instigated by French emissaries. He hotly and openly resented the obvious attempt to diminish his influence over the Chippewas and Mississaugas by the establishment of their council house at the River Credit and the appointment of Mr. Givens as their agent. By his advice they flatly rejected an offer to purchase the tract of land, which separated the county of Lincoln from the county of York by forty miles of nearly unbroken forest, through which the construction of a road was highly desirable. Their conduct seemed so unfriendly that the Chief Justice in travelling through their

lands on his way from Niagara to York had considered a military escort necessary for his safety.

A second letter from Mr. Liston, written on the 3rd of April, 1798, warned Russell that the necessity of keeping on good terms with the Indians had not diminished and asserted that he knew that the French agents in the United States had been officially informed that an expedition for the invasion of Canada would be undertaken in the summer. In a letter to Prescott, dated next day, he named Louis Le Coulteulx, a French merchant in business at Albany, as their chief agent in the distribution of inflammatory proclamations and letters among the French Canadians and the smuggling of arms into Lower Canada, where an insurrection was contemplated. Prescott replied that "the projects of the French therein pointed out are so much of a Piece with others which they have in part executed, that I cannot doubt but that they have been conceived, and that an attempt would be made accordingly did not the navy of Great Britain oppose so powerful an obstacle to their being carried into effect. I shall not fail by every means in my Power to discover the Friends and Correspondents of the Person you mention to be engaged in the scheme of overthrowing His Majesty's Government in the Country."

But naval superiority was at best doubtful and French privateers were annoyingly busy and successful in the North Atlantic and even in the Gulf of St. Lawrence. His correspondence proves that at times he was seriously alarmed. In a letter to Lord Grenville written also on April 4, Liston enclosed a copy of a letter he had recently received from Brant, but written so long before as December 29th preceding, once more expressing great discontent with the government of Upper Canada. Liston added that he had been "assured from good authority, that a Black Belt, the Emblem of War, was actually sent from the Indian Tribes that are settled within His Majesty's Dominions to the residue of the Six Nations who live in the territories of the United States of America, and every movement on the part of Brant at the present moment, must naturally give rise to suspicion."

This information was at once sent to the Duke of Portland, who wrote a "most secret" letter to Russell on June 7, enclosing copies of the whole correspondence and urging him "to watch with unremitting vigilance whatever may be passing to the Westward between You and the Mississippi, particularly on Foxes River and the Ouisconsin."

Russell received this ominous advice on September 27 and it naturally caused him some anxiety. Brant's ambiguous conduct had been irritating. He had endeavoured to pick a quarrel with Givens and excited discontent among the Mississaugas. His complaints were incessant. Next day he wrote an extremely conciliatory letter to that wily chief and gave secret written instructions to Givens to visit him, deliver this letter, and make every effort in his power to convince him of the friendly feeling of the government for the Five Nations in general and himself and the Mohawks in particular.

"Endeavour in a round about way," he continued, "to come at the purport of the late Council and ask whether he knows of any Belts having been lately sent to the Indians in the interior of the States and meetings sought by Tribes inhabiting Foxes River and the Ouisconsin."

The report he received did not entirely relieve his fears. Brant had received Givens in a friendly way and seemed perfectly satisfied with his explanations and assurances. He then gave him some disturbing intelligence.

"Belts had lately passed from the Indians about Foxes River and the Ouisconsin to the Shawanese, who sent on Bunches of Black & White Wampum to the five Nations & the other Nations of Canada. The first calling the Shawanese to a General Council to which they were to invite all the Indians to the Eastward & telling them that their father the French was again on his feet as he had promised them to be when he was thrown on his back by the English. The Belt from the Shawanese (as far as he knew) only invited to a General Council to be held near Detroit without assigning the general purport of it. Capt. Brant further told him that there is a Mississague (named Catfish) very busy among the Mississagues in persuading them to go to Presqu'Isle to meet a chief of that Nation (called Paqua) who has continued among the Americans ever since last War, & promises that the French will soon come & (if the Mississagues join him) will assist them in revenging the Death of Wabakanyne and driving the English from all their lands."

Although this statement appeared to corroborate previous information Russell informed Prescott that "I do not see much reason for Alarm. I must confess however that the Seat of Government is naked of Defence & open to Attack from all Quarters in case of any hostile movement towards it." Consequently he renewed his former application for the concentration of the whole of the Queen's Rangers at York for its protection.

Brant's information was transmitted to McKee at Amherstburg with an "Earnest request that you will lose no time in informing me of any suspicious movements you may observe among the Indians Inhabiting the neighbourhood of Foxes River or the Ouisconsin, or any other transactions among the Western Indians from which inferences may be drawn of their hostile or friendly Disposition towards us."

Then on November 2 a letter from Prescott, dated as long before as October 5, informed Russell that he had received confidential information, which could be depended upon, that the French General Collot, late governor of Gaudeloupe when that island had been taken by the English, "who was amongst others engaged in a Plan for stirring up a Rebellion in Canada, went into the Western Country in the Summer of 1796 & 1797 to prepare the Indians to make an attack on Upper Canada, at the same time that a French force should come into Lower Canada." He had promised the Indians that he would return in 1799. Russell was instructed to make inquiries to find out what Indians had been "tampered with."

By that time Russell had become seriously disquieted. He replied on the same day that from this intelligence together with that which he had already received from the Duke of Portland and a conversation he had lately had with Brant, he was convinced that "a very dangerous cloud hangs ready to burst over this Province—And I am sorry to mention in Confidence to your Excellency that I have not at present the means of discovering with any degree of Certainty in what Tribes of Indians we may place an implicit trust. I have repeatedly written to Mr. McKee, the Deputy Superintendent General, requesting Intelligence from him of what is doing among the Indians in his Quarter but I have not heard anything material from him Since the Commencement of the present year.

"Should the Western Indians be really disposed to make an Irruption on the back Settlements of this Province, considerable mischief may unquestionably be done before I could possibly hear of their attack and there are so few farms occupied between the Don and the Humber in the rear of this Town that the Indians themselves would probably bring me the first news of their approach.

I am compelled therefore with concern to declare to your Excellency that I have the most Serious apprehensions for the consequences of a Sudden attack by the Western and Lake Indians."

Brant had assured him that the Indians on the Grand River would be faithful but stated that he had no doubt of the hostility of the Caughnawagas and other Indians in Lower Canada, who, he believed, were "strongly in the French interest."

Arms and ammunition had been sent to the lieutenants of counties with orders to keep a hundred men from each battalion of militia in constant readiness to march wherever they were required on the first summons. In this manner he expected that two thousand men might be mobilised for defence without serious domestic inconvenience. But he urgently solicited a reinforcement of regular soldiers if possible before the following spring to enable him "to push forward Posts to such situations between this Town and Lake Simcoe as the Engineer may judge fittest, with at least one field piece to each for the purpose of apprizing us in time of an Enemy's approach and giving some check to his advance."

When Brant had visited York, Russell had invited him to dine and although at that time he had made strong, and apparently sincere, declarations of his loyalty to the King and government his conversation confirmed previous suspicions that "his Ambition leads him to wish to be at the Head of all the Indian Tribes within this Province, and to be considered their Chief as much as he is Chief of the five Nations. For this purpose I think it is plain that he is endeavouring to form a strong Union of Interests between the five Nations, the Messessagues, and those Branches of the Chippewa Nation who are dispersed over the tract of Country lying between this Town & Matchidash on Lake Huron."

Russell's secret instructions had forced him to take measures to counteract this scheme but the situation had become so disturbing that he considered it expedient to temporize and conciliate all the Indians from whom he might hope for assistance in the event of an attack from the westward.

But General Prescott believed that Upper Canada was much more secure from an invasion or internal disturbance than Lower Canada, where he had only two thousand regular troops and distrusted the mass of the people.

"Quebec must be taken care of," he wrote, "and at Montreal a considerable Force must necessarily be stationed, to awe the Habitants of that vicinity, who have in more than one instance evinced a refractory spirit. It would be dangerous even to put arms in the hands of the militia of that province."

Accordingly he too made an urgent requisition for a reinforcement from England.

After Simcoe's departure Russell had written to him regularly by nearly every opportunity at considerable length on public affairs until 28th February, 1797, without receiving any reply. He then wrote again stating that he had been greatly alarmed by a report that Simcoe had accepted the government of St. Domingo, "which for your sake as well as our own, I hope is untrue." He did not write again until September 13 when having learned that Simcoe had returned to England, he wrote another long letter in which he said: "I had no small satisfaction in being informed also that your Excellency means to revisit your Government, as I most earnestly long to deliver back into your hands a charge which has hitherto occupied every moment of my time and filled my mind

with some vexation and anxiety without having yielded me either pleasure or profit."

He then complained petulantly of the conduct of the Chief Justice, the Executive Council, and Secretary Jarvis.

Less than three months later he had found reason to change his mind. On December 10 he announced his permanent removal to York and his wish to become Lieutenant Governor.

"In a letter I have lately received from Mr. Osgoode he advises me to solicit the Lieutenant Governor of this Province in case your Excellency should not incline to return to it. But though I very much want the income to enable me to live in this country and would be very happy to be rid of the great charge and responsibility of the Receiver General's office I yet fear to make a request of that nature without more powerful support than I can now expect after the loss of all my friends. Should His Grace the Duke of Portland think me, however, worthy of that high honor I should accept with gratitude and do my best not to disgrace the appointment."

On the 3rd February, 1798, Russell received a very short letter from Simcoe, the first he had written to him since leaving Canada, saying that he had done his best to state all his wishes to the Colonial Secretary and his Under Secretary, but that he was unable to recommend any layman for a permanent seat on the Bench. A report that Simcoe would probably be appointed Governor General of the British provinces in North America had been printed in several newspapers in the United States and became known in Upper Canada about the same time. On July 17 Russell received a letter from Colonel Charles Stevenson, a former officer of the Queen's Rangers, dated on March 7, stating that "Simcoe has resigned Canada & accepted a Command in the West of England. Everything here," he continued gloomily, "wears the appearance of alarm, the French have settled their warfare on the Continent, having made all the powers bow before them & now make serious preparations for hostilities here. Treason appears very busy & the Spirit of Democracy stalks at large. I wish we were well out of this scrape."

As he had received no acknowledgement of his former letter, Russell did not write again to Simcoe until October 15 in time for conveyance by the last ship sailing from Quebec before the close of navigation.

"It gives me very great pleasure," he said, "to observe that no mention is made of your resignation in any of the Duke of Portland's letters to me, as I am encouraged from thence to flatter myself that Your Excellency still continues to be Governor of this Province, and that we may expect to see you here as soon as the more important services for which you are now wanted at Home may admit it."

"I have hitherto conducted the Administration of your Government in tranquility, and I am told much to the satisfaction of the Inhabitants. But I am sorry to observe that the current Civil Expenditure of it keeps higher than I wish—owing partly to the heavy (perhaps inevitable) requisitions of the Surveying Department—and the Bounty of the Council to its Clerk and to the Secretary and Register, with a view of expediting the U.E. Grants which were and still are much in arrear."

An invasion of Lower Canada in the summer had been feared and he had reason to think, he continued, "that French Emissaries have been sedulous in disposing the Western Indians to a Co-operation, but I have not heard that they have met with much success. The Caughnawagas of St. Regis have had

some sparring with the Mohawks about the sale of Indian lands in the States, and Brant intimates to me that they have been encouraged to it by the French to cover a hostile movement against us. The chief has likewise affected to be discontented with this Administration but with what view I cannot discover, (as I am persuaded his own interest is on the side of his attachment to the King) unless he means to frighten the Government into a compliance with his desire of selling the Grand River lands at his pleasure. I have avoided, however, to take notice to him of what he says or I hear of him—being determined to keep on good terms with him if I can, notwithstanding he sometimes seems to wish for an opportunity of picking a German Quarrel with me."

On November 18 Comte de Puisaye presented a strong letter of recommendation from Simcoe to Russell, written at Wolford Lodge on July 21, which concluded by saying: "I trust I shall hear of the growing prosperity of our Colony, & am not without hopes of assisting you one day or another in furthering its progress in all that may conduce to its felicity."

Six days later Henry Alcock, appointed as junior justice of the Court of King's Bench, delivered another letter from Simcoe, dated on June 5, which probably raised high hopes of promotion.

"In answer to your several letters," he wrote, "I can assure you that I have done my utmost to have your wishes complied with.

"In regard to your personal Request, I am assured from the D. of Portland's Office, that my recommendation will have great weight whenever it shall be necessary to appoint my Successor. Shanks being promoted to the Command of the Q. Rangers, lessens the Necessity of a Military Successor."

But a letter from Chief Justice Osgoode, written at Quebec on October 6, informed him that: "It is the fashion here to predict that Genl. England is to be appointed by the interest of the Marquiss Cornwallis."

Winter set in clouded with fears of a foreign invasion and doubts as to the future government of the province.

When on his passage to Niagara in September, 1797, Russell had indiscreetly vented his irritation by telling the master of the ship, with whom he was intimate, that the Chief Justice and the Surveyor General, who had been elected Speaker of the Legislative Assembly, had opposed him in all his measures and made it impossible to do anything for the good of the province. This statement was repeated until it came to Elmsley's knowledge, perhaps with some exaggeration. His hostility to Russell was thereby greatly increased. His private letters to Hon. D. W. Smith show much rancour. Had Smith's replies been preserved they would probably have thrown further light on a feud which must have been detrimental to the public interest. Cordial co-operation between the administrator and two of his principal advisers was scarcely probable as long as it continued. Some months later an effort by Russell to conciliate Elmsley appears to have met with some success. Writing on the 22d. February, 1798, Elmsley informed Smith "I have rec'd a letter from the President on the subject of the Lands; I have only to say that had he always behaved to me as in this Letter, we should always have been Friends & much misery spared to me & scandal to both of us."

On April 16 Russell practically abdicated the presidency of the Executive Council by asking the four resident members at York to form themselves into a committee, with the Chief Justice as its chairman, to formulate a plan for leasing the Crown and Clergy Reserves. From that time all petitions were referred by him to this committee. The endorsements upon them in Elmsley's

handwriting prove that he performed his duties in a very careful and thorough way.

Simcoe had appointed Hon. John McGill as his agent for the management of his estate and the collection of all fees which should become his perquisite during his absence. On being called to account the provincial secretary asserted that he had been instructed by Simcoe himself to retain in his hands all fees for attaching the Great Seal and declined to part with them unless ordered so to do by the Executive Council. The question was then raised, probably by Russell, whether these fees "belonged of right to the person administering the Government, who had the custody of it, or to the person administering the Government in his absence." The other members declined to decide this point but instructed the secretary "to pay all fees on the Great Seal into the hands of the Receiver General to be disposed of as the Council should hereafter direct." The subject was then referred to the Colonial Secretary, who ruled that one-half the fees should be paid to the Lieutenant-Governor and the other half to the person administering the government during his absence and at the same time Russell was authorized to draw one half of the salary of the Lieutenant-Governor.

As soon as this decision became known to McGill he petitioned the Council for an order on the Receiver General to pay him the sum then due to Simcoe. His eagerness to secure this order vexed Russell, who took care to inform Simcoe that he had intended to send him the money without any application.

"This being the only money I have received on this score," he remarked sourly, "I cannot form an idea what the future receipts may be, but the Council, having directed that half the fees shall be regularly paid to the Receiver General, subject to the orders of the Board, they will of course be paid from time to time to your Excellency or whoever happens to be Lieutenant Governor for the time being."

Nor were his relations entirely cordial with the Surveyor General whose intimacy with the Chief Justice may have made him suspicious. After the prorogation of parliament, when Smith and his wife were both in ill health, he granted him leave of absence from his office on the 17th July until October with extreme reluctance.

"I am also sorry to mention to your Excellency," he wrote to Simcoe on October 15, "that poor Smith's abilities prove every day less adequate to his situation; the language in which the minutes are being kept being inelegant and often confused and he proceeds so slowly in entering the Records of his office that I have not been able with the utmost driving to obtain a copy of those upon land matters for the Secretary of State later than the last of 1796."

Early in the year Chief Justice Elmsley had become convinced, sorely against his will, that "York is the permanent seat of Government. The wild scheme of settling in the woods [at London] will never be listened to at home," he averred. Removing from Niagara in May, he took up his temporary residence in Castle Frank, but began at once to build "a very excellent house in town," situated on the pine ridge at "Russell's Creek and Simcoe Place." He was able to attend meetings of the Executive Council with greater regularity and personal convenience.

The provincial parliament met at York for the first time in the two brick buildings constructed as public offices on June 8. The session continued until July 5. Only seven acts were passed. Three of these were assented to and the others reserved for the royal consideration. In his closing address at what he described as "this very critical and eventful period," Russell stressed "the

necessity of enforcing your militia laws that your active vigilance in your respective stations may render it difficult for any person to screen himself from being enrolled in some militia Corps, so that every man capable of bearing arms may be held in constant readiness to assist in repelling all hostile attempts against either Province."

Two acts originated in the Legislative Assembly with the intention of remedying obvious grievances. The Solicitor General reported that by the amended act for a more uniform assessment the assessors elected at the township meetings would in future be deprived of the power of being "the judges of the Quantity and value of every man's real and personal Estate, and certainly it is proper to take that power out of their hands, who so seldom made a proper use of it."

With respect to the act regulating the performance of statute labour he observed that complaints had been received on that subject from all parts of the province.

"It was considered a hardship that there is no distinction of property or persons with respect to it. The poorest man is bound to do the same proportion of work that is incumbent on the most wealthy. The House of Assembly therefore, I conceive with some propriety, thought it just that the proportion of labour in the highways by each individual should be regulated by the value of his ratable property and particularly when it is considered that a very small proportion of the Inhabitants will not be obliged to work 12 days on the roads as there are few whose property does not exceed £300."

But Russell reserved both these acts for the King's approval.

An act introduced by Hon. Richard Duncan in the Legislative Council was passed to ascertain and establish permanently the boundaries of the existing townships. The extreme penalty of death was imposed for the offence of knowingly and wilfully pulling down, defacing, altering, or removing the landmarks to be erected under the authority of this act.

Three acts had been drafted and were sponsored by the Chief Justice. The first of these created four new districts by the division of those already formed. These were named the districts of Johnstown, Newcastle, Niagara, and London. The northern parts of the counties in the Eastern District, which were thinly settled, were separated from the southern parts and formed into three new counties, to which were given the names of Prescott, Russell, and Carleton. He remarked that as the Ottawa river "affords to those who live near it the same easy means of Communication" that the St. Lawrence "does to the Townships on its banks, the causes which have raised Cornwall and Johnstown into Towns will in all probability soon establish a Town on the Ottawa, to which the inhabitants of those Counties may resort."

The other acts amended former acts regulating the licensing and appointment of advocates, attorneys, solicitors, and notaries and extended the jurisdiction and regulated the proceedings of district courts and courts of Requests. The legislative Council passed the latter bill without amendment but it was considerably altered in the other house. These amendments were eventually accepted, although the Chief Justice declared that he had "opposed with every argument in my power the slightest deviation from the Law which gives the Creditor the right of taking the body of the Debtor in Execution."

Advantage was taken of the belated arrival of Hon. Alexander Grant and Hon. James Baby as members of the Legislative Council to convene a series of meetings of the Executive Council, which they found it inconvenient to attend at any other time.

The considered opinion of all members was desired by the President on "what measures ought to be taken for carrying the Treaty of Amity and Commerce into proper effect without injuring the Trade of Canada or His Majesty's Revenue." This was found to be a subject "of so great extent and of so much importance," that the Council announced in a letter signed by the Chief Justice as chairman, that they were "unable to come to any definite determination" and recommended that no measures relating to it should be brought before the Legislature at that session as they were certain that none would succeed until after the impending meeting of the Commissioners of the two provinces to regulate the proportion of duties to be paid to Upper Canada collected on importations into Lower Canada.

Russell was plainly disappointed and finally submitted this knotty problem to the Duke of Portland for solution.

"Since the Lower Province had agreed to give to this Province a share of the Duties collected on Imports into Quebec and Montreal proportioned to its annual consumption of those Imports," he wrote, "the Merchants of Lower Canada had in my opinion a right to expect that we should enable them to come to our Markets upon equal Terms at least with those of the United States, by subjecting the latter to the Payment of the same Duties, which the others paid below."

The Council readily approved a proposal for the sale of a portion of the Crown lands and the application of the proceeds in payment of civil expenditure. They advised that the lands be sold in blocks of one thousand acres.

His later letters show that Russell was seriously ill for several weeks after the prorogation of parliament and hardly able to write a letter, with fever, which about the same time disabled many other residents of York and even caused some deaths, among them being John Lawrence, a loyalist of note, who had built a grist mill on the Humber.

Apologising to Prescott for delay in answering his letters late in July, Russell said: "I should have done myself the honor earlier had I not for some time been very much indisposed with one of the intermittents of this Country, which has laid up my Secretary too and scarcely left me a Clerk to copy articles."

The directors of the North West Company had early in the year petitioned the Executive Council for an extensive grant of land on the north side of the straits of St. Mary for the purpose of establishing a carrying place without passing through the territory of the United States and were advised by Russell to make a provisional agreement with the Indians of the vicinity for its purchase, when he would recommend a grant of it to them by patent on the condition that the company would bear the expence of the purchase and pay the usual fees of office. An agreement for the purchase of a block of land ten miles square was easily made with a local band of Chippewas by Alexander MacKenzie, the noted explorer, who was then chief factor for the company in the North West. Russell strongly recommended its confirmation on the ground that "the most material advantages may result to the Prosperity of this town and Province from drawing the company's Trade thro' it, and inducing them to establish ware houses and Magazines here and at Matchedash which I am persuaded would be the immediate consequence of this indulgence."

Hon. Robert Hamilton was consulted and submitted a careful memorandum, in which he stated that the trade carried on from the province of Lower Canada through the province of Upper Canada in the territory of the United States about Detroit and towards the Illinois and Mississippi amounted annually to not less than one hundred thousand pounds in provincial currency. The goods

employed in carrying on this trade were British manufactures, wines, and the produce of the British West Indies. He argued acutely that "our Commercial Intercourse with the United States by way of the Lakes should be left unincumbered with Custom House Establishments & Restrictions." This paper was supported by reports by himself of the quantity and the value of goods consigned to merchants in the United States and the quantity of furs sent back, which had passed over the Niagara portage under his immediate supervision in 1797, and a statement by Hon. Richard Cartwright, his able colleague in the Legislative Council, of the quantity of merchandise which had entered the province from Lower Canada at Coteau du Lac in 1797 and 1798, on which duty had been paid at Quebec.

The project of selling a part of the Crown lands and the introduction of the new regulations imposing a much higher fee on all future grants was reconsidered by the standing committee on lands under the presidency of Chief Justice Elmsley, who undoubtedly dominated its proceedings. Its second report recommended the entire suspension of this plan until another large tract could be bought from the Indians. The manifest expediency of this was bluntly stated.

"In order therefore to exercise that foresight which our Indian neighbours are but beginning to learn, and in which it certainly cannot be our interest to promote their improvement, we submit to your Honor's consideration the propriety of suspending the promulgation of the plan which has been laid down for us until we can make a purchase sufficiently large to secure to us the means of extending the population and encreasing the strength of the Province, so far as to enable us before our stock is exhausted to dictate instead of soliciting the terms on which future acquisitions are to be made—For we are satisfied that the purchase of 50 or 100 Townships, if made now, will cost us less than the purchase of ten after the promulgation of the Governor General's plan."

In a written reply, which he read at a meeting of the Council on October 26, Russell informed the three members present, who had adopted the report, that "tho' I am strongly impressed with the expediency (I had almost said the necessity) at the present most important juncture of raising (if possible) an immediate Fund within the Province for defraying the Civil Expenditure thereof, I must yield to the weight of your arguments against any attempts being yet made of doing it by *selling as proposed a portion of the waste lands to the highest bidder*."

He agreed to limit grants of land under the new regulations to quantities suited to the conditions of the applicants until additional purchases from the Indians could be made and promised to recommend the Governor General to direct measures to be taken for the immediate purchase of about twenty townships.

However on the last day of that month a proclamation was published bringing into force the new regulation that all grants made subsequently to the 22d day of December, 1797, being the day on which the royal instructions were read in Council, would be subject to fees of six pence per acre, exclusive of the usual expenses of survey, excepting grants of two hundred acres to United Empire Loyalists and their children of the first generation, on which a fee of only three pence per acre would be charged.

The desirability of acquiring more land for settlement was made evident by the unexpected arrival of Comte Joseph de Puisaye, accompanied by a party of several other French Royalist officers of considerable note, with two married ladies and a number of servants, bringing a letter from the Duke of Portland,

directing that allotments of land should be made to them according to their rank in favourable situations on the same scale as to American loyalists and stating that he anticipated that they would be followed in a short time by many other French Royalists then in England. De Puisaye presented other letters from Hon. William Windham, Secretary at War, and General Simcoe, commending him in the strongest terms as a gentleman of the greatest honour and integrity. These letters were read at the Executive Council, Russell being in the chair. Resolutions were unanimously adopted appropriating the new townships of Uxbridge, and Gwillimbury, and a township in rear of Whitby not yet named, and the ungranted part of Whitchurch for the reception of this new body of settlers, that M. de Puisaye should be recognised as the head of the settlement, and no person admitted to it except on his recommendation, and that he should be permitted to select five thousand acres for himself anywhere in these townships, and that all officers and soldiers who had served under him in his expedition to the coast of France should be granted lands immediately at his discretion on the same scale as to the British troops disbanded in 1783, but with the provision that no deeds should be issued to them until they had resided in the province for seven years, and that if any of them should leave the province before the expiration of that term, they should forfeit all claim to the land allotted to them.

The surveyor general was instructed to lay out these four townships at once and de Puisaye offered to accompany the deputy surveyor in his exploration of the land.

Russell welcomed these settlers warmly and reported that the vacant land between York and Lake Simcoe offered a situation for their occupation, equally distant from the French settlements in Lower Canada and those on the Detroit river, "because its Proximity to the Seat of Government will not only facilitate the Conveyance to them of any assistance they may occasionally want, but subject all their movements to the immediate Inspection & Comptrol of the Administration—And indeed their numbers may moreover contribute to fill up an uninhabited space, thro' which an Indian Enemy may at present advance to the Destruction of this Town before we can possibly receive sufficient warning of their approach."

"To preserve as nearly as possible their former Subordination," he continued, "it is my intention to form these Royalists into a Corps of Militia as soon as it can be done with propriety, and by placing Mr. de Puisaye at their head with permission to name their Officers, & putting him into the Commission of the Peace, give him the Civil & Military Direction of the Colony—This Gentleman appears to be fully sensible how much I depend upon the Prudence and Fidelity of his Conduct in this Situation and he assures me in consequence that he shall not admit a Frenchman into the Establishment under his charge whose Principles he is not perfectly acquainted with."

De Puisaye, it appears, was not entirely satisfied with this proposal and he urged that his followers, whom he estimated would eventually number more than a thousand men, who had served for six years in the pay of Great Britain, should be formed into a fencible regiment and employed in such a manner as should be considered most advantageous to the security, prosperity and progress of Upper Canada. Russell was finally induced to present his views favourably in a letter which he read to the Chief Justice and three other members of the Council on November 24.

"The present state of this Province," he wrote, "unquestionably calls for additional Troops for the purpose of occupying advanced Posts between this Town and the Indians bordering on the Lakes—Attending Surveys—Opening Roads of Communication that the Seat of Government may receive early intelligence of what is passing in other parts of the Province and be readily supplied with Provisions—of intimidating an Enemy by the respectability of our strength and ultimately of contributing to the defence of the Province should it be attacked—for it is too well known that the Regular Force in the two Canadas is too small to admit of any addition being made to that trifling portion of it stationed here; and it is equally true that this portion is very inadequate to any purpose of effectual resistance against an Attack in force, and we may be assured that no other will be attempted."

They were reminded that the letter from Mr. Windham had assured him that the utmost confidence could be placed in de Puisaye and his associates and Russell affirmed that he saw no danger in the proposal to arm a thousand men of that description and form them into a provincial regiment for the purposes he had named.

After inviting them to give their opinions freely he left them to discuss the subject.

They differed widely and a written report from the Chief Justice stated that the members were equally divided as to the propriety of giving the proposed settlement a military form either as a regiment or a militia, two of them being in favour and two opposed. They advised the formation of a depot of provisions sufficient for the support of fifteen hundred men for twelve months not only as "highly expedient but in fact absolutely and indispensably necessary: His Grace's letters having prepared us to expect an attack, and this part of the Province being wholly insufficient to feed itself, much less to supply those, whom in case of attack it would be necessary to call in for our defence."

Russell, however, was not deterred by this intimation of suspicion on the part of some of his advisers, from informing the Duke of Portland that in his opinion much advantage might be derived from the formation of the French Royalists, expected to arrive, into a regiment of two battalions, one of which might be distributed in detachments to reinforce the garrisons of the frontier, in escorting surveying parties, and in constructing roads and bridges, while the other was employed in clearing and cultivating the lands allotted to the whole.

A proposal for building a blast furnace for the manufacture of cast and wrought iron on the Niagara river above the falls by utilizing water power was considered not unfavourably and a survey of the shore was ordered.

The extent of land brought under cultivation constantly increased and many settlers continued to come in from the United States besides a few from the British Isles. In his observations on the act for the better division of the province Chief Justice Elmsley commented on the rapid progress of the settlement of the townships on the Thames and in the Long Point country and stated that the inhabitants of the thriving county of Leeds planned laying out a town in the township of Kitley.

Hon. John McGill informed Simcoe that "the improvements in York and its vicinity are rapid and the farms upon Yonge Street and the Dutch settlement both valuable and productive."

Russell wrote to him that "the increase of this town bears no proportion to that of the population around it. The head may consequently grow too big for the body, and scarcity and dearness of provision be the inevitable consequence

to the great distress of the officers of Government whose incomes are certainly unequal to their unavoidable expence. But the die is cast and they must abide their fate as most of them are too poor to leave the country and seek another Provision."

In many settlements agriculture had advanced beyond the mere provision of subsistence and the production of wheat and other grain was much in excess of the needs of the farmers. The policy of purchasing flour and other provisions for the military, naval, and Indian departments created a considerable market at hand. McGill met with little difficulty in buying all the flour, Indian corn, and pease required for their wants and at the same time agents from the United States bought supplies for the garrisons of Fort Niagara, Detroit, and Mackinac.

The new military posts of Fort George at Niagara, so named in honour of the King, Fort Amherst at the mouth of the Detroit river in the township of Malden, named in honour of the Commander in Chief, who had accomplished the conquest of Canada more than thirty years before, and St. Joseph on the island of that name, had been slowly constructed by military labour. The soldiers occupying them were overworked and they suffered much from malaria. Desertions were numerous.

The main body of the Queen's Rangers had been employed in the construction of public buildings and a blockhouse and barracks at York, and in opening a new road to the river Credit. Detachments occupied Forts Chippawa and Erie and conducted the transportation of supplies on the Niagara river. A road was opened from the town of Niagara, through the "Black Swamp" to the Twelve Mile Creek by voluntary effort, assisted by a detachment from the Royal Canadian Volunteers.

Several of the principal British merchants of Detroit had removed to the new town of Sandwich, nearly opposite, where they built houses and were granted park lots and the maximum allotment of farm lands elsewhere. Russell stated that "it promises fair to become soon the most beautiful town in the Province." A jail and court house was built there by the magistrates of the Western District, but it had been scarcely finished when it was burned down, apparently by an incendiary, and an urgent appeal was made to the provincial government for assistance to rebuild "without which there is not a ray of Hope left us for the accomplishment of Subordination to the Laws, or the Suppression of Vice." Russell gave little assurance of relief.

"The Civil Expenditure of the last year has amounted to so much that it really alarms me," he replied.—"Much Money has been advanced to the House of Assembly, and a large Sum to the Home District, neither of which have been yet paid—and I am sorry to add that the Calls of the Capital are so many & urgent that several thousand Pounds will probably be required to satisfy them—I therefore submit to you how little can be expected towards your relief from this Treasury which has no other Source of Supply than the Bounty of Great Britain, to which we are already indebted more than probably falls to our Share amidst the enormous expenses to which she is exposed in her present dreadful contest."

The magistrates were offered the blockhouse built at Chatham for removal to Sandwich and conversion into a jail, if found suitable, and permitted to confine prisoners meanwhile on an unused ship of the provincial navy. But Russell laid their request before the Duke of Portland, stating that representations had been made that "since the United States had obtained possession of Detroit, Multitudes of Deserters from their Army were daily dispersing themselves among the

Settlements on this side the River & committing every Species of Crime that can blacken a Newgate Kalendar, and that for want of a Jail (which they were too poor to build at their own Expence) they were incapable of suppressing these Enormities unless the Government should think proper to give them a secure place for confining Criminals and other Offenders against the Laws."

Surveys had been carried on vigorously and since Simcoe's departure Russell had been obliged to request warrants from Prescott on the Deputy Paymaster General from time to time for £2,500 each, amounting in all to £15,000 in aid of the civil expenditure of the province, in addition to the annual appropriation by the British Parliament for the payment of salaries and the meagre revenue derived from duties on imports and other sources, most of which appears to have been spent in surveying.

Although land-jobbing was righteously denounced in official correspondence, there seems no doubt that Russell himself, the Chief Justice, the Surveyor General, and nearly all subordinate officials of the government, as well as the principal merchants, and some at least of the Anglican clergy were deeply engaged in it as well as many less respectable individuals.

In a letter to Smith, the Chief Justice stated that the New York Company are buying everything from Niagara to Fort Erie and give any price, and that an American officer had bought thirteen thousand acres from a local merchant at Niagara, for which he had paid three shillings and four pence per acre in New York currency. But some of the more reckless or unlucky of these speculators were soon consigned to prison in the United States and their schemes collapsed.

In addition to the sources already named in the introduction to the first volume of these papers some very interesting transcripts have been obtained from the Diocesan Archives of Quebec.

The able assistance of the secretary of the Ontario Historical Society in passing this volume through the press and in reading the proofs as well as for many helpful suggestions is most gratefully acknowledged.

Oracabessa, Jamaica,
18th February, 1935.

CONTENTS

	PAGE
John McGill to J. G. Simcoe, September 17th, 1797	1
John McGill to J. G. Simcoe, October 2nd, 1797	2
Duke of Portland to Peter Russell, November 4th, 1797, No. 6	3
Peter Russell to Robert Prescott, November 4th, 1797, No. 34	5
Alexander McKee to Peter Russell, October 26th, 1797	6
Mathew Elliott to Alexander McKee, 8th October, 1797	7
Mathew Elliott to Alexander McKee, 24th October, 1797	7
Thomas Reynolds to Alexander McKee, 10th August, 1797	9
Peter Russell to Lt.-Col. McDonnell, 24th October, 1797	9
Alexander McKee to Peter Russell, 16th October, 1797	10
Mathew Elliott to Alexander McKee, 15th October, 1797	10
Alexander McKee to Peter Russell, 18th October, 1797	10
Mathew Elliott to Alexander McKee, 16th October 1797	11
Peter Russell to Robert Prescott, 4th November, 1797, No. 35	11
Peter Russell to Robert Prescott, 4th November, 1797, No. 36	12
L. Lorimier to Alexander McKee, 28th July, 1797	12
Peter Russell to Robert Prescott, 4th November, 1797, No. 37	12
Ensign John McGill to Peter Russell, 13th July, 1797	13
Alexander McKee to Prideaux Selby, 5th November, 1797	13
Alexander McKee to Prideaux Selby, 5th November, 1797	14
Peter Russell to John Elmsley, 5th November, 1797	15
John Elmsley to Peter Russell, 6th November, 1797	15
Peter Russell to Duke of Portland, 19th November, 1797, No. 22	15
Peter Russell to Duke of Portland, 19th November, 1797, No. 23	17
Peter Russell to Robert Prescott, 19th November, 1797, No. 36	18
William Dummer Powell to John King, 20th November, 1797	18
Memoir by William Dummer Powell, 1st November, 1797	19
D. W. Smith to Peter Russell, 25th November, 1797	22
John Elmsley to Peter Russell, 26th November, 1797	22
Samuel Clark to J. G. Simcoe, 4th December, 1797	34
John Elmsley to D. W. Smith, 26th November, 1797	35
Hazelton Spencer to James Green, 4th December, 1797	36
John Craigie to Robert Prescott, 7th December, 1797	36
Peter Russell to J. G. Simcoe, 9th December, 1797, No. 10	37
Joseph Brant to James Green, 10th December, 1797	39
J. G. Simcoe to John King, 13th December, 1797	40
Proclamation by Peter Russell, 14th December, 1797	41
Joseph Brant to D. W. Smith, 15th December, 1797	41
Robert Prescott to Peter Russell, 15th December, 1797, No. 30	42
Petition of William Cooper to Peter Russell, 15th December, 1797	43
Robert Hamilton to Peter Russell, 19th December, 1797	44
Peter Russell to Duke of Portland, 21st December, 1797, No. 24	44
Robert Prescott to Peter Russell, 21st December, 1797, No. 31	45
Prideaux Selby to Peter Russell, 22nd December, 1797	45
Peter Russell to D. W. Smith, 22nd December, 1797	46
D. W. Smith to Joseph Brant, 22nd December, 1797	47
James Green to John Macdonell, 23rd December, 1797	47

	PAGE
Robert Prescott to Duke of Portland, 27th December, 1797, No. 69.....	48
Order in Council, approving marriage act, 27th December, 1797.....	49
Peter Russell to D. W. Smith, 27th December, 1797.....	50
Joseph Brant to D. W. Smith, 28th December, 1797.....	50
List of inhabitants of Detroit who remained British subjects.....	51
Establishment of Indian Department, 25th December, 1797.....	53
Report of Militia of Upper Canada, 1st January, 1798.....	54
Minutes of Executive Council, 2nd January, 1798.....	55
Robert Prescott to Peter Russell, 4th January, 1798, No. 32.....	55
Minutes of Executive Council, 6th January, 1798.....	56
Peter Russell to D. W. Smith, 8th January, 1798.....	57
Bishop of Quebec to Peter Russell, 9th January, 1798, No. 1.....	57
Duke of Portland to Peter Russell, 10th January, 1798, No. 7.....	59
Robert Prescott to Peter Russell, 11th January, 1798, No. 33.....	61
James Green to Sir John Johnson, 11th January, 1798.....	61
James Green to Joseph Brant, 11th January, 1798.....	62
The Bishop of Quebec to Peter Russell, 11th January, 1798.....	62
John Askin to Richard Cartwright, 12th January, 1798.....	63
Peter Russell to D. W. Smith, 14th January, 1798.....	65
James Green to John Macdonell, 19th January, 1798.....	65
James Green to Hector Maclean, 19th January, 1798.....	66
Peter Russell to Duke of Portland, 21st January, 1798, separate.....	67
Peter Russell to John Elmsley, 31st December, 1797.....	68
Peter Russell to Robert Prescott, 21st January, 1798, No. 39.....	68
Peter Russell to Robert Prescott, 21st January, 1798, No. 40.....	70
Peter Russell to Robert Prescott, 21st January, 1798, No. 41.....	71
John Elmsley to D. W. Smith, 25th January, 1798.....	72
Peter Russell to Robert Prescott, 26th January, 1798, No. 43.....	73
Peter Russell to D. W. Smith, 27th January, 1798.....	74
John Elmsley to D. W. Smith, 3rd February, 1798.....	74
John Adams to James Wilkinson, 4th February, 1798.....	75
Joseph Brant, description of land on Grand River, 4th February, 1798.....	76
Joseph Brant, description of Block 1, Grand River, 4th February, 1798.....	76
Joseph Brant, description of Block 2, Grand River, 4th February, 1798.....	77
Joseph Brant, description of Block 3, Grand River, 4th February, 1798.....	77
Joseph Brant, description of Block 4, Grand River, 4th February, 1798.....	78
Peter Russell to D. W. Smith, 5th February, 1798.....	78
Peter Russell to D. W. Smith, 6th February, 1798.....	78
Peter Russell to Robert Prescott, 11th February, 1798, No. 44.....	79
James Green to Hazelton Spencer, 12th February, 1798.....	79
Applications to Surveyor's Office for lands, 15th February, 1798.....	80
Peter Russell to Robert Prescott, 16th February, 1798, No. 45.....	80
Peter Russell to D. W. Smith, 16th February, 1798.....	82
John Adams to William Seba Smith, 16th February, 1798.....	82
John Elmsley to D. W. Smith, 18th February, 1798.....	83
Peter Russell to Robert Prescott, 19th February, 1798, No. 46.....	85
Joseph Brant to Peter Russell, 4th October, 1797.....	86
Peter Russell to Joseph Brant, 4th October, 1797.....	86
Peter Russell to William Claus, 10th December, 1797.....	87
Joseph Brant to Peter Russell, 15th December, 1797.....	87
Peter Russell to Joseph Brant, 19th December, 1797.....	88

CONTENTS

xxi

	PAGE
Joseph Brant to Peter Russell, 29th December, 1797.....	89
Peter Russell to William Claus, 31st December, 1797.....	89
Peter Russell to Robert Prescott, 21st February, 1798, No. 47.....	90
Alexander McKee to Peter Russell, 7th February, 1798.....	91
Affidavit of Frederick Fisher, 6th February, 1798.....	92
Certificate of Lieut. J. Forbes, 9th February, 1798.....	92
Joseph Brant to Peter Russell, 19th February, 1798.....	92
Peter Russell to Duke of Portland, 20th February, 1798, No. 25.....	93
Peter Russell to Duke of Portland, 20th February, 1798, No. 26.....	94
Peter Russell to Duke of Portland, 20th February, 1798, No. 27.....	95
Peter Russell to D. W. Smith, 21st February, 1798.....	96
Peter Russell to Bishop of Quebec, 22d February, 1798, No. 2.....	96
Peter Russell to Bishop of Quebec, 22d February, 1798, No. 3.....	98
Peter Russell to Bishop of Quebec, 22d February, 1798, confidential.....	98
John McGill to James Green, 22d February, 1798.....	99
John Elmsley to D. W. Smith, 22d February, 1798.....	100
John McGill to J. G. Simcoe, 24th February, 1798.....	101
John Elmsley to D. W. Smith, 25th February, 1798.....	103
Certificate by Richard Pollard, 26th February, 1798.....	104
Joseph Brant to D. W. Smith, 27th February, 1798.....	104
Minutes of Executive Council, 28th February, 1798.....	105
John Elmsley to D. W. Smith, 28th February, 1798.....	106
Hugh Farmar to Peter Russell, 1st March, 1798.....	107
John Elmsley to D. W. Smith, 4th March, 1798.....	109
James Green to Hazelton Spencer, 5th March, 1798.....	112
Certificate by Richard Pollard, 5th March, 1798.....	113
Peter Russell to Prideaux Selby, 6th March, 1798.....	113
Charles Stevenson to Peter Russell, 7th March, 1798.....	114
Minutes of Executive Council, 7th March, 1798.....	114
Robert Hamilton to Peter Russell, 8th March, 1798.....	115
Peter Russell to D. W. Smith, 10th March, 1798.....	116
Peter Russell to D. W. Smith, 10th March, 1798.....	117
John King to Peter Russell, 10th March, 1798.....	117
James Green to Sir John Johnson, 12th March, 1798.....	117
Peter Russell to D. W. Smith, 13th March, 1798.....	118
Peter Russell to D. W. Smith, 13th March, 1798.....	119
Certificate by William Allan, 13th March, 1798.....	119
James Green to Sir John Johnson, 15th March, 1798.....	120
John Elmsley to D. W. Smith, 16th March, 1798.....	120
James Green to Sir John Johnson, 19th March, 1798.....	121
Peter Russell to D. W. Smith, 19th March, 1798.....	121
Peter Russell to Duke of Portland, 21st March, 1798, No. 28.....	122
Peter Russell to Duke of Portland, 21st March, 1798, No. 29.....	123
Peter Russell to Robert Prescott, 21st March, 1798, No. 49.....	124
Peter Russell to Duke of Portland, 21st March, 1798, No. 30.....	125
Peter Russell to Duke of Portland, 21st March, 1798, No. 31.....	125
John McGill to James Green, 21st March, 1798.....	126
Peter Russell to William Claus, 24th March, 1798.....	127
J. G. Simcoe to John King, 26th March, 1798.....	127
Narrative by William Berczy, undated.....	128
Petition of William Berczy, 27th March, 1798.....	130

	PAGE
Peter Russell to William Berczy, 1st April, 1798.....	132
Certificate by D. W. Smith, 31st March, 1798.....	133
Robert Liston to Peter Russell, 3rd April, 1798.....	133
Joseph Brant to William Claus, 5th April, 1798.....	135
John Elmsley to D. W. Smith, 8th April, 1798.....	135
Joseph Brant to William Claus, 5th April, 1798.....	135
Minutes of Executive Council, 9th April, 1798.....	136
Robert Prescott to Peter Russell, 9th April, 1798, No. 34.....	137
James Green to Sir John Johnson, 9th April, 1798.....	139
Certificate by D. W. Smith, 13th April, 1798.....	140
Minutes of Executive Council, 14th April, 1798.....	140
Minutes of Executive Council, 16th April, 1798.....	140
Minutes of Executive Council, 18th April, 1798.....	141
Minutes of Executive Council, 21st April, 1798.....	141
Minutes of Executive Council, 25th April, 1798.....	144
Peter Russell to John Munro, 28th April, 1798.....	144
Peter Russell to Timothy Thompson, 28th April, 1798.....	145
Peter Russell to Richard Cartwright, 28th April, 1798.....	145
Certificate by D. W. Smith, 2nd May, 1798.....	146
Alexander Macdonell to Simon McTavish, 3rd, May, 1798.....	147
John McGill to James Green, 8th May, 1798.....	147
Joseph Brant to Peter Russell, 8th May, 1798.....	148
Robert Hamilton to Peter Russell, 8th May, 1798.....	149
John McGill to James Green, 12th May, 1798.....	149
Robert Prescott to Robert Liston, 14th May, 1798.....	150
James Green to Sir John Johnson, 14th May, 1798.....	151
James Green to Lieut.-Colonel de Berniere, 14th May, 1798.....	151
Joseph Brant to William Claus, 14th May, 1798.....	152
Peter Russell to Joseph Brant, 14th May, 1798.....	153
John Elmsley to D. W. Smith, 14th May, 1798.....	153
Certificate by D. W. Smith, 17th May, 1798.....	154
John Elmsley to D. W. Smith, 18th May, 1798.....	154
James Green to Sir John Johnson, 21st May, 1798.....	155
Joseph Brant to D. W. Smith, 21st May, 1798.....	155
John Elmsley to D. W. Smith, 22d May, 1798.....	156
Peter Russell to John McGill, 22d May, 1798.....	157
John McGill to James Green, 23d May, 1798.....	157
Minutes of Executive Council, 23d May, 1798.....	158
Peter Russell to Robert Prescott, 23d May, 1798, No. 50.....	159
Council with Chippewa Nation, 21st May, 1798.....	160
Peter Russell to Robert Prescott, 26th May, 1798, No. 51.....	162
Peter Russell to Robert Prescott, 28th May, 1798, No. 52.....	162
Peter Russell to Robert Prescott, 29th May, 1798, No. 53.....	163
Richard Pollard to Peter Russell, 25th February, 1798.....	163
Peter Russell to D. W. Smith, 30th May, 1798.....	164
John McGill to James Green, 30th May, 1798.....	164
Robert Hamilton to Peter Russell, 2d June, 1798.....	164
J. G. Simcoe to Peter Russell, 5th June, 1798.....	165
John McGill to James Green, 5th June, 1798.....	166
Robert Prescott to Peter Russell, 7th June, 1798, No. 35.....	166
Duke of Portland to Peter Russell, 7th June, 1798, most secret.....	166

CONTENTS

xxiii

	PAGE
Robert Liston to Lord Grenville, 4th April, 1798.....	168
Robert Liston to Lord Grenville, 2d April, 1798.....	168
Joseph Brant to Robert Liston, 29th December, 1798.....	169
Robert Liston to Joseph Brant, 3d April, 1798.....	171
Duke of Portland to Peter Russell, 8th June, 1798, No. 8.....	172
John McGill to J. G. Simcoe, 8th June, 1798.....	173
Minutes of Executive Council, 9th June, 1798.....	174
Memorial from Thomas Reynolds, 9th June, 1798.....	175
Hugh Farmar to Peter Russell, 10th June, 1798.....	176
Minutes of Executive Council, 11th June, 1798.....	176
Minutes of Executive Council, 12th June, 1798.....	177
Bishop of Quebec to Peter Russell, 12th June, 1798, No. 3.....	178
Bishop of Quebec to Peter Russell, 12th June, 1798, No. 4.....	180
Minutes of Executive Council, 13th June, 1798.....	181
Peter Russell to John Elmsley, 14th June, 1798.....	183
Peter Russell to Duke of Portland, 15th June, 1798, No. 32.....	184
Peter Russell to Robert Prescott, 15th June, 1798, No. 54.....	185
Peter Russell to Robert Prescott, 15th June, 1798, secret.....	185
Speech of Mississaugas, 13th April, 1798.....	186
Joseph Brant to William Claus, 8th May, 1798.....	187
Speech from Wabanip to Major Shank, 17th May, 1798.....	187
John Elmsley to D. W. Smith, 16th June, 1798.....	188
Peter Russell to Robert Prescott, 18th June, 1798, No. 55.....	188
Certificate by John Small, 19th June, 1798.....	189
John Elmsley to D. W. Smith, 21st June, 1798.....	189
Robert Prescott to Peter Russell, 21st June, 1798, No. 36.....	191
John McGill to James Green, 24th June, 1798.....	191
James Green to Sir John Johnson, 25th June, 1798.....	192
Minutes of Executive Council, 25th June, 1798.....	193
Minutes of Executive Council, 26th June, 1798.....	193
Minutes of Executive Council, 28th June, 1798.....	194
Minutes of Executive Council, 2d July, 1798.....	195
Peter Russell to Duke of Portland, 3d July, 1798, No. 33.....	196
Peter Russell to Duke of Portland, 3d July, 1798, No. 34.....	197
Address from Provincial Parliament to the King, 3d July, 1798.....	197
Peter Russell to Robert Prescott, 3d July, 1798, No. 56.....	198
Joseph Brant to James Givens, 6th July, 1798.....	199
Peter Russell to Duke of Portland, 4th July, 1798, No. 35.....	200
Sir John Johnson to William Claus, 4th July, 1798.....	201
Agreement of Peter Russell with George Thomas Knight, 4th July, 1798.....	202
Duke of Portland to Peter Russell, 5th July, 1798, No. 10.....	204
Peter Russell to Duke of Portland, 5th July, 1798, No. 36.....	204
Extract from Journal of Legislative Council, 5th July, 1798.....	205
Minutes of Executive Council, 6th July, 1798.....	206
Minutes of Executive Council, 7th July, 1798.....	207
Minutes of Executive Council, 9th July, 1798.....	208
Minutes of Executive Council, 13th July, 1798.....	209
Minutes of Executive Council, Lands, 13th July, 1798.....	210
Peter Russell to D. W. Smith, 13th July, 1798.....	212
Permit by Peter Russell, 13th July, 1798.....	212
Minutes of Executive Council, 14th July, 1798.....	212

	PAGE
Resolution of Land Board for Home District, 23rd February, 1793.....	214
Joseph Ellicott to Hamilton and Street, 15th July, 1798.....	214
Robert Hamilton to Peter Russell, 16th July, 1798.....	215
Peter Russell to Duke of Portland, 17th July, 1798, No. 37.....	216
Peter Russell to Duke of Portland, 17th July, 1798, No. 38.....	217
Peter Russell to D. W. Smith, 17th July, 1798.....	218
Peter Russell to D. W. Smith, 17th July, 1798.....	219
J. G. Simcoe to Peter Russell, 21st July, 1798.....	219
Peter Russell to Bishop of Quebec, 20th July, 1798.....	220
R. I. D. Grey to Peter Russell, 24th July, 1798.....	221
Duke of Portland to Peter Russell, 28th July, 1798, No. 11.....	222
Peter Russell to Robert Prescott, 20th July, 1798, No. 57.....	224
Alexander Macdonell to Peter Russell, 28th July, 1798.....	225
Peter Russell to Robert Hamilton, 29th July, 1798.....	226
Robert Prescott to Peter Russell, 2d August, 1798, No. 37.....	226
Regulations for carrying on fortifications.....	227
Peter Russell to Robert Prescott, 8th August, 1798, No. 58.....	228
Minutes of Executive Council, 6th August, 1798.....	230
John McGill to James Green, 7th August, 1798.....	230
Peter Russell to Robert Prescott, 8th August, 1798, No. 59.....	231
Robert Prescott to Peter Russell, 9th August, 1798, No. 38.....	232
Peter Russell to Robert Prescott, 9th August, 1798, No. 60.....	232
Joseph Brant to James Givens, 24th July, 1798.....	233
Peter Russell to Joseph Brant, 29th July, 1798.....	233
James Givens to Joseph Brant, 30th July, 1798.....	234
Joseph Brant to James Givens, 3d August, 1798.....	235
Deed from Indians to McTavish & Co., 10th August, 1798.....	236
Peter Russell to Duke of Portland, 11th August, 1798, No. 39.....	237
Peter Russell to Duke of Portland, 11th August, 1798, No. 40.....	237
John Elmsley to Peter Russell, 11th August, 1798.....	238
Peter Russell to Robert Prescott, 18th August, 1798, No. 61.....	245
Robert Hamilton to Peter Russell, 19th August, 1798.....	245
Richard Cartwright to John Askin, 20th August, 1798.....	246
Robert Prescott to Duke of Portland, 22d August, 1798, No. 84.....	246
Robert Prescott to Peter Russell, 23d August, 1798, No. 39.....	248
Account for purchase of land at the Straits of St. Mary, 26th August, 1798.....	249
Joseph Brant to Joseph Chew, 30th August, 1798.....	249
James Green to Hazelton Spencer, 1st September, 1798.....	250
James Green to Sir John Johnson, 3d September, 1798.....	250
Robert Prescott to Peter Russell, 6th September, 1798, No. 40.....	251
Hazelton Spencer to James Green, 6th September, 1798.....	252
Peter Russell to Robert Prescott, 8th September, 1798, No. 62.....	253
Robert Hamilton to Peter Russell.....	254
Peter Russell to Simon McTavish, 9th September, 1798.....	254
Peter Russell to Robert Prescott, 9th September, 1798, No. 63.....	255
Memorial of Simon McTavish and associates, 24th March, 1798.....	256
Agreement with Jacob Boyce for building a barn, 10th September, 1798.....	258
James Green to Sir John Johnson, 13th September, 1798.....	259
Peter Russell to Duke of Portland, 19th September, 1798, No. 41.....	260
Peter Russell to Robert Prescott, 20th September, 1798, No. 64.....	260
Joseph Brant to Peter Russell, 11th September, 1798.....	262

CONTENTS

xxv

	PAGE
Speech of the Five Nations, 26th August, 1798.....	262
D. W. Smith to Peter Russell, 24th September, 1798.....	265
Memorandum on trade and commerce by Robert Hamilton, 24th September, 1798.....	266
Richard Cartwright, statement of goods paying duties at Coteau du Lac, no date.....	268
Peter Russell to Robert Prescott, 27th September, 1798, No. 65.....	269
Joseph Chew to Alexander McKee, 27th September, 1798.....	269
Peter Russell to Joseph Brant, 28th September, 1798.....	270
Peter Russell to James Givens, 28th September, 1798, most secret.....	271
Robert Prescott to Peter Russell, 5th October, 1798, No. 41.....	272
William Osgoode to Peter Russell, 6th October, 1798, private.....	273
James Green to Hazelton Spencer, 8th October, 1798.....	275
List of French immigrants.....	275
Peter Russell to Duke of Portland, 10th October, 1798, separate.....	276
Robert Prescott to William Windham, 10th October, 1798.....	277
David Shank to James Green, 10th October, 1798.....	277
Peter Russell to Robert Prescott, 12th October, 1798, No. 66.....	278
Peter Russell to Robert Prescott, 13th October, 1798, No. 67.....	280
Peter Russell to Alexander McKee, 13th October, 1798.....	280
Peter Russell to J. G. Simcoe, 15th October, 1798.....	281
Isaac Winslow Clarke to James Green, 15th October, 1798.....	283
John McGill to J. G. Simcoe, 15th October, 1798.....	284
Alexander McKee to Peter Russell, 17th October, 1798.....	285
Rufus King to Duke of Portland, 17th October, 1798.....	286
William Wickham to Lord Castlereagh, 19th October, 1798.....	286
Thomas Welch to D. W. Smith, 17th October, 1798.....	287
Isaac Winslow Clarke to James Green, 18th October, 1798.....	288
D. W. Smith, to Peter Russell, 20th October, 1798.....	288
Isaac Winslow Clarke to James Green, 22d October, 1798.....	289
Minutes of Executive Council, 22d October, 1798.....	290
Minutes of Executive Council, 25th October, 1798.....	291
Minutes of Executive Council, 29th October, 1798.....	292
Proclamation respecting grants of Crown Land.....	293
Hazelton Spencer to James Green, 31st October, 1798.....	294
Peter Russell to Robert Prescott, 2d November, 1798, No. 68.....	294
D. W. Smith to Peter Russell, 2d November, 1798.....	296
John McGill to James Green, 2d November, 1798.....	297
John Graham to John King, 3d November, 1798.....	297
Peter Russell to Duke of Portland, 3d November, 1798, No. 43.....	298
Duke of Portland to Peter Russell, 5th November, 1798, No. 12.....	300
Minutes of Executive Council, 6th November, 1798.....	302
Peter Russell to Robert Prescott, 7th November, 1798, No. 70.....	303
Minutes of Executive Council, 7th November, 1798.....	303
William Claus to Peter Russell, 5th November, 1798.....	303
Speech of Mississaugas to William Claus, 4th November, 1798.....	304
Joseph Brant to Peter Russell, 5th November, 1798.....	306
Robert Prescott to Peter Russell, 8th November, 1798, No. 42.....	308
Robert Prescott to Joseph de Puisaye, 8th November, 1798.....	310
Peter Russell to Duke of Portland, 8th November, 1798, No. 44.....	310
Robert Randall to Peter Russell, 12th November, 1798.....	311

	PAGE
Minutes of Executive Council, 12th November, 1798.....	313
John King to J. G. Simcoe, 13th November, 1798.....	314
Proclamation revoking proclamation of 5th September, 1792, 16th November, 1798.....	315
Robert Hamilton to Peter Russell, 18th November, 1798.....	316
Proclamation offering a reward for conviction of persons suspected of burning hay at Queenston.....	316
John King to Peter Russell, 22d November, 1798.....	317
Peter Russell to Robert Prescott, 20th November, 1798, No. 71.....	317
Peter Russell to Duke of Portland, 21st November, 1798, No. 45.....	317
Joseph de Puisaye to Peter Russell, 21st November, 1798.....	319
James Green to Sir John Johnson, 22d November, 1798.....	320
Minutes of Executive Council, 22d November, 1798.....	321
Minutes of Executive Council, 24th November, 1798.....	322
Joseph de Puisaye to Peter Russell, 24th November, 1798.....	324
Joseph de Puisaye to Peter Russell, 24th November, 1798.....	325
Peter Russell to Duke of Portland, 25th November, 1798, No. 46.....	326
Peter Russell to Duke of Portland, 25th November, 1798, No. 47.....	328
Minutes of Executive Council, 25th November, 1798.....	328
Minutes of Executive Council, 26th November.....	329
Peter Russell to Robert Prescott, 26th November, 1798, No. 72.....	330
Proclamation confirming marriage act, 29th November, 1798.....	331
James Green to Sir John Johnson, 29th November, 1798.....	331
John Ferguson to William Bell, 29th November, 1798.....	332
Index.....	333

THE CORRESPONDENCE
OF
The Honourable Peter Russell
With Allied Documents

VOLUME II.—1797-1798.

"It is therefore of supreme moment that the history which is taught should be true; and that can be attained only through the discovery, collection, classification, and interpretation of facts."
—J. B. Bury, Inaugural lecture on the Science of History.

FROM JOHN MCGILL TO J. G. SIMCOE

YORK, September 27th, 1797.

Sir,

I humbly beg leave to assure your Excellency that it was with infinite pleasure and satisfaction that I learned through the channel of the Albany Gazette of your embarkation in good health for England on the 7th July, after having beat and drove the enemy at all points and repressed avarice and speculation to such a degree, that the public expenditure was reduced to less than two thirds of the sum, which it had been at before your arrival in St. Domingo, that your Excellency may have arrived in equal good health and is now enjoying the sweets of domestic happiness is our most earnest prayer, in the full hope and confidence of which I have done myself the honor to transmit such papers as I conceived necessary for your information in respect to the agent for purchases business, which I humbly submit to your Excellency's consideration (as patron of the system) when disengaged from more important concerns.

The Receiver General paid into my hands eighty four pounds ten Shillings Canada Currency in July last, as your Excellency will perceive by the enclosed account for half fees up to the 31st December, 1796, for which sum I have not been able to obtain a bill on London, though I have tried both here and at Niagara as the cash has been ever since locked up in my possession, I am exceedingly anxious to have it remitted.

I trust it will afford your Excellency some degree of satisfaction to learn that the rafters are up on one wing of the Government House, and that in about three weeks the brick work of the other wing will be completed, having the winter before us I have no doubt, but what both of them will be in such forwardness as to be fit for the next meeting of the Legislature, though the two attached houses answered exceedingly well for the last session.

The Chief Justice expressed the high sense which he entertained of your Excellency's goodness in having thought of him though he did not occupy Castle Frank otherwise than by giving occasional dinners there during the sitting of Parliament. At the earnest oppressing solicitations of Mr. Russell I have per-

mitted his relative Mr. Dennison to reside for a month at Castle Frank under the express condition of his not cutting down a tree on the high ground nor suffering a road through the enclosure; as his wife appears to be a very decent woman, I hope they may prove of some service to the house by airing and keeping fires in the chimnies, both of which were exceedingly necessary, but should my granting this permission not meet with your Excellency and Mrs. Simcoe's approbation, I shall in that case take great blame to myself for having complied with the request made to me on the Subject.

I sincerely hope that there may not be any further necessity for Your Excellency's again visiting St. Domingo, your return to this country being anxiously looked for, the fact is we want a head. Mr. Russell declares that he is tired of governing, and says that he looks forward with pleasure to the period when he can have it in his power to give up the reins of Government.

I forwarded two cases to Mr. John Grey of Montreal for Your Excellency about the 20th July, the one contained a small birch canoe, Indian grass and gun, the other walnut and cherry boards, of which I did myself the honor to advise Mrs. Simcoe, by the Rev. W. Raddish.

I rest myself entirely on your Excellency's goodness for the liberty which I now take in thus trespassing on your time, and I have the honor to be with every sentiment of gratitude and respect,

Sir, Your Excellency's most obedient and very humble servant,

JOHN MCGILL.

(Wolford Simcoe Papers, Vol. 8, pp. 400-401.)

FROM JOHN MCGILL TO J. G. SIMCOE

YORK, Oct. 2nd, 1797.

Sir,

I did myself the honor to write to your Excellency on the 3rd and 27th September last. I have this day procured a Bill for Seventy Pounds Sterling, John White Esq., at one months sight on Charles Brunsdon Esq., Basinghall Street, London, which I transmit enclosed herewith, and I have just received a copy of such laws as were enacted during the last Session of the Provincial Parliament, which I likewise take the liberty of transmitting for your Excellency's information.

In consequence of the many great and important services rendered by your Excellency, I flatter myself with the hope of very soon hearing that His Majesty has been graciously pleased to appoint you to the command of a Regiment of Cavalry, in which case should no augmentation to the present establishment of the Queen's Rangers take place, I trust my friend Shank may stand a fair chance of being appointed Major Commandant of the Corps.

The Attorney General has been here for some weeks past making preparations against Mrs. White and family's arrival, and we have every reason to believe that the President and all the Public Officers will be over in the course of this month. Mrs. McGill and Miss Crookshank join me in respectful compliments to Mrs. Simcoe. I rely on your Excellency's goodness to pardon the liberty which I have taken lately in addressing myself to you, and with the highest sense of gratitude and respect I have the honor to be Sir,

Your Excellency's most obedient and much obliged humble servant.

His Excellency

Lieut. General Simcoe, &c.

JOHN MCGILL

(Wolford Simcoe Papers, Vol. 8, pp. 402-3.)

FROM THE DUKE OF PORTLAND TO PETER RUSSELL

WHITEHALL, 4th November 1797.

Mr. President Russell

No. 6.

Sir

I have laid before the King your Letters numbered from 12 to 16, both inclusive.

The circumstances you have stated in Nos. 12 and 15, explanatory of the situation, in which you found yourself placed, with the six Nations and Captain Brant, are much to be lamented, not merely in regard to the step, which they obliged you to take, but because the suffering Captain Brant, or any other Chief or Body of Indians, to interfere with the plan or system adopted for the Government of His Majesty's Province, is of a most dangerous tendency, and the necessity of giving way to it, allowing such necessity to have existed, can only have arisen from not pursuing a proper line of conduct towards the Indians, who, in consequence of the assistance they derive, and can only derive from the King's bounty, should be given explicitly to understand, that they owe every return, which can be expected from the warmest gratitude, and the most unshaken fidelity. I am glad to find it is clearly understood, that the same question in regard to any part of the remainder of those Lands, is not to be brought forward without previously obtaining His Majesty's sanction for that purpose—I must not omit, however, on this occasion, again to impress you with the necessity of the most zealous and strict attention to every possible means of preventing connections or confederations from taking place between the several Nations, and that the rendering them dependent on your Government, and keeping them as separate and distinct as possible from each other, should be laid down by you as a system, from which, on no account, you should ever depart. With this view, the Posts, at which the several Superintendants and Agents are placed, should be absolutely separated from, and unconnected with each other—And those persons should be careful to direct and keep the attention of the Nations, whose affairs they superintend, fixed to their own particular concerns, and to prevent connections being formed between them and other Nations, they shall distribute His Majesty's Presents in such manner, and with such suitable solemnities, and at such seasons, as to produce the most powerful effect on the Indians, and to leave the strongest impressions on their minds, of their dependence on His Majesty's bounty, for the benefits they receive. It is unnecessary to remark, that those objects cannot be attained unless the Superintendants and Agents are Masters of the Indian Language, and are able to acquire that confidence, & consequence, which may prevent the Indians from being led away by any evil disposed Chief, who may aim at embroiling us with any of those Nations. Such measures of precaution as these, which I have suggested, added to the growing Settlement of the Province, which must furnish the means of civilizing the Natives, and of interposing large tracts of settled Country between them, cannot fail, e'er long, to put them in a very advantageous position, as well with regard to themselves, as to the Province, without the possibility of their ever becoming an object of alarm, or even of inconvenience.

The Acts referred to in the Schedule transmitted in No. 13, appear to be of the most salutary nature, and perfectly well calculated to give additional security to the Province, and to defend it, as well internally as externally, against any attempts which our Enemies may meditate against it. The Act to confirm and make valid certain marriages &c., and to provide for the future

solemnization of Marriages &c., which you have reserved for the signification of the King's pleasure upon it, I shall forthwith submit to His Majesty in Council, for that purpose.

With respect to the Act for the better ascertaining the appropriation of Lands to be allotted for the use of a Protestant Clergy, which has been transmitted with the Address of the Legislative Council and Assembly for the purpose of being laid before the Parliament of Great Britain, previous to the signification of the Royal Pleasure thereon, in conformity with the Provisions of the Canada Act, it is my duty to observe to you, that it so essentially interferes with the Provisions of that Act, and in a degree beyond what the nature of the case requires, that, consistently with the attention due to the principle and policy of that very Act, which is itself the foundation of the Constitution of Upper Canada, His Majesty's confidential Servants cannot recommend it to His Majesty to give His Royal Assent to it, as it now stands. What I allude to as objectionable, is that part of the Bill, which is contained in the words following—*"and hereafter, whenever Lands shall be or may be granted, by and under the same authority in any Town, Township or Parish, laid out and settled before the passing of the same Act, where the same may be necessary."*—And in the words *"or hereafter to be granted,"* which follow towards the conclusion of the Bill. I am the more surprized at finding the above words form part of the Bill as I had particularly represented in two several Dispatches (Extracts of which I enclose) the impropriety of an enactment in such words, as it sets aside the Provisions of the Canada Act, to a greater extent even than is warranted, or could be necessary to meet the difficulties that have arisen from Lands granted previous to the passing of that Law, and also those, altho' very improperly granted since the passing of it, without the necessary reservations having been made.—With respect to *"Grants hereafter to be made in Towns, Townships or Parishes, laid out and settled before the passing of the Canada Act,"* as stated in the words of the Bill above quoted the term *settled*, cannot be applied to future Grants *to be made* in such Town, Township or Parish, so as to affect the reservations to be made in virtue of such Grants.

His Majesty has taken into His Royal consideration the Petition of the Legislative Council, and House of Assembly, humbly "imploring His Majesty, that He would be graciously pleased to direct His Government in this Province to appropriate a certain portion of the waste Lands of the Crown as a Fund for the Establishment and support of a respectable Grammar School in each District thereof, and also of a College or University for the instruction of youth in the different branches of liberal knowledge," And being always ready to show His parental regard for the welfare of His Subjects, in the furtherance of so important an object as the instruction of youth, and to assist and encourage the exertions of His Province in laying the foundation for promoting sound learning and a religious Education, He has condescended to express his gracious intention to comply with the wishes of the Legislature of His Province of Upper Canada, in such manner as shall be judged to be the most effectual—First, by the establishment of free Grammar Schools in those Districts, in which they are called for, and in due process of time by establishing other Seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the Arts and Sciences. With this view I am to direct you to consult the Members of His Majesty's Executive Council, and the Judges and Law Officers of the Crown in Upper Canada, and report to me in what manner, and to what extent a portion of the Crown Lands may be appropriated and

rendered productive towards the formation of a Fund for the above purposes, out of which His Majesty may, according to His pleasure, allot such Salaries as He shall judge proper for the School Masters of such free Grammar Schools, who are to be appointed by His Majesty's Governor, or the Person administering His Majesty's Government within the Province for the time being, subject to His Majesty's approbation, signified thro' one of his principal Secretaries of State. As I have already recommended to your attention, the consideration of the best mode to be adopted for rendering the Revenues of the Crown, and of the Clergy productive, I shall not say more on that subject.

I am &c.

P.S.

PORTLAND.

Upon further consideration of the question of the appropriations for the support of a Protestant Clergy, as required by the Canada Act, it appears to me, from the tenor of the 36th Clause of that Act, it will not be necessary in the Bill I have referred to in the Body of my letter, to make any provision whatever, as to the appropriation to be made in respect of lands granted *before* the passing of that Act. His Majesty Himself is thereby empowered to authorize the Governor to make such appropriations in respect of Lands granted before the passing of the Act, the same to bear a due proportion to the amount "of such Lands, &c." His Majesty, therefore, having already instructed the Governors, Lieutenant Governors, or Persons administering the Government of Lower and Upper Canada, for the time being, to make such appropriations in respect of Lands granted before the passing of the Canada Act, and it remains only to provide by the Bill in question, for the appropriation to be made for the Lands granted since the passing of that Act, and in respect of which it requires, that the appropriations "should at the same time have been made," in the manner therein specified.

*Endorsed:—Draft. to Mr. President Russell Novr. 1797. No. 6.
(Q 283, p. 260.)*

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 34.

UPPER CANADA YORK, 4th Novr. 1797.

Sir,

Having arrived here yesterday Evening from Niagara, and not having had time to arrange my Baggage & Office papers can only transmit to your Excellency Copies of four Letters with their respective inclosures which I have just received from the D.S.I.G. of Indn. Affairs in this Province, relative to an unhappy misunderstanding between the officers of the Indn Dept. and Capt. McLean Comdg at Amherstburg.

The subject is of too serious a nature for me to risk an opinion upon it—I can therefore only lament the personal dislike which appears to subsist between the Superintndt in that quarter & the Offr. Comdg. His Maj's Garrison there, as the consequences may be injurious to the King's Service—To obviate which I have requested Lt. Col. McDonell to write to Capt. McLean on the subject, and not to suffer any purchases of Clothing from Indians, within his Post, or

any abuse to be offered to them—A Copy of my Letter to that Officer I have the honor to inclose also for your Excy's information.

I have the honor to be &c.

PETER RUSSELL.

Endorsed:—rec'd 2d Decr.

(C 1206, pp. 158-9.)

INCLOSURE

SANDWICH 26th Octr. 1797

Sir,

The indiscriminate manner with which Capt. McLean has thought proper in his letter to your honor of 21st Sept. to throw imputations on the Indn. Dept. in general, I consider not only highly injurious but unjust, as far as they imply to relate to myself, and I believe to Capt. Elliot also—It seems necessary however, that Mr. McLean should be desired to state by name against whom his allusions are directed, as the general mode of his complaint to your honor is at present too indefinite to fix with precision all or any of the objects of his attack.

If Capt. McLean has been alarmed at any time during the two months of his Command, it has never been heard of by me, nor has the most trifling cause for it ever existed as far as relates to the public peace and security, & the quiet demeanor of the Indians. I am therefore at a loss to know what he alludes to, he might find it necessary for the purpose of introducing the base insinuations contained in his general denunciation, but there has not appeared one real cause for stating to your Honor a circumstance totally void of foundation.

My Letters to your honor, both antecedent and subsequent to Mr. McLean's arrival are sufficient testimonies, that instead of magnifying alarms while your honor lay under such impressions, I gave you just reasons to discredit every report or information which might have given you cause to apprehend danger from the Indians. I therefore pray your honor to lay these circumstances before the Commander in Chief, and to express a hope (if His Excy. is disposed to give Credit to the information contained in Capt. McLean's letter, as applicable to me, or if he should not be perfectly satisfied that I have not merited the unjustifiable animadversions of that Gentleman if against me his aspersions are intended to be directed) I must crave His Excellency will be pleased to order such an investigation of my conduct, as he may judge necessary on the occasion, for however diminutive the object may be that presumes deliberately to sport with a Character, probably not unworthy of his imitation, it becomes nevertheless my Duty to preserve it in the same unblemished state in which it has been estimated in His Maj's Service upwards of Forty years.

As to the Business of the Bread Issues that matter is fully detailed in the inclosed Account of the Superintendent, and having already been the subject of former communications to your honor, the result must be waited for, as well as all the other matters submitted to your consideration and decision.

I can only observe, Sir, that during the existence of such an improper Line of conduct as Capt. McLean has, without just grounds adopted and pursued, the King's Service must be materially injured.

A. MCKEE.

(C 1206, pp. 159-161.)

INCLOSURE

MALDEN, 8th Octr. 1797.

Sir,

In order to make matters as easy as possible to both parties during the latter part of Capt. Mayne's Command, when bread was wanted for Indians, a requisition was made for a certain quantity (100 or 150 loaves) for Casual Issues, which when approved was given to the Dy. Comy. and was his Authority for issuing flour to that amount to the Baker, & my Tickets the baker's voucher for the delivery of it to the Indians—Capt. McLean refused his Sanction to requisitions for incidental Issues of Bread, saying it was incompatible with his instructions and I wishing to satisfy the Indians as much as possible gave tickets in my own name to the most deserving, conscious that Government would not oblige me to pay it from my own Pocket, as I did not wish to involve myself so far, I applied again to the officer Commanding and wished to make some arrangement respecting the most easy method of doing it with the least deviation from orders; He told me that every Ticket, were it only for one loaf must be taken to him for his signature, on my departure no doubt seeing the impracticability of carrying on the service in that manner, he waited on Mr. Reynolds and desired him to write me as pr. the inclosed Copy of his letter—Tickets were issued in conformity thereto, but when taken to him for his sanction for the Issue of Flour for their amount, he refused it, saying that when sufficient proof was adduced of the Indians having received it, he would give it, but not till then; the Tickets amount to 5793 lbs Bread. This is a true state of the case.

I remain &c.

To Alexr. McKee
Dy. S. I. Genl.

(C. 1206, pp. 161-2.)

M. ELLIOTT.

INCLOSURE.

MALDEN, 24th Octr. 1797.

Sir,

The Copy of a letter from Captn. McLean to the President, dated the 21st Sept. last, which you sent me this morning, has not much astonished me, for from every observation on his conduct since his arrival here, he seems to have come on a premeditated design to injure the King's Service by throwing every possible difficulty and impediment in the way of carrying on the duty of the Indian, and I understand of other departments also. The last Statement I sent you on the 8th Instant respecting the difficulties of bread issues will have perfectly informed you of the State of that business; but, Sir, the new and troublesome mode adopted by Capt. McLean for Issues of bread has objections to it which he has not thought fit to state in his Letter to the President, in it he has said nothing of three or four Canteens established within his Garrison where the Indians find no difficulty in getting Rum for their Provisions & Cloathing, nor has he stated that great numbers of Indians are unnecessarily detained at the Post at a great expence of Provisions by the easy means of intoxication thus held out to them—As to the unhandsome, ungentlemanlike, and false insinuations he has made respecting the inconveniencies his mode of Issuing may put my family to, he must one day or other account to me for, I am sure, Sir, to you who have so long known me, it is unnecessary to say it is a falsehood; it being notorious that I, before I had my present appointment, when none elsewhere cou'd be found, have supplied the Garrison of Detroit for the winter, when otherwise

they would have starved, being reduced to the last Barrel of the Article of Flour, during Colonel England's Command at that Post; and that at this moment, far from being reduced to use the fraudulent means of procuring that Article he maliciously insinuates in his letter, I can, were the Garrison in the like situation, supply it for some months.

As a more convincing argument however of the falsity of his assertion, I herewith inclose you a Copy of a receipt of Flour delivered the Garrison Baker for bread for my family during the short time he baked for me.

The advice which Capt. McLean also gives the President, "to listen with the greatest precaution to any proposal coming from this description of people and that he ought to weigh in its proper balance any intelligence received thro' this Channel, and that it ought to be corroborated by more Substantial evidence, previous to gaining too much Credit, it being their Interest to magnify & exaggerate every idle tale of an Alarm, which they never fail to do, to promote their own views."—I am really at a loss to know the meaning of; unless that it be from an apprehension that his conduct has been complained of, and least he may be called to an account for it, he basely and perhaps enviously traduces Characters who, but for the Commission he bears would never consider him entitled to notice—He talks of Alarms & magnifying & exaggerating every idle tale as Characteristics of the Officers of the Indian Department. I studiously contradicted every rumour that tended in the least to raise any, while he publicly talked of sending into the Indian Country, to discover the disposition of the Pautawatomies & other nations in that quarter, understanding, he said, their intentions were hostile, and Mr. McKenzie's report on his return from that Country, sent you, shews that the rumour was entirely groundless.—

Perhaps my conduct in that affair may have given him occasion to make that Cynical and ill-grounded remark, in the letter I inclosed Mr. Selby the 4th inst. Viz. that the transactions of the Indn. Dept. were enveloped in the impenetrable veil of secrecy.

I have long served His Majesty, and I believe, Sir, my conduct has always given satisfaction to my superiors, and now to be accused of what no person who knows me and my circumstances, will think me guilty of, is exceedingly hard, I must therefore insist on an enquiry into my conduct, that the world may judge whether I have deserved such treatment, or whether malice and envy may not have given occasion to it. I will assert also that my house is and from the nature of my employment must be open to all Indians who make no Ceremony of seating themselves at my table, or that of my Servants daily in numbers, & the calumniator from that circumstance, no doubt may have judged of me by himself & what he would have done in the same case.

I inclose you a Copy of the Dy. Comy's Letter to me about bread Issues, to which I can prove I rigidly conformed.

I am &c.

Alexr. McKee Esqr.
D.S.I. Genl. &c.

(C. 1206, pp. 162-5.)

M. ELLIOTT.

INCLOSURE.

Account of Flour delivered to L. P. Cole by Capt. Elliott,

Total Amount
Bags.Amherstburg 14th Sept. 1797.
958 lbs.
18.

940 Nett.

LEVI P. COLE

Serjt. 2d B.R.C. Vls.

true Copy.

Geo. Ironside.

Clerk. Ind. Dept.

(C 1206, p. 165.)

INCLOSURE.

AMHERSTBURG 10th August 1797.

Sir,

In order that the Indians may be supplied with bread when wanted for incidental Issues, flour will be lodged in the Garrison bake house to supply bread for the said Issues; and in case bread should be wanted on the days of the general Issue by making requisition time enough before the Issue to give the Baker time to have it ready, it will be delivered in lieu of flour or in part thereof.

Any fresh Beef that may be necessary to be delivered to Indians must be issued at the Store, and the furnisher must furnish a Butcher to cut it up, that it may be delivered in presence of the Officer of the Garrison agreeable to His Excy. the Commander in Chief's Instructions.

The Commandant does not think it proper to deviate from the spirit of the Instructions, without a formal & proper order for so doing.

I am &c.

THOS. REYNOLDS.

P.S. Bread can only be delivered to Indians themselves, by Tickets from you.

(C 1206, p 166.)

INCLOSURE.

WEST NIAGARA, 24th Oct. 1797.

Sir,

I have the honor to inclose for your information, Copies of two letters from Capt. Elliott, S.I.A. to the Dy. S.I. Genl. which I have this day received from the Westward.—As they contain complaints of a very serious nature against Capt. McLean who commands at Amherstburg I shall immediately transmit them to the Commander in Chief and judge it right in the mean time to request that you will direct Capt. McLean not to suffer any purchases of Cloathing or other articles from the Indians within his post or any abuse to be offered to them; and whatever sutlers are detected transgressing therein may be deprived of their Licenses and punished at the discretion of a Court Martial. You will also be pleased to inform Capt. McLean that no Council ought to be held with the Indians by the Commandant at the King's Posts, where Superintendants are stationed, without sending them notice that they may be present—

With respect to Captain McLean having said any thing to the Indians to depreciate the Indian Department in the Estimation of the Indian Nations, I cannot think it possible, but suppose the suggestion has arisen from misinformation. However as the Indians appear from Mr. Elliott's representation to have received an undue impression which may have a tendency injurious to the King's Service, I am persuaded that you will concur with me in opinion that he ought to loose no time in removing it.

I have the honor to be &c.

Lt. Col. McDonell, 2d R.C. Vrs.

PETER RUSSELL.

Commanding H.M. Troops in Upper Canada.

(C 1206, pp. 166-7.)

INCLOSURE.

SANDWICH, 16th Octr. 1797.

Sir,

I beg leave to inclose a Copy of a Letter just received from Capt. Elliott the Superintendant of the Post of Amherstburg, which I think it necessary your Honor should be immediately informed of, having only to observe that if the Indians are suffered to be abused and threatened when they come for their presents, and their Presents allowed to be bought of them by the Retailers of Spirits in the Garrison, it is not possible to foresee the consequences that may result therefrom.

A. McKEE.

His Honor Peter Russell, Esqr.

INCLOSURE.

MALDEN 15th Octr. 1797.

Sir,

The consequences of Capt. McLean allowing 3 or 4 Taphouses in the Garrison who make a Trade of purchasing the Indians Cloathing &c., which they receive from Government will occasion discontent among them. Yesterday one of his Soldiers, living in the Skirt of the Wood above the Blockhouse, in consequence of being obliged to return the Clothing he had purchased of them for Rum, struck the Indian with a spade and otherwise abused him. The Indians (from Saguenaw) made some noise about it and Capt. McLean ordered all the Troops to appear under arms at the Blockhouse to intimidate them. If such conduct is consistent with the good of the service in his opinion, I must beg leave to differ from him, and I cannot answer for the consequences of it, therefore think proper to make you acquainted with it as soon as possible.

I am &c.

Alexr. McKee, Esqr.

M. ELLIOTT.

(C 1206, pp. 169-170.)

INCLOSURE.

SANDWICH, 18th Octr. 1797.

Sir,

The inclosed Letter from Capt. Elliott, is of so extraordinary a nature, that I lose no time in communicating it to your honor, and to observe that if the influence of the Department with the Indians is to be undermined or weak-

ened by Officers holding a temporary Command at a Post, and the substantial Interests of the King's Service are to be injured by stories fabricated without foundation to divide the Indian Nations from those who alone are authorised to call them together, and to be present at all Councils, the ill consequences thereof are not to be calculated—I shall therefore beg leave to express a hope your honor will make such a representation to his Excellency the Commander in Chief, as may in future prevent such interference, or produce from His Excy. an alteration in the existing General Orders for the Government of the Indian Department.

I am &c.

His Honor Peter Russell, Esqr.

A. McKEE.

(C 1206, pp. 170-1.)

INCLOSURE.

MALDEN 16th Octr. 1797.

Sir,

I beg leave to report to you that Capt. McLean, Commanding the Post of Amherstburg, called a Council of Indians at his own Quarters this day, without acquainting me therewith, that he afterwards ordered a keg of Rum from the Commy. Store to be given to them without any Requisition from me and altogether without my knowledge, that the Indians immediately after came to me and abused me for having deceived and cheated them, as they were informed by Capt. McLean, I had done, and that he was sent by their Great Father to take care of them and to prevent their being cheated by the Indn. Dept. I make this representation that you may be informed of the steps which are taken to lessen the influence of the Officers of the Department among the Indians so contrary to all former orders, and at the same time to state that my situation is at present so extremely unpleasant and irritating, that I find it most difficult to fulfil the duties of my office.

The Requisition I have made for Provisions for the Chenail Ecarté Settlement is for 450 Indians, conceiving the number there will not be less; at all Events should that number not be present, or their necessities not require the Quantity, the Provisions of course will not be expended, it will be issued agreeable to the General orders, and with all possible frugality.

I am &c.

To Alexr. McKee, Esqr.

M. ELLIOTT.

(C 1206, pp. 171-2.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 35.

UPPER CANADA, YORK 4th NOV. 1797.

Sir,

Lieut. Col. McDonell & Lieut. Pilkington having communicated to me the substance of Letters they had received from Head Qrs. intimating that your Excy. had been pleased to accept the offer I had taken the Liberty of making of my Buildings in the vicinage of Fort George for H.M. Service, A board of Survey was held upon them, and I have agreeably to my proposal—acceded to the Price they have been valued at (£900 H. Cy.)

I have in consequence relinquished all my Claims under General Simcoe's Lease, and delivered up the Keys of the premises, by Lt. Col. McDonell's desire

to the Barrackmaster; and I beg leave to offer to your Excy. my sincere thanks for your very obliging Acceptance of my offer, which has relieved my mind of much anxiety respecting them, at a moment when its attention is necessarily drawn off to so many other more pressing objects.

I am &c.

His Excy. General Prescott.
Endorsed:—Rec'd 2nd Decr.

PETER RUSSELL.

(C 1206, p. 172.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 36.
 Sir,

YORK 4th Novr. 1797.

I have the honor to inclose for your Excellency's information, Copies of some information I have lately received from the Westward.

I have the honor to be &c.,

To His Excy. Genl. Prescott.

PETER RUSSELL.

(C 1206, pp. 172-3.)

INCLOSURE No. 1.

CAPE GIRARDEAU, 28 Juillet, 1797.

Monsieur & Ami.

J'apprend par le porteur de la presente, et avec la satisfaction la plus grande, que vous Jouissez d'une santé de plus parfaite et que vos souhaits servient de venir Jouir de tranquillité sur cette partie, c'est ce que Je vous invite à faire, et suis très presuadez que le Gouvernement vous recevra avec Candeur; il sçait distinguer le merite et les qualités personnels, vous pouvez sous un tel Gouvernement passer des jours heureux, sans aucune molestation. Je vous Jure que Je vit avec toutes aisance et comblé d'honneur et de les bienfaits. Je le sert avec zele et attachement. Jen reçois felicitations de mes Superieures qui me rende Glorieux.

Mes desirs Servit complet, si Je vous y voyroit rendu, vous y trouveriez des amis qui vous recevront, et se feront un honneur de vous annoncer, Votre caractère très connu, ainsi que votre merite, en ferai encore plus que eux—Ainsi Je ne prevois aucune craintés qui puissent vous empêcher de venir vous Joindre a nous, toutes la Nation Chaounese, nous en seroit de plus flatte et se joignent a moi pour vous inviter, et vous souhaiter toutes sortes de bien etre, ils salut tous ainsi que moi—Le Capt. Elliott recevez les Civilités de Mr. Sargean, il est toujours resident en ma famille. Je suis avec Considération &c.,

L. LORIMIER.

(C 1206, pp. 173-4.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 37.
 Sir/

YORK 4th Novr. 1797.

At the earnest request of Mr. Adjutant McGill of the Queen's Rangers, I beg leave to transmit for your Excellency's Consideration a memorial from him praying to be reimbursed some money he had expended in saving His Majesty's

Schooner the Onondago, and the Stores belonging to her in the year 1794 & some remuneration or Allowance for the time he acted as issuing Com'y & Bk. Mr. at the Garrison near this Town.

The matter set forth in this Memorial having taken place before the commencement of my Administration, I can only express my confidence in Mr. McGill's veracity, and vouch for his diligence in every service intrusted to him.

I am &c.

His Excellency General Prescott.

PETER RUSSELL.

(ENCLOSURE.)

The Memorial of Ensn & Adj. John McGill, Queen's Rangers.

Sheweth—

That your Memorialist with Lieut. Bouchette assisted in saving H.M. Schooner Onondaga, and the Stores left on board her by the Crew, when she was drove on shore in this harbour, and supposed to be lost to the Service in the latter part of the year 1794.

That by order of Maj. Genl. Simcoe an expence was incurred as a gratuity to the soldiers for their Labor, that your Memorialist's part amounted to £6.18 H. Cy. which was paid him but by an Order from Lord Dorchester he was obliged to repay the same to the late Mr. Com'y Farquharson.

That your Memorialist has been informed by Lieut. Bouchette that he has since received his part of the Expence while at Quebec.

Your Memorialist begs leave to inform your Excellency that he has acted as Assistant Com'y at this Post from Novr. '93 to Decr. '96 in which time he never received Stationary but for one year nor any money in lieu thereof tho' frequent and regular Requisitions were made for the same—That during the time of his Acting he sustained a loss of 15 Galls of Rum on the issues of one Barrel sent here for the use of Indians, occasioned by the frequent and small issues made from it, and its laying near Three years on his hands before expended which loss your memorialist has been obliged to make good to the amount of 30 Dollars—That your memorialist has acted as Storekeeper and Issuer of Indian Goods sent to this Post without any reward.

That your memorialist has also acted as Barrack master for the Troops at this Post, since their arrival here without any reward whatever, but on the contrary some loss, nor has he ever received any Stationary from that Department.

Your memorialist therefore Prays your Excellency will be pleased to take the above into consideration and order such reimbursements to him as shall seem meet.

JOHN MCGILL,

Ensn & Adj. Q. Rangers.

Upper Canada

York 13th July, 1797.

(C 1206, pp. 182-3.)

FROM ALEXANDER McKEE TO PRIDEAUX SELBY

Copy of a Letter from Alexander McKee Esquire, Deputy Superintendent General, & Deputy Inspector General of Indians & their Affairs, Deceas'd, dated Fair View River Thames 5th Novemr. 1797 To Prideaux Selby Esqr. Asst. Secretary Indian Department Sandwich.

Dear Sir,

I received an express this morning from Captain McLean, a copy of his Letter is herewith Inclosed, respecting the Returns of the Indian Families to draw Provisions at Chenail Ecarte. I have wrote him in answer, that from a request the Indians have made to me themselves and in conformity to my instructions to encourage the Indians who are friends to the Kings Interest to attach themselves to this settlement, that it is necessary to have a Depot of Provisions there during the Winter, so that any of them that are in want, may not be allowed to suffer. I wish therefore that Frederick could be sent up to me in order to ascertain as soon as possible the number of families that will remain near that place; they must all be determined before this time.

I could wish you to spend a few days at the Mouth of the River to enquire into the truth of all these complaints, a Report of the real circumstances will enable the Departmt hereafter to meet them on fair Ground.

I am with great Regard &c.

(Signed) A. McKEE.

P.S. I have thought it best to prevent delay to inclose you a Requisition for the Provisions I think may be sufficient this Winter as it is said many are gone who intended to stay, this you will enquire of Frederick, & if you think it will do send it to be approved.

(signed) A. McK.

a true Copy

P. Selby

Asst. Sec'y I.A.

(Claus Papers, Vol. 8, pp. 49-50.)

FROM ALEXANDER McKEE TO PRIDEAUX SELBY

Copy of a Letter from Alexander McKee Esquire Deputy Superintendent General & Deputy Inspector General of Indians & their Affairs, Deceased, dated Fair View River Thames 5th Novemr 1797 To Prideaux Selby Asst. Secretary Indian Department.

Dear Sir,

Since writing you yesterday Clapham is arrived from the neighbourhood of Chenail Ecarte and informs me that the Ottawas have all gone from that place and that several Canoes are now passing to go to the South side of Lake Erie to Hunt supposing that they would not be allowed any provisions there during the Winter; in this case it will not be necessary for the Requisition I sent you to be approved or any one, until I can learn further about the Indians of that place.

The uncommon severity of the Weather has almost Frightened a fishing party I had prepared to send down to Fighting Island: I wish you would let me know if it is likely to be a good season for them, as I have got my Seine now in very good order & the Man that repaired it to go along with it.

With great regard &c.

(Signed) A. McKEE.

P.S.C. McLeans express
carried you my Letter yesterday.

a true Copy

P. Selby

Asst. Sec'y I.A.

(Claus Papers, Vol. 8, p. 53.)

FROM PETER RUSSELL TO JOHN ELMSLEY

YORK 5th November 1797.

Sir

Having before Mr. Justice Powell's arrival issued the usual Commission constituting myself a Puisne Judge of the King's Bench during the term, agreeable to the Secretary of States approbation, I have to apologize to you for not attending you to Court to-morrow, as I cannot get My Cloths on shore to appear in. And as Mr. Justice Powell is here to assist you, I shall with your permission absent myself for a few days that I may attend to other very pressing Business—But should you on any day have occasion to require my attendance, I shall with pleasure immediately qualify and take my Seat on the Bench.

I have the Honor to be &c.,

PETER RUSSELL.

The Honble Mr. Chief Justice Elmsley, &c., &c., &c.

*Endorsed:—Copy No. 1. 5th November 1797.**Mr. Chief Justice Elmsley.**Inclosed in Mr. President Russell's letter No. 23.*

FROM JOHN ELMSLEY TO PETER RUSSELL

YORK GARRISON NOV. 6, 1797.

Sir

Your note of yesterday (the 5th) relating to your Patent as a puisne Judge of the Court of King's Bench during the Term did not reach me till late last night, or it should have been sooner acknowledged—But before I answer the Question it contains, you will permit me to ask you by what Authority you have issued that Patent, and also in what respect it differs from that under which you have hitherto taken your Seat?

I have the Honor to be &c.,

J. ELMSLEY, C.J.

*Endorsed:—No. 2. Copy.**6th November 1797.**Mr. Chief Justice Elmsley's**Answer to Mr. President Russell's*
*letter—**Inclosed in Mr. President*
Russell's letter No. 23.

(Q 284, pp. 19-20.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 22.

UPPER CANADA YORK
19th November 1797.

My Lord Duke,

I had yesterday the Honor of receiving your Grace's Dispatch marked No. 4 dated the 13th of July; and I shall not fail to call together a Council, with as little Delay as the Season of the year will permit, for the purpose of taking into our Consideration your Grace's letter and the Plan therein inclosed—I have in the mean time transmitted to each of the Executive Councillors a Copy

of the Plan, that they may digest it well in their thoughts before they deliver their opinions upon it—For my own Part, I do not hesitate to give it my entire Concurrence, as I perfectly agree in opinion with General Prescott, that, by an early adoption of a similar Plan, several thousand Pounds might before this have been raised for defraying the public Expences of the Province; especially the making roads of Communication which the people are too poor to do of themselves thro' the new Settlements, & without which the Country cannot be properly organised and Governed. The Lands of this Province being of at least an equal value with those of lower Canada, & enjoying a much milder Climate & longer Summer (which in great measure compensate the disadvantage of its distance from the Sea) I cannot see an objection to the fee being set as high here as there—But I fear we shall not have so large a quantity of Land to dispose of, from our having a larger portion of Loyalists to whom some hundred thousands of Acres have already been given, and all whose descendants as well as themselves appear to have been exempted by Lord Dorchester's Regulations from the payment of any Fees whatsoever; so that I apprehend the half Fee proposed by General Prescott cannot be expected from *them*. The only addition which at present strikes me as necessary is, that half the fee (vizt. £12.10 cury. on each 1000 Acres) should be paid by the applicants into the hands of the Receiver General immediately upon his receiving the Warrant of Survey, and the other half when he takes out the Patent. Which might obviate the Trouble, Delays, & Disappointments resulting from the fickleness or Incapacity of speculators who never hesitate to solicit large Tracts of Land for a multitude of Names without ever intending to pay the fees or knowing how to procure the Settlers they promise to place on them.

The Business respecting the request of the five Nations remains still in the same State in which I had the Honor of representing it to your Grace in my letter No. 19; Since the date of which I have had no further Correspondence with their Agent on the Subject.

I am constrained to apologize again to your Grace for not transmitting to you the Observations on the Acts of the last Session, as the Chief Justice informs me he forgot to bring them with him from Niagara.

The House I had directed to be built for me here after the Destruction of my other, not being earlier in a state to receive me, I could not possibly remove hither with my family & Effects before the 3d instant, on which day I arrived at this place; and I have the Honor to inform your Grace that I shall in future administer the Government from hence—The Acting Surveyor General & the Attorney General, have by great Exertions thrown coverings over themselves & their Offices, & become Residents here, in compliance with the Lieut. Governor's orders—The Clerk of the Council has been long so—But those of the Secretary & Register remain still at Newark, I hope however that Mr. Jarvis will not delay his bringing them over longer than the first opening of the Navigation.

I have the Honor to be &c.,

PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada 19th Novbr. 1797.

Mr. President Russell, R./2d March, 1798.

No. 22. Ansd. 7th June.

(Q 284, p. 12.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 23.

UPPER CANADA YORK
November 19th 1797.

My Lord Duke,

I have the Honor to inform your Grace that Mr. Justice Powell has re-assumed the Functions of a Puisne Judge of the Province. But the Provincial Act of the 34th of His Majesty, which establishes a Superior Court of Civil & Criminal Jurisdiction &c., having directed that the Chief Justice and two Puisne Judges shall preside in the Court of King's Bench, and the actual presence of at least two Justices being consequently requisite to constitute the said Court; I have judged proper to continue the appointment, to the temporary Exercise of the Office of Puisne Judge untill His Majesty's Pleasure be further known, which your Grace was pleased to signify your approbation of in a letter to Lieut. Governor Simcoe dated the 9th of May 1795. For should either Mr. Chief Justice Elmsley or Mr. Justice Powell (who are the only Justices within the Province until a second Puisne Judge be appointed) happen to be prevented by Sickness or other Causes from attending their Duty in Term time at this Place (an event very possible while those Gentlemen continue to reside on the other Side of the Lake) full and complete Justice could not be administered and even altho they should both be on the Bench, it appears to be equally possible that a knotty Question of Law may arise, whereon they may each entertain a different opinion (as very nearly happened this last Term) in which case, a Suspension of Justice must necessarily follow.

I presume therefore to hope that my Continuation of this temporary Appointment may receive your Grace's approbation, as being the only measure I felt myself authorised to take for obviating the possibility of any such Inconvenience.

I think it my Duty, however, to inform your Grace that upon my informing Mr. Chief Justice Elmsley that I had issued the usual Commission for that purpose, he was pleased to call upon me for the authority by which I had acted; to which Question I did not judge it to be consistent with the dignity of the Station which I have at present the Honor of filling in this Province to make any reply; but I beg leave to inclose for Your Grace's Information Copies of my letter to the Chief Justice and his Answer.

I have the Honor to be &c.,

PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

*Endorsed:—Upper Canada 19th Novr. 1797.**Mr. President Russell.**R. /2d March 1798.**No. 23.**Ansd. 7th June**(Two Inclosures).*

(Q 284, pp. 16-19.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 35.

UPPER CANADA YORK, 19th Novr. 1797.

Sir,

I am last night honored with your Excy's letters numbered 23, 24, and 25 and one not numbered dated the 7th of October; and I have this day communicated the contents of numbers 23 & 25 to Mr. McKee the Dy. S.I. Genl. with positive Injunctions to cause due obedience to be paid to the Regulations therein ordered. I have likewise (agreeable to your Excy's request) required that Mr. Elliott & Mr. Ironside shall forthwith make suitable apologies to Capt. McLean Comdg at Amherstburg on pain of being dismissed by your Excy from their Situations in the Indian Department.

The Suddenness of this opportunity leave me time only to promise all due attention to your Excy's communication respecting Major Fraser; and to say that the Copies of the Acts were delivered with my letter No. 31 to Capt. Bouchette addressed to the care of Mr. Clarke at Montreal, But I shall send a few more Copies to your Excy as soon as I can obtain them from Niagara.

As your Excy's letter No. 21 has not yet reached me, I cannot be certain that you have received mine No. 23 dated 30th July, covering the Copy of an Act passed in the last Session of our Provincial Parliament to empower me to appoint Commissioners for the purpose of entering into a new provisional agreement with Commissioners to be appointed by your Excy or the Legislature of Lower Canada, & I consequently beg leave to mention the circumstance, that I may receive information from your Excy when Commissioners may be appointed from the Lower Province, that I may immediately send Commissioners from hence to meet them.

I am &c.,

PETER RUSSELL.

To His Excy. General Prescott.

(C 1206, pp. 183-4.)

FROM WILLIAM DUMMER POWELL TO JOHN KING

Duplicate

UPPER CANADA 20 Novr. 1797.

Sir

The Service your good offices rendered to me, in an hour of distress, can never be effaced from my mind, and I rely with implicit confidence on the Accomplishment of his Grace's good Intentions, in the augmentation of my Salary, from the appointment of a Chief Justice—not ignorant of the part you take in his Grace's administration of these Colonies, am aware that Information, from any quarter, can do no Injury, if it offer no Advantage, I have taken upon me to subjoin for your personal Information, a statement of some facts, and some observations, relative to the Proceedings, in regard of the Tract purchased from the Messasague nation of Indians by direction of Governor Sir Frederick Haldimand, for the use of the six nations confederate—The facts will probably have reached you by another channel, at least in part, but I apprehend, the Inferences, which, I hold, to be as substantially grounded, will not so readily occur to yourself, as a Stranger to the little policy of a remote Colony, or be suggested by any one, so utterly disinterested in the Event, upon any motive, but the truest devotion for the royal prerogative and a just estimate of the public advantage—

I beg leave at the same time to recall to your notice, the sketch of a Bill I proposed for the quieting of Land Possession in the Colony, and which was conceived, by the Council here, to encroach upon his Majesty's prerogative, and to compare it with the measure adopted in my absence—On such a comparison you will note, that in the preamble of my draught the Legislature is made to recognize the fullest power of the Crown over the Land, however improved, under location Certificates, and solicits, as of mere grace, the termination of his Majesty's will, by established principles, to guide which, the facts were to be found by a Jury; whereas in the Bill passed, his Majesty's Consent is not expressly asked, or waited for, but a power, greater than that of the Chancellor of England, is vested in a Commission, without a single principle for their Government, or any known Precedent to guide their discretion, and this, in ascertaining facts, as well as in the adjudication upon them, without the aid of a Jury, or even the retention of Testimonies, on which their adjudication might be revised—I hope and trust that my refusal to preside, or even sit upon such a Commission, will not be misconstrued, as it proceeds from a just veneration for the King's Honor, and the purity of the channel through which Justice should be distributed to his Subjects—I cannot conclude, without intimating to you, as a further Inducement for a full Compliance with my Petition for an Augmentation of Salary, that the forced Establishment of the seat of Governmt. at York has, during my absence, raised domestic and all other Labour, full thirty per cent, and that exclusive of the discomfiture of a separation from my family, and Exposure to the fatigue of marching through a pathless, uninhabited wilderness, by which alone, York is accessible in the winter months, I am of necessity exposed to an additional Expence of 100 guineas per An. for my journeys, and residence, during the Terms—It is utterly impossible for *me* to build there, for two or three years for the reception of my family—

The Distress of all the servants of the Crown, living upon Salaries, would excite your Compassion could you witness the Consequences of this removal.—

Pardon this detail and permit me to look up to your continued good offices—being with great personal Respect and Regard Sir

Your most obedient &c.

John King Esqr.

WM. DUMMER POWELL.

Endorsed:—Mr. Justice Powell

Novr. 20, 1797.

J. King.

R. / April 4, '98.

(Q 284, pp. 66-69.)

MEMOIR BY WILLIAM DUMMER POWELL

Duplicate.

The refusal of the Messasague nation of Indians to dispose of the Tract of their Country which separate the actual Seat of the King's Government, from the western population of the Province, has opened the Eyes of the Administrator, to the imprudence of the smallest departure from the wise injunction of the royal Proclamation of 1763, which peremptorily prohibits the purchase of any land from the Indians, "but only for the King in his name, at some public meeting or assembly, of the Indians, for that purpose, held by the Governor or Commander in Chief of the Colony, in which the Lands may be." The pretensions of a part of the Six Nations, under the direction of Joseph Brant, to a right

of alienation, without Controul, of the tract purchased for their use by Genl. Haldimand, underwent much discussion last year, and from various circumstances, sufficiently untoward, the President and Council were induced to accede to those pretensions in part, a Condescension lost on those people, who consider it as the result of fear, and who consequently will not only persist themselves in the Exercise of the presumed right, but instil the same notions into the other neighbouring Indians—The progress of the business is worthy note, and may be traced with tolerable accuracy—

Soon after Major General Simcoe entered upon his Government, he gave Encouragement to some german Emigrants settled, in the United States, upon the Lands of Sir William Pulteney, on the Genesee River, to withdraw themselves from thence, and come into the King's Government—It cannot be precisely ascertained, to what extent, the loose conversation of his Excellency with the *Sieur Bertzé* their Leader, might have advanced his views, but the reported temptation in Lands was sufficient to induce a Speculative Society of Merchants at New York, to furnish the dutch Colony with means of removal, from Sir William's Domains, into the King's Government—It seems likewise ascertained, that their Leader fluctuated some time between several situations for his Colony, which, pending his indecision, were victualled, and supported by the New York Company, to the open knowledge of the whole province—It can be also ascertained, that Mr. Bertzé, their Leader, with the consent and approbation of the Lieutenant Governor, treated with Joseph Brant in behalf of the Six Nations, for a portion of their Tract on the Grand River, they differed as to price, that proposed by the Indians not exceeding a moiety of what they have since sold the Lands for—It was not unknown to Brant that this purchase, if effected, was to be paid for by the Foreigners for the settlement of aliens, and he also knew that the King's Representative favoured the Transaction. This knowledge upon failure of his negociation with Bertzé, had the probable effect on the mind of Brant, of leading him to suppose that the Indians might dispose of their Land to the highest Bidder—Under this Idea he negotiated with one Stedman, a british Subject, and sold, and took pay for a Township, whereon the Buyer declared his purpose to establish a number of families from Leicestershire, on whose account he insinuated the Purchase to have been made—This transaction was no sooner made known to the Governor than the proclamation of 1763 occurred to him, as precluding private purchases, and the Contravention was treated as Treason—This brought on a Communication to, and from Brant, and the Lieut. Governor, and the Commander in Chief, Consultation of the Crown Lawyers, and an Engagement, in behalf of the Government, that royal Deeds should be given to the Indian Assigns—About this period, Lieutenant Governor Simcoe went to Europe, and his locum tenens, seeing difficulties, legal and political, in the fulfillment of the last Engagement, Brant, who, on the strength of it, had actually sold large Tracts, by auction, to the highest Bidder, on the Express Terms of furnishing them with a royal Grant, took umbrage, as might be supposed, talked of going to the King, and finally concluded upon a visit to the resident Minister at Philadelphia—The Conjunction was favourable, some Conversations of Mr. Simcoe respecting the Spanish Dominions on the Missisipi and the machinations of the french minister Adet for an attack on Canada, in both which plans, the neutrality and Independance of the united States was little respected, had in some degree troubled the Intercourse between the Government of the U.S. and Mr. Liston—An Artful Allarm, that the Spaniard meant to anticipate General Simcoe's good intentions towards him, by an

Invasion of Upper Canada, in which Event, the good will of the Mohawks might have a considerable degree of Importance, added to some private Insinuations of Mr. Brant to Mr. Liston that "all was not sound in Denmark," and that private and personal views more obstructed the wish of the Indians, in this business, than regard to the King's prerogative, or the general Weal—These Inducements or some such engaged Mr. Liston to recommend to the President the fullest gratification of the Indians' desire, without having himself the means to judge of the Consequences of such a Compliance. Armed with this recommendation from Mr. Liston, Colonel Brant accompanied by three hundred Warriours waited upon President Russell administering the Government of Upper Canada and (it is apprehended the Term is not too strong) extorted from the Council a Declaration that they would confirm the past Sales, and urge his Majesty's assent to their future disposition of the Lands—The repeated declaration of the President that the Council drove him to the Wall, and compelled his assent to the measure, under the risque of being personally responsible for the Consequences, leaves no doubt with the Indians, to whom all that passes amongst us is well known, that the King's Government, unprotected by regular troops, and without Confidence in the Militia, may be at any time, pushed to the same Extremity, and to use a popular expression, bullied into such measures as they think proper to propose—The inference is fairly deduced, from the Refusal of the Messasague Tribe to cede to the King, for less than three shillings and four pence sterling per acre, a Tract indispensably necessary to connect the Population of the Colony, with the Seat of the King's Government, planted in the midst of a Desert extending near fifty miles each way, through which neither Road, Bridge or House facilitates the Suitor to the Courts of Justice, the applicants for Lands, or for Deeds, and the thousands who from various motives desire access to the King's Representative, and Council, or to the public offices of Government—The unreasonable nature of this demand on the part of the Indians, may be estimated by Comparison with past purchases, where the value of the presents given, in return for the Cession of the Land, has not, in one Instance, exceeded two pence per Acre, and within a few weeks the Seneca Tribe and Six Nations sold to Mr. Morris a more valuable Tract for five Cents of a Dollar per Acre—But it is not only the immediate Inconvenience, resulting from this refusal to cede their Lands, which is to be contemplated, but the Mischiefs hourly to be expected from these Hords, if once they are satisfied that our Conduct towards them is influenced by apprehension of their Resentment—The King's Government will on every occasion be insulted with Impunity, and the disgraceful scene he represented, of the Subject withheld from Communication with the King's Courts, by apprehension of personal danger, a probability not lightly hazarded, but deliberately suggested by the President, who thought it incumbent on him, to protect the Chief Justice, in his Progress through the Messasague Tract, by a Military Guard—By casting the Eye over the map of the Province, the import of this Tract is too obvious, and yet, if the pretensions of the Mohawk Indians are submitted to, with what discretion, can it be proposed to the native Proprietors, to sell their Soil for less than is given to others, for the usufruct? It becomes no private Subject to advise, but it cannot be deemed improper to submit facts, and their relative probable consequences, for the information of those whose duty it is to advise—Under this Idea the above statement of the Origin and Progress of the present dilemma are submitted, it is presumed, with as much accuracy, and authenticity of detail, as any one has the means of offer-

ing, and in all probability more than his Majesty's ministers will receive from any other Quarter.

Upper Canada 1st. Novr. 1797.

*Endorsed:—Memoir on the Refusal
of the Messasague Indians
to cede their Land on Lake
Ontario—1797.
In Mr. Powell's of Novr. 20 '97.
(Q 284, pp. 69-75.)*

FROM D. W. SMITH TO PETER RUSSELL

S.G.O. 25 Novr. 1797.

Sir,

Mr. Pilkington has lodged a Warrant in the office for 400 Acres of land to Elizabeth Johnson—he tells me your Honor has consented to having a lot in the Township of York, formerly entered to him, & the remainder in the Long Point Settlement or elsewhere it may be found vacant.

Requesting your Honors Pleasure in regard to this, I am respectfully

Your Honors Most Obedient

hum. Servant

His Honor the President

D. W. SMITH, A.S.G.

&c. &c. &c.

Dear Sir

Mr. Pilkington has informed you right, & I promised to speak to you about, but forgot it.

faithfully your

most obedient

Honble. D. W. Smith

PETER RUSSELL

&c. &c. &c.

*Endorsed:—His Honor
rec'd 27 Novr. 1797.
To be entered.*

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 9, p. 209.)

FROM JOHN ELMSLEY TO PETER RUSSELL

NIAGARA November 26th 1797.

Sir

In obedience to the order of Council of the 28th of Augst. last I have the honour to transmit to you a report of the Grounds & principles of such of the Acts which passed at the last sitting of the Legislature as originated in the Upper House, and am to entreat your Pardon for not doing it sooner; but I trust that the constant employment I found while on the Circuit, & during the late Term together with some domestic avocations which unavoidably engaged my attention in the interval, will excuse the delay. I shall take the Acts in the order in which they stand in the printed Copy, & immediately after the Title of each shall subjoin the name of the Person who is generally considered the Author of it.—

1. An Act for securing the Province against the Kings Enemies. The Attorney General—

This Act was framed for the same purposes & upon the same principles as the two Alien Bills of Great Britain & Lower Canada.

3. An Act for securing the Titles to Land in this Province—The Chief Justice

This Bill was brought in for the relief of the subject in every part of the Province—but particularly in the remoter districts & was made necessary by the following circumstances.

This Province was formerly part of the Province of Quebec, and was separated from it in 1791—Before that separation, & for some time after it, lands were occupied by the settlers, under various Authorities—Some were held under the Certificate of the Commander in Chief, others under the Certificate of certain Boards in each District called Land Boards, others were held under the mere Ticket (as it was called) of the Surveyor General or his Deputies, & not a few under mere Verbal permission—

But none of these Authorities were considered as conveying any Estate in the legal sense of the word, but were mere licences of Occupation; and if a competent improvement was made within a given time were to be exchanged for the more solemn & authentic title of Grants under the Great Seal—Under these Authorities by far the greater part of the Lands in the Eastern & Midland Districts, & no inconsiderable part of those in the Western & Home were occupied & improved and are at this moment held—

In the course of upwards of fourteen years which have elapsed since the first settlement of the Loyalists in these Districts, it is reasonable to presume that many changes have taken place in the property of the Lands—Some of the original occupants are dead, the Lands are now in the possession of their heirs or devisees: others have mortgaged or sold their Lands, or have contracted Debts for the payment of which their Lands have been sold by the Sheriff—In short every event that can happen to real property, & every incident that can Attach upon it when secured by a legal Title, has happened & attached upon the Lands of this Industrious & thriving Colony; yet from the total ignorance of Legal forms under which it labored for several years, nothing can be more imperfect than the evidence of the Titles by which these Lands are held; there being throughout the Province but very few derivative Titles that would bear to be examined in any regular Court of Justice—I anticipate upon the Course of these Observations, to mention an instance which *occurred* during the sitting of the Commissioners under this Act in Septemr. last at Kingston in which the present occupant of some lands in the Midland District, deduced his title thro' no less than eight intermediate possessors, between no two of whom had there been any written evidence of the transaction between them—His claim however was proved by the best of all evidence, the Admission of the only persons who cou'd possibly dispute it.

Imperfect as the evidence of property thus was, there can be little doubt but that by far the greater part of the persons who claimed the Lands, & were in possession of them, were equitably & conscientiously entitled to them, & would on application to the Executive Government have had their claims confirmed by Letters Patent under the Great Seal—

The distance however at which most of them reside from the seat of Government, & their scanty means of Communication with it, together with the usual neglect of Agents, & the impossibility of issuing deeds on partial applica-

tions, where there appeared (as there frequently must have done) a probable right in other persons who must be heard but had not been summoned; these with other reasons of less importance have hitherto kept the landed property of the Province, floating in a state of uncertainty, equally uncomfortable to the holder, and discouraging to the purchaser, and wou'd eventually have opened a Door to endless litigation.

To remedy the existing, & to prevent the apprehended Evil, it seemed the simplest as well as the most efficacious measure, to erect some Authority, which being invested with the power of Courts of both Law & Equity, & being relieved from the strict rules of Evidence by which they are bound, and acting on the spot, wou'd be able in the manner the least inconvenient to the subject, to direct its enquiries to the real Justice & conscientious right of each case, without the embarrassment of those technical forms, which however necessary for the security of property in long settled & populous countries, were either Unknown or unattainable at the time and in the Country for which this Bill was calculated—

These were the principles on which this Bill was framed, & in drawing it, I was perfectly aware of the very great extent of the powers it vests in the Commissioners, but I was satisfied that nothing less wou'd have been adequate to the urgency of the occasion: One great effort was required, to restore the Province to the usual routine & current of human affairs; an event which measures of less efficacy wou'd only have postponed, until the confusion wou'd have become inextricable—To guard however against the absence of powers of such Latitude, the Bill not only limits the time within which they may be given, but to a certain degree confines the discretion of the Governor, &c.,—in the Choice of the persons to whom they may be entrusted, by making the presence of a Judge necessary—And it was for the same reason that I took the liberty of recommending to your Honour, that the Lieutenants of Counties, & the Members of the late Land Boards should be associated with the Judges in each Commission: The comparative superiority which the situations of the former give them and the general respectability of Character as well as the Local knowledge & experience of the latter, pointing them out as the persons the least likely to act, or to be suspected of Acting from Corrupt or partial motives, & giving to the subject all the advantages of a Jury without infringing on the Prerogative of the Crown.

As this Bill differs materially from that framed by the Attorney General of this Province & revised by the Attorney & Solicitor General of England, I think it incumbent on me to assign the reasons which induced me, notwithstanding my high respect for each of those persons to lay aside that Bill for at least another year, & to introduce the present.—

I conceive it to be a proposition which will not admit of a Doubt, that the legal Estate & Interest in the Lands of this Province remain, until they have been departed with by an Instrument under the Great Seal, in the Crown—I take it to be equally clear that the persons who at present occupy those Lands by virtue of Land Board Certificates & other Authorities of the like nature, have not what is understood by the technical name of an Equitable Estate, for an Equitable Estate may at any time (except in some few cases) be clothed with the legal Interest by the Decree of a Court of Equity Acting on the Conscience of the Trustee—but in the present instance the legal Estate can only be obtained by an Application grounded on the Royal Promise, & Addressed to those to whom the King has delegated the Exercise of his Executive Prerogative, and who cannot in that Character be reached by the Process of any Court of Law or Equity. I

shall not be suspected of insinuating that the Royal promise is an inferior security to the contract of a private individual—the only purpose (for I mark the difference)—is in order to ascertain the nature of the Interest which by far the larger part of the Inhabitants of this Province have in the Lands which they occupy—That Interest I take to be so unknown to our Law, as to be without a name, consequently it cannot of its own nature be accompanied by any of the incidents which accompany and distinguish the Interests which are so familiar to us by the names of Legal & equitable Estates, of Course, in an interest of this nature, neither the Husband is of right entitled to an Estate by the Curtesy, nor the Wife to Dower.

The effect of the proposed Bill however, would have been to give a right to those Interests to each of those persons, for after pointing out the manner in which Letters of declaration are to be obtained, it enacts that such Letters of Declaration shall operate with respect to all titles derived from the original occupants of the Lands, as if grants had been duly made to such Occupants." Under this Clause the husband of every Woman, & the Wife of every man who has had an Estate of Inheritance or more strictly speaking a promise of an Estate of Inheritance in the Land at any time since the year 1792, would acquire a vested right, the former to an Estate by the Curtesy, the latter to Dower; & every transfer that has been made of the Land, would, so far as those rights are concerned, be void, & the persons entitled to them might either insist on them in Specie, or claim an adequate compensation.

But before we give claims that would be attended with such consequences, it may be prudent to consider the nature & present state of the property on which they would operate; & as the Act of the husband, who joins in the conveyance of the Wifes Land, may be considered as an Equitable renunciation of his Estate by the Curtesy—I shall consider the subject as it relates to Dower only.

Had Upper Canada been like England a Country settled & cultivated for Ages, & in which every Acre produces an Annual profit, it would have been essentially just to restore or rather to confirm by a retrospect similar to that of the proposed clause, rights which would have been attended with an Annual return of Emolument, & which would have been of too much value to be neglected, notwithstanding the want of a formal title—But this is not the case in this Country, & it may safely be asserted that generally speaking the Lands which yield annual profit are still in the hands of the original proprietors, or of their Children; while the Lands which have changed owners, & on which this Act is principally to operate, either produce no Annual profit, or at least produced none in the hands of those to whom they were first given, exceptions may undoubtedly be found; but I am satisfied that the observation is as just as it is possible for an observation so general to be. But in a Country where land may be had in fee simple for little more than the trouble of Asking for it, who will bestow his labour on land, in which he has only a life estate, even tho' the whole of the returns are to be his own? who will work long for another, when he can as he undoubtedly may at present in this Province, earn the fee simple of four Acres By One days labour?

These Considerations encourage me to assert, that generally speaking the Widows Dower is of no value in itself, & that a release of it would not add one farthing to the price of a purchase. I will go a step further, & will assert that in nine purchases in ten it has never been thought of, & this not from any idea that from the nature of the Husbands interest in Lands for which he had no grant from the Crown, the Wife is not entitled to Dower, but merely because it

was worth nothing. It is the labour only which is bestowed on Land that makes it of value in any Country, in this, Land is too cheap for any man to bestow his labour on that which is not entirely and absolutely his own. As our population encreases Lands will become more scarce, & consequently more valuable, but in the meantime they must & will be, what they are at present, a mere article of commerce, affording profit to the Merchant who retails them, but yielding none to the owner, except as he labours on them himself.

It appears then that the right of Dower would yield nothing to the Widow if her dower were assigned to her, and in the present state of the Country can only be made profitable by being made a retro-active incumbrance on the Land when in the hands of a purchaser, but would it be just or politic to adopt such a measure And by adopting it to invalidate to a certain degree almost every contract for the sale of Lands that has ever been made in the Country by obliging the present holders to give up a third of them to the widows of the former holders, & to account for the mesne profits, or to redeem their property on a valuation made on the price it wou'd sell for now, & not on that for which it would have sold at the time from which the right to Dower would be dated? Would this be just when it is notorious that the produce of One year is in most Cases equal to near 200 times the value of the fee simple in its natural state, & that two, or at most three crops will pay for the expence of clearing it? Would it be politic when it is obvious that the only effect of such a measure would be to take the Lands from those in whose hands they yield an Annual increase, to give them to those in whose possession they would for the reasons I have already mentioned, return to a state of nature?

It was for these reasons that in drawing the Bill which the Legislature adopted I carefully abstained from mentioning the right of Dower, & was equally silent on the subject while sitting on the Commission in the Midland & Eastern Districts; & I cannot but consider it as a strong confirmation of the justness of the principles—I have the honor to submit to you, that in discussing upwards of five hundred claims, it was not once brought forward or even mentioned except in private conversation between One of the Commissioners & myself. Yet there is no man who more highly reverences the right of Dower or is more anxious to preserve it, as a most important part of the System to which it belongs. But tho' we have made the Laws & Customs of our mother Country our own, And have acted most wisely in doing so, yet I must be allowed to think that we mistake both our situation and our Interest if we think that a precipitate introduction & indiscriminate application of every part of them can be made with impunity—We are yet in a state of infancy & must be content for many years to follow our parent, *haud passibus equis*. In process of time we may and I trust will, as far as the difference of our situation will admit be found to resemble her; but in the meantime while we keep inviolate the spirit and principle of every institution we adopt, we must be careful so to mould & modify the form of it, as to adopt it to our own circumstances, and to introduce it almost imperceptibly into our own system.—

This consideration it was which induced me to prepare another Bill which now stands Chapter 7th of the Acts of this Session, and which is intended to preserve the right of Dower, by facilitating the means of barring it—Contradictory as this may appear, I am satisfied that something of the kind is necessary in a Country like this, in which as I have already observed Land is as much an Article of Commerce as Corn, and may be bought with equal ease at the store of the merchant, the necessity under which every vendor would have been of

bringing his Wife from the remotest parts of the Province to the Seat of Government in order to give her consent in open Court to the alienation of his Land, would eventually have had the effect, not of restraining the practice of Alienation, for that would be neither practicable nor desirable, but of silently—gradually abrogating the right of Dower, which would soon be excluded from every family by marriage settlements & Covenants of Warranty, and being seldom enjoyed would easily be forgotten & laid on the same obsolete shelf with the *pars rationabilis* which was Once As much the right of every Widow under the Laws of England, as Dower is now, but which has long been superseded as the general Law of the Kingdom, & was retained as a local Custom only in the City of London, and in some other places until the beginning of this Century—But by facilitating the means of barring Dower, it will not, I trust, be considered as a great inconvenience now, and will be thought so still less, when the value of land begins to rise, And the forms by which the possession of it is guarded, become more important.

You will observe, Sir, that I have hitherto treated the subject as if the Law of England had been the Law of this Province from its first settlement, tho' it did not obtain as such untill the year 1792, when by far the greater part of the Certificates & other Authorities by which the Lands on which this Act will operate, are held, had issued Prior to that Period, the Motley Code which prevails in Lower Canada prevailed here, and however just the observations I have submitted to your consideration may be when applied to a temporary incumbrance like Dower, it may be asked how they apply to the permanent interest given by the conjugal relation under the Laws of Quebec—For by those Laws, the Marriage Contract gives to each of the parties an absolute & vested Estate in a Moiety of all the property real as well as personal of the other; a right which descends to the heirs of each & may be reduced into possession by them, even in the lifetime of the survivor; of course the right of each party to a moiety of the property of the other, is as complete, & as much entitled to the protection of the Law, as the right of the other to the remaining moiety—It may therefore be Asked why the moiety which the Wife has acquired by Marriage should not be secured to her by a Deed under the Great Seal, as well as the other moiety to her Husband, the reason is, that tho' in strictness, the Law of the Province of Quebec continued to be the rule of decision in matters of property & civil right until the introduction of the Laws of England in 1792, was always Acted on by the different Tribunals established in the Country, yet in point of fact, all the Anglo-American inhabitants of that part of the Province of Quebec which is now Upper Canada, lived under the most confident expectation that they were eventually to be subject to the Laws of England only, & in almost every instance in which they were not controuled by the Courts of Justice, Acted as if they had really been so—

I have good reason to believe that this expectation received the confirmation of official assurances of the highest Authority, but however this may be, it appears to have been so deeply fixed in their minds, that from the information I have received & to which I give implicit Credit, I am satisfied that if they had been disappointed, & the French Law, under whatever modification, permanently established as the Law of Upper Canada, the very persons who had recently risked their Lives, & sacrificed their property in support of His Majesty's rights against the revolted Colonies, would almost to a man have abandoned the Asylum His Royal bounty had provided for them, & returned to a Country, the Government of which they abhorred rather than live under such a System—

On this occasion, too, it was no small satisfaction to me to find that the principles on which this Bill was framed, have been justified by the event; for I can assert without the slightest fear of contradiction that during the sitting of the Commission below, the Old Law of the Province was never Once referred to as the foundation of any claim, tho' several occasions offered on which it might have been done. The Board was indeed determined, for the reasons I have mentioned not to admit any Claim so founded, tho' it never failed on such occasion to make, under Cover of domestic arrangements and mutual concession such a distribution of the property of the family, as left the parties provided for and satisfied.—

These, Sir, are the reasons which induced me to lay aside a Clause, for the framers of which I entertain the highest respect, & to whose opinion, I should not have presumed to oppose my own had I not conceived that by being on the spot, I have an advantage over even their great learning & abilities. In the light in which I viewed the subject, I cou'd not but consider it as dangerous, & eventually productive of much confusion, to give a legal Interest to any person but the present holder of the Lands, & being satisfied in my own mind that no other person could have in strictness a right to demand any interest either legal or Equitable, I did not think myself, when drawing the bill, or the Commissioners, when acting under it, to be so far bound by the rules which govern those Interests, as not to be at liberty to apply either the One or the other, as we found them convenient to our purpose, or even to disregard both when we found that they would interfere with it: & if I may be allowed to refer once more to the Event, as the best criterion of all political measures, I cannot but look upon it as a proof of the justness of our principles, that upwards of 500 Claims on which we have reported have not produced a single appeal—

4. An Act for regulating the Practice of the Court of Kings Bench—The Chief Justice—

This Bill was suggested by the present situation of the Province, with respect to the Administration of Justice—The settled parts of Upper Canada if reduced to the regular figure which approaches the nearest to its present form, wou'd make a parallelogram of near 500 miles by not more than 20. Exclusive of the inconvenience of its form, it is hardly possible to conceive anything more scanty, more irregular, or more uncertain, than the means of communication which the extremities of this slender strip have with each other, & with the seat of Government—Without descending to particulars, there is little hazard in asserting that the punctuality & certainty on which not only the convenience of practice, but the very essence of Justice so much depend, & which form so important a part of the judicial system in England, are at present absolutely unattainable in this Province—To the remoter Districts, the Courts of Justice are at all times difficult of Approach; at certain seasons of the year they are almost inaccessible.

1. To remedy this inconvenience that arises from this circumstance, it is enacted by the first clause, that the Clerk of the Crown & Pleas shall have an Office in each District, and also in the Town of Newark in the County of Lincoln, in which the parties may plead to issue in like manner as they now do, in the principal office at the seat of Government; for which purpose the Deputy Clerk is empowered to do everything that is merely ministerial, reserving everything that requires the intervention of Judicial Authority, as it stands at present when the Cause is ripe for trial, the Issue, if of Law, will be decided in the Court above; if of fact, at the Assizes—In either Case, the record when completed by the Entry

of the Judgment in one Case, & of the Verdict & Judgment in the other, is deposited in the Treasury of the Court.

2. The reasons that suggested the second section of this Act, are the following—A very slight knowledge of the antiquities of his profession will satisfy a Lawyer that originally the attendance of the litigant parties on Courts of Justice in England was personal, and the pleadings oral. That this was the Case, the Language of every record shews, even at this day; tho' perhaps it may be difficult to fix the exact time, when attendance by Attorney was substituted for personal attendance, & oral pleadings exchanged for pleadings in writing. During the former period however, the Judges appointed certain stated times for hearing Causes, and in order to compel the attendance of his adversary, the party who made the complaint sued out a Writ addressed to the sheriff, by which he is commanded to cause the Defendant to appear before the Court, on some day at its next sitting. This is the origin of terms & return, & while the parties attended & pleaded their own Causes, nothing could be more convenient than such an arrangement, For the portions of time devoted to the Administration of Justice were selected with a view to those seasons of the year, when the subjects could be best spared from the labors of Agriculture. The same wise & benevolent consideration suggested the measure of sending Judges thro' the Country twice in every year, in order to take Assizes, and to try the Issues joined in the Kings Courts.

It is not however with political institutions as it is with rules of Law, that they cease when the reasons of them cease. Tho' personal appearance & oral pleadings have been superseded for some Centuries by appearance by Attorneys & written pleadings, the same stated periods are retained for making that appearance & filing those pleadings, & the same rules applied to the fiction which formerly regulated the reality—The consequence has been a very great & in many Cases a very useless delay—for by the former practice, if a Writ were taken out on the first day of the Long Vacation, the Defendant was under no necessity of appearing to it before Michaelmas Term. Yet he must have appeared at the same time, tho' the Writ had been taken out, only a fortnight before the end of the Vacation.

It seemed therefore more equitable, and more conducive to that impartial & undeviating uniformity which ought to guide every proceeding of a Court of Justice, that no more time should be allowed to one Defendant than to another, nor more to any than is reasonably sufficient, and as we are fortunately delivered by the simplicity of our practice from the complicated and abstruse system of returns which engages so much attention in Westminster Hall, there seem'd to be no reason why a Writ should not be made returnable in vacation as well as in Term time, and as the Cause proceeds thro' its subsequent stages without regard to either, an Action may now be brought to an Issue, & that issue decided, in less time than formerly intervened between the first & second steps in it.

3. The slight alteration made in the times of beginning of the several Terms, was merely with a view of the holding of the Assizes at the periods of the Year most convenient for the purpose: Viz, when the snow is on the Ground and immediately after Harvest.—

4. Before the passing of this Act, the only original process of the Court was the *Capias ad respondum*, by which the sheriff was directed to take the body of the debt, but as the Provincial Statute 34. Geo. 3. Cap. 2. Sect. 6 directs that no person shall be arrested, unless the Plaintiff shall make an Affidavit that the Defendant is about to leave the Province with an intent to defraud his

Creditors, it has happened that tho' the writ in every case commands the sheriff to take the body of the defendant, he is by that Clause prohibited from taking it in almost any. This circumstance having led to some confusion in the Western District, it was thought advisable to make the original process in cases which do not require Bail, the same in form as it is in substance, vizt. a mere Summons.

The allowance of five shillings only for the service of the Summons, without any allowance for milages, was made in order to strike a very heavy & very unnecessary article out of the Bill of Costs, an Article which generally composed from a sixth to a fourth of almost every Bill, & which considering the extent of our Districts might have been a very formidable instrument of oppression in the hands of a vexatious plaintiff, it was conceived that as the Plaintiff in most cases resides at no great distance from the Defendant, & must either come himself or send to the office to take out his Writ, the trouble of carrying it with him on his return & delivering it to the person who is to serve it, cannot be considered as a hardship. It seemed also to facilitate the means of the Sheriff's having what it is very desirable he should have several Bailiffs stationed at proper distances thro' the District.

But the principal recommendation of this measure is that it throws some part of the necessary Expence of the suit upon the Plaintiff himself. Generally speaking, it is just that he who wilfully resists a rightful demand shou'd bear all the expences incurred in asserting it; & if every such demand were of a nature to be accurately liquidated without the assistance of a Court of Justice, it would be unreasonable that the assertion of it should be attended with even the smallest expence—But this is far from being the Case: two men of equally enlightened minds & equally honest intentions may differ very widely in their estimates of the same Claim; & in Actions founding merely in damages, it is as possible that the Plaintiff may insist on too much, as it is that the Defendant may yield too little.

To say nothing of the numerous questions that arise in the daily and ordinary course of human affairs, & which are to be decided, not on principles of natural Equity, but on rules of positive Law, on the application & even on the construction of which not only the parties, but the Judges themselves, may differ, without recurring to the well known Case of Perrin & Blake, it is a truth that Cases happen every day, in which it would be just that the expence incurred should be borne equally by both parties: but in this as in many other parts of Judicial proceedings the difficulty of making proper distinctions, suggests the necessity of being guided by one general rule. The utmost that human Wisdom can do, is to frame that rule, as to embrace the greatest possible number of cases; but when that utmost is done, many cases will occur in which the Application of the rule will amount to a real hardship.

In throwing a good part of the burthen of the suit on the Plaintiff, it seemed more prudent to let it fall on him at the beginning than at any other stage of it, as the necessity of being at some expence would probably operate as a check on a litigious disposition, & discourage those petty Actions, which are much more frequently founded in a wish to hurt others, than in a desire of obtaining redress for a serious injury—

5. The fifth section was framed to remove doubts which had arisen on the construction of the 8th & 11th Sections of the 34 Geo. 3. Cap. 2. from the supposed operation of which it happened that if the Defendant did not appear at the return day, or within 8 days after it, the Plaintiff might enter a common appearance for him, & eight days after entering such appearance, might sign

Judgment. But tho' the Plaintiff could not sign Judgment until 8 days had elapsed from the entering of the Common appearance, the Defendant could not within that time cure his neglect by entering an appearance for himself—The interval was of course lost to both parties, & the object of this Clause was to enable the Plaintiff to sign judgment immediately after the time for appearance is out.

6. In England the sources of dilatory Pleas are very numerous: In Upper Canada, there are hardly any. The multiplicity of peculiar Jurisdictions, of personal exemptions, of appropriate forms of proceeding which give the Defendant in England so many opportunities of postponing the Plaintiffs demand, are almost unknown here; a Captious objection to the pleadings is almost the only opportunity which our practice offers of delaying the acknowledgement of a just Claim; and it was with the view of discouraging the practice of filing such pleas when filed for the mere purpose of delay, that the Clause gives the Judges, a power of hearing and determining them in a summary manner, and thereby enabling the Pltff to obtain Judgment as soon as he would have obtained it, had no such plea been filed. And when it is considered how much is trusted to the single Judge who sits at *Nisi prius* or on a Commission of Oyer & Terminer, it will hardly be thought too much to trust him with the determination of a special demurrer, particularly as he may at any time adjourn it, if he feels any doubt, to the next Term.

7. In a Country so destitute of the means of Communication, and where time is so valuable to all ranks as in Upper Canada, it is an object of the utmost importance to call the Farmer as seldom from home, as the nature of our Legal System will admit, And there seems no reason why a Plaintiff, whose adversary has made default, should put the County to the inconvenience of being summoned in order to ascertain his Damages only, when Causes of equal & perhaps greater importance are postponed to the Assizes; particularly as it may happen (as in fact it has very lately happen'd) that the sheriff may from want of legal knowledge, commit some mistake which may ultimately make an Application to the Court above necessary. For these reasons the Writ of Enquiry in cases of default is taken away, & a suggestion to the same effect being entered in the rolls, the damages are directed to be assessed in the usual manner at the Assizes.

8. The want of Specie adapted to the Currency of the Province having often occasioned a difficulty in paying the fee allowed by Law to the Jury, an addition of 3d was made to it; by which means each Juryman receives a Quarter of a Dollar, of which coin there is no want in the Country, with no greater addition to the Bill of Costs, than three shillings.

7—An Act for the more easy barring of Dower—The Chief Justice.

I have already made all the observations that occur to me on this Act, in what I have said on Chap. 3—

8. An Act to supply the want of Enrollment of Deeds of Bargain & Sale—The Chief Justice.

This Act was passed to obviate any objections that might have been made to the Deed of bargain & sale, which is the usual conveyance of this Country, Under 27 Hen. 8 c. 16 which requires that it should be enrolled in a Court of Record.

9. An Act to enlarge the time between the issuing and the opening of Commissions of Assize & Nisi Prius in & for the Home District, and for altering the time of holding the sittings for the said District—The Attorney General.—

The object of this Act which was brought in at my request, & for which I alone am responsible, is to enable the Judge of Assize for the Home District, to continue to hold the Sittings at the Town of Newark, notwithstanding the removal of the Court of King's Bench to York. The whole County of York did not when this Bill was first thought of, And I believe does not yet afford a complete Pannell of Grand & Petty Jurors—The only manner in which a Jury could have been assembled, according to the Laws & Customs of England, which by adoption are become the Laws & Customs of this Province, would have been by Summoning it from the County of Lincoln, in which there are at least 1000 persons liable to serve on Juries, and from which nine tenths of the Causes that arise in the District proceed—But the nearest Juror that could have been summoned would have had near 40 miles to travel to the Court, thro' a Country then & still belonging to the Indians, & wholly Uninhabited—Even if the sheriffs summons had been obeyed, which I am confident it would not have been, the compliance with it would have laid a very heavy burthen on the Subject, without answering any adequate good purpose—To obviate this inconvenience, it was judged expedient that the Sittings for the Home District should still be held at the Town of Newark, in which the District Jail stands, & which is the General Center of business of the most populous part of the District.

14—An Act to obviate the objections that might arise from a Clerical error in some of His Majesty's Letters Patent of Grant lately issued—The Attorney General.—

This Act is too plain to require any observation.

15. An Act to Authorize the Apprehending of Felons & others, escaping from any of His Majesty's Provinces & Governments in North America into this Province—Mr. Monroe—

The only remark I shall make on this Act is, that I hope it will pave the way for some provision of the same kind, between this Province & the United States of America.

18. An Act to extend the Provisions of an Act passed in the second session of the first Provincial Parliament of Upper Canada Entitled "An Act to confirm & make valid certain marriages heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future solemnization of marriage within the same—Mr. Hamilton—

This Bill was introduced into the House under the following circumstances—The operation of the Act of 1793; by which Justices of the Peace are enabled, under certain restrictions to perform the Ceremony of marriage was complained of by such of the inhabitants of the Province as are not members of the Church of England, & who were anxious that a ceremony of so much importance in every point of view, should be performed by their own ministers & Spiritual Teachers. To deliver themselves from what they thought a grievance, they made frequent & earnest application to the Executive Government of the Province, & at last obtained (as I have been informed) a promise from His Excellency the Lieutenant Governor, that He would apply to His Majesty's Ministers

for instructions on this Subject, & would transmit any bill calculated for their relief, that might pass the Two Houses of the Legislature.—

In consequence of this promise a Bill was brought into the Upper House, which after much modification & amendment was reduced to the form in which it now stands.

As the Bill was reserved for His Majesty's pleasure, it is neither requisite nor proper for me to say anything on the subject further than to state the line of conduct observed by His Majesty's Servants Civil & Military, who have seats in the Legislative Council, while it passed thro' that House—

This Province is principally settled by Loyalists from the Eastern & Middle Colonies, who notwithstanding their Uniform and steady Attachment to the British Constitution retain all those varieties of opinion on religious matters, for which that part of America has always been remarkable; It is not perhaps too much to say, that the members of the Church of England do not compose more than a fiftieth part of the population of the Province—To have extended the indulgence given by this Act to the Ministers, if that term can with any propriety be applied to the self constituted guides of the various divisions & subdivisions of sects, which agree in hardly any point but their refusal to conform to the Established Religion of the Province, would have been to give the power of performing the ceremony of marriage to some of the weakest, the most ignorant, & in some instances the most depraved of Mankind—Care therefore was taken to confine the relief afforded by the Act to such of the Protestant Dissenters, as tho' non-conformists here, are members of an establishment elsewhere, and would for that reason bring with them those sober & regulated modes of thinking both on political & religious subjects which are the usual consequences of habitual conformity to an established ritual, & which form perhaps the best barrier against the encroachments of either infidelity or fanaticism, & the inseparable companion of each, sedition—For these reasons it was confined to the members of the Church of Scotland, of which Country a very considerable proportion of the settlers in the lower parts of the Eastern District are natives—& to the Lutherans & Calvinists, under which descriptions it was presumed that almost all the Loyalists who were either of German or English descent, & who felt a pride in adhering to the belief of their Ancestors, would be included—It is possible that under cover of one or the other of these classes, attempts may be made by some of the wretched itinerant enthusiasts, who infest the states, & sometimes wander into this Province, to possess themselves of so valuable a privilege as the power of celebrating marriage, but it is hoped that the qualifications required by the statute, & the discretion vested in the magistrates in quarter sessions, will be sufficient to defeat their endeavours.

The last clause was framed in order to legalize certain marriages Celebrated by a man, who, whatever may be his other qualifications, was unquestionably a minister of the Church of Scotland.

I have the honour to be &c.,

J. ELMSLEY, C.J.

a true Copy

PETER RUSSELL.

His Honor the President.

*Endorsed:—Upper Canada
Chief Justices Observations
on the Bills Originating
in the Upper House of
the first Session of the Second
Parliament—November 26th 1797.
Received 21st December 1797.*

In. Mr. Presdt.

Russell's of

21st December

1797. 1.

(Q 284, pp. 23-52.)

FROM SAMUEL CLARK TO J. G. SIMCOE

Sir

Not having the honor of being personally known to your Excellency, I beg to apologize for the liberty I have taken in submitting the following subject to your consideration—

Being about to establish a settlement upon the grand River Lands in the Province of Upper Canada, being a tract of twelve miles square, purchased of the five nation Indians by Mr. Joshua G. Cozens, of that Province with whom I am interested, it being our sole intention to establish a settlement thereon, & finding it attended with very heavy expences to prosecute the business upon as extensive & respectable scale as we could wish, have found it expedient to admit some persons that may be disposed to enter into the concern with us, for which purpose we have divided the purchase into ninety shares of one thousand acres each, each proprietor to advance in proportion to the number of shares interested, a sufficient amount to carry the settlement into effect.

Esteeming it of material importance in prosecuting our plan, that it should have your Excellency's patronage, and from your knowledge of the Country, & of the superior advantage of this Land as to soil and situation, as well as of Mr. Cozens, being a true subject of his Majesty, & worthy of confidence, I am induced to flatter myself that your Excellency will countenance the undertaking in which case I shall esteem myself happy could I flatter myself with the hope of your Excellency becoming a proprietor by the acceptance of Five Shares free of any trouble or expence, not doubting but we should be able to carry the settlement into effect if your Excellency shall deem it worthy of your countenance & favor.

I take the further liberty of soliciting the honor of a few lines in reply hereto, & Subscribe myself, &c.

SAMUEL CLARK.

a true Copy

J. G. SIMCOE.

London 58 Chapel Street Pentonville

Decr. 4. 1797

His Excellency J. G. Simcoe late Governor
of the Province of Upper Canada, &c., &c., &c.

(Apparently enclosed in Simcoe's letter to John King, dated 13 December, 1797.)

(Q 283, p. 347.)

FROM JOHN ELMSLEY TO D. W. SMITH.

Dear Smith

NIAGARA NOV. 26. 97.

When I left York, I completely made up my mind never to mention to any human being, not even to yourself in whom I place the most implicit confidence, any cause of Complaint I might have against the President, nor should I have broken my resolution now, if I were the only person concerned; & in mentioning to you what I am about to say, I assure you I have no wish to involve you in any quarrel, but merely to put you on your guard against a man, who for some reason or other has long appeared to me to bear you a degree of hatred, little inferior to that with which he has honored me. The circumstance I refer to is this: When he was on board the Mohawk, on his Way to York, he had the indiscretion, to call it by no worse a name, to tell Paxton,¹ that the Chief Justice and Capt. Smith opposed him in all his Measures & made it impossible for him to do anything for the good of the Country. What the Circumstances were that led to this declaration, I know not, but the care with which it was concealed was worthy of the wisdom & truth with which it was made: for Paxton made no secret of it at Kingston whatever he may have done at York, & I have heard of it from two Quarters, one of them a Witness to his mentioning it before several persons, who it was absurd to suppose would be more secret than himself. I can give you no better proof that I do not wish you to quarrel with him than that I shall not quarrel with him myself for it; there is no sacrifice of either ease or dignity which I will not make, in order to restore this distracted Government to something like order and harmony; but in the mean time recollect what I have already told you of my suspicions as to the real Cause of all these dissensions & be on your guard.

May I request of you to remember my Petition for the Exchange of my Lot No. 15 for the Glebe in the second concession: (tho' I believe I have by mistake called it the 3rd.) Playter has written to me to tell me that he will not stand to his bargain for Hewitt's Lot. Will you therefore have the goodness to remember that if No. 15 is thought insufficient I will gladly add No. 14 to it, for the Exchange? My only reason for wishing for it, is in order to give it to a Brother, whom I live in hopes of seeing in this Country—Your Mother and David dined with us yesterday & are both extremely well. There is no news here except the death of my Parrot, who departed this life the day before yesterday without a will: My father in law has administered to the Estate, & is now employed in [mounting] the skin of the Deceased, as a memento of the long friendship which subsisted between them. The Mohawk is not yet arrived, & the Navy Hall people begin to tremble not only for their winter stores, but what is worse for their winter Cloathing—Tell Ridout there are two Jars or Pans for him here, which I shall send by the first opportunity. Give my best respects to Mrs. S. & family & believe me very sincerely yrs.

J. ELMSLEY.

Have you heard that the Onondago in going down, ran ashore in Hungry Bay?

Endorsed:—The Chief Justice Elmsley

26 Novr. 1797—

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 4-5.)

¹Thomas Paxton of the Provincial Marine, (see Simcoe Papers, II, p. 118.)

FROM HAZELTON SPENCER TO JAMES GREEN

KINGSTON 4th December 1797.

Sir/

there seems to be a fatality attending the transport the latter part of the season.

You will have found by my letter of the 26th Ult. that the Onodago had arrived and much damaged as will appear not only by my letter but that of Lieutenant Fortier dated 15th November on board the onodago, as well as Lieutenants Fortier and Paxton report of the 27th that she was not able to make another Voyage without undergoing a thorough repair, also the Mohawk sailed from this on the twenty second with a strong Easterly wind for Fort George which continued for two or three days and I am now sorry to say that after being twice within a few miles of their destination from storms and dark weather prevented them from seeing the land and returned here on the 27th with her Bowsprit sprung in two places in such a manner that she is not able to sail again this fall and from situation of the provision stores at Fort George, the stores at this post under [charge] of Mr. Gaucher for the upper posts, the Indian Presents, as well as Public letters, and it being represented to me by Mr. Nathaniel Taylor Deputy Commissary at this post the urgent necessity of stores being forwarded this fall also the Public letters, I have consented to the schooner Governor Simcoe being Chartered upon this occasion Altho an Exorbitant price as will now appear by Mr. Taylor's obligation which he has inclosed to Mr. Craigie to make one Voyage, the agent for the owners would not except of a return in freight neither to be paid the accustomed price the season being so advanced they were obliged to give double price to their crew to induce them to go as it was the usual time their Vessel was laid up, there is a very ample Supply of provisions forwarded to Fort George by the Simcoe to releave that post till such time as more can be forwarded in the Spring.

And beg leave to inclose such reports as I have been able to procure from the Naval Department in Justification of what I have done, and hope it will meet His Excellency the Commander in Chief's approbation. Assuring you at the same time that what I have done has been from no other view than that of forwarding the Public Service.

I have the Honor to be &c.

Captain Green
Military Secy
Quebec.

H. SPENCER Major 2d B.R.C.V. Commandg

(C 723, pp. 131-3.)

FROM JOHN CRAIGIE TO ROBERT PRESCOTT

QUEBEC 7th December 1797.

Sir,

In order to obviate the inconveniences that may arise from the interruption which the Transport from Kingston to Fort George has sustained this Fall: I beg leave to submit for your Excellency's consideration the expediency of directing Five hundred Barrels of Flour and six hundred Bushels of Pease to be provided at Fort George, deliverable at such periods as the Deputy Commissary there may require.

And it having been stated by the Agent for Purchases that supplies of Flour and Pease might be provided with greater facility in Upper Canada, if

the Authority to that Effect was given at an earlier Season than has been usual, I would also submit that orders should be given to provide the further quantities of Three Thousand Barrels of Flour and Three Thousand six hundred Bushels of Pease, to be deposited as follows. Vizt.

1500	Barrels	Flour	1800	Bushels	Pease	at Kingston.
1000	do.	do.	1200	do.	do.	Fort George.
500	do.	do.	600	do.	do.	Amherstburg.
<hr/>			<hr/>			
3,000			3,600			
<hr/>			<hr/>			

if they can be obtained at, or under the prices of 20/ P.Cwt. for Flour, and 5/ P. Bushel for Pease at Kingston, and a small advance in consideration of the Transport at the more distant Posts.

I think it my Duty to represent to your Excellency, that it is morally impossible to answer for the due deposit of His Majesty's Provisions and Stores at the several Posts, while the Vessels destined for this Service are liable to be taken away for other purposes.

I have the honor to be &c.

JOHN CRAIGIE,

Comy. & S.K. Genl.

His Excellency

General Prescott, &c., &c., &c.

(C 105, pp. 186-7.)

FROM PETER RUSSELL TO J. G. SIMCOE

No. 10.

Duplicate.

Dear Sir:—

UPPER CANADA, YORK,

December 9th, 1797.

I have the pleasure to inform your Excellency that I arrived here on the 30th ult. with my family and all my effects, which were with great difficulty and some damage got on shore as a violent storm of wind, rain, and snow came on immediately after and has continued almost ever since with very little intermission accompanied by a most intense frost; so that our harbour is now completely blocked up for the Winter, and I am not without apprehensions that the Inhabitants of this settlement may suffer for want of flour, as their expected supplies of that article have been cut off by this early visit of hard weather. Boards and scantling are likewise very scarce here and not to be procured now from the mills. I am in consequence wholly uninclosed and without covering for my horses, oxen, or poultry, and what is still worse my friend, Mr. McGill, has, very unlike a friend, neglected to lay in hay for me, although he was early requested to do so, and I cannot procure a sufficiency for their support at any price. The Attorney General and Mr. Smith have by very great exertions got themselves housed, the latter pretty comfortably. But Mr. Jarvis, not having made the smallest effort for the removal of his office, remains still at Niagara, and most probably means to do so until your Excellency's arrival. The two wings to the Government House are raised with brick and completely covered in. The South one being in the greatest forwardness, I have directed to be fitted up for a temporary Court House for the King's Bench in the ensuing term, and I hope they may be both in a condition to receive the two houses of Parliament in June next. I have not given directions for proceeding with the remainder of

your Excellency's plan for the Government House, being alarmed at the magnitude of the expence, which Captain Graham estimates at £10,000. I shall, however, order a large kiln of bricks to be prepared in the Spring and burnt, (as they will readily sell for what they cost if Government does not want them), and Boards and scantling may be cut and seasoned upon the same principle. But I sincerely hope to have the pleasure of seeing your Excellency here before we shall have occasion to proceed further with the building.

I have extended this town westward towards the Garrison and to the North as far as the base of Hundred acre Lots, reserving between the part that was laid out by your Excellency and this addition, a large space for public buildings (viz. a church, Court House, jail, market, hospital, schoolhouse &c.), most of the lots have been already taken up and about forty houses erected and several more are beginning.

The Huts at the Garrison requiring considerable repair to render them habitable in Winter, I have caused the Block House, (which your Excellency originally intended to place on the Peninsula), to be raised on the knoll on this side the Garrison Creek and fitted as a Barrack for 70 men. On the top of it is put a light house, which renders it a convenient and conspicuous object to guide vessels into the harbour. Upon the whole I flatter myself your Excellency will not be displeased with what I have done at this place.

I have been very chaste in my selection of inhabitants for the Long Point settlement and I am happy to inform your Excellency that in the late alarm of invasion no less than 160 young men turned out volunteers from it. As the Militia wanted organization I appointed Captain Rierse, (being of most respectability to be Lieutenant for the County of Norfolk and he has shown great zeal in the duties of his station.

The British Merchants at Detroit having solicited me to give them a town on that river, where they may reside and carry on their trade with equal convenience, I purchased from the Indians the Gore near the Huron Church for their accommodation and named it Sandwich, and I am informed that several houses have been already built there and that it promises fair to become soon the most beautiful town in the Province.

I am sorry to observe to your Excellency that we are miserably off for churches and Clergymen. Mr. Reddish, who came out with the Chief Justice, very strongly recommended by the Duke of Portland, was named by me at his own desire for this place. He has since returned with my leave to Europe, and I very much hope he may come back to us as he is an excellent preacher and an agreeable man. I have recommended to the Bishop that of the £1000, voted for building churches in this Province, half may be appropriated to York and £200 each to New Johnstown and Sandwich, and the remainder to Newark, But His Lordship has not yet favored me with an answer.

In a letter I have lately received from Mr. Osgoode he advises me to solicit the Lieutenant Governor of this Province in case your Excellency should not incline to return to it. But though I very much want the income to enable me to live in this country and would be very happy to get rid of the great charge and responsibility of the Receiver General's office I yet fear to make a request of that nature without more powerful support than I can now expect after the loss of almost all my friends. Should His Grace the Duke of Portland think me, however, worthy of that high honor, I should accept it with gratitude and do my best not to disgrace the appointment.

I have much more to say to your Excellency, but as I can have no certainty that this letter will ever reach you, (having no means of sending it but by the common post through the States to New York), I shall defer it until the Winter express. In the meantime should it fortunately reach your hands, I beg you will do Miss Russell and me the honor of presenting our respects and best wishes to Mrs. Simcoe and accepting the most sincere regards of Dear Sir, Your, &c.

PETER RUSSELL.

His Excellency General Simcoe.

(Simcoe Papers, Miscellaneous.)

FROM JOSEPH BRANT TO JAMES GREEN

GRAND RIVER, Dec. 10, 1797.

Dr. Sir,

Our former acquaintance encourages me to take the freedom of writing to you; but knowing the multiplicity of business you have on your hands, I would not trouble you with this, did not the particular situation of our affairs seem to require it, thinking it necessary for me candidly to acquaint my friends with the feelings of my mind.

I presume that you are well acquainted with the long difficulties we had concerning the lands on this river—these difficulties we had not the least idea of when we first settled here, looking on them as granted to us to be indisputably our own, otherwise we would never have accepted the lands, yet afterwards it seemed a little odd to us, that the writings Gov. Haldimand gave us after our settling on the lands, was not so compleat as the strong assurances and promises he had made us at first; but this made no great impression on our minds, still confiding in the goodness of His Majestys intentions, and in the weight we expected our former services would have with him—had it not been for this confidence and affection we bore the King, we still had opportunities left after the war of providing for ourselves in the free and independant manner natural to Indians; unhappily for us we have been made acquainted too late with the first real intention of Ministry, that is that they never intended us to have it in our power to alienate any part of the lands, and here we have even been prohibited from taking tenants on them, it having been represented as inconsistent for us being but King's allies to have King's subjects as tenants; consequently I suppose their real meaning was, we should in a manner be but tenants ourselves, as for me I see no difference in it, any farther than that we are as yet not free,—they seemingly intended to forbid us any other use of the lands than that of sitting down or walking on them. It plainly appears by this that their motives can be no other than to tie us down in such a manner, as to have us entirely at their disposal for what services they may in future want from us, and in case we should be warned out & obliged to remove, the lands would then fall to them with our improvements & labour.

Sir, I hope I shall not tire your patience, in making a few remarks on what I suppose may naturally be the thoughts of Government on our conduct—With respect to myself, they might say, he has half pay, and yet talks so much on these matters, it is very true, I enjoy that bounty of His Majesty, as many worthless like me do, that have never risked their property nor anything else in his service; but am I for this entirely to forsake the interests of my people, that put their dependance on me; besides my family which is very numerous cannot

be benefitted by my half pay when I am no more; which at my time of life I have reason to look upon as a period not so very far distant—I think it therefore incumbent on me to secure what they must look to for future support—With respect to the Nation they may also say, that they have received their losses, I confess that, but it was only in part, we did not wish to put our friends to too great an expence and it was me that was the very cause of the many things that they omitted in the account of losses, for instance our hunting grounds that were very extensive besides several other tracts of land were never mentioned—The Miller, Blacksmith & Schoolmaster, that is allowed us by Government may also be spoken of—we are indeed very thankful for it; but we look upon this as all temporary & the continuance of it to be uncertain—it may likewise be said they receive annual presents, what do they want more, we gratefully thank his Majesty for his bounty in this respect, but I am sorry to have to observe that this goes very little ways in clothing the poor and helpless, and the country is so much changed that hunting is of very little account to the young & robust.

I beg to say a few words more on this subject. The movements of Gov. Simcoe in attempting to curtail our lands to one half of the River, and recollecting our deed from Gov. Haldimand to be unequal to his first promises caused us to make such a large sale at once that the matter might come to a point, and we might know whether the land was ours or not—the next reason was that the lands all round us being given away to different people, some of them those that had even been engaged in war against us, we found it necessary to sell some land, that we might have an income, the hunting being intirely destroyed.—We now learn that the Ministry never intended we should alienate the lands, alledging, that by doing so, disaffected people might be introduced into the country that might injure Government.—The people we have sold the lands to are loyalists, and we expect that as other people settled in the Province, they will become subjects to His Majesty the same as if Gov. Simcoe had himself curtailed the land from us and given it to them, as he has done with the adjacent lands.

I am sorry for having taken up so much of your time with so tedious a letter; but I assure you my present disagreeable reiteration affects my feelings so much, that I cannot avoid expressing it rather fully, especially as I think this shall be the last time, I will trouble you on the subject.

To Captain Green.

Sir, I am &c.

JOS. BRANT.

(Indian Affairs, Upper Canada, 1797.)

FROM J. G. SIMCOE TO JOHN KING

WOLFORD LODGE

Decr. 13th 1797

most Private

Dear Mr. King

I think it proper to transmit to you a Copy of a letter which I have lately received from a Person unknown to me & to which I have given no Answer, at first I thought of reserving it with other Papers 'till I should have the pleasure of conversing with you upon them, but not being perfectly acquainted with any recent transactions in Upper Canada upon this very important Subject, I think

it better not to delay the transmitting the Copy of this letter, as possibly it may in some relation or other, be useful to you or the Duke of Portland.

I am &c.

J. G. SIMCOE.

*Endorsed:—Wolford Lodge
Decr. 13th 1797.
M. Genl. Simcoe
M. private.
one inclosure.*

*Directed — Private
To J. King Esqr. &c., &c.
J. G. Simcoe.*

(Q 283, p. 346.)

PROCLAMATION TO PROTECT THE FISHING PLACES AND THE BURYING GROUNDS OF THE MISSISSAGAS

PROCLAMATION, UPPER CANADA.

Whereas, many heavy and grievous complaints have of late been made by the Mississaga Indians, of depredations committed by some of His Majesty's subjects and others upon their fisheries and burial places, and of other annoyances suffered by them by uncivil treatment, in violation of the friendship existing between His Majesty and the Mississaga Indians, as well as in violation of decency and good order: Be it known, therefore, that if any complaint shall hereafter be made of injuries done to the fisheries and to the burial places of the said Indians, or either of them, and the persons can be ascertained who misbehaved himself or themselves in manner aforesaid, such person or persons shall be proceeded against with the utmost severity, and a proper example made of any herein offending.

Given under my hand and seal of arms, at York, this fourteenth day of December, in the year of Our Lord one thousand seven hundred and ninety-seven, and in the thirty-eighth year of His Majesty's reign.

By His Honour's command,
ALEX. BURNS,
Secretary.

PETER RUSSELL,
President,
Administering the government.

(Cf. Fourth Report of Ontario Bureau of Archives, p. 193.)

FROM JOSEPH BRANT TO D. W. SMITH

HEAD OF THE LAKE, December 15, 1797

Dear Sir,

I doubt not you will recollect that in July last past his Honor the President in Council after a full deliberation respecting the sale of certain tracts of Land treated for by me in behalf of the five Nations; assured the Chiefs who were then present for the purpose, that the same should be ratified and confirmed in the manner then prescribed whenever I should call on government therefor:—

And pursuant to the arrangement then made, it having then been deemed necessary that Trustees should be appointed on the part of the five Nations I took the liberty of naming you as one, which I did with the greater cheerfulness on account of your private as well as public character, and which I hope you may do us the honor and Satisfaction of accepting:—Respecting the nature and extent of the office of Trustees in this instance, I confess myself to be at a loss—and for my satisfaction therein I take the liberty of asking your information and particularly the mode in which the Trustees will act for us—to whom their trust will descend &c.—

The reason Sir of my not having called on the President before this for the ratification of the sales, is—a part of the monies due from the purchasers was payable in September past—a part in October and a part about this time and it has been my wish so to arrange the business that the several payments may be hereafter made at one stated period.

Respecting the ratification of these sales I have been of late curiously amused with Mr. Stewart's¹ Letters suggesting obstacles said to exist in the way of completing the business—such as that my power is insufficient—that the surrender of the lands must be made by the women &c. These are ideas which I presume cannot be entertained by Government—nor could I have thought it even had Mr. S. produced written documents to justify his intimations—These things however cannot persuade me even to doubt that the business respecting the sales is already or will be immediately concluded agreeably to the assurances of the President in Council.

I left my home three days ago purposely to wait on the President for the ratification as I now wish to have everything respecting them closed without further delay,—but as the rise of the waters renders it unsafe for me to proceed, I shall forward an account of the object of my journey to His Honor by the bearer of this, Capt. Seth & another chief, by whom I trust he will have the goodness of returning me a particular answer:—Or, should the weather prevent these Chiefs reaching York, I shall expect an answer by first safe conveyance, and at the same time shall be greatly obliged by the like favor from you.

I have the honor to be with perfect sincerity and regard

Dear Sir

Your most obedient

and very humble Servant

JOS. BRANT

Endorsed:—Capt. Brant

15 Dec. 1797

(MSS. of D. W. Smith, Toronto Public Library, Series B., Vol. 7, pp. 213-215.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

Extract of a Letter from General Prescott to Mr. President Russell, dated Quebec 15th December 1797, No. 30.

"In my letter No. 28 I had the honor to inform you that the difficulty you found to decide on the misunderstanding between the Officers of the Indian Department and Captn. McLean, Commanding at Amherstburg, would be easily obviated by reference to my late Correspondence on Indian Affairs, and

¹Alexander Stewart of Niagara, a barrister, whose wife was a daughter of Molly Brant. He was appointed on the trustees for the Six Nations on the sale of their lands.

the Orders and Regulations in force for the Government of the Indian Department.

"I now send you an Extract from Captain McLean's letter of 11th Novr. and Copies of a Correspondence between Mr. McKee, Mr. Elliot, and Captn. McLean, in consequence of the latter having discovered, that Mr. Elliot had imposed on him respecting the number of Indians on the Chenail Ecarte Settlement, by demanding "Provisions for Six Months for *543 Indians determined to remain there exclusive of occasional Visitors when their number actually amounted to no more than 67 Persons—the greater number of which, are since gone away to their hunting grounds.*

"Several attempts have been made from time to time by Mr. Elliot to draw Provisions profusely from the Stores, on account of Indians, but they have uniformly and with great propriety been resisted by Captn. McLean, which is the cause of the misunderstanding between them. Had Mr. Elliot, and the other Officers in the Indian department, obeyed Orders and conformed to the Regulations nothing of the kind could possibly have happened.

"Mr. Elliot's conduct for some time past, and in the above business more particularly, has been such, as to have considerably shaken the confidence, so very necessary to be reposed in Persons holding public Employments. I am therefore to request you will inform him, that the appointment of Superintendent of Indians and Indian Affairs which he holds during my pleasure, is forfeited, and that there is no further occasion for his Services in the before-mentioned Capacity.

"I shall inform His Grace the Duke of Portland of the above transaction, & recommend that Major Fraser should be appointed to succeed him, whom the Duke mentioned last Summer as an eligible Person for a Situation in the Indian Department.

"I am at the same time to request that you will please to direct Mr. McKee, the Deputy Superintendent General for Indian Affairs, to remove to Amherstburg, being a situation more central and eligible to reside at, than the Western extremity of the Province, where he lives at present; and his son Captain McKee, should be charged with the duties of the North Western District, for which he was originally appointed Superintendent."

R. P.

(C 1207, pp. 2-3.)

PETITION OF WILLIAM COOPER

William Cooper, of the Town of York, Schoolmaster, humbly prays your Honor for Lot No. one north side of Dutchess street, in the Town of York, or so much thereof to compleat an acre, having already received the 1/5th of an Acre in Lot No. 14 south side of Duke Street, whereon he has a dwelling House, but which he finds too small for his present occupation.

York 18 Decembr. 1797

His Honor the President &c. &c. &c.

The Petitioner cannot have an acre in addition to what he has, nor can the Acre lots be split—but No. one n. side Dutchess Street may be reserved until he

finds a person entitled to a lot who will pay him for his buildings & petitions for No. 14 S. side Duke Street on the petitioners relinquishing it.

PETER RUSSELL.

His Honor the Prest.
18 Decr. 97

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 225.)

FROM ROBERT HAMILTON TO PETER RUSSELL

Sir

I am honored with yours of the 12th Inst. and sensible of the distinction you are therein pleased to favor me with, I am truly concerned to decline the opportunity offered me, of being of service to the Province.¹

My business as a Merchant & farmer, occupies so completely my time in Summer, that during that Season, I cannot leave home without the greatest Inconvenience, and my local Situation makes a Winter Journey to the Lower Province almost impracticable.

I know no person so fitt as Mr. Cartwright whether from Abilities Situation or Inclination, to manage a Business of this Nature, and he I hope will be induced to take this trouble once more.—With *him* it is of less consequence who may be associated.—One other from that Part of the Province, might however more effectually secure, that there be a Quorum. Mr. Streets² knowledge in the Mercantile Interests of the Province I think equal at least, to that of most of the members of our Community.—He is at present free from the incumbrances of Business, or the cares of a family.—He is I understand dayly expected here, with Intention to Reside, and I think it probable that he will not decline this Mark of your Confidence.—

With sincere Respect I have the honor to be.....Sir

Your most Obedient

& very humble Servant

R. HAMILTON.

To the Honorable
Peter Russell President &c. &c. &c.
QUEENSTOWN Decr. 19th 1797

(Department of Public Records and Archives for Ontario, Toronto.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 24.

UPPER CANADA

YORK 21st December 1797.

My Lord Duke,

Having this day received the Chief Justice's Opinions and observations on such of the Acts passed in the first session of the second Parliament of this Province As Originated in the Legislative Council I have the Honor of transmitting herewith for your Grace's Information Copies of them, and of the Solicitor General's observations on those which originated in the House of Assembly.

¹Obviously referring to his nomination as a Commissioner to adjust accounts with Commissioners for the Province of Lower Canada.

²Samuel Street of Queenston, afterwards Speaker of the House of Assembly 1808-12.

I had proposed to reserve for the Signification of His Majesty's Pleasure—The Bill for the regulation of Ferries—The Bill for the more easy Barring of Dower—and The Bill for Securing the Titles to Land in this Province—but the Chief Justice and the Attorney General being both very strongly of opinion that they were necessary for the Welfare of it,—I yielded to their arguments and gave them the Royal assent—

The Legislative Council having for certain reasons refused their assent to a Bill sent them from the House of Assembly for confirming the Provisional Agreement entered into at Montreal the 28th day of January last between Commissioners in behalf of this Province, and Commissioners of the Province of Lower Canada, it become absolutely necessary to empower the Executive Government to appoint another Commission for framing a fresh agreement.

The Act contained in Chapter the 12th was consequently passed for that purpose.

I have the Honor to be &c.,

PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada 21st Decr. 1797.

Mr. President Russell

R. 7th June 1798.

No. 24.

Ans'd. 28th July

(two inclosures)

(Q 284, pp. 21-22.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 31.

QUEBEC, 21st December 1797.

Sir,

I have received from Lieut. Colonel McDonell the Report of the Gentlemen appointed to appraise and survey your House and Buildings situated on the Kings reserved Lands near Fort George, by which it appears, they, upon minute examination thereof, are unanimously of opinion, that the said Premises are worth the sum of Nine hundred Pounds Halifax Currency; I have accordingly approved the said Valuation, and directed that the Buildings shall be converted into Quarters for such Officers of the Military Department as are entitled to Lodgings at the Public Expence: I have therefore to request that you will be pleased to send me a legal conveyance of the whole of the aforesaid Premises, when a Warrant for Nine hundred Pounds Currency shall issue in your favor in payment thereof.

I am &c.,

Mr. President Russell.

ROBERT PRESCOTT.

(C 1207, pp. 15-6.)

FROM PRIDEAUX SELBY TO PETER RUSSELL

SANDWICH 22d December 1797

Sir,

The great Misfortune we have lately sustained by the loss of our Jail & Court House by Fire will, I trust, be accepted as an Apology for the freedom I

now presume to take in addressing your Honor on the Subject thereof, with a view of obtaining by your generous Assistance the means, and I believe the only means, of carrying on the public Business—

With a disposition very much to be commended, a certain Description of the Magistrates, in Consideration of the high assessments, and the weight of our debt, advanced between three or four Hundred Pounds by way of Loan, in order to compleat this most necessary Building; and at the Moment of our approach to respectability, all our Hopes, all our Exertions, and I may justly add, all our Power as Magistrates, ceased at once. In a special Session which I directed to be called the day subsequent to the Conflagration, there appeared some ground to warrant a Suspicion that the Building was set on fire by a Young Man, the son of one of the Prisoners, who is a free negro—But I fear we shall not be able to produce such Evidence as may induce a Jury to convict him—

Under all the Circumstances in which this Calamity has involved the District, I beg leave to assure your Honor that all our Dependance now is placed in the assistance of the Executive Government of the Province, without which there is not a ray of Hope left us for the accomplishment of Subordination to the Laws, or the Suppression of Vice—

I persuade myself your Honor will receive favorably this humiliating Picture of our present distress; and that your Benevolence will guard us against the Introduction of Anarchy by affording us another Opportunity of recording your generous Protection of the Western District.

I have the Honor to be &c.,

PRIDEAUX SELBY

Chairman of the Bench of Justices for
the Western District of Upper Canada

Mr. President Russell

(Q 284, p. 52.)

FROM PETER RUSSELL TO D. W. SMITH

YORK 22 Decr. 1797

Dear Sir,

I do not conceive that the Trust proposed to be vested in you by the five Nations can be incompatible with your office—on the contrary I wish they would annex it to the office. Nor have I the least Idea that the Execution of it ought to call you from the Seat of Government—as that is in my opinion the proper place in which all the Duties of it ought to be performed—being the Seat of all the offices of Record.

I did not mean to trouble you with the Entry of any more of the papers from below relating to Indian purchases, than what you may judge requisite for the Use of your own Office, in enabling you to answer references. The Papers themselves I shall produce before the next Council as the answer to the Requisition I made at their Request to the Commander in Chief—

Ever most faithfully

Dear Sir

Your obedient Humble Servt.

PETER RUSSELL

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 217-8.).

FROM D. W. SMITH TO JOSEPH BRANT

YORK 22d. December 1797

Dear Sir,

I have duly recd. your letter of the 15th Inst. intimating a wish to appoint me one of the Trustees on the part of the five Nations; not having had the pleasure of any conversation with you on the subject of the Trust to be committed to persons to be appointed for that purpose, or that you intended me for one, I am almost as much at a loss as you confess yourself to be—I should suppose however that those who delegate the trust can only say what that delegation should be, or to what extent it is intended.

The Instrument which conveys the trust, should I conceive, provide for the appointment of a new trustee, in case of Death, absence or removal of any of those originally named.

I have the pleasure to inform you, that since the receipt of your Letter, I have heard his Honor, the President say, he knew of no insurmountable obstacles, existing in the way of completing your Business, but as he has written to you himself, you will, no doubt, be satisfactorily informed from the Fountain head.

The Idea of the necessity that the women should sign the Instrument must have been a mistake, they are mentioned in the Body of the surrender, because (I understand) it has been usual so to do.

It will be necessary for you to return me, with your signature, the Plan (I gave you by His Honor's orders,) to sanction the projected Boundaries of the several Tracts, with the names of the Assignees, that the attorney General may be in possession of the proper Descriptions, for his fiat.

On the score of the Trust, all I can say is, that, as far as any mental labour, or personal attention of mine, (which may be consistent with my public Duty to the King's Government) you may command on the part of the five Nations; if in the Execution of such Trust I may not be liable to be called from the seat of Government, where my ordinary Duty obliges my constant attendance, and saving to myself the power of resignation in case of not coinciding in opinion with the other Trustees (whom I do not yet know) on points which may be agitated concerning your Interests.

I beg to assure you Dear Sir, that I am

Capt. Joseph Brant
Grand River

very truly your hble. Servant
D. W. SMITH

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 219-221.)

FROM JAMES GREEN TO JOHN MACDONELL

QUEBEC 23d Decemr. 1797.

Sir,

I have received and laid before the Commander in Chief your letters of the 31st October and 5th Decmr. with their several Enclosures.

His Excellency has been pleased to approve the Report of the Gentlemen appointed to survey and appraise Mr. President Russell's buildings near Fort George, and has directed them to be purchased accordingly, and converted into Military Quarters—You will be pleased to give the necessary Instructions to the Barrack Master for their being forthwith occupied by such Officers of the Troops

and Military Departments, as are entitled to Quarters, but at present unprovided, according to the established proportions of Rooms for each rank.

The Commanding Engineer will give directions to Mr. Pilkington to fit up one of the outhouses as quarters for the Deputy Commissary.

A Plan for the construction of some other Buildings at Fort George, has been approved by the Commander in Chief: Colonel Mann will furnish the Engineer with Instructions respecting them—An Hospital, Guardhouse and small Blockhouse to be placed near the Magazine, it is intended should be built first.

The Estimate for fitting up part of the Temporary shed for the accommodation of the sick, amounting in Workmanship to £33.10.0 Currency, is approved.

The Wood Yard was ordered in Septemr. last to be enclosed, and an Estimate amounting to £13.17.6, for that service, has been approved.

The Roof and standing Ladders wanted for the several Buildings, you will please desire to be made, and transmit an Estimate of the Expense thereof.

The detention of the Mohawk last Autumn has been productive of much inconvenience and great Expence: But it is hoped, in consequence of what has been said to the President on that subject, that he will so arrange in future, that the King's Service may not suffer again. His Excellency trusts that you as Commanding the Post, made the necessary representation to Mr. Russell on the late occasion, that the Garrison had not a sufficient quantity of Provisions and other necessary Stores for the Winter.

I am &c.

J.G.M.S.

P.S. Six Batteaux, reported unserviceable at the Chippawa, will be sent up early in the Spring for the service of that Post.

It being thought reasonable that setting Poles should be furnished the Troops at the Chippawa, when employed on the Batteaux service, His Excellency desires they may be made during the Winter, and issued to them accordingly, but to be replaced by them, when lost through carelessness.

J. G.

(C 1207, pp. 16-7.)

FROM ROBERT PRESCOTT TO THE DUKE OF PORTLAND

No. 69.

QUEBEC 27 December 1797.

My Lord,

In my Letter of the 23rd Instant, No. 68, I have intimated my dissatisfaction with the conduct of Mr. Elliot who held a Commission (during Pleasure) of Superintendent of Indian Affairs for the District of Detroit (now Amherstburg) and whom, as your Grace will perceive by the inclosed Extract of a letter to Mr. President Russell, I have found it necessary to dismiss from that Employment. His Majesty's late Instruction, which vests the management of the Indian Concerns in Upper Canada, in the Person administering the Government of that Province, was no sooner made known than the greatest Irregularities were attempted by the Officers of the Indian Department, who seemed to think themselves relieved from all control, and particularly by Mr. Elliot, in direct violation of the Regulations established by Lord Dorchester and which I have continued to enforce, being convinced that they are highly judicious and necessary.

It is but justice to Capt. McLean of the R.C.V. who commands at Amherstburg, to mention that he firmly resisted the Attempts which were made to obtain extraordinary Issues of Provisions, &c. upon false Returns of Indians; and also, that he has not failed to represent such other Irregularities as have come to his knowledge. A very lengthy Correspondence has taken place on this occasion, but I do not conceive it necessary to trouble your Grace with the particulars of it, especially as Capt. Mayne, of the Queens Rangers, who is now in England, can, if your Grace should desire it, give you very full Information of these Transactions.

If it should be agreeable to Major Fraser to accept the Appointment of Superintendent for the District of Amherstburg, it is to be hoped that his Exertions will essentially contribute to the good of His Majesty's Service in that Quarter.

I have the Honor to be &c.

His Grace

ROBT. PRESCOTT.

The Duke of Portland &c., &c., &c.

Endorsed:—Quebec, 27th Decr. 1797.

Lieut. Genl. Prescott.

R. 15th May 1798.

Ansd. 8th June—No. 69.

(one inclosure)

(Q 80-1, p. 70.)

ORDER IN COUNCIL APPROVING OF THE MARRIAGE ACT

AT THE COURT AT ST. JAMES'S
the 27th December 1797

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

Archbishop of Canterbury.

Lord Chamberlain.

Lord Chancellor.

Viscount Stopford.

Duke of Atholl.

Mr. Secretary Dundas.

Duke of Portland.

WHEREAS by Commission under the Great Seal of Great Britain the Governor General and Assembly of His Majesty's Province of Upper Canada are authorized and empowered to make constitute and Ordain Laws Statutes and Ordinances for the Public Peace, Welfare and Good Government of the said Province: Which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and are to be transmitted to His Majesty for His Royal Approbation or Disallowance: And Whereas in pursuance of the said Powers, An Act was passed in the Province of Upper Canada and transmitted intituled as follows. Vizt.

"An Act to extend the Provisions of An Act passed in the second Session of the first Provincial Parliament of Upper Canada, entitled An Act to confirm and make valid certain Marriages heretofore contracted in the Country not comprized within the Province of Upper Canada and to provide for the future solemnization of Marriages within the same."

Which Act having been referred to a Committee of the Lords of His Majesty's Most Honourable Privy Council appointed for the Consideration of all matters relating to Trade and Foreign Plantations the said Lords of the Committee have this Day reported as Their Opinion to His Majesty, That the said Act is proper to be approved, His Majesty was therefore pleased with the Advice of His Privy Council to declare His Approbation of the said Act and pursuant to His Majesty's Royal Approbation thereupon expressed, the said Act is hereby confirmed, finally enacted and ratified accordingly. Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's said Province of Upper Canada for the Time being, and all other Persons whom it may concern are to take Notice and govern themselves accordingly.

STEPH. COTTRELL.

FROM PETER RUSSELL TO D. W. SMITH

YORK 27 December 1797

Dear Sir

I do not recollect any promise of mine to Cooper about Lots.—nor can I conceive how Mr. Small has been authorised to give a Warrant to him for a specifick Lot—as the Council has been since agreed to leave locations to the Surveyor General, except in Situations which require that the Person administering the Government should have previous Knowledge of those to be placed on them—If more than 200 Acres have been ordered to Cooper—that addition should certainly not be in the Township of York—as it has been determined that more than one farm Lot shall not be granted to one person in this Township—Consequently Cooper having a Lot upon Yonge Street cannot have also No. 5 in the same Township—The Matter therefore hinges upon the Authority by which Mr. Small has signified to you that the Council has ordered him that Specific Lot—I shall therefore thank you for enquiring into this Matter, as there is more under it than meets the Eye—Should however Cooper have relinquished his Lot on Yonge Street & been ordered No. 5 in Lieu—the latter cannot be taken from him and Mr. Denison must be provided for elsewhere—But if that should not be the Case & Mr. Small had not Authority for ordering that Specific Lot to him—there can be no impropriety in giving the Lot to Mr. Denison.

Ever most faithfully Yours

PETER RUSSELL.

Endorsed:—His Honor the President

27 decr. 1797

Addressed:—Honble. D. W. Smith

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, pp. 227-8.)

FROM JOSEPH BRANT TO D. W. SMITH

HEAD OF THE LAKE 28 December 1797

Dear Sir

I am very happy in the receipt of your favor of the 22d instant which was handed me last evening by the Chief who had it in Charge—and I can but express, in behalf of the five Nations the very great satisfaction I enjoy in your obliging acceptance of the Trust I have wished you to take in their behalf—

Permit me Sir to say, that the great confidence we have in your abilities, integrity and honor, renders us peculiarly happy in this acceptance; and I am well satisfied to have it attended with the conditions you have been pleased to mention—

In consequence of your letter together with one from His Honor the President brought to me by the same Chief, I have this morning dispatched a runner to Captain Claus, who I have named to be one of the Trustees, requesting him, with all convenient speed, to attend to the surrender to be made to the Crown, and likewise to favor me with his company to York, where I intend, as soon as may be, personally to pay my respects to you for the purpose of doing whatever may be incumbent on me in behalf of the five Nations to bring this business to a final close—I ardently hope that in the course of the next week, we shall be on our way.—

It may be Sir a matter of much consequence to the five Nations that I be in possession of a complete Map of the Grand River Territory—and I have most earnestly to request of you, if consistent, to direct Mr. Chewit to execute one upon as large a scale as may be convenient, that if possible it may be in readiness for me when I shall be at York, for which I will very thankfully make any compensation.

I have the honor to be with perfect truth & sincerity

Dear Sir

Your most obedient and very hble Servant

Endorsed:—Capt. Brant

28 December 1797

JOS. BRANT

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, p. 223-5.)

LIST OF INHABITANTS OF DETROIT WHO ELECTED TO REMAIN BRITISH

List of persons living in the town and district of Detroit, who notified their intentions of remaining British subjects with a year from the date of evacuation.

Augustin Amelie.	Jean Bte. Pere.	John Clark.
Lauret Maure.	Jean Bte. Montroi.	James Fraser.
James McIntosh.	Thomas Green.	J. Portier Benac.
Robt. Innis.	Francis Primo.	Wm. Hands.
Rd. Pattinson.	Charles Petre.	Francis Rasette.
Robt. Grant.	Pre. Lanoux.	Simon Druillard.
Jonathan Schifflin.	Redmond Condon.	Geo. Jacob Rudhart.
John Martin.	Joseph Bernard.	Pierre Rell.
D. McRae.	John Grant.	Basile Durocher.
Wm. Forsyth.	George Sharp.	Alexis Crait.
Francis Bertrand.	James Vincent.	Joseph Borrell, fils.
Pre. Gabarne.	Louis Barthe.	Alexis Borrell, fils.
Hugh Heward.	Alex. Duff.	Richard Money.
Wm. Fleming.	Batiste Boete.	Niel Delisle.
Charles Chauvin.	John Daine.	Wm. Mickle.
James Donaldson.	William Harffy.	Wm. Baker.
Louis Moore.	Samuel Edge.	John Cain.
James Condon.	John Langlois.	R. McDonnell.
Pre. Delorme.	Jas. Guthrie.	John McDonnell.

Alex Harson.	John Whitehead.	John Wheaton.
Thomas Smith.	Wm. Thorn.	Louis Coutre.
John Askin, Sr.	Jonathan Nelson.	Amable Latour.
Pierre Vallee.	Geo. Meldrum.	Wm. Mills.
John McKirgan.	A. Iredell.	James Anderson.
James Smith.	J. Bte. Barthe.	Peter Blanche.
Joseph Mason.	J. Bte. Barthe, Jr.	Isaac Ganize, pere.
John Anderson.	Robt. Nichol.	John. Lagard.
Angus McIntosh.	Alex. Maisonville, fils.	Bt. Telemain dit.
Conrad Showler.	Jean Bte. Bernard.	—— St. Louis.
Charles Rocque.	John Reul.	Bte. Monmerell.
John Little.	Mathe Dolson.	Richard Donovan.
Ch. Poupard.	Wm. Park.	Isaac Gagnier, fils.
In. Robital.	Wm. Smith.	Franc. Lemaire.
Nicholas Boyer.	Robt. McDougall.	Sam'l Eddy.
John Fearson.	John McGregor.	Dominique Druillard.
Benoit Chapoton.	John Askin, Jr.	Bapt. Druillard.
James Cartwright.	Joseph Borrelle, Sr.	Bapt. Rousseau.
Gabriel Hewes.	James McGregor.	Philip Belanger.
Robt. Forsyth.	Robt. Gouin.	Joseph Grenier.
Antoine Chauvin.		

N.B. Besides these, many loyalists and public officials, whose names do not appear in this list, had already removed to Canada.

(Collections of the Pioneer Society of the State of Michigan, Vol. VIII, pp. 410-11.)

PROPOSED ESTABLISHMENT OF THE INDIAN DEPARTMENT FOR THE YEAR ONE THOUSAND
SEVEN HUNDRED AND NINETY EIGHT TO COMMENCE THE 25th DECEMBER 1797.

Names	Appointments	Districts for Each	From What Fund Paid	Pay Per		Amount of Pay in Sterlg. Dollrs. at 4/6
				Annum	Day	
Sir John Johnson Bart.....	Supr. Intend. Genrl. & Inspect. General.....		Military Chest	£1000		£1000
Alex. McKee Esqr.....	Deputy Supr. Intend. Genrl. & Deputy Inspector. Genrl.		do.	600		600
Joseph Bunbury.....	Agent of Indian Affairs.....		do.	300		300
John Lees.....	Storekeeper General.....		do.	300		300
Fleury De Chambault.....	Super Intendant.....		do.	200		200
Joseph Chew.....	Secretary.....	Lower Canada	do.		10/-	182
John Chew.....	Clerk To the Storekeeper General.....		do.		4/8	85
James Molloy.....	Conductor of Indian Stores.....		do.		4/8	85
Chevr. Lorimier.....	Interpreter.....		do.		4/8	85
Nathaniel Lines.....	Interpreter.....	Kingston	do.		4/8	85
William Claus.....	Super Intendant.....		do.	200		200
Robert Kerr.....	Surgeon.....		do.		10/-	182
Wm. Johnson Chew.....	Storekeeper & Clerk.....		do.		7/-	127
Barnabas Cain.....	Black Smith.....	Fort George	do.		4/8	85
J. B. Constance Alias Geo. Cowan	Interpreter.....		do.		4/8	85
David Price.....	Interpreter.....		do.		4/8	85
John Norton.....	Interpreter.....		do.		4/8	85
St. John Alias I. B. Rousseau	Interpreter.....		do.		4/8	85
Mathew Elliott.....	Super Intendant.....		do.	200		200
Prideaux Selby.....	Asst. Secretary.....		do.		10/-	182
George Ironside.....	Storekeeper and Clerk.....		do.		7/-	127
Thomas Alexr. Clarke.....	Interpreter.....	Amherst- burg	do.		4/8	85
Simon Girty.....	Interpreter.....		do.		4/8	85
Charles Reaume.....	Interpreter.....		do.		4/8	85
Timothy Murphy.....	Black Smith.....		do.		4/8	85
Thomas McKee.....	Super Intendant.....		do.	200		200
Thomas Duggan.....	Storekeeper & Clerk.....	St. Joseph	do.		7/-	125
Guilliams La Mothe.....	Interpreter.....		do.		4/8	85
Exd. Joseph Chew S.I.A.				Sterlg.		£5123

Amounting to Five thousand one hundred & Twenty Three pounds one Shilling & Eight Pence Sterlg Dollrs. at 4/6.

THE RUSSELL PAPERS

ANNUAL REPORT OF THE MILITIA IN HIS MAJESTY'S PROVINCE
OF UPPER CANADA ON THE 1st JANUARY, 1798.

Districts	Counties	Lieutenants	Lt. Cols.	Majors	Captains	Subalterns	Sergeants	Drummers	Rank & File	Strength of the Districts		
										Sgts	Drummers	Rank and File
Eastern	Glengarry	Lt. Col. McDonnell	2	1	7	18	30	7	376			
	Stormont	Arch. McDonnell	2	1	8	16	20	7	313			
	Dundas	Hon. Richd. Duncan	2	1	4	12	12	7	204			
	Grenville	Peter Drummond	2	1	8	19	20	7	250			
	Leeds	Jas. Brackenridge Esq.	2	1	7	20	30	10	423	112	38	1566
Midland	Frontenac	Honorable Richd. Cartwright	2	1	4	10	10	5	180			
	Addington	Wm. Johnston	2	1	5	11	18	6	241			
	Hastings	no Lt. appointed	"	1	3	10	9	3	143			
	Prince Edward	P. Vanalstine	1	1	4	14	14	5	260			
	Lenox	Hugh Spencer Esq.	2	1	8	18	20	8	293			
	Ontario	no Lt. appointed	"	"	"	"	"	"	"	71	27	1117
Home	Northumberland	no lieut. appointed	"	"	"	"	"	"	"			
	Durham	no lieut. appointed	"	"	"	"	"	"	"			
	York	Hon. Aeneas Shaw	2	1	9	16	18	9	222	126	49	1245
	Lincoln	Hon. Robt. Hamilton	7	4	45	83	108	40	1023			
Western	Norfolk	Saml. Ryerse	1	"	3	10	13	3	235			
	Suffolk	no lt. apt.	"	"	"	"	"	"	"			
	Essex	Alex. McKee	2	2	5	13	12	8	408	29	16	815
	Kent	Hon. Jas. Baby Esq.	1	1	4	8	4	5	172			
Total			30	18	124	278				338	130	4743

Upper Canada—York 21st March 1798

PETER RUSSELL
President Administering
the Government U.C.

Endorsed:—Annual Report of the Militia in His Majesty's Province of Upper Canada on the 1st of January, 1798, in Mr. Presd. Russells of 21st March 1798—No. 31.

(Q 284, p. 158.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS].

COUNCIL CHAMBER
YORK 2nd January 1798.

Present.

His Honor The President.	
The Honble John Elmsley	Chief Justice
The Honble Æneas Shaw	
The Honble John McGill	
The Honble David W. Smith	} Esquires.

Read the following Petitions.

William Dickson Stating that he has located Lands in Flamborough amounting to about Ten Thousand acres, that the greatest part of it is unfit for Cultivation, and that Deeds have issued for the far greater part of them; prays that he may be permitted to exchange them for other unlocated lands—he paying the accustomed fees.

The Board are concerned it cannot with propriety accede to the Petitioner's request with respect to the Deeds already issued—it being a precedent which may lead to injurious Consequences; But should the Petitioner have Other Lots in the same Predicament, for which Deeds have not issued, the Board will with pleasure Shew every proper Indulgence to his Application to changing them.

Adjourned.

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 32.

QUEBEC, 4th January 1798.

Mr. President Russell,

Sir,

As it may be necessary to say something to the Indians in the Neighborhood of Amherstburg, on the dismissal of Mr. Elliott, from their Department, I am of Opinion it is not necessary to do it in a very formal manner, least it may give it the Appearance of more consequence than it really is. Mr. McKee should therefore be directed to acquaint them in the presence of all the Officers of the Garrison, at the first meeting he may have with them, after the receipt of your orders on that subject; that they will in future be attended to by himself, as I have thought fit to dispense with Mr. Elliott's service, for not having conformed to his Instructions, and for having given in Returns of their Numbers at Chenail Ecarte for Provisions, that by no means correspond with an Exact Return obtained by the Commanding Officer of that District.

I am &c.

ROBT. PRESCOTT.

(C 1207, p. 22.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER
YORK 6th January 1798.

Present

His Honor Peter Russell Esqr. President	
The Honorable John Elmsley Chief Justice	
“ Honorable Æneas Shaw	} Esquires.
“ Honorable John McGill	
“ Honorable David Wm. Smith	

R. 69 No. 4. Read the following Petitions.

Thomas Reynolds, Deputy Commissary at Amherstburg.

Stating that his family has received 1000 Acres, and himself 400 Acres—prays to have his personal grant extended to the quantity given other Commissaries.

Ordered that the Land granted to the Petitioner be made up 2000 Acres as a reduced commissary—and that 200 Acres each be granted to his Children including the 1000 Acres herein mentioned to have been granted to his family.

Josiah Phelps. Stating that he is desirous of Building a Vessel on Lake Simcoe, having prepared Rigging and Sails for the purpose, and built a house on this side of the Lake—Prays for a grant of Land that will make it a Sufficient Object for him to proceed on his intended plan.

The Lands belonging to the Crown on Lake Simcoe not having been Surveyed no lands can yet be Appropriated there—But the Petitioner may at his Own Risk build a Vessel for the purpose of navigating that Lake, provided that he acts Orderly, & as a good Subject to the King with respect to the Indians.

Jacob Farrand Esq. Read a Letter from Mr. Farrand Clk of the Peace in the Eastern District to the Clerk of the Executive Council—dated—Cornwall 26th October 1797—

Sir,

I take the liberty of writing you a few lines by Mr. Gray upon the Subject of the Deeds. Among the few Deeds which have come to my Office from the Secretary of the Province, I find some for Certificates granted to persons who long since either sold or Exchanged the same; And others to persons who have been dead before the Certificates were Surrendered. In the first case it may happen, that the purchaser of the Certificate will not be able to procure a legal Conveyance, and at the same time by the issuing of the Deed, be prevented from taking advantage of the late Act of the Legislature. In the Other case it may be proper to deliver the Deed to the Heir; but in this, I shall be happy to be guided by your Opinion as to what Proof of the person being the heir will be necessary to authorise me to issue the Deed to him.

Mr. Gray has informed that he put into your hands a Book, which altho' I at first intended for my private Satisfaction, I find now [may] be disposed of to the Public advantage; And it may therefore not be amiss to Explain the plan of it to you—The Book is arranged in Alphabetical Order and the persons from whom the Certificates were received into my Office are numbered under their proper Letter 1, 2, 3 &c. and their names reserved—All the Certificates below any number are either purchases or transfers by some mean, or other, unless the persons name last numbered be in the certificate, which is Often the case,

for the Certificate frequently contains two or more names, and as only one person can be in the possession of the Certificate both or all are entered for the same lot, but only one is numbered. In some of these cases the holder of the Certificate hath purchased from his Associate or Associates, of which in a few instances there are remarks in the Book, but I am afraid not of the whole—Had I had an idea that this Book would ever have been called into public view I should have been more particular with respect to the transfers; or had the idea suggested itself to me, that the Book would have been any way Serviceable or useful to you in making out the deeds, I would with the greatest pleasure have made and forwarded a Copy to your Office; and will yet if you think it necessary. It may be proper also to remark that Several Certificates, for which no Deeds have as yet issued, have been transferred since they were sent up; And it is probable that Others may yet be transferred. This Appears to me to be the only objection against issuing the Deeds according to the plan of the Book, that is, to such Original Nominees as are numbered, but this Objection undoubtedly arises from their Own fault.

I have the Honor to be &c.

J. FARRAND.

Ordered that directions be sent to the Atty. General to Suspend the issuing of Fiats upon such Certificates from the Eastern District as come under the Description stated in this Letter—and that Mr. Farrands list shall be received by the Commissioners as Sufficient Evidence of those certificates having been lodged in the Attorney General's Office and the claims thereon proceeded upon as the Act directs.

Adjourned.

FROM PETER RUSSELL TO D. W. SMITH

Sir

I have no objection to Mr. Dickson's¹ locating three thousand acres of land in the Back Concessions of Walsingham, should there be any now or hereafter open, he having warrants of survey for that Quantity.

Jany. 8th 1798

PETER RUSSELL

David William Smith Esqr.

Surveyor General

Upper Canada

Endorsed:—His Honor the President January 8th 1798

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 231.)

[DRAFT]

FROM THE BISHOP OF QUEBEC TO PETER RUSSELL

No. 1

QUEBEC 9th January 1798

Sir,

I received the honour of your letter of the 31st. of July last, & delayed for some time my answer to it, in the hope of obtaining by the subsequent Mails from England some intelligence which might enable me to speak upon the subject of it in a manner more satisfactory both to you & myself. Such information I was not fortunate enough to receive; & the time thus lost, made it neces-

¹William Dickson of Niagara a noted speculator in land.

sary for me to await the return of Mr McDonnel to U. Canada in order to convey to you as I now beg leave to do, my sincere acknowledgements for the consideration which you have given to the Eccles[iastical] affairs of the Prov: of U:C:, & for the manner in wch you have been so good as to state your opinions to me respecting them.

That great or effectual attention should be given to this subject at home while the affairs of Europe remain in their present position, it would not perhaps be reasonable to expect. I am not however without hope that the addition of 1000 £ has actually been made, in the Estimate for U: Canada, as a temporary Provision for four Clergymen, including Mr. Addison,—& that the Duke of Portland will be induced to withdraw his objection to the number proposed by me,—of four Clergymen, in addition to Mr Addison,—when he finds that objection to have been founded in mistake. The want of local information induced His Grace to think that Mr Addisons services would be no longer wanted at Niagara when the Fort should be deliver'd up to the United States, & that being thus free to take any other station, he might of course with propriety be consider'd as one of the four Stipendiary Clergymen for whom I desired a Provision might be made. You have probably, Sir, taken occasion, in your answer to his Grace's letter to obviate this unfortunate misconception. But, if the pressure of other business occasioned you to overlook it, allow me to request that you will still have the goodness to set his Grace right in this particular. It is certainly proper that it should be duly understood, & when it is, the reasons which prevailed with his Grace to make the provision which he has mentioned, will call upon him with precisely the same degree of force to add a provision for yet another Clergyman to the intended Establishment. I need not remark to you Sir how essentially such an addition is necessary.

The situations which, I pointed out to his Majesty's Ministers as calling for the most immediate attention, were Cornwall, New Johnstown, Adolphus Town, in the Bay of Quinte, & York. I observe that you consider Sandwich as having the foremost claim; & New Johnstown, the second. Your information upon these subjects must necessarily be so much more ample than mine, that I feel myself most unfeignedly disposed to defer entirely to your opinion; & I shall certainly not oppose to it any preconceived notions of my own. Concluding therefore Sandwich to have the first claim, I wd only suggest some circumstances which may lead you to deliberate whether it might not be expedient that Cornwall shd take place of New Johnstown. The circumstances I mean are the early & the repeated applications of the People of Cornwall for a Clergyman, & their having enter'd into a Subscription to raise a certain sum annually towards his support. As this conduct is the fairest proof of their zeal, & as it is so much the desire of the Kings Ministers that the people should be lead, wherever they are able, to make some exertion for themselves, the laudable effort made by these people, & the good example which it holds out, appear to merit encouragement: & I therefore wish to submit it to yr consideration.

I shall certainly, with the utmost pleasure, do my part to confirm Mr Radish, (shd he return) & Mr Addison in the respective situations to which you have named them. I can desire nothing more earnestly than to meet yr wishes upon these subjects: but, in the present instance, I cannot take the merit of sacrificing any predilection of my own: Having had the same arrangement in my contemplation.

I fully concur, Sir, as far as I am able to judge of the subject, in the propriety of what you have suggested respecting the disposal of the money granted

for the building of Churches: with the reserve respecting a preference of Cornwall which I have already offered to your consideration. I trust it is not necessary for me to assure you that I shall be cordially desirous of cooperating with you in whatever may tend to advance this truly desirable work, with the aids which we now have; & in the endeavour to obtain further aid whenever it may be called for. It is my intention to visit the whole of my Diocese in the course of the next Summer, & it will be the highest satisfaction to me to collect, in a personal communication with you, any lights which may direct me to the attainment of the great objects which I have at heart.

It is extremely unfortunate that Genl Simcoe should have left no documents of sufficient authority to enable you to continue the stipend to Mr Stuart for his temporary care of the School at Kingston. I understand, from his Father, that he means notwithstanding to persevere in his endeavours to maintain the School, till a successor can be procured. I believe his assiduity to be meritorious, & cannot but consider the very commencement of a Grammar School to be of great importance to the Province. & I . . . earnestly hope that you will not be long without the means of giving it effectual support—It is impossible for me to say upon what authority Genl Simcoe made the allowance in question. I was only informed by his Excellency "that he thought himself fully authorized to do it."—

I am, Sir,
with great consideration & respect
yr most obedient & humble servant

The honble
Mr President Russell

P.S.

Wherever subscriptions are entered into for an annual payment towards the support of a Clergyman, I believe you will think it expedient that Legal security should be given for such payment, to him & his successors, until they shall be otherwise provided for by Law.

I have been requested, Sir, by Mr Addison to mention to you his wish to be allowed Rations, as a sort of Chaplain to the Indians. I am no judge of the propriety of this application, & beg leave to refer it to you; not doubting but you will have the goodness to comply with it, if it seems to you to be reasonable.

Que. Dioc. Archives

C-1 pages 152-3

FROM THE DUKE OF PORTLAND TO PETER RUSSELL

WHITEHALL, 10th Jany. 1798.

Mr. Prest. Russell
No. 7.

Sir,

I have laid before the King your letters numbered from 16 to 21 inclusive.

In answer to the first relative to the Fees arising from fixing the Great Seal of the Crown, altho' I do not find any article in His Majesty's Instructions to the Governor, Lieut. Governor, or Person administering the Government of Upper Canada, immediately relative to it, yet I am entirely of opinion, conformably to the rule laid down in His Majesty's other Colonies, that one moiety of the Fees should be paid to the Lieut. Governor, and the other moiety to the

Person administering the Government in his absence—Agreeable to this principle and with a view of making a suitable Provision for the Person, who in the absence of the Governor or Lieut. Governor, executes the office ad interim, you are also to consider yourself entitled to draw for one moiety of the Lieut. Governor's Salary, during his absence, to commence from the 1st of July last—Due Provision being thus made for you, as the Person executing, for the time being, His Majesty's Government in Upper Canada, you will understand that you are not to execute, or to receive any Salary under pretence of executing, the office of Puisne Judge, as such a circumstance would give occasion to suppose a connection between the Judicial and Executive Authority, which require the greatest caution to be preserved distinct & separate from each other.—

His Majesty is pleased to approve the decision of the Executive Council, which establishes the number of the Council, which shall form a Quorum, except in the case stated—As any three, or more, of the members of the Executive Council are empowered, by the King's Commission to the Governor, to do so solemn an Act, as to swear him into his office, the above decision of the Council appears to have been founded on that precedent.

In answer to what you state in No. 18, relative to the Church and Crown Reserves, I must observe to you, that no time should be lost in carrying into effect His Majesty's intentions, by putting those Reserves on such a footing, as may soonest render them productive—because instead of the Waste Lands of the Crown continuing to be granted *gratis*, as stated in your letter now before me, you will be informed by my letters of the 10th of July and 11th of Sept. last, that all Grants of those Lands are to be subject to an additional fee, which is to be appropriated to the Public Service, or they are to be disposed of by sale, conformably to the Plan, which you are directed to adopt, after first communicating with the Government of Lower Canada, and reporting to me, for His Majesty's approbation, in order that the mode of proceeding (as far as circumstances will allow) may be the same in both Provinces.

The immediate consequence of such a Plan will be, to raise the value of the Crown and Church Reserves, and therefore it will be as immediately necessary to make Provision for their preservation & security against any fraud or trespass, that may be committed in respect of them, their limits, & boundaries.

With respect to rendering these reserves productive in the shortest time; whether it may be best done by the Plans proposed in the Minutes of Council you have transmitted, vizt. by letting the reserves at rack rents for 21 years, or by letting them on leases for three lives, whereby the fines on reserves will become more valuable, as the value of the adjoining Lots increases, or in what other manner, it cannot be so well determined, until some more regular proposition, from in consequence of previous communication between the two Provinces, shall be submitted for consideration.

Independent of terms on which these reserves shall be leased out, it will, I conceive, be equally important that the Governor, Lieut. Governor, or Person administering the Government, with the Members of the Executive Council for the time being should be constituted the Conservators and Stewards of this species of Property; and that all accounts of rents or fines received from it should be regularly examined and passed by them and be reported half yearly to His Majesty's Secretary of State for the Home Department, and to the Lords of the Treasury, in order that the same may be applied from time to time to the Public Service of the Colony, in such manner as His Majesty shall direct, and as the

Provisions of the Canada Act may call for, in regard to those Sums which arise from the Church Reserves.

My last Dispatch to you, on the subject of the Lands sold by the five Nations, renders it unnecessary for me to say anything further on that subject, and I rely upon your exertions and those of the Executive Council for enforcing in the Persons of all those concerned in the Indian Department in Upper Canada the most economical and faithful discharge of their duties—As the present System for the management of the affairs of the Indians, has been adopted in consequence of the representations, which have been repeatedly made of the necessity of placing those concerns under the control and direction of the Civil Government of the Province, in order to their being conducted with œconomy, energy, and effect, I trust I shall not find those representations, and the very full and deliberate consideration which have been given to them in sanctioning the present System, unwarranted, by being disappointed in any of the consequences they were intended to produce.

I am &c.

Endorsed:—Drat.

PORTLAND.

To Mr. Prest. Russell. Jany. 1798.

(Q 284, p. 7.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 33.

QUEBEC, 11th Jany. 1798.

Mr. President Russell.

Sir,

From what you stated to me in your letters numbered 22 and 26, I was persuaded that the Five Nations were fully satisfied with the Arrangement you had made, respecting the Lands on the Grand River, granted to them by Sir Fredk. Haldimand.

But yesterday I received a Letter from Sir John Johnson transmitting an Extract from a Letter from Capt. Joseph Brant to him, dated Grand River 10th December, Copies of which I enclose, together with Copy of a Letter of the same date from Capt. Brant to the Military Secretary, by which you will perceive they are far from being satisfied. As I have not heard from yourself on this subject, I conclude Brant has not stated his uneasiness to you, and have accordingly, thro' Sir John Johnson, referred him to you, as the proper Channel by which the prevailing discontents on this head are to be removed.

I am &c.

ROBT. PRESCOTT.

(C 1207, p. 27.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

Sir John Johnson.

QUEBEC, 11th Jany. 1798.

Sir,

I have laid before the Commander in Chief your letter of the 8th Instant, with the enclosed Extract from Capt. Joseph Brant of the 10th December.

His Excellency desires me to acquaint you that he will send by the Winter Express, Copies of the above papers to Mr. President Russell, who in conse-

quence of the late Arrangement respecting Indian Affairs in Upper Canada, must settle the matter with the five Nations. Please to inform Brant that he should apply to the President accordingly. His Excellency was much surprized to hear these Complaints renewed by Brant, when he was firmly persuaded from Mr. Russell's Letters on that subject, that the Five Nations were contented: indeed the different speeches at the Council at Newark last July, seem to Warrant this conclusion.

I have received a letter from Capt. Brant of the same date with yours, of which I enclose a Copy, if you think it necessary to say any thing farther to Brant by the return of the three Indians. His Excellency requests that you will state your Ideas by the return of the Post.

I am &c.,

J.G.M.S.

(C 1207, pp. 25-6.)

FROM JAMES GREEN TO JOSEPH BRANT

Capt. Joseph Brant.
Dear Sir,

QUEBEC 11th January 1798.

I have received your letter of the 10th Ult., and was made very happy to be informed that you was well. I beg leave to assure you that I shall always be glad to hear of your health and happiness.

From some parts of your letter, I find you are not so easy in your mind, respecting the late Land granting business, as in consequence of what passed at the meeting you had in July last with Mr. President Russell, you ought to be; your Apprehensions of Injustice intended you, should not be cherished for an Instant even.—you have had so many proofs of the sincerity of our Government towards you, that any hints that might be intruded to the contrary by interested Persons, should be scouted at once, it would be criminal indeed to harbour them. The difficulties you complain of, you should state to Mr. President Russell, who will, as the head of the Government in Upper Canada, do you every Justice: but forms of Office are tedious, and you will make allowances on that score.—This communication being merely of a Private and friendly nature, you must receive it as such. Sir John Johnson having received the Commander in Chief's Instructions to write you on the subject of your letter to him of the 10th December.

In every situation, My dear Sir, I wish you personally, all you can desire, and am &c.,

J.G.M.S.

(C 1207, p. 26.)

FROM THE BISHOP OF QUEBEC TO PETER RUSSELL

Sir

QUEBEC 11 January 1798.

I received a Letter yesterday from Sir John Johnson, inclosing one from Capt. Brant (of which copies are annexed) on the subject of establishing a Stipendiary Clergyman among the five Nations. There is some degree of irregularity in the application which places me under considerable difficulty.

If the necessary Testimonials had been actually sent to me, and had been found satisfactory, and if Mr. Phelps had offered himself for previous examination, and had been found competent, the measure might perhaps with propriety have been directly recommended—But I cannot myself now call for such Testimonials, nor invite Mr. Phelps to take a long journey in order to undergo examination, without holding out to him, and to the Chiefs, a greater degree of encouragement than in the present stage of the business I am authorised to do—

It is much my wish, however, that this good work may not be obstructed by any unnecessary delay—I am disposed to believe that the placing of a discreet & respectable Clergyman of the Church of England among the five Nations, would be a very wise and useful Measure, not only in a Religious and Moral, but in a political point of view—If the matter appears in the same light to you, Sir, I trust you will have no objection to state the subject to the Duke of Portland, in order to be informed whether His Majesty's Ministers be disposed to allow a Salary for the support of such a Clergyman, if a person be found properly Qualified to enter upon the charge.

I have the Honor to be &c.,

J. QUEBEC.

P.R.

The Hon. Mr. President Russell

*Endorsed:—No. 1. Copy
Letter
from the Bishop of Quebec
to Mr. President Russell
11th Jay. 1798.
In Mr. Presdt. Russell's of
4th July 1798.No. 35—*

(Q 284, p. 181.)

FROM JOHN ASKIN TO RICHARD CARTWRIGHT.

DETROIT 12 January 1798

Dear Sir

Tho' I wish to be as little troublesome to my old acquaintances as possible yet in the present case, my Interest as well as that of Messrs. Isaac Todd & James McGill is so deeply concerned, that I am obliged to call on all my Friends not only to exercise their personal Influence in my behalf but also to call to their aid such as are capable from their situations of giving any, provided you and them think me right after you have heard what I have to Say—

Some years ago when the Governors proclamation declared that Lands should be given to certain persons on the Certificates of any Magistrate, finding many of those who possessed these Certificates were disposed to Sell them, and being desirous by every means in my power to render my property more valuable for the Sole purpose of discharging as far as in my power lay the heavy Ballance I owed the best of men.

I accordingly purchased Several at the rate of from £10 even to £50 for each 200 acres & never entertained any doubt as to their validity, having as every British Subject Should a perfect reliance on the word or proclamation of the Servants of Government.

Those who obtained the Magistrates Certificates carried them immediately to Mr. Iredell, the Deputy Surveyor and mentioned at the same time where they wished to take up their Lands, and as I purchased them I reported to Mr. Iredell likewise my having done so, & that as Soon as the Country was surveyed where these people made their choice I would wish to locate the Lands I purchased in Said place, not from the goodness of the Lands but their Situation, as being nearer some others I had got. I also frequently mentioned to the Acting Surveyor General my Friend what I had done and was doing and for a certain time did not understand that there was any Objections to such purchases. I afterwards learnt some doubts arose; but when the Legislature in the last years Session passed that most equitable Law respecting the purchase of Lands, I then was perfectly satisfied that they were mine, and that If my purchases were proved to be fair & honest, before the Commissioners Deeds would be Issued in my name. I therefore begged the acting Surveyor General would order that part of the Country to be laid out in Lotts Where those I purchased of, and where I still wished to take up these Lands—

A Letter which I received the 7th Instant from the Honourable W. David Smith, (paragraph from which I here inclose) has alarmed me not a little and is the reason of my troubling you.—The Gentleman I Just now named, the Commodore & Mr. Hamilton to all of whom I have sent Copies of this my Letter to you, will give them like information, added to this my son who is the Bearer, & Walter Roe, Esqr. can give you further information If requisite, and as I understood it was once supposed that several Magistrates had given certificates to People undeserving for the purpose of purchasing them, I deny any Such conduct in me. I have therefore transmitted by my Son in order to shew it to you & other Friends a list of the names of the People of whom I got the Lands, what Magistrates signed their Certificates and their present place of abode, by this you will See that few of them are on the American Side of the River, and those that are, have either served under Governor Hamilton (who promised them Lands) or at Fort Miamis when General Wayne came against it, and are recommended for Lotts by Capt. Montigny who was then there—

I now agreeable to my Friend Mr. Smith's Letter direct that the Lands I claim may be surveyed, and allotted to me, or to those from whom I got them and that when the Commissioners come here If my pretensions are found good that Deeds may be granted me for them—I do not recollect having ever been more interested in any Event than this as my worthy Friends James & Andrew McGill have agreed in their Settlement with me to take 40 of these Lotts in lieu of £4,000 & I was to give them free of charges, Should I not obtain Grants for these Lands I purchased I will not be able to fulfill my Engagements with & consequently ruined—and tho you & Mr. Hamilton are not of the Executive Council yet you have influence with those that are and If you find my claims right & Just, I hope & firmly believe from your general Character exclusive of your Friendship that you will have my Memorial Supported so as to obtain what I ask for, and think was my Just due. If the Magistrates certificates belonging to me were not located it is none of my fault, my applications for a Survey of the Quarter Where I was given to understand I could get the Land were frequent (as every other place seemed to be taken up as Soon as laid out) and untill the receipt of the acting Surveyor Generals Letter, dated the 1st June last, I neither had, nor had reason to have any doubt respecting them further than I must wait untill other service would admit of these Lands being surveyed, and then my Claims would be complied with—I would have went in person to

transact this business was I not Subject to Sickness from catching the Slightest cold, but Should my presence be absolutely necessary in order to obtain what I require I will even at the risk of my life undertake the Journey or any thing else in order to do Justice to Messrs Isaac Todd & James McGill—

I have laid out above £600 in improvements &c. on Lotts I purchased from those who had Land Board Certificates which is more than those I purchased from would have done in a long time.

I am &c.

The Honourable Rich'd Cartwright
at York.

(Unsigned.)

(Canadian Archives, Askin Papers, Vol. I.)

RE JOHN WHITE, ATTORNEY GENERAL

The Attorney General wishes to locate for Miss White, a small vacant Gore, on the Don, which contains by estimation about 8 Acres—York 14 Jany. 1798.

Permitted

PETER RUSSELL

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 233.)

FROM JAMES GREEN TO JOHN MACDONNELL

QUEBEC 19th Jany. 1798.

Sir,

I am directed by His Excellency the Commander in Chief to acquaint you that the following Estimates for Buildings to be constructed at Fort George next Summer, have been approved—Vizt. 1st for erecting a building as Quarters for Officers, on the high ground behind Navy Hall, to be of Log-work, weather boarded and stand on a Stone foundation, amounting in Workmanship to £493.17.6.—2nd for building Kitchens for the Officers' Quarters of Log-work, weather-boarded and stone foundations, amounting in Workmanship to £77.10.9. 3d. for building a Council Room for Indians, with Rooms as Quarters for the Interpreters, and for the deposit of Records, &c. to be placed on the Premises at present belonging to Mr. President Russell after the same shall have become the property of Government, Amounting in Workmanship to £224.7.0. On these several objects Colonel Mann has given Captain Pilkington the necessary Plans and Instructions, and am to refer you to him for the particulars thereof.

I am &c.

J.G.M.S.

(C 1207, p. 29.)

FROM JAMES GREEN TO HECTOR MACLEAN

Sir,

QUEBEC 19th January, 1798.

I have duly received and laid before the Commander in Chief Your several Letters and enclosures as per Margin.

18th Octr. } His Excellency received with much astonishment your
6th. } report of Mr. Elliott's demand of Provisions for the Indians at
10th. } the Chenail Ecarte, by giving in a formal Return of 543 Indians,
11th. } Novemr. which he says are determined to remain there (exclusive of
11th. } occasional Visitors) for which number he requires Provisions to
19th. } be lodged for six months; when you had discovered that 167
only were actually on the spot.—This imposition appears in more glaring colours, when, in consequence of your letter to Mr. McKee a smaller quantity of Provisions are required by him for their use, and which quantity was afterwards found to be altogether unnecessary, as appears from the Copy of Mr. Selby's Letter to Mr. Elliott, the Indians being gone to their hunting ground.

In consequence of this, and other Complaints, so often repeated against Mr. Elliott, he has forfeited that confidence which is necessary to subsist between Persons in Public situations, and His Excellency has therefore judged it expedient to dispense with his future services, and has instructed Mr. President Russell to dismiss him from his Place of Superintendt. of Indians and their affairs for the District of Detroit, which he held during Pleasure.

As it will be necessary to say something to the Indians in the neighbourhood of Amherstburg on his dismissal from their Department, Mr. Russell is requested to direct Mr. McKee, to acquaint them, not in any formal manner, least it may give it the appearance of more consequence than it really is, but at the first meeting he may have with them, after receipt of Mr. Russell's orders on the subject, and in presence of all the Officers of the Garrison, that they will in future be attended to, by himself, as the Commander in Chief has thought proper to dispense with Mr. Elliott's services, for not having conformed to his Instructions, and for having given in Returns of their numbers at Chenail Ecarte for Provisions, that by no means corresponded with an exact Return obtained by the Commanding Officer of the District. His Excellency relies on your prudence, where Indians are concerned, that they receive in full the Bounty intended them by Government, that the King's Interest may not suffer with them, by a parsimonious conduct on your part. Your Explanation, on the complaints exhibited against you, by the Officers of the Indian Department, on the subject of having held a Council with the Indian Chief *Bold*, from the Chenail Ecarte, without their participation; but which was done merely to come at the real numbers of them—and of the complaint about Clothing purchased by the Garrison Sutlers from Indians, have been handed over to Mr. President Russell, with His Excellency's observations on the whole of that matter.

His Excellency desires me to inform you, that he has every reason to be satisfied with your Management of the several Branches of the Service at Amherstburg, as Commanding that Post, and enjoins you to persevere in such laudable pursuit and public spirited conduct.

That you may be enabled to afford the Engineer all possible assistance in carrying on the Buildings to be constructed the ensuing Summer, His Excellency has ordered the remainder of that Company from which in the fall, you received

a subaltern and twenty Men, to be sent up to Amherstburg, for the reception of which you will prepare accordingly.

 The Miamis Schooner given up to the Indian Department in the summer of 1795, was for the purpose of facilitating the necessary intercourse between Fort Miamis and Detroit, during the late Indian War—that object being now at an end, the Commander in Chief desires she may be delivered back to the Marine Department, with all her Tackle and appurtenances.

 The following Building is to be constructed at Amherstburg the ensuing Summer, the Estimate for which is approved—vizt.

A Council Room for Indians, with Rooms as Quarters for the Interpreters, and for the deposit of Records, &c. to be framed work, weather-boarded and Lath and Plaster within, and to stand on a stone foundation: amounting in Workmanship to £267.2.5. Colonel Mann has furnished Lieut. Cooper with the Plan and necessary Instructions for the same, to which I refer you.

I am &c.

J.G.M.S.

(C 1207, pp. 29-32.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

Duplicate

Separate

My Lord Duke,

UPPER CANADA YORK

21st Jany. 1798.

Having lately received a letter from Mr. Chief Justice Elmsley, wherein he is pleased to disapprove of my continuation of the Appointment (in each Term) to the temporary Exercise of the Office of Puisne Judge; agreeable to the letter No. 23 which I had the Honor of writing to your Grace on the 19th of last November; I esteem it my Duty to lay before your Grace my Reasons for that Continuation, lest (should the Chief Justice have written) your Grace may be displeased at not hearing from me also on the Subject—And as these Reasons are fully set forth in my answer to the Chief Justice, I beg leave to enclose an Extract from it for your Grace's Information—But considering myself to be incompetent to judge of the Propriety or Impropriety of this Continuation, I take the liberty of assuring your Grace that I have not been actuated by any other Motives, than those therein stated, for I do not mean to draw any Salary whatsoever from the Office from the Period when Mr. Justice Powell's absence ceased to render it indispensable.

I have the Honor to be &c.

PETER RUSSELL

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada 21st Jany. 1798—Mr. President Russell

R. / 25th September.

Duplicate

origl. not received.

Separate.

By the Nemesis Frigate

(one inclosure)

EXTRACT FROM MR. PRESIDENT RUSSELL'S LETTER TO
MR. CHIEF JUSTICE ELMSLEY, Dated

YORK 31st December 1797.

It was not my intention, Sir, to have qualified and taken my Seat on the Bench, while both you & Mr. Justice Powell sat on it; as I was satisfied that your joint Presence in Court would answer every purpose of the Law—But conceiving that while you both resided at so great a distance from the Seat of Government, it was possible that one of you might be sometime or other prevented by Sickness or other Causes from attending in Term time, I judged it to be my Duty to provide against such Accidents by appointing a fit Person to the temporary Exercise of the Office of Puisne Judge, who might act during such casual vacancy (lest the Course of Justice should suffer any Suspension), and be at hand also to be called up to the Bench, should a difference of opinion between you & Mr. Justice Powell at any time require a third Judge to turn the Scale. These, Sir, were the Reasons which influenced me in that appointment; which I considered to be virtually only a Continuation of the One that had already received the Duke of Portlands Sanction, and are the same which I had the Honor of communication to His Grace immediately after Mr. Justice Powell's arrival—The Commission was likewise addressed to myself, because I did not think myself authorised to name to it any other Person than the one already approved of, without permission from the King's Ministers; and because I could place a Confidence in my own Discretion, which I could not do in that of another. For should Sickness or other Causes vacate a Seat on the Bench, the remaining Judge might find himself in an unpleasant Predicament, if the temporary one should foolishly or even conscientiously presume publicly to express an Opinion contrary to his on any Question of Law arising before them—

PETER RUSSELL

Endorsed:—Extract Mr. President Russell to Mr. Chief Justice Elmsley.

In Mr. Presdt. Russell's Separate of 21st Jany, 1798.

(Q 284, pp. 139-142.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 39.

UPPER CANADA, YORK 21st Jany. 1798.

Sir.

Sept. 11th. No. 21.
unnumbered

Dec. 8. 28.

9. 29.

11. not numbered.

I had the honor on the 11th Ult. to receive your Excy's Letter of the 21st Octr. numbered 26—And the several Letters marked and dated as in the margin, were brought here yesterday by an Officer of the Canadian Volunteers, in his way from Kingston to Fort George.

Your Excy's directions respecting the purchase of Indian Corn were immediately communicated to Mr. McGill, who will himself report thro' Capt'n. Green the success of the consequent measures for complying with them.

Having laid before His Maj's Executive Council for this Province the part of your Excy's letter No. 26 in answer to mine No. 30, with the papers therein enclosed, we were exceedingly alarmed on reading the Paragraph which related to the Purchase made at Toronto in 1797, which if more generally known, would

probably shake the Tranquility of many respectable Persons, who have risked nearly their whole Property within its Limits. *For should the whole of that Transaction be invalid*, as your Excy and Lord Dorchester have judged it to be, The Kings right to any Part of the Land between the Rivers Etobicoak & Don, may become very doubtful; and our tenure of the intermediate Space (involving a great many well cultivated farms, as well as the Seat of Government) might consequently be at the Mercy of the Messissagues, who, if they were apprized of the Circumstance, might be induced to give trouble with a view of making their own advantages from it.

Not having seen the Correspondence between Lord Dorchester and Lieut. Govr. Simcoe upon this subject, nor the Deed of the Toronto purchase which is mentioned to have been sent by His Lordship to Colo. McKee, we have nothing to guide our Judgement besides the two Extracts from his Lordship's Letters and the few other Papers, which your Excy has now transmitted to me. But the boundaries of this purchase having been defined in the Documents handed over to Lt. Govr. Simcoe & the officers of this Government, from the Records of the Province of Quebec, and the Lt. Govr. naturally supposing that all the Land within the Limits described in those Documents belonged unquestionably to His Majesty, especially as the greater part of it had been divided into Townships before the Division of that Province had taken place, the land within the Toronto & the other Purchases was easily laid off in Lots and these have been granted as applicants offered for them—Nor indeed does it strike us from the Extracts inclosed in your Excy's letter that Lord Dorchester meant therein to allude to the Invalidity of any other purchase besides that of Matchidash, as his Lordship had been informed before the date of those Letters, that the Lt. Govr. was settling the Land about York, and had made considerable advances towards removing the seat of Government thither and His Lordship would of course have apprized him of the precarious Tenure by which His Majty then held it—The Blank Deed mentioned by your Excy, may however been intended to cover the Matchidash as well as the Toronto purchase, and His Lordship may not have judged it necessary to notice its Invalidity with respect to more than the former, as that happened to be the principal object of the Lt. Govr's enquiry at the time. But it being we think clear from Lord Dorchester's letters and other Testimonials that a full and valuable consideration has been actually paid for the Lands within the Toronto purchase as well as for those made in 84 & 88 extending from Kingston to the Eastern limits of that Purchase, and as far back as Lake La Claie and the Rice Lake; and the testimonies of Sir John Johnson, Lt. Col. Butler, Capt. Craufurd, Mr. Collins & Mr. Lines having ascertained the boundaries or limits of these respective Purchases (altho' the Purchase Deeds of some are not to be found, and it has been unaccountably neglected to insert them in others) it cannot in our opinions be deemed fraudulent if we should now adopt those Boundaries according to the Descriptions of them in the Documents we have received from Quebec & the Reports of the above mentioned Gentlemen, without our being under a necessity of having recourse at this late hour to the Messissague Nation for New Deeds, which would most probably awaken their suspicions and lead to most expensive consequences. We feel ourselves therefore warranted in moving your Excy. on the part of this Government that a purchase may be immediately made of a small Tract to the eastward of the Northern limit of the Toronto Purchase, in order that a Recapitulation explanatory of the courses and Boundaries of the Purchases in 84, 87, & 88 may be introduced in the preamble of the Deed, which

if properly drawn up may be perhaps as binding a record of their respective Limits, as if the Original Deeds of Purchase had not been lost, or they had been actually expressed in the Blank Deed, whose Informalities have driven us to this extremity. I have consequently the honor to inclose a Plan of the proposed Purchase for your Excy's information; and I shall send another forthwith to the S.I. Genl of Indians & Indian Affairs with my request that the Requisite orders may be given accordingly.

When the road called Yonge Street leading to Holland River was laid off by Lieut. Governor Simcoe's orders, it was supposed that its course would run within the Limits of the Toronto Purchase. But a late actual Survey of the courses of that Purchase has shewn us that a few farm Lots on each side the Northern end of the Road are within the Indian Territory. I have therefore made choice for the present purchase of the small tract between the Northeastern Angle of the Toronto purchase and the nearest Branch of Holland River, because it effectually covers these farm lots; and indeed because it appears to the Council and myself an object of no small importance to the future Tranquillity and Welfare of this Province, as well as the advancement of this Town, that we should be thus enabled to extend our settlement without interruption by means of that River to the Southern bank of Lake La Claie (now Simcoe) from whence I am told there is a good water communication with the harbour of Penetanguishene, which might greatly facilitate the intercourse between the Seat of Government and the Post of St. Josephs, and indeed with the settlements of the N.W. Company on Lake Superior, which reasons are however submitted to your Excellency's Superior Wisdom.

His Excy. Genl. Prescott.

I am &c.,

PETER RUSSELL

(C 1206, pp. 184-8.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 40,
Sir,

UPPER CANADA YORK 21st Jan'y. 1798.

I am extremely concerned to find by your Excellency's letter No. 20 that you are displeased with my having directed a Blockhouse to be erected for the accomodation of the Queen's Rangers, after my receiving your letters to me, numbered 7 & 12. I have therefore the honor to State to your Excellency in explanation, that having been requested by a Committee of the Executive Council to take immediate measures for putting this place in a State of Defence, and having the Materials of a Blockhouse by me, which had been already provided and paid for by the Lt. Govr., I judged that I could not carry the wishes of the Council more Economically into Execution, than by endeavoring to combine the object of them with that of the Covering which it was indispensibly necessary to provide for the Regiment stationed here. I was therefore induced to submit to your Excy. the arrangements which I had the honor of proposing in my Letter of the 19th of August last. And being apprehensive that my waiting for your Excy's answer might draw us too near to the approach of Winter for carrying these objects into Execution, I ventured to request the Engineer to proceed upon so much of his Estimate as might at least cover the erection of the Blockhouse in question, and the repairing as many Huts as might be wanted in addition for the Winter accomodation of the Troops at York. This I did on a presumption that the Expence of erecting a Blockhouse to hold

Seventy men, would not greatly exceed what the building huts for the lodging an equal number might amount to; for I was assured that most of the old huts (which had outstood the time they were built for) were now so crazy they could not admit of repair. I considered moreover that forty huts at £20 each (which is probably rating them at less upon an average than they can be built for according to the present prices) would not fall much short of the Estimated Expence of all the Arrangements I had recommended; And I consequently flattered myself with the hopes of their meeting with your Excy's approbation, or I should not have presumed to cause a deviation from the Course which your Excy had pointed out.

Lieut. Pilkington having made a requisition for £375 to enable him to execute this service, I advanced that Sum to him in Novr. last by my Warrant on the Receiver Genl.—I shall now direct a Survey to be taken of the State of the Hutts, & that an Estimate of the probable expence of repairing or rebuilding (as may be found necessary) so many as would have been wanted for the accommodation of the Rangers, had the Blockhouse not been erected, may be forthwith prepared for your Excy's information.

I am &c.,

His Excy. Genl. Prescott.

PETER RUSSELL.

(C 1206, pp. 189-191.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 41.

UPPER CANADA 21st Jany. 1798

Sir,

In consequence of your Excy's desire to be informed whether I have any knowledge of the circumstance mentioned in Genl. Wilkinson's letter to the Magistrates of the Western District; I immediately enquired of Lieut. Brooking (who commanded at that time at Fort Erie) whether the Duke of Orleans had visited that Post during his Command. His answer is that no Foreigner had actually been there with his knowledge, but having heard that the Duke of Orleans with another Frenchman had crossed in the Ferry and gone down the Road to the Chippewa, he immediately sent after them, to enquire their business in this Province—But not obtaining any other Intelligence than that two French Gentlemen had been at the Chippewa, in their way to visit the Falls of Niagara, and after seeing them had immediately returned to the American side of the River, he did not judge the circumstance of sufficient moment to trouble me with it. Upon receiving the Magistrates' letter I had myself made the necessary inquiries and was told that two sons of the Duke de Liancourt had come over to see the Falls and had returned immediately after; And having expressed my displeasure at Colonel Powell's (an Officer of Militia and Justice of the Peace living on that road) not having stopped them, while they rested at his house; He sent me word that he did not know that he had such a Power, but that they did not appear to him to have any other design, than to see the Falls, as they proceeded on thither and returned to the American side of the River immediately after. But whether these last were the same persons that Lt. Brooking heard of and General Wilkinson alludes to, I cannot say; But I have no knowledge whatsoever of dangerous designs being pointed at this Province, on the contrary the subsequent intelligence from the Westward, which I had the honor of communicating to your Excy. in my Letter No. 36 informs that there are no movements in that quarter to excite alarm.

I am sorry to observe from the perusal of your Excy's letter No. 28 and its Inclosures, that there are such very strong grounds for suspecting delinquency in Mr. Elliot's conduct. Had Capt. McLean communicated to me notice of that Officers having made a false return to him of the numbers residing at the Chenail Ecarte, with the view of drawing so much more Provisions for them than they amounted to, I should have lost no time in demanding an explanation from Mr. Elliot and the Dy. S. I. Gl., and if it was not very satisfactorily accounted for, I should have ordered a Board of Enquiry, and upon the fact being clearly ascertained, I should have immediately suspended the Superintendant from his Office and recommended his dismissal. I shall however send off an express with orders to the Dy. S. I. Gl. to make his necessary explanations forthwith, and I shall take such measures afterwards for putting an immediate stop to the irregular Proceedings of the Officers of the Indian Department at Amherstburg, as his answer shall indicate to be necessary. I have the honor to inclose for your Excellency's information, a Copy of the letter I propose sending to Mr. McKee.

The Agent for Purchases will pay immediate attention to your Excy's directions respecting the Purchase of flour and Pease ordered in your Letter No. 29.

Not being conscious of my having at any time taken away the Kings Vessels employed on these Lakes from the services for which they were destined, I cannot conceive to what particular deviation the Commy & M. Genl may allude in his late complaint to your Excellency. But your Excellency may be assured, that as I trust that I am not inferior to any person whomsoever in my zeal for promoting His Majy's service or lessening the expence of it I shall not fail to co-operate with your Excy on all occasions. And I have the pleasure to inform your Excy that in order to remove the necessity of employing the Kings Vessels for the Civil Services of this Government, I had some months since solicited the Duke of Portland for permission to build a small armed Vessel to be under the immediate direction of the Person administering this Government, which, if acceded to, will I hope obviate all such complaints in future.

His Excy General Prescott.

I am &c.,

PETER RUSSELL.

(Q 284, p. 220.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA Jany. 25th 1798

Dear Smith

I know of no man who has more trouble given to him than yourself, because there is no man who voluntarily takes so much as you do for other people. After so handsome an exordium, you cannot in decency refuse to take the trouble of telling me which of your men it is from whom I am to buy the fourth acre of the block in this Town of which we have the other three: & if it be the man who lives here, to give me leave to beg of Mr. Wilmot to make the bargain for me—At this moment it recurs to me that you told me I might pay you the money, as you are his Banker; Will you therefore have the Goodness to direct him to execute such a Conveyance as I shall prepare for him? Forsyth gave Small £26 or £27 N.Y.C. per acre for the four he has behind me: but they were cleared, & nearer the front than that which I want to buy of your man: so what think

you of £20 N.Y.C.? If you do not think this too little, it is forthcoming at a moment: if not enough say how much now, & it is equally ready.

An express is just arrived here, which brings an Order for the Volunteers¹ to recruit, but to take none under 16 nor above 25 unless Natives of His Majesty's American Dominions. This looks like a Continuance of the War, & is accompanied by a hint that the Lower Canadians are not so quiet as they should be—The Queen's birthday went off as well as could be expected considering: when the Royal salute was fired, Major Rivardi of the Americans turned out his Garrison, & beat the Grenadiers March & the Point of War: which our people were much pleased with—At night that little democratical John-apple Brett² forgot himself so far as to say, when the victory of Admiral Duncan & our naval superiority was mentioned, that the British were masters at sea now, but would soon yield the *pas* to the American Navy: for which Little Bowdoin³ of the Volunteers gave him a very good set-down. The little reptile is as full of venom & ill manners against the *British* as he calls them, as his Successor in the Command is liberal & well-bred—Your Mother was never in better health than she is now: nor do her spirits seem at all low: David I have not seen, the Gentleman being generally at school when I call at your house—The folks here are not a little disappointed at the want of zeal in the Yorkists with respect to making a road, & to indemnify ourselves, we are going to make a road from the 12 Mile Creek thro' the Black Swamp hither, which we propose to *turnpike!* It appears to be to be so good a thing, that I have set down my hand for 5 Shares—Queenston is in alarm, & the Mountain trembles: but we are determined to carry it through—Poor Jarvis has never heard of his Negro or horses since he left them on Wednesday week at the Tobico—Give my best respects to Mrs. S. & bairns & believe me

Very truly yours

J. ELMSLEY

I had the mortification to find Mrs. E. very ill, but she is perfectly recover'd.
Endorsed:—Chief Justice Elmsley 25th Jany. 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 6-7.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 43.

UPPER CANADA, YORK 26th Jany. 1798.

Sir,

The money in the Receiver General's hands being very nearly exhausted, and large Requisitions having been made for my Warrants to discharge the Balances on the sundry public Accounts to the 31st of last Decr. lately audited by the Executive Council; I have the honor to request that your Excy may be pleased to issue a Warrant upon the Dy. P.M.Gl. to pay me £2500 Sterlg, Drs at 4/6, for Account of the Civil Expenditure of this Province; and that the whole of that Sum may remain in the Dy. P.M.Gl's hands to answer such Bills as I may have occasion to draw on him to that amount.

I have the honor to be &c.

His Excy. General Prescott.

PETER RUSSELL.

(C 1206, pp. 196-7.)

¹The second Battalion of the Royal Canadian Volunteers then garrisoning the military posts in Upper Canada.

²Probably an officer of the regular army of the United States.

³Probably Ensign Joseph Bordwine, R.C.V.

FROM PETER RUSSELL TO D. W. SMITH

Dear Sir

John Coon appears to me to have had rather hard measure, and as I do not wish to interfere with Genl. Simcoe's Reserves, I should be glad to fall upon some other method of relieving him. Therefore I think the best way will be to give him two Lots in lieu of those Peter Hare was entitled to somewhere where they are likely to sell well—& you will consequently oblige me by giving him a good location for that purpose either in the Long Point Settlement or any other place more likely to be productive.

27 Jany. 1798
Honble D. W. Smith

faithfully Dear Sir
Your most obedient
Humble Servant
PETER RUSSELL

Endorsed:—His Honor—27 Jany 98.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 235.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA Feby. 3d. 1798

Dear Smith

I have just received yours of Sunday, & have to return you a thousand thanks for your go-between-ship between me & your exorbitant Namesake. If you are not fatigued with my Commission, pray get Mr. Ridout to offer him 10/ pr Acre, which is my ultimatum, & which he may tell him is in *ready money*.

I certainly mean to build on the Pine Ridge, if I build on the Lot at all: But I am much inclined to think that I shall go into the second concession, & if I could get the President to swap his Lot with me, I should probably make up my mind to do so—But from your asking me the question, I suspect you begin to be a convert to my opinion that we had better all go a little way out of Town for our houses & farms, whatever we do with our offices—If such be the case, be assured that I shall have on this as on all other occasions infinite pleasure in making any arrangement which may be convenient or agreeable to you: Suppose for instance you persuade Mr. Powell to swap Lots with you: you will then be neighbour to Raddish, for whom I will answer that he will run the division line East & West, instead of its present Course, North & South: when this is done, I will gladly swap my hundred Acres with those which you will then have; and by that means we shall each of us have our 100 Acre lots in front of our 200:—But whatever you do, pray do not give £600 for Playter's Lot: he is willing to take Land, particularly in Pickering. I believe Mr. J. Powel will exchange with you for asking for—Should this scheme fail, you have only to say what your wish is, & as far as it lies with me it is done.—I am very happy to hear of your having turned Miller; I shall be one of your first customers, I shall send you a bill of scantling very soon—I enclose you a letter which I have written to the President, but which I beg of you to read & to destroy if you think I have made any eronious statement with respect to you, or if you think that I cannot write to him on the subject without betraying private confidence. Tho' as my application to you was purely in the Course of your Office, I trust you will not see it in the latter light. If you do not pray seal it with wax, & send it: but take care that the impression on the seal does not betray you to him: you remember what he said to Paxton of us.

You have lost a great deal of Fun by not having been here this winter: Among other Events, you would have heard how Pilkington¹ & Lawe² & Dr. Davison³ of the Volunteers were coming down the Mountain, & how they met three Farmers on their way home, & how they quarrel'd with them, and how the Farmers gave Lawe a black Eye, & Pilkington a broken Nose, & the Dr. a most confounded cudgelling, & how they rolled them all three down the hill from the upper Road to the Lower: with other wonderful adventures—Pilky attacked them all with great Spirit, & owns that he struck the first blow: Lawe came to his support and was treated with a knock in the Eye which stunned him; & they thrashed the Dr. for why? for not assisting Pilkington & Lawe—We dined yesterday at Jarvis's, in company with Hamilton & others: & I was completely astonished to find that Hamilton⁴ is completely in possession of our plans [comprising] the fees on Grants of Land, & what makes no secret of it: How he came by it God knows, but I fear there is *something rotten in the State of Denmark*—Brant has sold two more Townships to Broome: the Plot thickens around us, & we shall certainly have employment with these Yankee Speculators, who I hear have persuaded Congress to vote a Sum of Money for a Road to the Gar- rison,⁵ which Major Rivardi also informed me to day, will have some money laid out on it immediately—I saw your Mother yesterday & to day. She has had a cough but is much better: David perfectly well—With best regards to Mrs. S. believe me ever

Dear Smith very truly yours

J. ELMSLEY.

Endorsed:—Mr. Chief Justice Elmsley 3d Feby. 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 8 & 9.)

FROM JOHN ADAMS TO JAMES WILKINSON⁶

PHILADELPHIA, 4 February, 1798.

Dear Sir:—

I have received your favor of the 24th December, by the Miami chief, the Little Turtle, and have received and observed him with attention. He is certainly a remarkable man. He is recovered of the small pox, and, what is worse, a severe fit of the gout. We shall endeavor to make him happy here, and contented after his return. I thank you for introducing him to me, and for the information you have given me concerning him.

I have also received your letter of the 26th December. It is very true that I have been tortured for a greater part of the year past with written anonymous insinuations against several persons in conspicuous public stations, that they had formed improper connections with Spain, and, among others, against yourself. It has been frequently asserted that you held a commission and received pay as a Colonel in the Spanish service. This opinion seems to have taken such root upon the Mississippi, among the people in general, that scarcely any

¹Lieut. Robert Pilkington, R.E., see Simcoe Papers, III, p. 102.

²Captain George Lawe, see Simcoe Papers, II, p. 70.

³Surgeon James Davidson of the Royal Canadian Volunteers, formerly in the 84th Regt.

⁴Hon. Robert Hamilton.

⁵Fort Niagara.

⁶Vide Simcoe Papers, Vol. I, p. 131, note. At this time Wilkinson was the general officer in command of the troops of the United States in the northwestern territories.

man arrives from that neighborhood who does not bring the report along with him. They seem to be in such a temper in that region, that nobody escapes accusation. I have not suffered these rumors concerning you to make impression upon me; but have lamented what I perceived must be the consequences of them among the people of the United States. The same jealousy or malice, which transmitted them to me, I suppose would propagate them elsewhere without much reserve.

I recollect perfectly well my injunction to you, in person, to employ all the force within your power, both militia and regulars, if necessary to oppose the English, or any other foreign nation, who should presume to attempt a violation of our territory by any expedition through it against the enemies.

We may be nearer than we suspect to another trial of our spirits. I doubt not yours will be found faithful. What measures you may think fit to take, to silence the villainous clamors and rumors of your connections with Spain and France, I know not; but no violent ones or military ones will do any good. I shall give no countenance to any imputations, unless accusations should come, and then you will have room to justify yourself. But, I assure you, I do not expect that any charge will be seriously made.

I am, &c.

JOHN ADAMS.¹

(Works of John Adams, VIII, pp. 563-4.)

Description of a certain Tract of Land on the Grand River—towards its mouth on Lake Erie—

Commencing at a White Oak Tree, mark'd and standing at the Southwest angle of the Reserve made by the Indians on the East side of the Grand River below Dickendow Creek—then along the Southern Boundary of the said Reserve, North 30 Degrees East, 80 Chains, more or less to the South Easternmost angle of the said Reserve, then North 62 degrees 30 Minutes West, along the Easternmost Boundary of the said Reserve, 67 Chains more or less, then North 30 degrees East, to the Easternmost Boundary of the Indian Lands, 404 Chains, more or less—then along the said Boundary, South, 62 degrees 30 Minutes East 360 Chains, more or less,—then South 30 Minutes East to a Basswood Tree upon the Shore of Lake Erie, near the mouth of a Small Creek, 514 Chains, more or less; then along the Shore of Lake Erie, towards the mouth of the Grand River to a certain Post or picket, 172 Chains, more or less, then north 54 degrees west, 152 Chains more or less,—then west, 160 Chains, more or less, to a Maple Tree on a Branch of the said Grand River—then following the Easternmost shore of the said River, against the Stream to the place of beginning—

Containing about Thirty Thousand Eight Hundred Acres, may there be more or less.

YORK 4th Feby. 1798

JOS. BRANT

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 227-8.)

Description of a certain Tract of Land, on the Grand River—a little above where it discharges itself into Lake Erie—

¹John Adams (1735-1826) Vice President of the United States, 1789-1797, and President from 1797 until 1801.

Commencing at a Post about one mile Distant from the mouth of a small Creek, called Christians Creek, measured on a North Course therefrom, which said Creek falls into the Grand River on the eastern side thereof, about a Quarter of a mile below a certain Pinery.

Running from the Post aforesaid, north, to the Easternmost Boundary Line of the Indian Land, 506 Chains more or less; then along the said Boundary Line, South, 62 degrees, 30 minutes East, to another Post 572 Chains, more or less; then south 30 degrees west, to the Reserve made by the Indians, 404 Chains, more or less; then along the rear of the said Reserve, north, 62 degrees 30 minutes west, to another post, (being the north Easterly angle of the said Reserve) 74 Chains, more or less:—then along the Northernmost Boundary of the said Reserve south 51 degrees & a half west, to the Grand River, then along the shore of the Grand River, against the Stream to the mouth of a small Run, called Dickendow Creek, then North 51 degrees & a half East, to another Post 52 Chains, more or less; then north 25 degrees West, 92 Chains, more or less: then North 56 degrees West, to another Post, 80 Chains, more or less; then North 12 degrees & a half East, to another Post, 28 Chains, more or less: thence South 67 degrees West, to the place of beginning—Containing about nineteen thousand acres, may there be more or less—

YORK, 4th Feby 1798

JOS. BRANT

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 229-30.)

Block No. 2.

Description of a certain Tract of land on the Grand River.¹

Commencing at a Beech Tree in the Easternmost Limit of the Indians Land and at the north East angle of a certain Tract of Land, known by Block No. 1—then along the said Limit north 16 degrees West, 422 Chains, more or less—then north 38 Degrees, 30 minutes West 461 Chains, more or less: then North 7 degrees 15 Minutes East 201 Chains, more or less: then South sixty four degrees & a half west across the Indian Land, to a Beech tree, 1141 chains 80 Links—more or less—Then along the Westernmost Limit of the Indians Land South 38 degrees, 30 Minutes East, 697 Chains, more or less, then South 16 degrees East to Block No. 1—144 Chains more or less: then north 77 degrees East—960 Chains more or less: to the place of beginning—Containing about ninety four thousand and twelve acres more or less.

YORK, 4th Feby. 1798

JOS. BRANT

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 233-4.)

Block No. 3.

Description of a certain Tract of Land on the Grand River—

Commencing at a Beech Tree in the westernmost Limit of the Indians Land, being the North West angle of a certain Tract of Land called the Block No. 2—then along the said Limit, North 7 degrees, 15 Minutes East, 1000 Chains, more or less: then North 45 degrees East 523 Chains, more or less; then across the Indian Tract South 45 degrees East 960 Chains, more or less—then South 45 degrees west 208 Chains, & 60 Links more or less—thence South seven degrees, 15 Minutes West, 49 Chains, more or less: to Block No. 2—then south 64 degrees

¹Granted by patent, 5 February, 1798, to Richard Beasley, James Wilson, and John Baptiste Rousseau, subject to a debt of £8,887.

& a half West, along the Limit between Blocks No. 2 & 3 to the place of beginning Containing about 86,078 Acres, more or less.

YORK, 4th Feby. '98.

JOS. BRANT

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 235-6.)

Block No. 4.

Description of a certain Tract of Land on the Grand River—

Commencing at the Easternmost angle of Block No. 3—in the Easternmost Limit of the Indians Land; then north 45 degrees East to the purchase Line, 297 Chains, more or less: thence North 45 degrees West, along the Purchase Line and across the Indian Tract, 960 Chains, more or less: then South 45 degrees West, 297 Chains, more or less, then South 45 degrees East 960 Chains, to the place of beginning—Containing about Twenty eight thousand five Hundred and twelve acres, more or less—

YORK, 4th Feby '98.

JOS. BRANT

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 237-8.)

FROM PETER RUSSELL TO D. W. SMITH

YORK 5th February 1798

Dear Sir

Mr. David Price,¹ an old zealous Servant of the King, having strongly solicited me to be located on Clear Creek to the Westward of Long Point on Lake Erie;—and being desirous of indulging a person of Mr. Price's merit, I am to request that you will appropriate a farm lot of 200 Acres on the Clear Creek to him wherever he shall chuse it, subject however to any future arrangements that may take place when the Townships on that side the Point are ordered to be surveyed. However Mr. Price is to be considered as having from this order a prior claim to other applicants for the Lot he may make choice of.

I have the Honor to be

Dear Sir

Your most obedient

Humble Servant

PETER RUSSELL

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 237.)

FROM PETER RUSSELL TO D. W. SMITH

6 Feby 1798

Dear Sir

With difficulty I have made out from Franklin's stuttering that he wishes me to intercede with you to be remitted his Fine for not attending to enroll himself on the Queen's Birth Day—As he pleads ignorance of the order & was

¹Interpreter to the Six Nations, see Simcoe Papers, II, pp. 75, 266.

dressng my Dinner that day I hope you will have the goodness to comply with his Petition.

faithfully Dear Sir

Your most obedt.

Humble Servant

PETER RUSSELL

Honble. D. W. Smith

Endorsed:—His Honor the President 6 Feby 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 347-8.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 44.

UPPER CANADA, YORK 11th Feby. 1798.

Sir,

I have the honor to acknowledge the receipt of your letters numbered 27, 30, 31 & 32, which were delivered to me by Mr. Sheriff McDonell on the 3rd instant.

Not having time by this opportunity to answer these letters as fully as I wish.—I shall only at present inform your Excy that I dispatched an Indian immediately to the Dy. S.I.Gl. with orders to take up his residence At Amherstburg, and to charge Capt. McKee with the Duties of the N.W. District. I sent him at the same time directions to deliver a letter from me to Mr. Elliot informing him from your Excy that the appointment of S.I. of Indians & Indian affairs which he holds during your Excy's pleasure is forfeited and that there is no further occasion for his Services in that Capacity. I have likewise communicated to Mr. McKee your Excy's pleasure respecting what he is to say to the Indians on this occasion.

Agreeable to your Excy's desire I have executed a legal conveyance to His Majy of the Buildings I possessed on the Military Reserve in the neighborhood of Fort George, and I have the honor to transmit it to your Excy. herewith. Whenever it may please your Excy to issue your Warrant to pay me £900 for the purchase thereof, I shall empower Mr. Gray of Montreal to receive the amount and sign the usual receipts.

I am &c.,

His Excy Genl. Prescott.

PETER RUSSELL.

(C 1206, pp. 197-8.)

FROM JAMES GREEN TO HAZELTON SPENCER

Major Spencer.

2d B.R.C.Vrs.

Comdg at Kingston.

Sir,

QUEBEC 12th February 1798.

.....
His Excellency has been pleased to direct that the Five Gun Boats, now on the stocks, ready for launching, should be raised upon, the two feet proposed, as soon as possible, and fitted out with all practicable expedition for navigating the Lakes—the first launched is to be named the Swift, and the second the Speedy—His Excellency has also directed that the Mohawk should receive

the necessary repairs, and out-fit, that she may be in readiness early in the Spring.

You will be pleased to direct the Transport of the several Articles of Provisions and Stores to commence as early as practicable, in order that the whole may be got up to Fort George before the Cargoes expected from England by the Spring Fleet are ready to be carried forward.

The Onondaga Schooner and Catherine & Sophia Gun Boats, being reported unserviceable by the Board of Survey held at Kingston the 5th January—His Excellency desires they may be laid up in the manner usual with condemned Vessels—It is intended to build a Brig or Schooner this Summer, from the Timber already prepared, to replace the Onondaga.

Capt. Bouchette having stated that the Marine Department have done Garrison duty at Point Frederick, since the 22d of last month, which is not only unusual, but may be particularly detrimental to the Marine Department in Upper Canada, for which Service it is difficult to procure Seamen at this juncture particularly—His Excellency desires, if this arrangement has taken place from perhaps unavoidable necessity, that the same may be discontinued as soon as practicable, and the duty conducted at Point Frederick in the usual manner.

I am &c.,

JAMES GREEN, M.S.

(C 1207, pp. 40-1.)

Applications to the Surveyor's Office for Locations

:	Acres	
By R. Beasley Esq. to complete 1200 Acres	400	
To his Brother Thomas Beasley	600	} in Walpole
Geo. Chisholm Esq. to complete 1200 Acres	1000	
The Attorney Generals Family		} in Rainham
if not room therein, to be made up in		
Walpole, Darlington, or else where it can be found		
to his wishes.		

D. W. SMITH A.S.G.

S.G.O. 15 feby. 1798

Permitted

PETER RUSSELL

His Honor the President &c. &c. &c.

Endorsed:—His Honor the President 15 Feby 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 239.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 45.

UPPER CANADA YORK 16th Feby. 1798.

Sir,

I had the honor on the 12th instant to receive your Excy's letter No. 33 by the Winter express.

The Extract from Capt. McLean's letter to Capt. Green dated the 9th of last October, which your Excy inclosed to me in your Dispatch No. 27, I forwarded to the Dy. S.I.Gl. soon after I received it, and I have required from him an explanation of the matter therein contained for your Excellency's information.

Your Excy's instructions in consequence of Mr. Elliot's late Conduct, with which I was honored in your Dispatch No. 30, have been complied with; and I have directed Mr. McKee to attend untill further orders to that part of the Department heretofore under the Superintendancy of Mr. Elliot.—Copies of my letters to both those Gentlemen are herewith inclosed; with some papers which I received yesterday from the Dy. S.I.Genl. in consequence of my letter to him of the 18th November.

I have read with infinite concern the Postscript to your Excellency's dispatch No. 30, and the Extract from Lt. Col. McDonell's letter to Capt. Green of the 5th Decr. which accompanies it, and I beg leave to assure your Excy in consequence, that the Mohawk was not detained by me at York a single moment longer than was absolutely indispensable. This Lt. Col. McDonell might have easily been made sensible of, had he done me the honor of communicating to me his Ideas of the matter, before he made so very improper a report of it to your Excellency.

A reference to my letter No. 20, written in July last will shew your Excellency my great unwillingness to employ the Kings Vessels for the Civil purposes of this Government; having even exposed myself to personal hazard, Inconvenience, and expence, rather than divert them a moment from the Transport Service. My letter No. 24, written a month later speaks the same Language. And as a further corroboration I request permission to mention that I refused to ask for one of His Maj's Vessels to convey the Atty General and the Clerk of the Executive Council from Newark to York with their Offices, families and Effects; and that they were obliged in consequence to hire Vessels for that purpose at a very considerable expence. I deferred also moving thither myself until the very latest hour which I durst venture to stay to avoid any Interruption being given to the Transport of Provisions; nor did I at last make a Requisition for the Mohawk untill I was told that the Onondaga which had sailed for York and Kingston on the 12th of Octr. would probably on her next trip bring up all that was to come this winter, as the Navigation on Lake Erie would not continue much longer. The Mohawk did not arrive at Fort George before the 21st of Octr. (tho' she had sailed for Kingston on the 7th) and upon her returning from the Landing on the 24th, to take in Provisions for the Troops at York, I immediately ordered my Baggage to be embarked on board her as fast as she could take it in—She was reported to me to be ready for sailing on the 30th; But some Dispatches having just then arrived from Mr. Liston & Colonel McKee, which required immediate answers, and other local business pressing upon me before my departure, I could not possibly get on board before the 3rd of Novr.—But had that not been the case, she could not have sailed sooner for want of a fair wind (at least as far as I recollect at this distance of time). We arrived at York that Evening, which turned out very wet, and excessive heavy rain continued for three days after.—but my anxiety was so great to dispatch the Mohawk that neither Exertions nor Expence were spared to get out my Baggage, which was accomplished notwithstanding the severity of the weather on the evening of the sixth—great part of it remaining all night on the Beach exposed to the Storm and the depredations of thieves for the want of men to bring it up to my house.

From the evening of the 6th of Novr. I do not hold myself to be responsible for the detention of the Mohawk at York—as every necessary dispatch which I had to write was finished by that time and I had no occasion to request her continuance for one moment longer. But I really believe that nothing but

extreme bad weather and contrary winds kept the Onondaga and her in Harbor untill the 12th, when they both sailed for Kingston—This I do assure your Excy. is a very candid representation of this business; and I presume to flatter myself that after having read it your Excy will do me the Justice of exonerating me from all Censure for the Detention of the Mohawk at York, or the enormous expence which Government was afterwards put to for Transport.

I have obeyed your Excy's Command respecting a farther purchase of 2000 Bushels of Indian Corn; and the Agent for purchases has gone for that purpose to the other side of the Lake.

I am &c.,

His Excy Genl. Prescott.

PETER RUSSELL.

(C 1206, pp. 199-202.)

FROM PETER RUSSELL TO D. W. SMITH

YORK 16 feby 1798

Sir

Mr. Walton having represented to me that three Lots were appropriated for the use of a Mill which he has erected in hope¹—& that you are doubtful whether they ought not to be deducted from the Portion of Land allowed to him and Mr. Smith—I think it right to suggest that those Gentlemen appear to me to be equally entitled with Messrs. Canby & McGill² to the indulgence of having that appropriation exclusive of the Lands otherwise granted them—It having been always considered when appropriated for such purposes to be intended as a Douceur to encourage Undertakings of Utility to the Province; and I consequently authorize you to suspend the Deduction until the opinion of the Council can be taken on the subject.

I am, Sir

Your most obedient

Humble Servant

PETER RUSSELL

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 241.)

FROM JOHN ADAMS TO WILLIAM SEBA SMITH³

PHILADELPHIA, 16 February, 1798.

Sir,—

.....
You are too precipitate, in my opinion, in pronouncing an opinion, that the General⁴ has been guilty of high crimes, &c.

There have not been wanting critics upon your conduct as severe as you have been upon his. It is reported, not much to the advantage of your reputation or mine, that you have been to Detroit, for Brockholst Livingston and

¹The township of Hope. ²They had mills on Niagara river above the falls.

³His son-in-law, who had been adjutant-general in Lafayette's division in 1779 and secretary of the United States legation in London (1785-8) headed by Mr. Adams, and was the Colonel Smith mentioned in Vol. I, pp. 38, 39, 41, 127. He became involved in the conspiracy of General Miranda to incite insurrection in the Spanish colonies of South America, when he withdrew to the interior of the State of New York, and was elected to represent a district in Congress in 1813. He died in 1816. ⁴Wilkinson.

company, to speculate in lands and claims of those who mean to remain British subjects and to remove to Canada; and, that to cloak your real purposes, you gave out that you had been sent by me for ends of government of some sort or other. I can scarcely believe that you could countenance a report so totally unfounded.

I am &c.

JOHN ADAMS.

(Works of John Adams, VIII, pp. 566-7.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA Feb. 18th, 1798

Dear Smith

I have rec'd yours by the Sheriff & am extremely obliged to you for your offer with respect to the Lots on Russell's Creek, but having made up my mind not to build in the Town, have in a Letter to the President waived all claim to any Lot except that on which I am bound to build a house for my 100 Acre Lot, which he may locate wherever he pleases. Before I received yours I had written to you to say that I would exchange my 100 Acres for Porter's: my reason for doing so was because I thought you might command it with more ease than the other Arrangement I proposed, & which you have declined: I am still however ready and willing to do so, if you think it for your convenience.

The President has written to me to inform me that the Duke of Portland has told him that York was chosen to be the Seat of Government on mature deliberation: he does not say the *permanent* seat; but I understand Mr. Russell has everywhere announced it as such. How peculiarly hard is the lot of the Civil Officers of Upper Canada, and how carefully they seem selected to be the sport of fortune!—But I am breaking the resolution I have made of uttering no more complaints, for I see it is all in vain, be they ever so well founded.

The President has given me no answer to my letter respecting my Land. I am at a Loss to conceive why—but in the meantime I have written to my friend Carter on the subject, & I hope that what I have said to him will have the effect of procuring us all the 10,000 Acres we applied for—

I rejoice at the report of General Simcoe's return to resume the Government of this Province. It is founded I understand on his own Letters. But come out who may, I adhere to the resolution I expressed in my last: I have done with everything but my Duty as a Judge & my labour as a farmer—All that I shall hereafter undertake or attempt will be to undo what I have done: to get the Provisional Agreeemt. with Lower Canada confirmed & my own act respecting the King's Bench repealed—

I am very happy to hear by the Sheriff that Chewitt & Ridout have got 50 Acres apiece & that he and McNabb have their salaries augmented. Mr. Clarke¹ too I hear has had an official notification of his promotion to be Sheriff of this County; I heartily rejoice at it, for the sake of an old soldier & a very worthy young woman, on whose shoulders I fear the heaviest part of the burthen at present falls.

Macellan of the Americans is gone to Philadelphia & is when he returns to become a British subject & a Merchant. He has bought 13000 Acres of

¹Probably James Clark, clerk of the Legislative Council.

John McKay at 3/4 York per acre: The New York Company are buying everything from Niagara to Fort Erie & give any price—Broome, their agent has declared that he will not take the Oaths of Allegiance in their present form, & insists upon an exception with respect to the States—If Mr. Russell was afraid of the Indians, what will he say to settlers who hold such language as this?

With a view of undoing what I had a share of doing, I have written the enclosed to the President respecting the Provisional Agreement, which when you have read, I beg of you to send to him. It is the substance of what I said to McGill when he was here the other day—We were duped most confoundedly.

You talk of disposing of your lands in Pickering: what do you ask for them, & what length of Credit will you give?—Are the Acres in the range of blocks next to your Land, close by Newark, larger than common, or is there a street between them and you?—A most singular event took place this day: A large Deer, without any apparent cause came into Town; & leaped into your farm yard, where your dogs immediately laid hold of him—What does it portend?

The Volunteers are I understand to go down in the Spring, & Claus's Battalion of the 60th to supply their place: Barracks, Hospitals &c are to be immediately built for a complete Regiment. The President's House is ultimately destined for the Indian Department—What do you propose doing with your own? Can it suit anything so well as a School? & is anything more wanted in Upper Canada? I shall offer mine to General Simcoe for a parsonage; & will gladly take lands in payment, I paying the increased fees myself—Can lands be in any hands better than in those of the officers of Government, in a country in which the influence of extensive property is so much wanted to give effect to the Laws, & keep the turbulent in good order? & in whose hands can they be more safely placed than in ours, who depend so entirely upon the King, & the Mother Country. The Road thru the Black Swamp goes on with Spirit. Col. McDonell takes the field this week with 50 Men, & the people of Niagara work with great zeal. It will decrease the Expence of living & increase the Value of property at least 30 per cent. I have lost a second Cargo of Books in the Edinburgh, which Forsyth & Richardson tell me was separated in the Gale in which the Tribune was lost & has never been heard of.

Yrs. ever

J. ELMSLEY

Yours & mine all well. Compts to Mrs. S. &c.

P.S.

Feb 18

Since writing the enclosed, I see I have omitted the most material thing I had to say, which was to beg your pardon for mistaking the information you gave with respect to the Stop put on my Land: I recollect distinctly your telling me that I might have 1200 Acres but I confess I do not recollect your telling me that I might have an appropriation of the 5000 until His Majesty's pleasure should be known. I do not dispute your having told me so; I only say, I do not recollect it, but have no doubt that the Surprise which so unexpected a stroke gave me, prevented me from attending to the rest of your information.

It occurs to me at this moment that possibly you may not have delivered my letter to the President on that account, for I know not how otherwise to explain his silence. If so, burn it, & I will write another stating your information as you represent it.

With respect to your Idea of a Square, my Notion is, that you have an official right to lay out the Town as you please. When you do us the honour to consult

us, I consider it as a compliment, & a mark of good will, which we shd not deserve, if we did not give you our Candid opinion: With all sincerity therefore, I approve highly of your Square; & wish there were more. Can you not before it is too late, lay off a handsome block of 8 or even 12 Acres for a College? I dropt the hint to Russell some time since, but he does not seem to relish it.

Will you promote the enclosed Petition for Merritt?¹ he wishes to have the two lots immediately North of those I have taken up and bought of your man.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 10-12.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 46.

UPPER CANADA, YORK 19th Feby. 1798.

Sir,

I have been very much at a loss since my reading the Papers inclosed in your Excy's dispatch No. 33, to divine Capt. Brant's probable design in complaining of this Government to your Excy and Sir John Johnson. For the five Nations as well as Capt. Brant have constantly expressed themselves to be not only satisfied with, but thankful for the arrangements I had promised them in July last. There has nothing happened on my part since then to prevent those arrangements from being carried into execution, it having rested altogether with themselves to give in the description of the Lands they wished to surrender to His Majesty, and the Names of the Persons to whom they were to be granted by Deeds under the great Seal of the Province. Nor has Capt. Brant at any time since my speech in July ever intimated to me that either himself or the five Nations were dissatisfied at any thing.—I have been indeed told that in consequence of some foolish doubts that had been stated by some one about the consent of their Women being thought necessary to make their surrender valid, he had fancied that new difficulties were going to be thrown in the way of their wishes. But as I knew of no difficulties, and Capt. Brant had not mentioned the circumstance to me, I had not the smallest suspicion that he entertained any serious uneasiness on that score. I have however the honor of inclosing for your Excy's information, Copies of the few letters that have lately passed between Capt. Brant & me, by which your Excy will perceive that the delay (if any) which they complain of, has originated with themselves, and that there has been neither cause nor appearance of dissatisfaction in any of his Transactions with me on this business.

Capt. Claus not having been able to attend at this place, I met Capt. Brant in presence of the Executive Council on the 5th Inst. and I received from him, as the Agent or Attorney of the Five Nations, their surrender to His Majesty of a certain portion of the Lands on the Grand River, which had been appropriated to their use by General Haldimand; and I immediately signed at their request five separate Deeds for conveying the same to the Persons they named to me, who are subjects of the King resident in this Province. Those Deeds I have (at their desire also) directed the Secretary of the Province to deliver to the Parties, only upon their producing and lodging with him an order for so doing signed by each of the three Trustees authorized by the five Nations to

¹Probably Thomas Merritt, afterwards sheriff of Niagara.

take securities from them for the Payment of the money stipulated to be paid to their use for the Land granted.

I am &c.,
PETER RUSSELL.

(C 1206, pp. 213-4.)

INCLOSURE No.1

NEWARK 4th Octr. 1797.

Sir,

Upon considering the propriety of the steps necessary to be taken for securing by Mortgage in Trust, the money due, or that may hereafter become so, to the five Nations on the Sale of the Lands surrendered by them to His Majesty as recommended by the Crown Officers—I have the honor to inform you that agreeable to the Power of Attorney given me by the five Nations on the second of Novr. last, It is my wish and their earnest request that the Honble David W. Smith, being one of the Officers of His Majy's Government be joined with Alexr. Stewart, Esq., and Mr. John Ferguson and considered as the persons to whom and in whose names we wish the necessary securities to be taken.

The sooner the business is concluded the more agreeable it will be to us.

Peter Russell, Esq.

I am &c.,
JOS. BRANT.

(C 1206, pp. 214-5.)

INCLOSURE No. 2

FROM PETER RUSSELL TO JOSEPH BRANT

NEWARK, 4th Octr. 1797.

Sir,

I have this moment received your letter of this date. I can have no objection to the Gentlemen whom you have named to be the Trustees, in whose names the Securities are to be taken for the payment of the Annuities to the five Nations on the lands they are about selling. I beg leave however to repeat the opinion I gave you yesterday that as Offices never die, but are permanent, three or four of the principal Officers of Govt. for the time being and their successors, might have been probably more eligible in a Transaction of this nature for very obvious reasons.

Whenever you may be pleased, Sir, as Attorney for the five Nations, to surrender to the King in their name the 381,480 Acres which I promised to confirm the Sales of in my Speech to the Six Nations on the 26 of July last, and to signify to me in writing that the five Nations are satisfied with the securities given by the Parties and that it is their wish that a Deed or Deeds may issue under the Great Seal of this Province to the Persons you shall name to convey to them a part or the whole of the said Tract, & you shall have furnished the Surveyor General with Instructions for making out the boundaries of each respective Tract with the names of the Persons, to whom they are to be granted, I shall immediately on the receipt thereof transmit them to His Maj's Atty Genel. with orders to issue his fiat for the respective Deeds being made out;

and you shall be informed when they have passed the different Offices that they may be delivered from the Secretary's Office to your order.

I am &c.

PETER RUSSELL.

To Capt. Joseph Brant
Agent for the five Nations.

(C 1206, pp. 215-6.)

INCLOSURE No. 3

Extract of a Letter from the President to Capt. Claus, dated York, 10th Decr. 1797.

"In my Letter To Capt. Brant of the 4th of Octr. last I informed him that whenever he as Attorney to the five Nations should surrender to the King in their name the 381,480 Acres, which I promised to confirm the sales of in my speech to the six Nations on the 26 of July last, and signify to me in writing that the five Nations were satisfied with the securities given by the Parties; and that it was their wish that a Deed or Deeds should issue to the Persons he or they shall name &c., I shall immediately on the receipt thereof direct the Attorney General to prepare the respective Deeds &c.

Since that time I have not been favored with any further communication with Capt. Brant respecting this business—It consequently remains at a stand.—However that no time may be lost as the Attorney General has just informed me that he has prepared an Instrument of Surrender of the above mentioned Land to His Majesty for the Chiefs and Warriors of the Mohawk and others of the six Nations residing on the Grand River to sign and execute, I request that you will take the said Instrument (which the Attorney General has, I understand, delivered to Mr. Stewart, not knowing my particular wish with respect to you) and if the part of the six Nations living on the Grand River are agreed among themselves, to whom the said Quantity of Land shall be reconveyed, by the Kings Patents under the Great Seal of the Province, and have ascertained the Descriptions of the respective Portions to be transferred; You will be pleased in His Majy's behalf to see the same executed in the usual custom and manner of Indians that Deeds may be prepared immediately for the reconveyance thereof and delivered to the Trustees or whoever the Indians shall direct."

(C 1206, pp. 216-7.)

INCLOSURE No. 5

FROM JOSEPH BRANT TO PETER RUSSELL

HEAD OF THE LAKE, Decr. 15th, 1797.

Sir,

I left home three days ago, purposely to wait on your honor at York for the ratification of the Sales of the several Tracts of Land which I have some time since treated for with certain individuals in behalf of the five Nations, but the rise of Water is such that I think it unsafe for me to proceed and therefore forward this by Captn. Seth and another Chief.

The reason, Sir, of my not having paid my respects personally to your honor before now concerning this business, is that the payment of Interest on

the amount of the sums stipulated was to have been made in Sept. and some in Oct. past, and some about this time; and it has been my wish in behalf of the five Nations to arrange this affair in such manner that the several sums may become payable at some one stated period; but this delay I trust cannot have been the cause of any inconvenience to your Honor or others concerned in passing the Patents, nor can it I conceive in any way operate prejudicially to others.

Some few days since I learnt from Mr. Stewart that the residence of one of the Trustees Mr. Ferguson out of the home District rendered it impossible to close the business in such a way as to be deemed legal. If this be a real hindrance in concluding the business, I will name Capt. Claus in his stead, and if necessary I will name a number of others, tho' I wish to avoid that which might eventually occasion expence to the Five Nations—Something further which I think of a very singular nature has been suggested to us by Mr. Stewart respecting a *surrender* to be made of the Land by our Women. Such a measure was however considered by them and the Chiefs as too singular and foreign from the known Customs of the Five Nations.

I doubt not, Sir, but the business is already or will be immediately concluded agreeable to the assurances of your Honor in Council at Niagara in July last past; every suitable circumstance respecting which I beg may be transmitted to me by Capt. Seth, and the other Chief, who will wait on your Honor for that purpose unless prevented by bad weather, which I hope will not be the case, but if so, I hope to be favored by your Honor with particular intelligence of this to us important business by the first safe conveyance.

I am &c.,

JOS. BRANT.

(C 1206, pp. 217-9.)

INCLOSURE No. 6

FROM PETER RUSSELL TO JOSEPH BRANT

YORK 19th Decr. 1797.

Sir,

I was last night favored with your Letter of the 15th Inst., which was brought to me by two Indians on their way to Lower Canada—Capt. Seth and the other Chief you sent it by, I have not yet seen.

Having written to Capt. Claus on your subject on the 10th instant, I have little more to say in answer to your letter than to transmit you an Extract from my Letter to him for your information; and to assure you that I know of no difficulties which can obstruct my fulfilling the promise I made to the five Nations in my speech of July last, whenever you *officially* inform the Surveyor Genl. how he is to describe each specific tract and to whom they are to be granted under the Great Seal of the Province, which Mr. Smith informs me has not yet been done.—Upon the receipt of these descriptions the Patents will be instantly made out, and the whole will be immediately perfected after the delivery of the surrender, which Capt. Claus is authorized to receive from the five Nations on behalf of the King.—The Parties concerned will then have only to produce to the Secretary of the Province proper orders signed by you and the Trustees to entitle them to take up their respective Patents.

I am very well pleased with your joining Capt. Claus in the Instrument of trust from the five Nations, and I think three Trustees will be fully sufficient when they act together to answer every efficient purpose. But it may be necessary that the Instrument shall be shewn to me and Registered in the Provincial Registry Office—Your Power of Attorney from them should likewise be lodged there.

With respect to the Signature of your Women which you object to, I really am too ignorant of Indian Customs to say, whether it may be necessary or not—But from what you have written to me I should rather think not—The Attorney General, I suppose introduced the word merely of course, as being agreeable to the Forms of other Indian Deeds in which the consent of the Women is generally mentioned. Too much publicity however cannot be given to an act of this very serious import, which alienates the property of your posterity as well as yourselves. It ought consequently to be signed in Council and delivered to the Superintendant as the act of the Five Nations; but whether by the whole, or by five or six Principal Chiefs, or by yourself as their legally constituted Attorney I should suppose to be immaterial. The publicity of the act is all that I am to attend to as my Justification, lest I should be hereafter accused of suffering it to be done improperly or insufficiently.

To Capt. Brant.

I am &c.,

PETER RUSSELL.

(C. 1206, pp. 219-220.)

INCLOSURE No. 7.

FROM JOSEPH BRANT TO PETER RUSSELL

HEAD OF THE LAKE, 29th Decr. 1797.

Sir,

It is with great pleasure in behalf of the five Nations residing on the Grand River that I acknowledge the receipt of your Honor's favor of the 19th Instant, the perusal of which gives me great comfort and must be highly satisfactory to them.

In consequence of your Honor's communication I have this morning dispatched a runner to Capt. Claus for the special purpose of requesting his attention to the Surrender of the Land and to favor me with his company to York, where I purpose with all convenient speed to pay my respects to your honor for the purpose of doing whatever is incumbent on me in behalf of the five Nations to effect a conclusion of this to us important business.

I am &c.,

His Honor President Russell.

JOS. BRANT.

(C 1206, pp. 220-1.)

INCLOSURE No. 8.

Extract of a Letter from the President to Capt. Claus, dated 31st Decr. 1797.

"I was much surprised on reading Capt. Brant's letter to you dated 29th Novr. to observe that he conceives new difficulties to have arisen to prevent the carrying into execution the promises I made to the Six Nations in July last; and

much more so by a Letter lately shewn to me by the Atty. Genl. from Mr. Stewart wherein he mentions to have received a Speech from the Chiefs and Women of the five Nations refusing to sign the Instrument of Surrender which he presented to them.—What authority Mr. Stewart could have for presenting to Indians any Instrument of Surrender, I am at a loss to conceive.—I am sure he had none whatever from me. My directions were sufficiently explicit that whenever the five Nations might judge proper to surrender their Lands to the King, you should on behalf of His Majty, publicly receive and sign as usual the Instrument for that purpose, whether all the Chiefs of the five Nations, or part of them, or Capt. Brant in their behalf as their agent and attorney signed would be of like consequence, provided that the transaction was done in as public a manner as possible, that my Conduct in the business may stand justified to His Maj'y and the posterity of these people forever.

(C 1206, pp. 221-2.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 47.

UPPER CANADA, YORK 21st feby. 1798.

Sir,

Having this day received a Letter from Capt. Jos. Brant, wherein he intimates an apprehension of unpleasant consequences being likely to follow some Claims set up by the Caghnawagas or Canadian Indians to payment for Lands belonging to their Country in the U.S. said by them to have been sold some time ago by his People; I have the honor to transmit a Copy of it for your Information and to request to be informed whether a speech from that Nation relative to this Quarrel has been sent by your Excy to the Duke of Portland. Because in a secret and confidential Letter leading to important consequences which I have just received from His Grace, he refers me to a speech said to be inclosed therein, but the inclosure having been omitted, I am totally at a loss how to act, as that appears to have been intended for the Clue by which I was to conduct myself; and as the letter intimated a Quarrel to have taken place between the Chippewas and the six Nations, I am inclined to think that it rather alludes to this one between the seven Nations of Canada and the Six Nations.—As the others are at present on the most friendly footing with each other. I received also by the same Messenger a letter from the Dy. S.I.Gl. of Indn Affairs, which I judge proper to send your Excy a Copy of, with the Certificates inclosed.

His Grace the Duke of Portland having directed me to appoint an Agent with a moderate allowance for the Indians resorting to York, and to place the expence of this appointment to the Contingent acct. of Upper Canada; I have the honor (by His Grace's Command) to communicate this circumstance to your Excy, and to inform you that I am ordered to apply to your Excy. that such Presents as may be most proper may be sent to this place, and such reductions made from the Presents in general given to Indians in U.C. as may be equal in value to the supply sent to York—I take the liberty therefore of requesting that your Excy may be pleased to direct Sir John Johnson to order an assortment of Presents for this Service in such quantities as may be judged sufficient, and to make a proportionate reduction from the annual requisition for Indian Presents for this Province.

His Grace having recommended Lt. Givens of the Queen's Rangers as a fit person to fill this Office, I have appointed him to be the Agent at this

place. He shall however be directed to consider himself subordinate to the Superintdt. of the District, and to conform himself in every thing to the Regulations established for the better conducting the Indn Dept.—I have likewise appointed Mr. George Cruikshank (Asst. to Mr. McGill) to take charge of the Indian Goods that may be sent here.

His Excy. Genl. Prescott.

I am &c.,

PETER RUSSELL.

(C. 1206, pp. 222-3.)

INCLOSURE No. 1

FROM ALEXANDER McKEE TO PETER RUSSELL

SANDWICH 7th Feby. 1798 .

Sir,

Having already written your honor very fully on the subject of the abuses reported to exist in the Indian Department, I had hoped the subject was exhausted; But it yet remains for me to explain the nature of the Chenail Ecarte settlement agreeably to your desire.—This place was submitted to the late Com'der in Chief by Lt. Govr. Simcoe as a proper place of residence for those Indians who had distinguished themselves by their attachment to the Kings Interest, and were driven from their Country, and for all other Indians who were disposed to live under the Kings protection. I was accordingly directed to encourage the Settlement; But as it was impossible for Indians to establish themselves without the assistance of Provisions in a part of the Country where Game is not plenty, a small Depot of Provisions was judged requisite for their partial support, until they could feed themselves by planting which the last unfavorable seasons had in a great measure prevented. No Provisions whatever were sent to Chenail Ecarte during the whole of last year, except 250 bushels of Corn, the Indians residing there having been principally subsisted during that Period by the Provisions which were taken thither for the support of the Chippewas from all parts of Country who came to execute the Deeds for the Lands there and on the River Thames, having been enabled contrary to expectation, to accomplish the purpose and send them home much sooner than there was reason to expect, a considerable saving of Provisions taken there for the purpose was thereby made, and by an Economical Distribution it lasted till last fall, when the Indians came to me and requested provisions to enable them to live in the neighborhood of the Villages, that they might be in readiness for early planting in the Spring, giving me at the same time an acct. of their numbers, which I transmitted to the Superintdt. at Amherstburg, and directed him to make a requisition for such a number of Indians, as appeared probable would winter in the neighborhood of that place and be in want, being satisfied under the regulations directg an issuing Commy to reside on the spot, together with an Interpreter to see the Indians receive their Provisions and prevent the Commy. being imposed on, that no abuses in the issues could have existence particularly as the issuing Commy. must produce a voucher for every issue, and deliver the Provisions to the Indians personally present; but having discovered after the return of the Indians from Amherstburg, that they were preparing to go to hunt at a considerable distance from an apprehension that Provision would not be allowed them, I immediately countermanded the requisition and Provisions were not sent.

The report of the number of Indians sent to His Excy the Com'der in Chief is greatly erroneous, nor is it surprising, when the information is obtained from Characters who are not intitled to any Credit; as soon however as the Indians return from hunting and are collected an exact return can then be taken, in the meantime I transmit to yr. Honor the affidavit of Fred. Fisher a man of truth & confidence, who has constantly resided at Chenail Ecarte, as an Issuer ever since its first Establishment, to shew that the nature of the numbers as forwarded to Hd. Quarters is altogether inaccurate.

The Certificate of Lt. Forbes of the Rl. Arty. on whose authority the Superintendent. stated to me the Garrison being under Arms, &c. would have accompanied this, but Capt. Elliot informs me Mr. Forbes is from home, and the Indians who carry this are impatient to be gone, it shall however be forwarded to your Honor the first opportunity after it is received.

His Honor Peter Russell, Esqr. &c., &c.

I am &c.,

A. McKEE.

(C 1206, pp. 224-6.)

AFFIDAVIT OF FREDERICK FISHER

Province of Upper Canada.
Western District.

I Frederick Fisher late Interpreter in the Indn. Department do make Oath that I have resided at Chenail Ecarte for the last two years, and that the No. of Indians, who drew Provisions during that period were generally from Four hundred to Eight hundred and sometimes to Eleven hundred Men, Women & Children.

FRED. FISHER.

Sworn before me the
6th day of Feby. 1798.

Thos. Smith, J.P., W.D.

(C 1206, p. 226.)

CERTIFICATE OF LIEUT. J. FORBES

Being requested by Capt. Elliot to Certify the Report concerning the Troops being called out against the Indians, I Certify that I mentioned it to him, which I heard from some soldiers and upon further enquiry found that there was not Ground for That Report.

J. FORBES.

9th Feby, 1798.

(C 1206, pp. 226-7.)

INCLOSURE No. 2

FROM JOSEPH BRANT TO PETER RUSSELL

MOHAWK VILLAGE 19th Feby, 1798.

Sir,

I have been honored with yours of the 6th instant, in compliance to which I sent out four of my people on the Detroit Road, in order to apprehend the

two suspicious persons you mention—they went about 15 miles but after making every necessary enquiry they could not find that they had passed that way.—I am since informed that they are taken at Niagara—I am sorry I had to detain the two young men from Detroit with your Dispatches part of a day, as I had to answer some letters of Sir John Johnsons, which I wish to forward by this opportunity, which I hope your Honor will be so good as to forward by the first chance.

I am sorry to inform your Honor About the Complaints and threats thrown out by the Caghnawagas or Canadian Indians, they say that we sold part of their Country laying in the U.S. some time ago, which we are entirely unacquainted with, they now demand payment of us for the same without giving the least satisfaction by saying where these Lands lay, we have asked them to meet us at Buffaloe Creek in order to give them every satisfaction, which they refuse complying to, but insist on our either meeting them at Albany or N. York, which we can't comply with, as the great number we should have to collect out of the several tribes to go that distance, would incur us to a great expence. we have mentioned this in a letter to Sir John Johnson to try to find out why these Indians will not meet us in our Country, and the reason why they do not let us know where their Claims are. I cannot say how this affair will end, unless our friends in Government should interfere more than they have done.

I am &c.,

His Honor the President of U. Canada.

JOS. BRANT.

(C 1206, pp. 227-8.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 25.

UPPER CANADA

YORK 20th Feby 1798

My Lord Duke,

I had the Honor on the 3d instant to receive your Grace's letters marked *No. 5, & secret & confidential*, both dated the 11th of September last.

The Bishop of Quebec having been pleased to signify to me his approbation of Mr. Addison's being continued the Minister of Newark, I have informed that Gentleman (agreeable to the Tenor of your Grace's letter No. 5) that he is to consider himself one of the four Stipendiary Clergymen for whom Salaries have been voted by Parliament in the Estimates for the years 1797 & 1798.

No Part of the Thousand Pounds voted for building of Churches in this Province has been yet drawn for; as the most eligible Towns in each District for erecting them in had not been determined on, and I wished first to know the Bishop's pleasure respecting the Distribution I had proposed to him—But having the other day received his Lordship's Consent that Five hundred Pounds of the above Sum shall be appropriated towards the building a Church at this place (the Seat of Government); and that the remaining five hundred Pounds shall be divided between the Towns of *Cornwall* in the Eastern; *Newark* in the Home, and *Sandwich* in the Western Districts; I have the Honor to inform your Grace that I shall take measures for carrying the same into Execution with all possible Dispatch—I have accordingly requested the Chairman of the Quarter Sessions in the respective Districts to recommend forthwith to the Inhabitants of the selected Towns an adequate Subscription, according to their Abilities, in addition to the Bounty of the British Parliament, and an immediate Election

of Treasurers & Church Wardens for taking charge of the Money and superintending the Buildings—

Your Grace's Communication to me of His Majesty's constant Readiness to give every Assistance and Encouragement to His Province of Upper Canada in making due Provision for its Church Establishment, cannot fail of impressing his Subjects in this distant Quarter with a gratefull Sense of His Majesty's great & benevolent Goodness towards them—

I have the Honor to be &c.,

His Grace the
Duke of Portland, &c., &c., &c.

PETER RUSSELL.

Endorsed:—Upper Canada 20th Feby. 1798.

Mr. President Russell.

R. /7th June—No. 25 Ansd. 28th July.

(Q 284, p. 76.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 26.

UPPER CANADA
YORK 20th Feby. 1798.

My Lord Duke,

My Dispatch No. 15 will have informed your Grace that I had promised to the five Nations to issue Patents under the Great Seal of this Province to such Persons, being Subjects of the King, as they should name to me, conveying to them in fee that portion of their Land on the Grand River which they had prayed leave to dispose of—I have now the Honor of reporting to your Grace that Captain Joseph Brant, the Attorney of the five Nations, having in their name presented to me in Council on the 5th instant, in presence of the King's Attorney General, a Deed of Surrender for themselves & their Posterity of a certain Part of that Land amounting to 352,707 Acres, I accepted the same for His Majesty by the advice & Consent of the Executive Council; and agreeable to the Promise I had made to the five Nations in July last, I signed at the Council Board five Deeds conveying 324,195 Acres of that Portion to the Persons named in a Schedule annexed to the Instrument of Surrender, those Persons being all Subjects of the King residing within this Province—The five Nations having appointed the Acting Surveyor General, the Superintendent of Indian Affairs in this District, and Alexander Stewart, Esqr., Barrister-at-Law, their Trustees to receive for their use Mortgages & other Securities for the Payment to them of the several & respective considerations stipulated; I have directed the Secretary of the Province not to issue to the Parties any of these Deeds before they have delivered to him an order for so doing signed by each of the three Trustees.

I have the Honor to transmit herewith for your Grace's Information,

- A. Copies of the Instrument of Surrender to His Majesty, the Deed to be
- B. issued to a nominee of the five Nations, and of my Letter to the Secretary
- C. respecting the Cautions he is to observe in issuing the Deeds from his Office—

And tho' I may thro necessity have deviated in some degree from the strict Letter of your Grace's Instructions, I humbly presume to hope that the Mode which I have adopted will not meet your Grace's Displeasure; since it may be

found to lead equally to promote the Common Interest of His Majesty, and those of the five Nations—

His Grace the Duke
of Portland—

I have the Honor to be &c.,
PETER RUSSELL.

Endorsed:—Upper Canada
20th Feby. 1798.
Mr. President Russell.
R. /7th June.
No. 26.
Ansd. 28th July.

(Q 284, p. 78.)

(three inclosures)
(two voluminous)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 27.

UPPER CANADA
YORK 20th february 1798.

My Lord Duke,

I was in hopes to be able by this opportunity to have transmitted to your Grace our Report on the Plan for an additional Fee which your Grace's letter for me No. 4 directed us to make to you for His Majesty's Information. But the season of the year and the distant Residence of most of the Members of the Executive Council having hitherto prevented me from collecting them together for the purpose of ascertaining the Result of our joint Deliberations, I can only at present transmit for your Grace's Information Copies of such of their Opinions as I have received in writing, and are not too bulky to go by Post; taking liberty at the same time to mention to your Grace that as my Opinion appears to come nearest to the principles referred to in D. of your Grace's Instructions to General Prescott and may consequently be the one on which the Report of a full Council when we all meet, will probably be founded; I shall send a Copy of it to His Excellency, that he may know the Points in which the peculiar Circumstances of this Province may lead us to deviate from the Mode about to be adopted in Lower Canada—We shall in the mean time make such arrangements in our present Council as may enable us with the least loss of time to enter upon executing such modes as may be adopted there, after the Governor General shall communicate them to me.

I am further to inform your Grace that Mr. Shaw and Mr. McGill did not give their opinions in writing, but concurred generally with the Chief Justice—The Opinion of the Acting Surveyor General contains many Ideas in his Line which promise to be very beneficial both with respect to the plan under present Consideration, and your Grace's wishes to preserve the Crown & Clergy Reserves and render them productive; but being pretty bulky I shall defer sending it to your Grace until a more favourable Opportunity.

I have the Honor to be &c.,
PETER RUSSELL.

His Grace the Duke
of Portland, &c., &c., &c.

Endorsed:—Upper Canada 20th Feby. 1798.

Mr. President Russell

R./7th June. No. 27.

Ansd. 28th July

(five enclosures).

(Q. 284, p. 97.)

FROM PETER RUSSELL TO D. W. SMITH

Sir

The Attorney General wishing to locate one thousand acres of the land granted to his family in the 3d Concession west of Yonge Street—and to locate the Town Lots ordered to Mrs. White & his Children in No's. 1, 2, & 3 South Side of Lot Street—and No. 2 North Side of Dutchess Street—You will be pleased to make the locations accordingly.

I am, Sir

Your most obedient

Humble Servant

PETER RUSSELL

21st Feby. 1798

Honble D. W. Smith &c. &c. &c.

Endorsed:—His Honor

21st feby. 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 243.)

FROM PETER RUSSELL TO THE BISHOP OF QUEBEC

No. 2

UPPER CANADA YORK

22d February 1798

My Lord Bishop,

I have had the Honor to receive from Mr. McDonell your Lordship's two letters bearing date the 9th & 11th Ultimo. and I am extremely happy that the little attention which I have been able to give to the Religious Concerns of this Province meets with your Lordship's approbation. But, notwithstanding the Happiness of being aided at present by a Clergyman on the Spot to whom I may confide the Charge of forming Arrangements for the promotion of Piety and Virtue, and of selecting faithful Trustees for receiving Estimates and superintending the Erection of a Church in this Capital, (whose good Example might have Salutary Influence on the other Districts of the Province) I am sorry to observe to your Lordship that my other indispensable Avocations do not permit me to contribute much more than my best wishes towards forwarding a Work I have very much at Heart, while I most sincerely lament the very loose State in which your Lordship may find the Religion and Morality of this Part of your Diocese at your promised Visitation.

I am to thank your Lordship for being pleased to accede to the Distribution of the money voted for the building of Churches which I had the honor of submitting to you. The Order however that was given to the Towns in which I wished to have them built, fell from my Pen without intending a Preference to one more than another; and my reason for not noticing Cornwall was, because I thought the sum left us to divide (after providing for the Capital) would not admit of more than three Churches; and I regarded New Johnstown as a better

situation for one of them than Cornwall, from its lying near the Centre, and the latter at almost the Extremity of the District. But the Zeal shewn by the inhabitants of Cornwall certainly merits Encouragement; and I shall consequently with pleasure follow your Lordship's Idea in placing that Town as first in order, New Johnstown the next and then Newark—Adolphus Town and Sandwich must therefore wait for a further aid from Parliament before either of them can have a Church—for I confess I should with Reluctance give up any Part of the Five Hundred Pounds which your Lordship has consented shall be appropriated towards the building a Church in the Capital of the Province. Yet it is at the same time my wish that no Time should be lost in placing a discreet good Clergyman at Sandwich & giving him a Church there; because its Vicinage to a Military Frontier of the United States whose Soldiers are daily deserting to this Side exposes it to a most dangerous Contagion; which if not early opposed by the improved Morals of its Inhabitants may spread wide and be ultimately productive of every Evil that can be apprehended from a total disregard to all the Duties we owe to God & Man. The Necessity of such an antidote is moreover strongly impressed on my mind by a letter which I have just received from the Chairman of the Bench for the Western District, where he implores my immediate assistance towards rebuilding their Jail which has been lately burnt—as they have no proper place to confine the Multitudes of American Deserters who are daily committed by the Magistrates for every Crime that can blacken a New year Kalendar.

I shall not fail to represent to the Kings Ministers the Necessity of a further aid towards the Church Establishment of this Province—and I have the pleasure to inform your Lordship that a late letter from the Duke of Portland encourages me to hope every Success from my application. I have the Honor to inclose an Extract from his Graces Letter for your Lordships Information.

The Executive Council has frequently deliberated upon the Means of rendering the Clergy Sevenths immediately productive But I am sorry that the Plans hitherto proposed do not promise much Success. The only point of which we are as yet certain is that no time should be lost of leasing them—lest a longer neglect of placing them under the Care of Persons who may find an interest in preserving their Boundary Lines, may expose them to Invasions & Trespasses, from whence it may be difficult in process of Time to free them without considerable Expense. We however think this Evil may probably be obviated by leasing them to the first applicants at a Small Rent for 21 Years, to be discretionably renewed every Seven Years on proofs being adduced of certain Improvements having been made on the premises within that Time, and the Rents to be moderately advanced in a gradual proportion at each Renewal. But I shall communicate the Plan, as soon as the Committee of Council shall have matured it sufficiently for your Lordships opinion.

I have the Honor to be with Respect and Reverence,

My Lord Bishop

Your Lordships most obedient
& most Humble Servant

PETER RUSSELL.

The Right Reverend
The Lord Bishop of Quebec.

(Quebec Diocesan Archives C-1, page 155.)

FROM PETER RUSSELL TO THE BISHOP OF QUEBEC

No. 3

UPPER CANADA
YORK 22d. February 1798

My Lord Bishop,

I have very maturely considered the Paragraph of your Lordship's letter of the 9th of January last respecting my continuing the Stipend of £100 p. an. to Mr Stuart for his temporary Care of the Grammar School at Kingston. But upon referring to the Duke of Portlands letter to Lieut. Governor Simcoe dated in June 1796 (a Copy of which I had the Honor to transmit to your Lordship last Year) I find that His Grace appears to be very unwilling to admit of larger Allowances for Schoolmasters in this Province, "than what may be sufficient to encourage such Persons as are thoroughly competent to teach reading, writing, accounts, and mensuration" for whom His Grace is pleased to observe, "that the Stipends (exclusive of what they would receive from at least some of their Scholars) ought to be very moderate." I consequently do not feel myself authorised to continue the Lieut. Governors Donation to that Gentleman, until I may be honored with His Graces Commands on the Subject. But I shall not fail to communicate to his Grace your Lordships Sentiments with regard to the Importance of having a Grammar School immediately in this Province, and the great Utility of even this Commencement of one—and I shall be happy in obtaining for Mr. Stuart even the arrears of the Salary which I suppose Lieut. Governor Simcoe meant to allow him, as his Father is a Clergyman for whom I have a deserved Regard.

It would afford me pleasure to comply with your Lordships wishes respecting the allowing Rations to Mr. Addison as a Missionary to the Indians. But the Direction of the Provision Stores is entirely under the Comptrol of the Commander in Chief, without whose special orders no established allowance of Rations to any Person whatsoever can possibly be admitted. I have therefore advised Mr. Addison to move your Lordship again on the Subject, as I am persuaded General Prescott will be ready to pay proper attention to your Lordships Recommendation. I have the Honor to be with the greatest Reverence & Respect, My Lord

Your Lordships
Most Obedient
Humble Servant

The Lord Bishop of Quebec.

PETER RUSSELL

(Que. Dioc. Archives C-1, page 156.)

FROM PETER RUSSELL TO THE BISHOP OF QUEBEC

Confidential.

UPPER CANADA, YORK
22d February 1798.

My Lord Bishop

I have read the copies of Sir John Johnson's letter to your Lordship, and of Capt. Joseph Brants to him, which your Lordship had done me the Honor of transmitting to me in your letter of the 11th Ult.

What Mr. Phelps's literary qualifications may be I am ignorant, as the only knowledge I have of him arises from my having sometimes seen him before the Council Board as a Petitioner for land, and in the Courts of Law as an

Advocate and Attorney. But if he is not more competent to execute the Functions of a Clergyman than he appeared to have been those of a Lawyer, I am persuaded your Lordship will not judge him a fit subject for Ordination—

Mr. Phelps is a Native of the United States and was (I understand) a Colonel in their Militia—He appears to be a shrewd sensible man; and to have the manner and address of good Company, but I apprehend the largeness of his family and the narrowness of his circumstances had more share than his fitness for the office in inducing Capt. Brant to recommend him for Orders, and the stipend of a Missionary for the five Nations—I have besides reason to doubt the propriety of placing Mr. Phelps as a Missionary among any Indians of this Province—As I hold it my duty to guard against the introduction of Persons to situations of that nature (wherein they may do mischief) whose attachment to the British Constitution, I have the slightest cause to suspect—But that your Lordship may be equally capable of judging of that propriety, I deem it right to mention the cause of my doubt with respect to Mr. Phelps, which I beg leave to do in confidence that I may not be hereafter exposed to the necessity of further explanations to Capt. Brant—your Lordship will therefore be pleased to keep this communication to yourself.

About two years since the Attorney General had filed an Information against a Person for Seditious Practices, and this Mr. Phelps (as I was told) was seen in his Barristers Gown at the head of a concourse of Farmers marching to the Court House with the professed intention of supporting the accused on the day of Trial—They had the prudence however to disperse in time, and the man was Convicted, but it was the Attorney Generals intention to have made a motion in consequence for removing Mr. Phelps from the Bar had he not been prevented by his absenting himself from it almost ever since.

The stationing a resident Missionary in every Indian Village has my most hearty concurrence, but more especially in the Settlement of the Five Nations on the Grand River, where there is a very decent Church, and the Indians attend Divine service with exemplary Piety—Mr. Addisons Mission is more peculiarly appropriated to that Settlement than to any other, and he is I believe as regular in his attendance to that part of his Duty as the distance of his residence and his other Ministerial duties can permit him—But I agree entirely with your Lordship that the placing of a discreet & respectable Clergyman of the Church of England among the five Nations would be a most usefull measure in every point of view, whether religious, moral, or Political; if a pious man could be found, who would undertake this Mission from purely religious motives, for I am equally sensible with Capt. Brant of the difficulty of finding one whom Stipend alone might induce to settle in that rude and distant quarter—your Lordship may be however assured that I shall with pleasure exert myself in preparing the way for so good a work.

I have the Honor to be &c.

PETER RUSSELL

The Lord Bishop of Quebec—

Endorsed:—(Copy) No. 2. (Q 284, p. 183.)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA, YORK 22d February 1798.

Sir,

I have the honor to acknowledge your Letter of the 6th November last, and in obedience to His Excellency the Commander in Chief's Commands I have not entered into any Engagements for Corn, but those for immediate deliveries.

I am just returned from visiting the settlements on the south side of Lake Ontario and neighbourhood of Fort George, where I went with a view of obtaining the best information, both as to the Quantity & price of produce that I might thereby be the better enabled to carry His Excellency's orders of the 9th & 16th December last, as communicated by Mr. President Russell on the 20th January & 5th Instant into effect.—The Quantity of Wheat in the settlement I am informed is considerable, and were it not for the Stills, which consumes much of this Article, there is great reason to believe, that the supplies required for the use of Government might be obtained upon more reasonable Terms—I have purchased Three hundred & thirty six Barrels of Flour at Twenty two, and Twenty two shillings & six pence P. Cwt. and Four hundred Bushels of Pease at five shillings a Bushel, Casks included—which are the whole of the Pease that have yet been offered, indeed the Culture of this Article is not much attended to in that settlement, the Flour & Pease will be lodged in His Majesty's Magazines at Fort George in May next. I have likewise the Honor to Report for His Excellency's information, my having agreed for the immediate delivery of Six hundred Bushels of Indian Corn (at five shillings a Bushel) into the King's Stores at Fort Erie.

Mr. Coffin the Deputy Commissary having informed me, that no immediate supplies were required to be delivered at Fort George—I for this reason declined entering into more extensive engagements at the time and more especially as Twenty five shillings P. Cwt was demanded (by Gentlemen who have sold two hundred Barrels at that price to the Americans for their Post at Michilimackinac) for the only remaining fifty Barrels of Flour that had been offered and accepted by me.

I have had Advertisements affixed up at Amherstburg & Detroit for Flour, Pease and Corn, no proposals however have as yet been received, there are but few Pease raised in those settlements; and I am informed the American Agents have purchased up the greatest part of surplus Flour at 25 / P. Cwt.

Indian Corn is very scarce and not expected to be obtained under seven shillings & sixpence Curry a Bushel—I shall nevertheless use my best endeavors to provide the quantity wanted upon more reasonable Terms.

I have been informed that the Crops of Pease in the Midland & Eastern Districts were good, but that the Wheat owing to its having shrunk in ripening does not yield as much flour as has been customary heretofore.

Agreeably to the directions which I have received from Mr. President Russell, I shall have the honor to Report to you from Time to Time for the information of His Excellency the Commander in Chief.

Capt. James Green
Military Secretary Quebec.

I have the honor to be &c.

JOHN MCGILL,
Agent for Purchas.

(C 106, pp. 9-10.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA Feb 22d. 98

Dear Smith

I have duly recd yours of the 17th Inst—With respect to Porter's Lot I most positively insist that I may not interfere with you in the purchase of it—I was in treaty for it some time ago, but the Dog asked so much for it that I was off. I think my own hundred Acre Lot worth more in the Market than it:

but for your accommodation will very cheerfully take Porters for it not as a spec, but as an accommodation—Small was in treaty with him for it but was to do nothing with Merritt's which was to be in part payment, until [you heard] from me—If Small would take a reasonable excuse for it, I would give it to him, but because he agrees to take it at £200, if Small will take his at £600, he thinks the price ought to be £200 in money. Both are considerably overrated.

McGill tells me that Dennison lives in the park only until I choose to resume it. This being the case and he having a house elsewhere, I shall take possession this Spring.—I have rec'd a letter from the President, on the subject of the Lands; I have only to say that had he always behaved to me as in this Letter, we should always have been friends, & much misery spared to me & scandal to us both. With best respects to Madame & Misses believe me Dear Smith truly yrs.

J. ELMSLEY

Miss McDonnell was married on Tuesday to Capt. Miles McD.¹

Endorsed:—Chief Justice Elmsley Received 27 Feby 1798

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 13.)

FROM JOHN MCGILL TO J. G. SIMCOE

UPPER CANADA, YORK, Feb. 24th, 1798.

Sir,

I was honored with your Excellency's letter of the 7th September last, on the 4th inst.

I immediately waited on Capt. Smith and intimated to him your wishes as to the dispatch necessary to be used in transmitting his notes on this country for publication, which he told me should be complied with as soon as the same could possibly be done.

It was with no small degree of pleasure and satisfaction that we heard from time to time of your Excellency's very great and uncommon success in St. Domingo, but what rejoices us exceedingly and places a greater value on their success is a certainty of your having returned in safety to England, after having experienced so much anxiety and fatigue, as that important command must necessarily have occasioned.

On the 3rd and 27th September and 2nd October I had the honor to address your Excellency by Mr. George Leith of Detroit. In the first I transmitted the most material part of my transactions as agent for purchases since your departure, and in the last I enclosed John White Esq. draft of 2nd October on Charles Brunsdon Esq., Basinghall Street, London at one month for seventy Pounds Sterling, (the second of which I herewith transmit) together with such acts as had been passed during the last Session of the Legislature, some of which I fear will not meet with your Excellency's entire approbation and will if not judiciously managed be productive of a coolness between the two Provinces.

Having understood by Mr. Justice Powell that a subject of the United States by the name of Graham had been troublesome at home on the score of townships, I have taken the liberty in consequence of this information to enclose a report of the Executive Council on that subject for your Excellency's information.

¹Captain Miles Macdonell, R.C.V., afterwards agent for Lord Selkirk in his Red River enterprise, see Brymner's Report on the Canadian Archives for 1886, Note F.

Mr. President Russell's House at Niagara (exclusive of fence rails which he estimated at one hundred Guineas) was valued to Government at no less a sum than Nine hundred Pounds Canada Currency, and this sum has been actually paid by the Commander in Chief.

Should your Excellency conceive it proper I should be happy to know your Excellency's wishes as to the providing notwithstanding of materials for building a Government House, the president being rather alarmed at the expense of such an undertaking, nothing further is intended than finishing the two wings which I expect will be completed by the latter end of June.

It appears to be the general opinion that we may hope the honor of your Excellency's return to Canada early next summer as Governor General of British America, it is an event much wished for, I am informed in Lower Canada, and has been announced in some of the United States Gazettes. I trust from my very heart, that the report is well founded.

The Chief Justice Mr. Elmsley intends moving with his family from Niagara early in April, and has requested permission to occupy Castle Frank until he can build a house or until it may be wanted or otherwise disposed of by your Excellency, which request I have complied with on the condition of his not allowing any of the trees on the high ground to be cut down. The very great quantity of snow which we have had this winter added to the heavy rains that fell on the 15th and 16th January, caused a separation of part of the bank on the South side of the Castle, which carried down some of the Apple and Peach trees to the Creek. It is strongly recommended (by some who are better able to judge of those matters than myself) to remove the remaining Apple trees to a firmer and richer soil.

A handsome block house barrack was built last Fall and Winter by Mr. Pilkington on the point North side of the Canal, out of the timber formerly provided for a store on Gibraltar Point, the expense of which has been paid for out of the Civil expenditure of this Province.

I am just returned from Niagara where I have been to make purchase of flour and peas, having received orders to make large purchases of both articles for the current supplies. The American Agents previous to the receipt of my orders had purchased the greatest part of the surplus flour in the vicinity of Amherstburg and Detroit, so that I have little to expect from that quarter.

I am sorry to learn by the latest accounts which we have received from Europe, that there was no prospect of a general peace taking place soon. Admiral Duncan's victory would I hope set aside any serious apprehension of an invasion.

Notwithstanding the severity of the winter small vessels have navigated the lake between Niagara and York.

Mr. Givens is married to Miss Andrews. Major Shaw appears to be highly pleased with your Excellency's goodness in having thought of his sons. Major Shank and Smith and Macaulay's family are well, in short every body is well, and mostly wish for your return. Mrs. McGill and Miss Crookshank request their respectful compliments to Mrs. Simcoe, Miss Sophia, and Master Francis, and I have the honor to be with a high sense of gratitude and respect, Sir

Your Excellency's most obedient and
very humble servant,

JOHN MCGILL.

(Wolford Simcoe Papers, Vol. 8, pp. 421-2.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA Feb. 25, 98

Dear Smith

The hurry of the Winter Express being now over, I can sit down with more leisure to read your two or three last letters. In the first place I am astonished that after the Duke of Portland has spoken of you so favourably to the President, you should have any doubt of your eventually obtaining what is so justly your due. It was from the President himself that I derived my information—In the next place is there anything that you have a particular wish to have stated to the Duke? For tho' my friend Carter has no official & ostensible concern in the Department of the Province, yet his intimacy with King the Under Secy. & his situation as Confidential Secy. of the Duke, together with the influence which his fortune & seat in Parliament give him, may make him a useful spoke in your Wheel. One thing you may be assured of, that an antidote will be applied against any calumny which may be directed to his Gracious ear against you—the honour I have had in being coupled with you in a charge as singular as it is unfounded makes such a step necessary for my own security as well as yours.

In the next place, with respect to the plan of the Town & your proposed Square: I look upon all matters of this kind as peculiarly your province, & tho' I feel flattered whenever you submit your plans to the inspection of the Council yet I conceive it would be presumption in us to press any opinion against yours. After this you will the less doubt my sincerity when I assure that I like your idea extremely, & cannot help thinking that such a Square as you recommend would suit extremely well for the site of the proposed College—apropos, I remember reminding the President of providing something of the sort for the future *School* to be erected in each District—I did not at that moment advert to the distinction between the *School* & the *College*: for the former I shall ever hope will be at this place. It is not a question how far York might, in equal circumstances be preferable to Niagara: but we must take our bread as we find it baked: Your house will make a very noble Public School, it is ready built, & you are willing to take Land in payment. Where shall we find the means of so necessary an Institution so cheap, so in fact for nothing? I have no doubt but that Genl. Simcoe will take it off your hands.

Thirdly you speak of parting with your Lands in Pickering: Let me know on what terms & will you at the same time send me a sketch of them as they lie relatively to mine?

I had a visit this morning from Capt. Stephenson of the late Rangers, who is very angry at not getting Lands for his wife & Children in the hope of which I see he is encouraged by that absurd man Jarvis. He solicited my aid, but I told him in 2 words, that he should not have it, & I perfectly coincided in what the Council had done. Let us persevere a little & be assured we shall reduce that which has been confusion & discontent to order & satisfaction. Broome's visit here has raised the price of Land 25 per Cent. Walton made some purchases, in your neighbourhood for some people in the States. In short the flood of speculation is turning towards this province, & we shall soon be inundated with rascals without principle or capital buying without paying, selling again & running off with the Purchase Money. In this too I hope that a little steadiness on our part will defeat their views, & prove that the strong arm of Monarchy is not to be pushed aside by these unprincipled & unattached Republicans. I dare say you have heard that Broome has declared that he neither is, nor means

to be a Subject of the King of Great Britain. Pray is there no possibility of having another Printer? for tho' Simons's name is used, the Tiffany's are the real managers. The King's Speech was after some time inserted: & the address of both houses, as that of the Lords; but the King's answer, the finest thing in Modern History, & which ought to be circulated in all his Dominions, & got by heart by all his Subjects, has never made its appearance; while every trifle relating to the damn'd States is printed in large character—It will be the first thing I shall mention to Genl Simcoe—Yr Mother & Son dined with us today. all well. Best Compts to Wowsky, & believe me Dear Sir

Ever Yrs. J. ELMSLEY

Addressed:—Honble D. W. Smith
York

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 14-15.)

CERTIFICATE BY RICHARD POLLARD

I do hereby certify, that the Petitioners John McGregor, Richard Pattinson & Robert Innis,¹ have finished their buildings at Sandwich, in the W. District agreeable to His Honor the Presidents instructions.

R. POLLARD

York Feby 26, 1798

Sheriff
W.D.

York, 5 March 1798, Sir, you will be pleased to assign to Messrs. McGregor, Richard Pattinson & Robert Innis—Park Lots of 24 Acres each in the neighbourhood of Sandwich as a Douceur for having built houses in that Town, agreeable to the Promise made to the Inhabitants, who should build the first houses there.

I have the honor to be Sir,

Your most Humble Servant

The Honble D. W. Smith &c. &c. &c.

PETER RUSSELL

Endorsed:—His Honor 5 March 98

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 245.)

FROM JOSEPH BRANT TO D. W. SMITH

GRAND RIVER, Feb. 27, 1798

Dr. Sir,

I write to you by reason of an information I have received that a Mr. Mallory, son-in-law to the late Mr. Dayton, and now living in that township has a design to encroach on our line, on that account I intend having it surveyed exactly from the corner or end of the strait line drawn from the Lake until the commencement of Mr. Stedman's township, extending six miles on each side the River according to the words of our title.

I find that the President is much surprised at two Letters I had sent to Sir John Johnson and Capt. Green, I did not expect they would have that effect, as I did not write on account of his proceedings here; but from the general treatment we received some years past, which, by the late information I had from

¹All of them had been merchants in Detroit, who had elected to remain British subjects, see Michigan Historical Collections VIII, pp. 410-11.

Mr. Liston the British Ambassador, seemed to correspond with the idea of Ministry on the original intention of the Grant, merely setting forth candidly our feelings at finding ourselves in so disagreeable a situation, which we never had expected, I not even so much as requiring an answer, what I may have mentioned in Sir John Johnson's letter on obstacles &c. was but a hint of which an unexpected proceeding (not well to be accounted for in any other way) had given the idea; that was the sending of Mr. Stewart to get the old women to sign and make over the land to Government a thing quite strange and new to us, and which we never expected after what had already passed, the better to convince I will trouble you to peruse the enclosed copy of my letter to Capt. Green.

Dr. Sir

I have the honor to be
Your very humble &
Obedt. Servant

JOS. BRANT

P.S. Since writing I have just received a letter from Mr. Stewart acquainting me that Mr. Jarvis cannot register the deeds, because that the Registers are all printed, and the forms are different; but he says that Mr. Jarvis has written to the President concerning it: I am in hopes these difficulties will soon end, as such delay is considerable loss to us, the interest of the money being kept back till the deeds are given; besides it appears that Mr. Jarvis is offended at my having mentioned his name in the deeds, saying that he did not authorise me to do so; it surprises me for as he was a purchaser, I considered I should name him in preference to his other associates.

J. B.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 239-240.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS]

COUNCIL CHAMBER

YORK 28th February 1798.

Present.

The Honorable Æneas Shaw
The Honorable John McGill
The Honorable David Wm. Smith

Read the following Petitions.

Thomas Ingersoll, Praying to be remunerated in his Expences for Surveying the Township allotted him by Governmt., and for an additional Grant of Lands to the 1200 which he has received

1200 Acres only, have been granted to any principal Nominee, who was not exclusively entitled to Military Lands—Upon a reference to the Original Petition of Mr. Ingersoll for himself and numerous Associates, as well as to the Minutes of Council thereon; The Committee are of Opinion that the Faith of Government stands pledged to no further Extent, than what has been already done, namely 1200 Acres to Mr. Ingersoll, & 200 Acres to each of the Settlers named in the chief Surveyor's Return with the Township Report—The Committee think it reasonable that Mr. Ingersoll should be repaid the Expences of

Survey, upon his producing his Surveyors Receipt provided it does not exceed a Sum which it might have Cost Government—for which purpose the Acting Surveyor General will be called upon to Report.

 Adjourned.

FROM J. ELMSLEY TO D. W. SMITH

Feb. 28th 1798

Dear Smith

Your Mother has this moment shewn me that passage of your last letter which related to me, & the two Lots on the Don: In the first place I beg to return a hundred & fifty thanks to the little bird which sends me the information: In the next place can you produce even in the United States, a more ungentlemanly, dirty & pitiful trick than is to be played off upon me? And so this is the use to be made of my wish to oblige an officer of the same Government with myself, that he murmurs & complains of as fair a bargain as was ever made, & when under the idea that he meant to occupy the Lot himself I let him off, he wants it—only to sell it to me again, & to take advantage of me in the sale? Surely there is something in this air of America that introduces fraud as well as the auge into the Constitution else how is it possible that a man capable of so abominable a contrivance could have been admitted into the Company of Gentlemen in England? But he shall be disappointed: he shall not only lose his prey, but he shall ever hereafter find me as indifferent in serving or accommodating him, as he has been mean in contriving to cheat me. I am glad that Porter's Lot is sold, as it will now offer no temptation to either you or me. I shall therefore make up my Mind to build on my Pine Ridge, & shall for that purpose bring over a Man with me to fell the Pines & cut them into Logs for your Mill for which I hope you have by this time found a Dam: Let me know by first opportunity what you mean to do, as if you do nothing, I shall apply to Skinner.

I have written to my friend Carter, and have given him a better Account of Matters than he is likely to get from any other Quarter, & have at the same time administered the Antidote mentioned in the enclosed.

The Commissioners under the Land Act met on the 21st instant, but nobody attended. It is wonderful how few claims are exhibited in the office, I enquired into the reason of it & found that the people in the Country wish to see the effect of the first Experiment before they expose themselves to any risk; What must the conduct of Government have been which has thus forfeited the Public Confidence. I have done with Politics or I could tell what would restore it. But I know that it would not be administered, & besides I have already done too much: all my endeavours now shall be to undo. I am told that the people in the Lower Districts on whose claims we made a favourable report, regret that they brought them forward, and envy the prudence of those who ask no better title than possession. I will speak to you more on this subject when I come to York: but it shall be from J. E. to D.W.S.—as an Exive. Counsellor, not one word.

Your mother & David are both well and so are all my household—I have had an offer for my house if I will take payment in blank Warrants of Council for Land—If it be not unfair can you tell me of any nook where I can find 5000

Acres of good saleable Land? I do not want it all in a body, tho' I shd prefer it so: & do you think that the board would let me have the Deeds in one & in my own Name? So you now want us to subscribe for your road? Dont you believe it: When we called on you, you refused. Be assured you shall not have Dollar or Man from the County of Lincoln. The Coll.¹ is surprized at your impudence in asking for a party of the Volunteers & asks what the Rangers were raised for? Is Russell or Willcocks to travel this Summer?

Yrs. Ever J.E.

Endorsed:—The Honble Chief Justice Elmsley 25 & 28 Feby 98

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 16-17.)

FROM HUGH FARMER TO PETER RUSSELL

Dear Sir

I am extremely uneasy at addressing you on the present subject & I w'd not thru delicacy attempt it was I not really compelled to it by not only Mrs. Farmar, her family, but indeed my own—it is to write to you in favor of young Richard Farmar (abt. 25 yrs. of age) my sister Grace's eldest son by Jaspr. Farmar, as they all think & say that he w'd give you great satisfaction in the place you intended for Mr. Charles Willcocks & as they say Mr. C. Willcocks must by his conduct be lost in your Consideration, Esteem and Confidence, his being my nephew I feel an inexpressible delicacy, a Difficulty, a Distress that I cannot describe under the apprehension of any or the least appearance of Impropriety; however I have not only the sanction of the most respectable part of my own and my wife's family, but their pressing solicitations besides their observations of the absolute propriety of your being guarded against any man whose Principles might bring on Shame and Disgrace, they all say that you must find safety, satisfaction & advantages by employing, & placing confidence in the recommended young man, they even go so far as to say that Friendship alone from me to you sh'd operate to endeavour to give you safety & satisfaction in a young man of integrity & abilities. He understands Bookkeeping, French etc. of great sobriety; & indeed it might appear unkind and unnatural in me to make objection to this application & just laying before you the well known merits of the young man, & did I not think him to possess them, no person or persons of any description shd induce me to write, as I well know that the recommendation of a man for Trust is a serious business. I have written in my several letters at large to you and Mr. Lovekin,² of the loss of my Goods in the ship Washington of & for New York & which I wd not have lost for £1200, and how they were under the care during the voyage of Mr. C. Willcocks & who offered the most sacred care & how to my astonishment and confusion he is found guilty by master, owners and Passengers of betraying the cargo to the French for base views; his wife a good innocent young woman lives with her sister, my Brother's wife, & now declares that she will never cohabit with him. You wd pity, you wd be distressed at her feelings for this & his past conduct towards her. My brother and his wife hold him in greater detestation if possible than I do, tho' I have lost so much. I also begged yr. drawing on me for any Sum requisite for the Lands as charges, etc., that I had many things on Board which wd have

¹John Macdonell of the Royal Canadian Volunteers.

²Richard Lovekin, an Irish gentleman of some means who emigrated to Upper Canada in 1796, with his wife, two grown up sons and three daughters. He was granted 1200 acres of land for himself and 200 for each of his sons, June 3, 1796.

been of use and amusement to you—that we are not in the least discouraged but most anxiously wish to be with you, and please God will soon have our cabin among ye—that if longer detained we cd. be reconciled to the sending our eldest son Hugh abt. 16 yrs. of age, a lad that you wd like Thanks be to God, of Principles that will never suffer him to betray his Friend, or I wd pray for his Death that Mr. Jasper Farmar, Father to Richard, was to have gone in the Washington and to have represented me with you, pd. the Charges of the Lands &c but imprudently, ventured out of town and missed the ship; had he gone he wd have been a check over Mr. C. Willcocks & might have saved the goods. There was not one person on board who knew the destination of my Goods except Mr. C. Willcocks and his sisters. he is it seems endeavouring to place the blame on the Master, but he bears too good a character & the letters recd from the Passengers assert Mr. C. Willcocks betrayed the Cargo; I have had advice of it also from Neilson & Co. New York. The words of the Passengers are that an idle, drunken, unfortunate man by the name of Willcocks betrayed the Cargo; that his first words to the Prize Master were that there was on Board Plate to the amount of 2000 belonging to a Mr. Farmar of Cork, you even see that he thought I had more on Board than I really had, but was it all I had on earth it wd. have been the same what steps to take even to try and have them bought for me at Bordeaux, as I am certain that they will be sold for less than half value, indeed Mr. Willcox cd. have had that done for me, but his moral goodness did not extend so far & he wrote his wife that he had found most fortunately an old French schoolfellow of his at Bordeaux a man of Consequence & that he had it from the first authority (his youngest sister writing the same word for word) that the private Property wd not be taken. His wife shoud me the letter, saying no doubt my goods wd be safe by his care & the innocent young woman is now ashamed to see me. It is a blessing as they say that she has no Children & that her fortune is out of his Power & they have just told me of a Letter of Art & falsehood recd from him by his wife trying in the meanest manner to get money out of her & which letter she will never answer. I hope that you will pardon thus taking up your time, still I cannot avoid writing that Mr. C. Willcox going induced me to send the goods with the dangerous state this country is in, indeed our minds will never be at rest till we are among ye & some way settled. Mrs. Farmar unites in most sincere Regards to you and Miss Russell with yr affectionate much obliged

Kinsman

Cork March 1st. 1798.

HUGH H. FARMAR

This is a Duplicate of a Letter sent by Post the 26 last month—I dare say that you will be so kind as to give me an answer as soon as convenient—& perhaps a Duplicate.

¹On 20 October, 1793, Hon. Peter Russell presented to the Executive Council petitions from William and Charles Willcocks, merchants, for a front town lot and 200 acres for each near Toronto which were granted "when surveys are made." On 11 Decr, 1793, William Willcocks and Associates petitioned the Executive Council for a grant of the township of Norwich (now Whitby) upon Lake Ontario. The Council granted the "prayer of the petition in the manner following, viz. One Thousand Acres to William Willcocks in addition to the two hundred already granted him at Toronto; and two hundred Acres in the said Township to each individual brought by him." Both Charles and William Willcocks seem to have returned to Ireland ostensibly to promote immigration to Canada and were taken by a French privateer in a ship bound for New York under the flag of the United States.

Addressed:—The Honble Peter Russell

York

Upper Canada

Received and forwarded by yr. obt. Sert.

Frank Wood

Care of the Miss Willcock's at Benjn. Strattons, 398 Parl. Street

Recd. 12 June 1798

Endorsed:—March 1, 1798 from H. Hood Farmer Esq.

(Department of Public Records and Archives, Toronto.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA March 4th 1798

Dear Smith

Agreeably to the information I received from the little Bird, an Offer has been made to me of the Lot next to mine at 20/ per Acre. It is so good a Lot & is so convenient to mine, that exorbitant as it is, I have taken it at that price. I had promised them both to my Brother, in case he would come out, & I purchase it that I may acquit my promise. But the trick that has been played upon me, shall not soon be forgotten. Had I been any where but in Upper Canada, I never would have spoken to S. again: but situated as we are here, I have swallowed my resentment, & shall continue those terms of outward good will, without which our little Society would be a Pandemonium. If the Deed is not yet out, may I add to the load of obligation I am under to you, that you will put it forward for me. I am afraid to trust a man who has played me such a trick.

The Commissioners under the Land Act met again on the 1st instant, & very few claimants attended. Hamilton¹ brought forward some Land Board Certificates, on which we reported. He also brought forward some warrants of Council, & pressed hard to have them admitted: but I obstinately refused to do it—Warren of Fort Erie argued in his favour: & so did Dr. Kerr, but I was inexorable; The Country Gentlemen such as Pawling, Tenbrook & McNabb said nothing, but I construed their silence into approbation of what I did. Hamilton grew warm, & stated a fact which astonished me, it is that tho' he gave in the Certificate under which he holds the Land on which his house is built no less than 4 years ago, no Deed has yet issued upon it, nor has he a scrap of Paper to defend his possession with. He hinted at calling the attention of the Legislature to the Matter. Pray let me know whether you consider your assignments upon Magistrates' Recommendations to be equal to Land board Certificates? I think they are.

March 11th

Since writing the above I have received yours of no date, but which is in answer to mine by the Winter Express. You were right in supposing that the President had answered my Letter on the subject of my Lands: You shall see it when I come to York: Mine was in reply to it, & was couched in terms of as great civility as I thought it became me to use considering the terms on which we have been. I have this day received his rejoinder, in which he says that if the Order of Council in my favour was positive & unconditional the Deeds may issue. He adds however, "*& we can only pray His Majesty to pardon our being too precipitate in not waiting for his gracious permission as directed by his Instructions*"

¹Hon. Robert Hamilton.

As I copy his words the indignation I felt in reading them, rises anew in my breast, & more than half inclines me to spurn his contemptuous offer. I beg leave to appeal to you, as a Gentleman & a Man of honour, whether after my last letter, in which I tell him that if he forsee the smallest wish of Censure in carrying the order of Council into Execution I will wait with the most contented patience till he receives the Duke's Answer, it is gentlemanly or like a man of honour to clog his consent with an insinuation that entirely cancels the obligation it would otherwise have conferred? If he meant the order (which he penn'd himself) to be for an Appropriation only, where was the use of mentioning 5000 Acres? if we were to wait for the Duke's answer, why could not the whole 10,000 have been appropriated as well as half that quantity? & at all events, why did not he tell me at once that 1200 was all I could receive until His Majesty's pleasure could be known? I should have ere now have taken them up & secured them by a Deed, without thinking myself injured by having no larger a Grant. The truth is, he may say what he will, but I shall think as long as I live, that the President is avenging the quarrel of Peter Russell: & that had I been more accommodating, I should have found no difficulty in obtaining 5 or twice 5000 Acres. Could I have submitted to a more flagrant breach of the Laws of the Land & equally daring disobedience of the King's Instructions, by which he most scandalously abuses the Royal Confidence in order to put £500 sterl. per annum into his pocket, I should never have been at enmity with him: but I would rather lose my office than capitulate with my Conscience, & tho' I may & probably shall hereafter be a silent spectator of his conduct, I will never give it the sanction such as it is, of my approbation. But he had better not push me too near the Wall: I know where to lay my hand on evidence, which if laid before the proper tribunal, would make him repent his behaviour towards me the longest day he has to live. All I shall now say on the subject is, that as far as he is concerned, I am perfectly indifferent to the consequences but if you think that my taking the 5000 Acres will expose you to any future risk or censure, I will most cheerfully waive them. I beg therefore that if he gives you permission to make out the specifications, you will obey it or not as you think proper.

I have now lived near 36 Years in the World, & my Quarrel with Russell is but the second I have ever had in it: The first was with a young man at College who quarreled with everybody. I mention this circumstance with no other intention; than to remind you of the hint you gave me when I was last at York, that you thought I pushed the President too hard. My dear friend, you do not know all that has passed between him & me: I have studiously avoided informing you of it, that I might not give him a handle for injuring you: but I assure you on my word and honour, that if Russell thought himself right in what he is doing, I would not have interrupted him in his error: but he knows that he is wrong, & he is conscious that I know that he knows it; & it is because I will not be an accomplice in his crime, & shelter him under my connivance, that he persecutes me. I will prepare a detail of all that I allude to, which you shall see, & you shall then judge whether I am the aggressor or not.

In the mean time I cannot help sending you a copy of part of a Letter which we have lately received from a relation, who is not indeed at head-quarters but very intimately connected with those who are, & who are likely to be in the secret. It is addressed to my Wife & is in the following words. "I have been repeatedly told that if Mr. E. is steady & determined, all will go well: that if

he steadily adheres to his own plans, & his own ways of thinking, all will be easy: that the Society & Government are discordant: that union is much wanted & that if he yields, where he thinks he is acting on just principles, the different parties will make his situation unpleasant, when a steady adherence to his own judgment would make all things smoother."

Knowing as I do the Quarter from whence this comes, I am determined not to disappoint the expectations formed of me.

We were all very much alarmed here on the evening of the 6th with the appearance of a very great fire at York, the flames of which we saw very distinctly, & which we conceived must have destroyed either the Town or the Garrison. We had Letters to-day dated the 7th which say nothing on the subject; but we are still at a loss to account for the appearance we saw. It gives me & I trust, will give you heartfelt satisfaction to be informed that under the supposition of its being the Town, you & your family were by far the principle objects of sympathy: Civil & Military all joined in commiserating your situation, & in wishing that the evil could have been confined to him who was universally considered as the ultimate cause of it.

You are mistaken in supposing that I want your Lands in Pickering to speculate with: it was for the purpose of a family accommodation, & with a firm intention of never parting with them. For the same reason I beg that if you part with Miles's Lot, you will give me the refusal.

I observe what you say of the want of an official communication of the Duke's Letter relative to the Seat of Government. The Equivocation did not escape me when it was mentioned to me & what you say confirms me in my suspicions that His Grace has not approved of it as the *permanent* Capital. Will you after this blame me, if I put no confidence in a man who can be capable of so disingenuous an Artifice? When you read the detail I have promised to send you, you will see that it is not the first nor the second trick of the same kind he has played me: but I am so perfectly on my guard, that I think he will not easily dupe me again.

The Volunteers are going to give a grand Ball & Supper to Mrs. Miles McDonell & have invited all the Ladies & Gentlemen within thirty miles of the place. . . Will you be so good as put forward Hyde's Deed for No. 409 in Newark? I will pay the fees myself and the balance to your Mother. Town Lots here are fallen 20 & 25 dollars. Merritt wishes for 408 & 373—Tell Ridout he may sleep in peace: Mother Thompson after giving him her Lawyer, Miss Johnson, & the Chief Justice to the Devil declares she will never meddle with Law again. Your Mother & Son are both well. With best Compts. to Mrs. S. believe me truly yours
J. E.

The Tiffany's have announced their intention of setting up a paper, for the purpose of *disseminating political knowledge thro'* this Province. The Guns you heard on the 6th were to bring back a party that was in pursuit of some Deserters from the Volunteers.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 18-21.)

FROM JAMES GREEN TO HAZELTON SPENCER

Major Spencer,
Comdg at Kingston.
Sir,

QUEBEC 5th March 1798.

His Excellency the Commander in Chief having appointed Mr. Silas Pearson to be a Master Builder, I am directed to inform you that it is intended he should proceed to Upper Canada, as soon as possible, which will be about three weeks hence—On his arrival at Kingston he will take upon himself the direction and finishing of the two Gun Boats, and the repairing the Mohawk for Transport Service in the Spring, according to the directions sent you in my letter of the 12th Ulto.

As soon as the beforementioned service is compleated, His Excellency desires that the Keel of the new Schooner (to replace the Onondaga lately condemned by Survey) may be laid down, and that as many Hands as can be procured may be employed on her.

The Mohawk having the reputation of being well calculated for the Lake Service, as well in burthen, as other points of construction, She will serve as a model for the new Vessel to be built by—Though it is intended she should carry the same number of Guns, the chief attention of the Builder should be directed to her Storage, as she will probably serve more for a Transport Vessel, than anything else, care should consequently be had that she should be as roomy as possible, provided that her sailing is not injured thereby.—There may be some trifling faults to be found with the Mohawk which might be corrected in the new Schooner, but they should not comprehend any material alteration, nor be adopted till well considered, and proved to be really calculated to better the construction of the new vessel, least from *whim*, or perhaps Ignorance of the person suggesting the alteration, she may be injured instead of improved.

The Master Builder's Pay is seven shillings Curry. per day with half a Rooms Fuel and Candles, with permission to have an Apprentice employed, who is to be paid according to his abilities.

I have just been favored with your letter of the 23rd Ulto, which I have laid before the Commander in Chief.

His Excellency has been pleased to approve the Estimate for the Twelve Letter Boxes, amounting in Workmanship to £9 Currency.

Captain Bouchette's Statement to Lieut. Colo. Barnes of the Sailors doing duty at Point Frederick, is, as usual, founded on Error, and was indeed suspected to be so, when it came down; but to ascertain the fact, it was necessary to apply to you for information. His Excellency being convinced of the propriety of your original arrangement, desires you will continue that duty in the manner it has been usually done.

I am &c.,

JAMES GREEN, M.S.

CERTIFICATE BY RICHARD POLLARD

I do hereby certify that the Petitioner Wm. Park¹ Esqr. has built a house in the Town of Sandwich, in the W. District agreeable to His Honor the President's Instructions.

RICHARD POLLARD
Sheriff

York March 5th 1798

W.D.

An Assignment of a Park Lot of 24 Acres to issue to Wm. Park Esqr. as the builder of the 4th House in Sandwich.

PETER RUSSELL.

The Honble D. W. Smith &c. &c. &c.

Endorsed:—His Honor 5 March 98.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 247.)

FROM PETER RUSSELL TO PRIDEAUX SELBY

Sir,

YORK 6th March 1798

I did not receive your letter of the 22d of December before the 15th ulto. and I am extremely unhappy that I can only deplore your Misfortune in losing the Jail & Court House which you had so nearly completed. The exertions of the Executive Government will never be wanting to advance the prosperity and aid the Distress of the Province—But each District has its respective claim, and that of the Western has not been neglected—The Civil Expenditure of the last year has amounted to so much that it really alarms me—Much Money has been advanced to the House of Assembly, and a large Sum to the Home District, neither of which have been yet paid—and I am sorry to add that the Calls of the Capital are so many & urgent that several thousand Pounds will probably be required to satisfy them—I therefore submit to you how little can be expected towards your relief from this Treasury; which has no other Source of Supply than the Bounty of Great Britain, to which we are already indebted more than probably falls to our Share amidst the enormous expences to which she is exposed in her present dreadful contest—I shall not however fail to lay before His Grace the Duke of Portland the melancholy Picture which you have sent me of the Western District, and urge the necessity of His Grace's warranting an additional Help to what I have before taken the liberty of giving it, towards strengthening the Hands of the Magistrates and rendering its seats of Justice respectable.

I am Sir &c.

Prideaux Selby Esqr, &c., &c., &c.

P. R.

Endorsed:—Copy of a Letter from the Chairman of the Bench of Justices in the Western District to Mr. President Russell praying assistance to enable them to rebuild their Jail & Court House lately burnt down—dated 22d December 1797—with Mr. President Russell's answer dated 6th March 1798.

Copy sent to the Treasury 5th Decr. 1798.

In Mr. Prest Russell's No. 30 of 21st March 1798—

(Q 284, p. 154.)

¹A merchant in Detroit, see Michigan Historical Collections, VIII, p. 411.

FROM CHARLES STEVENSON TO PETER RUSSELL

Leicester March. 7. 98

Dear Russel the letter which accompanies this you will perceive has long been written it was to have been brought you by Majr Davie who was to join the regt, but was prevented sailing and lately returned it to me Talbot was taken prisoner & what letters he had thrown over board so you was fated to remain ignorant of your friends situation in this quarter of the Globe. Simcoe has resigned Canada & accepted a Command in the West of England everything here wears the appearance of alarm the French have settled their warfare on the Continent having made all the powers bow before them & now make serious preparations for hostilities here Treason appears very busy & the Spirit of Democracy stalks at large I wish we were well out of this scrape. I am recruiting my regt out of the supplementary Militia of 5 Counties and am to be one thousand strong, so circumstanced I have but little time to call my own but would not miss the opportunity of writing to you by Captn Allison who has left the regt, and returns to Canada Willm Clinton is married to Ld Sheffield's daughter who has lately lain In & produced him a young Lady, he continues Aid de Camp to the Duke of York. I heard from him last week when both he & his brother were very well—Littlehales is just gone Qr Mastr Genl to St. Domingo with the rank of Lt Col. he told me that there was a grant of Land made me by Simcoe of 1200 Acres which was what I could have as a Captn but could not tell me where it was. As I am now Lt Col I think with your Aid I may have a grant that is worth looking after I shd like at the end of the War to make a visit to Canada if I had an object in view will you therefore make it worth my while. I shall write a line to David Smith by this opportunity whenever you come to Engld you will always be welcome to my old Aunt at No. 6 Orchd Street I must conclude as an officer is waiting for my Letter God bless you & Believe me ever your sincere friend

CHAS. STEVENSON

Remember me kindly to all friends.

Endorsed:—Mar. 7. 1798. Colonel Stevenson.

Received 17 July.

(Department of Public Records and Archives, Toronto.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS]

COUNCIL CHAMBER

YORK 7th March 1798.

Present

His Honor The President.
The Honble Aeneas Shaw.
The Honble John McGill.
The Honble David Wm. Smith.

Read the following Petitions.

Inhabitants of the
Delaware Township
No. 63 D 4.

Stating, that in consideration of certain Lots in this Township to Mr. Ebenezer Allen, who engages to build a church on Lot No. 2—but your Petitioners having had

an Offer from Mr. Kilbourn of a very Commodious Spot on Lot No. 4—prays that the Church may be built thereon.

The Board having had reference to the Assignment to Mr. Allen on Condition of his building a church for the Delaware Township on the East half of No. 2—is of Opinion that the building of a Church was the principal Object of that condition, no objection will therefore be made by Governmt. to Mr. Allen or his Assigns building the church on No. 4 instead of No. 2 agreeable to the wish of the Inhabitants of the Township, provided the possessor of No. 4 give up 12 Acres for the Scite of the Church and Parsonage.

Inhabitants of the Delaware Township No. 18 D 5.	Stating that having been at a very considerable Expence in erecting Mills to the Comfort of the Settlement, and being but few in number, pray for a further time to build their Church.
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The President and Council have no objection to the time for building the church in the Delaware Township being protracted from the 4th of Octr. 1798 to the 4th of October 1799.

Adjourned.

FROM ROBERT HAMILTON TO PETER RUSSELL

Dear Sir

In McEwans vessell now preparing to sail for York I have this day shipped 10 bags containing 3 bush. ea. of oats at 5/ York pr. bush. As the bags are borrowed for this service I request that they may if possible be sent back in the vessell.—

I have not been able to procure any Muscavado sugar—We have some very good powdered Maple at 1/6 York of which any Quantity can be sent.—Mr. James Seacord has paid me £10.10.0 Pro. on your Account & which is 10/ over the sum paid Mr. Tice.

I enclose the Papers Received by this days Post in which there appears nothing material.

Mrs. Hamilton requests to join me in Respectfull Compliments to Miss Russell.

I am Sir

Your most obedient

& very humble Servant

R. HAMILTON

Queenston March 8. 1798

Addressed:—To His Honor

*Peter Russell Esquire
President of the Province
of Upper Canada
York*

Endorsed:—March 8th 1798

*From Mr. Hamilton
Received 20th March.*

(Department of Public Records and Archives, Toronto, Ontario.)

FROM PETER RUSSELL TO D. W. SMITH

YORK 10 March 1798

Sir

I have read the Extract you send me from Mr. Stegman's letter of the 7th Instant and your letter to Capt. Brant in consequence—on which I shall only observe that you appear to me to be rather too mild for the Occasion.

With respect to the lands appropriated to the Six Nations on the Grand River we must never lose sight of the Letter as well as the Spirit of Sir Frederick Haldimand's Instrument by which they hold it. That Instrument gives them possession of the Lands Six miles on each side of that River from its mouth to its Source. The Courses of those Boundaries were long since determined with Capt. Brant & the other Chiefs in Council with the Land Board of Nassau. They were afterwards agreed upon and settled between General Simcoe & that Chief and they have been again surveyed during my administration at his particular request by two Surveyors chosen by himself—for which assistance I received Captain Brant's unqualified Thanks. I am therefore not a little surprised that Captain Brant should without previously communicating with you or asking my Permission, employ a private Surveyor who has been neither examined, licensed nor sworn, to trespass on the King's lands by entering them without authority, and setting up survey Marks to confound those of the Boundaries before established.

Had Captain Brant conceived that there were any mistakes in former Surveys he should have addressed the Executive Government, to have them rectified. Wherefore if the information you have received should turn out true, I must desire that you will write to Captain Brant to desist until he has explained to me what Complaints or Objection the Six Nations may have against the Boundaries agreed upon.

If Mr. Cockerel¹ or any other Surveyor presumes to act as a Surveyor in this Province without a License for so doing I shall direct the Attorney General to proceed immediately against him by Information—

Your letter to Mr. Allen² holds out to him too large hopes—as I never meant more than to give him reason to expect that if the land should ever be purchased by the Crown—a Grant might possibly be made to his Children of a reasonable portion including their Improvements—But I never meant to confirm any Indian grant or Sale to them—or to recommend for more than 1200 Acres to any Individual of them.

I have the Honor to be

Sir

Your most obedient

Humble Servant

PETER RUSSELL

*Endorsed:—Capt. Brant**His Honor the President**10 March 1798**Brant & Allen*

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 241-3.)

¹Richard Cockerel had been employed to survey the tract sold to Richard Beasley and others.²Ebenezer Allen.

FROM PETER RUSSELL TO D. W. SMITH

Sir

Mr. Mallory¹ says he has by mistake improved on No. 5 in the 6th Concession of Burford—& it being a Crown Reserve he prays for a removal—I desired him to get a line from you to say the King's Service was not likely to suffer by granting his Request—& I should permit the Exchange for one of his Lots—These transactions are by no means proper—because by readily yielding to such applications artfull speculators may get from the Crown every valuable Reserve in each Township—But as Mr. Mallory was an approprie of a Township I shall not object to the granting his Request in this particular instance if the fact is as he represents it—And the message I sent by him to you was to this effect in order to prevent further trouble to either of us because if you conceived it to be improper I should hope you would have signified to me in writing that it was so

I have the Honor to be Sir

Your Most obedient

Humble Servant

10 March 98

*Endorsed:—His Honor the President
10 March 98*

PETER RUSSELL

YORK 10 March 1798

The Reserve No. 5 in the 6th Concession of Burford is permitted to be removed in favor of Mr. Mallory a former approprie of the Township.

To the Honble D. W. Smith

PETER RUSSELL

&c. &c. &c.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, pp. 249-254.)

FROM J. KING TO PETER RUSSELL

WHITEHALL 10 March 1798

Sir,

I am directed by the Duke of Portland to desire that you will transmit to His Grace the present State of His Majesty's Executive Council of Upper Canada, specifying what Members are absent, the time for which leave of absence has been granted to them, and when the same expires or has expired and also that you will continue to transmit such Lists by each Packet, in order that His Grace may be regularly apprized of the actual State of the Council of the Province.

I am, Sir,

Your most obedient

humble Servant

Mr. President Russell

J. KING.

*Endorsed:—Triplicate from Mr. King 10 March 1798.**Received:—18 Nov.*

(Department of Public Records and Archives, Toronto, Ontario.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

Sir John Johnson.

QUEBEC, 12th March, 1798.

Sir,

From the enclosed Extract of a letter from Mr. President Russell, dated the 21st January last, Which by Command of His Excellency General Prescott,

¹Benajah Mallory afterwards member of the Legislative Assembly, 1804-12 who joined the enemy in the war of 1812.

I now transmit: you will perceive that the Government of Upper Canada are exceedingly alarmed not only for the Settlers on the Lands purchased by you from the Mississaguas, at Toronto in 1787, but even for the Seat of Government itself (York) in consequence of the *Invalidity of that Transaction*, as it now stands, and rendered so by the Deed of Purchase not having been duly executed neither by *yourself* on the part of the King, nor by the Indians themselves (as their marks are not written on the Deed itself, but upon three loose and separate papers wafered on it) nor is even one of the Blanks filled up, by which the Boundaries can be traced. In its present state it may be applied to all the Lands they possess, with as much propriety, as to those it ought to describe.

The *Original Deed and Plan of this Purchase*, which in your letter of the 9th of October you suppose "may be found in some of the Offices at Quebec" is not to be had.

In order therefore to enable His Excellency to give to the Government of Upper Canada a final decision on this *delicate* point, He desires you will be pleased to transmit him, as soon as you can do it with convenience, as full an Information of the whole Transaction, as may be in your power to give, mentioning particularly, how it happens that the Deed was not executed in due Form, and what probable quantity of Goods they received for it.

Having made this purchase *yourself*, the General trusts the Report now desired, will be so ample and satisfactory, that he may point out, that the Indians can have no pretexts for making new demands for compensation they have already received; nor ought their Lands to be occupied, unless they are perfectly satisfied—indeed it should go to the fair and full obviating of every point of the existing difficulty.

To manage this matter, without the Deed is legally executed anew, will be a difficult Task—to do it by the new Purchase, and in the manner Mr. Russell proposes on the Plan he has sent you a Copy of, is a transaction that has so much the taint of Ambiguity on the face of it, that the General will on no consideration agree to the measure, for by wording the Deed of the new Purchase in such a manner, as to make it "a binding Record" for *both purchases*, without the Sanction and approval of the Indians previously had, might create alarms and produce consequences the most mischievous and dangerous to the King's interest with the Indians, if they should discover they were not openly and candidly dealt by, and is a risk which, should at all times be carefully guarded against, but more particularly at the present juncture.

His Excellency requests that the information required, may not be transmitted till you have time to give it in the fullest manner, and refers you to a perusal of Lord Dorchester's Letters to Mr. McKee of 24th Decemr. 1794, and to Major General Simcoe 27th Jany. 1794 and 22d Septemr. following, which you will find in your Office.

I am &c.,

JAMES GREEN, M.S.

(C 1207, pp. 53-4.)

FROM PETER RUSSELL TO D. W. SMITH

Sir

YORK 13 March 1798

Doctor Gamble being desirous of exchanging Some Lots he has in Darlington for the same Quantity in Etobicoke—I have told him that I shall have no objection, if it does not create confusion or Trouble in your office—But I am

afraid Difficulty may attend the Business until the latter Township is surveyed—I have therefore advised Mr. Gamble to let the matter rest until then; & I have to request that you suspend in the mean time furnishing the Attorney General with Descriptions for Mr. Gambles Darlington Lands—& avoid engaging to others the particular lots he wishes to have in Etobicoke in Exchange—When Etobicoke shall be surveyed I think you had better order it to be surveyed according to your New Plan of Blocks of eight Lots each with two Blocks of Reserves in the Centre of the Township—as the latter may furnish the Clergy Proportion to the irregular appropriations which have been already prematurely made.

I am,

Sir

Your most obedient

Humble Servant

PETER RUSSELL.

Honble D. W. Smith.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, pp. 171-2.)

FROM PETER RUSSELL TO D. W. SMITH

Confidential

YORK 13 March 1798

Sir

For reasons which I may hereafter explain to you I judge it proper to desire you will suspend Locations in the Township of Hope until further Orders—But should you in the meantime be distressed for land to complete the Warrants of Survey undescribed, you will be pleased to let me know, that the Township may be again thrown open.

I have the Honor to be

Sir

Your most obedient

Humble Servant

PETER RUSSELL

Honble D. W. Smith &c. &c. &c.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 257.)

CERTIFICATE BY WILLIAM ALLAN

Having searched the plans in the Surveyor Genl's. Office find that the 100 Acre Lot No. 32—& the rear half of No. 27 are vacant—the latter being formerly entered to Major Smith's of the 5th Regt. and the former entered to the Solicitor Gen. otherwise provided for.
13th March 1798

W. ALLAN¹

Mr Allen permitted to be located on the Rear half of the Lot No. 27—to be confirmed by the first Council.

PETER RUSSELL

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 255.)

¹William Allan, 1770-1853, postmaster and collector of customs at York, a member of the Executive Council, 1836-41.

FROM JAMES GREEN TO SIR JOHN JOHNSON

Sir John Johnson,
Sir,

QUEBEC, 15th March, 1798.

In the New York Gazette and General Advertizer, of the 22d. Ult^o. printed by McLean and Lang, there is a Paragraph inserted under the head *Important*, respecting some Indian transactions, on the subject of which, two Cochnewagas and five other Chiefs are said to be charged with Information to the Congress at present assembled at Philadelphia, and that they were actually at New York, on the day the Paragraph was published, on their way there.

His Excellency the Commander in Chief desires me to mention the above stated matter, and refers you to the papers for more ample information; and requests you would make what enquiry it might appear to you necessary, into the purport of their Mission; and should the business prove of consequence, that you will be so good as to mention what would be most advisable to do, in order to prevent any improper Intrigues, which in their consequences, might disturb the tranquility we enjoy at present.

I am &c.,

JAMES GREEN.

(C 1207, p. 61.)

FROM JOHN ELMSLEY TO D. W. SMITH

March 16th 1798

Dear Smith—

I have just recd yrs of the 10th inst & thank you for your advice with respect to the site of my house. My plan of building you shall know when I see you. Of course I shd prefer having my Land together, but am not very solicitous about it: I should have no objection to take 2000 or 3000 where Jones pointed it out to me, I think in the rear of Tobicok—or anywhere else—

I had a visit a day or two ago from Bender, near the Falls. You remember my telling you that some leaky vessel or other had let out our secret of increasing the fees. The shape in which it now travels this country is that the Lands are to [be] sold to anybody for 1/ per Acre. Bender's object was to ask for a Grant of as much as we would sell him at that price: & more than half disbelieved me when I told him that if such a plan exists, I know nothing of it. But does not this shew that the proposed fees may be doubled again with safety?

Pollard¹ of Detroit is now here, & says that it would be much more serviceable to the Town of Sandwich if the Park Lots were thrown into a large Common. I asked him why he did not speak to the President about it? he frankly told me he was afraid.

Notwithstanding what passed at the last Audit, I have reason to suspect that the Secretary's & Register's Offices are still under one roof. If so what can save a Man² so determined to ruin himself?

Old Ball has at length consented to let the road run thro' his Land, & by tomorrow that part which lies between the Sheriff's farm & Ball's farm will be opened. I have caught another scoundrel & am going to make him subscribe handsomely to the Black Swamp Road.

¹Richard Pollard, Sheriff of the Western District.

²William Jarvis.

Symmington is returned, & brings no news of Lord St. Vincent's reported victory, which had not reached N. York on the 25th ult.

The President has answered my Letter on the subject of the Provisional agreement & seems averse to its being confirmed. I confess I do not understand him, or know how to reconcile his present opinion with the Scolding he gave us all at York.

Your Mother & my father are to be at the Ball to night. The Ladies from the country are coming in, literally in cart-loads.

Our best respects to Mrs. S. & all & believe me very truly yrs.

J. E.

Endorsed:—The Chief Justice. The 4.11. feby. March 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 22-23.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

Sir John Johnson.

QUEBEC, 19th March, 1798.

Sir,

By Command of His Excellency General Prescott I have the honor of transmitting an Extract from Mr. President Russell's letter to him No. 46, dated the 19th Feby. with seven Enclosures thereto belonging, for your Information: by which you will perceive that the Land business of which Capt. Brant has so long complained, is in a train of being finally adjusted to Brant's complete satisfaction.

I enclose likewise an Extract from Mr. President Russell's letter No. 47, under date of the 21st Feby., relating some unpleasant consequences being likely to follow some claims set up by the Caghnawagas, to payment for Lands belonging to their Country in the United States, said by them, to have been sold some time ago by Brant's People. As this letter will assist you in the enquiries His Excellency requested you in my letter of the 15th Instant, to make at Caughnawaga, on the paragraph which appeared in a late New York Paper, I loose no time in sending this Information.

In consequence of the appointment of Lieut. Givens to be an Agent for Indian Affairs at York, and of Mr. Cruikshank to be a Storekeeper to the Indian Department, at the same place, His Excellency desires that the presents required for the Indians at Matchedash and Lake Simcoe, for the present year (the approved requisition for which I have enclosed to Mr. Chew with the other Requisitions for Indian Stores for Upper Canada for 1798) may be consigned to the care of the latter: and that in future such Deductions from the Presents intended for Upper Canada, as may be necessary to send to York, may be conformable to the Commands of His Grace the Duke of Portland. His Excellency requests you will be pleased to give the necessary Instructions to Mr. McKee, and others concerned, to that effect accordingly.

I am &c.,

(C 1207, p. 62.)

JAMES GREEN.

FROM PETER RUSSELL TO D. W. SMITH

Sir

YORK 19 March 1798

In the permission I gave to Doctor Gamble to exchange his Locations in Darlington for others where he chose in Etobicoke I did not mean that his

Selection of Lots in the latter should interfere with the Reserves of the Crown & Clergy or with any previous appropriations for Lt. Governor Simcoe or the uses of Government—Understanding therefore that Mr. Gamble has made choice of a Spot where the Commissary has been in the habit of cutting Hay for the Government Oxen, I am to request you will be particularly careful that no appropriation shall be made to Doctor Gamble which is likely to interfere with so necessary a Service.

I have the Honor to be
Sir

Your Most Obedient
Humble Servant

PETER RUSSELL

Honble D. W. Smith

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, pp. 169-170.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 28.

UPPER CANADA YORK 21st March 1798.

Duplicate

My Lord Duke,

I have the Honor to inform your Grace that in Obedience to your Grace's Commands signified to me in your Secret & Confidential letter of the 11th of September, I have appointed Lieut. James Givens of the Queens Rangers Agent for Indians & Indian Affairs in the District of York, by a Commission under my Seal at Arms during Pleasure, bearing date the 3rd of February last, with a Salary of 7/6 Provl. Curry. P. day.

By the Instructions which I have given to Mr. Givens, he is to consider himself confined to the Care of the Indians who resort to York & receive their annual Presents within its District; to conform himself to the General Rules & Regulations issued at different Times by the Commander in Chief, & such as have been or may be added to them by the Persons administering this Government, and to obey whatever orders he may receive from time to time from the Governor General, the Person administering this Government, and the Superintendant General & Deputy Superintendant General of Indians & Indian Affairs.

I have likewise in confidence verbally instructed Captain Claus, the Superintendant for the Niagara District to do everything in his power (without exposing the object of this Policy to Suspicion) to foment any existing Jealousy between the Chippewas & the Six Nations; and to prevent as far as possible any Junction or good understanding between those two Tribes. But the Speech to which I am referred by your Grace's letter, having been omitted to be inclosed therein, I could not be more particular; and Captain Claus informs me that the five Nations and the Chippewas are at present on the most friendly footing with each other—particularly the Messissague Tribe, who have thrown themselves in a manner under the direction of Captain Joseph Brant—This latter Tribe having hitherto received its annual Presents at the same time & place with the five Nations, I have ordered its Council Fire to be removed to the River Credit (which lies about half way between this place & the Head of Lake Ontario) and directed the Agent, Mr. Givens to take that Tribe immediately under his own Care—The five Nations will continue to receive their presents as usual at the Head of the Lake—I have likewise directed that the Part of

the Chippewas who come from the Vicinage of Lake Simcoe shall receive their annual Presents near this Town—By this arrangement I am in hopes of being able to keep these nations & Tribes distinct & separate from each other, & induce them to look up to Government only for their Comfort and Support.—

The Executive Council having very strongly recommended it to me to take measures for the purchase of the Missassague Land between the Head of Lake Ontario & the Etobicoke; and being sensible how very important & necessary it would be for the Welfare of this Province, that the Communications along its great Waters should not be broken & interrupted by Tracts of Indian Territory intervening to obstruct the Course of Justice; I had in October last directed Captain Claus to take some favorable Opportunity, at the Delivery of the annual Presents, of sounding the Missassagues respecting their Inclination to dispose of this land—Captain Claus informed me in answer that he had called a few of their principal Chiefs together with a view of explaining my desire to them, and that having brought Captain Brant with them (whom, he says, they consider as their Head, since the Death of their principal Chief Wabakanyne) they told him that their old Women & young men had requested that they would not part with any more land at present, that the Chiefs before them had already parted with too much, and that they were not the least benefitted by it; in Consequence of which their People were disinclined to sell any more. Seeing very plainly from Captain Claus's letter that Captain Brant had gained a very great Influence over these People, and had advised them for some interested Purpose of his own to keep their land unless they could obtain an exorbitant price for it; I desired Captain Claus to treat the Matter with Indifference & not revive the Subject again without orders—I shall not however relinquish this object altogether, as the Cultivation of that Block, besides greatly facilitating our land Communication with the South Side of the Lake, would in time contribute very essentially to the feeding of this Town, whose increasing Population will soon call for every Supply we can procure it—Captain Brant's Conduct also serves to evince the Wisdom of your Grace's Policy in preventing all Coalition between the Indian Nations within this Government.

I have the Honor to be &c.,

PETER RUSSELL.

His Grace the
Duke of Portland

Endorsed:—Upper Canada 21st March 1798.

Ansd. 5th Novr. Mr. Presdt. Russell

R. /25th September. No. 28.

Dup. original not rec'd. Pr. fe. Nemesis.

(Q 284, p. 143.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 20.

Duplicate

My Lord Duke,

UPPER CANADA YORK

21st March 1798

I am extremely sorry I have to inform your Grace, that, in obedience to a Special order which I lately received from the Governor General, I have signified to Captain Elliott Superintendent of Indians & Indian Affairs in this Province, "that His Excellency has judged proper to dispense with his further Services in that Capacity, because he has not conformed to his Instructions, and because he

has given in Returns of the number of Indians at Chenail Ecarte for Provisions, that by no means correspond with a Return of them by the Officer commanding in that District."

I do not trouble your Grace with a Detail of the Causes which led to the Dismissal of Captain Elliott, as they originated in Complaints made immediately to the Commander in Chief by the Officer Commanding at Amherstburg, and have of course, I presume, been already reported to your Grace by the Governor General; nor do I recommend to the Vacancy occasioned by this Dismissal, agreeable to His Majesty's Instructions, because His Excellency informs me that he has himself recommended Major Fraser for the appointment—

But I think it my Duty to mention to your Grace that as soon as the charge against Captain Elliott came to my knowledge, I had directed the Deputy Superintendant General to examine into the circumstances and report to me immediately; with a View of ordering a Board of Enquiry should I find the accusations against the Superintendant supported by Fact; but before Mr. McKee's answer reached me, I received the Governor General's command for Dismissal, which I did not consider myself at liberty to delay carrying into Execution—

I have the Honor to be &c.

His Grace the Duke
of Portland, &c., &c., &c.

PETER RUSSELL

*Endorsed:—Upper Canada 21st March 1798. Mr. President Russell.
R./25th September. Ansd. 5th Novr. No. 29. Duplicate. Original
not received. By the Nemesis Frigate.*

(Q 284, p. 147.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 49.
Sir,

UPPER CANADA, 21st March, 1798.

Having received on the 2d Instant some Dispatches from the Westward, I avail myself of this unexpected opportunity to transmit to your Excy the Copy of a Letter from the Dy. S.I.Gl. of Indian Affairs with an Indian Speech & two Certificates relative to Mr. Elliot inclosed—and also the Copy of a letter to me from Mr. Elliot in consequence of his receiving from Mr. McKee my Letter of dismissal.

I received a verbal Message from Capt. Joseph Brant to inform me that he did not know how soon he should be under the necessity of going to War with the Indians of Canada, and that he believed they were instigated by French Emissaries, to pick a quarrel with the five Nations, that they may have a pretence for distressing this Province.—As this is the only Information I have received on this subject, I am at a loss to conceive what it means but thought it my duty to lay it in the shape in which I have received it before your Excellency.

I am &c.,

His Excellency
General Prescott, &c., &c., &c.

PETER RUSSELL.

(C 1206, p. 228.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 30.

UPPER CANADA 21st March 1798.

Duplicate.

My Lord Duke

I beg leave to lay before your Grace a letter which I have lately received from the Chairman of the Bench of Justices in the Western District of this Province, soliciting assistance from me to enable the District to rebuild its Jail and Court House which has been destroyed by Fire—

In consequence of repeated Representations from the Magistrates of the District, that since the United States had obtained possession of Detroit, Multitudes of Deserters from their Army were daily dispersing themselves among the Settlements on this side the River, & committing every Species of Crime that can blacken a Newgate Kalendar; and that for want of a Jail, (which they were too poor to build at their own Expence) they were incapable of suppressing those Enormities unless Government should think proper to give them a secure place for confining Criminals and other Offenders against the Laws; I immediately consulted the Executive Council upon the Subject of their application; and by its advice & Consent I permitted the Magistrates of the Western District to cause a Block house, that had been erected at Chatham for a store, to be removed from thence to Sandwich and converted into a Jail and Court House for the use of the Western District—We were induced to permit this Removal by the great Expence it would apparently require to secure the Block house from tumbling into the River (it having been unfortunately built upon a Point of land which the stream was gradually washing from under it); and by the necessity Government was under of providing a trusty Person to look after the Block House & Gun Boats at Chatham, so few people seemed inclined to build Houses and reside there—

This recent Misfortune having placed the Western District in a Situation which calls for Relief with equal force with the one it was in before this favor was granted it; I should not have hesitated about assenting to the Magistrates' present Request, was I not restrained by the Reasons I have stated in my letter to their Chairman—I have therefore taken the liberty of suspending my compliance with it, until I shall be honored with your Grace's answer to this letter; and I have in the meantime requested the Officer Commanding at Amherstburg to give up to the Sheriff one of the unemployed Vessels in the Detroit River, which he may make use of as a temporary Prison—

I have the Honor to be &c.,

His Grace the Duke of Portland

PETER RUSSELL

*Endorsed:—Upper Canada 21st March 1798. Mr. Prest. Russell.**R./25th September. Ansd. 5th Novr. No. 30. Duplicate.**Original not received. By the Nemesis Frigate. Copy sent to the Treasury 5th Decr. 1798. (one inclosure).*

(Q 284, p. 149.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 31.

UPPER CANADA YORK

Duplicate.

March 21st, 1798.

My Lord Duke,

I have the Honor to transmit herewith my Annual Report of the Militia in this Province, taken from those of the County Lieutenants to the close of last year—

The Militia Laws have been repeatedly amended by the Legislature; but I am sorry to observe to your Grace that I fear more coercive Measures must be adopted before regular Information can be obtained of the Population and internal Strength of the Province; for I have not a doubt but that, if every man capable of bearing Arms was enrolled agreeable to the Statutes, the numbers on this Return would have amounted to at least 3000 more than they appear to be

I have the Honor to be with the greatest
Respect, My Lord Duke

Your Graces

Most Obedient & Humble Servant

His Grace the Duke
of Portland etc., etc., etc.

PETER RUSSELL

*Endorsed:—Upper Canada 21st March 1798. Mr. President Russell.
Rd. 25th September. Ansd. 5th Novr. No. 31. Duplicate, original
not received. By the Nemesis Frigate. (one inclosure).*

(Q 284, p. 156.)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA, YORK, 21 March 1798.

Sir,

I had the honor to State to you, on the 22d of February last, for His Excellency the Commander in Chief's information, that the American Agents had purchased the greater part of the surplus Flour in the Western District at 25 / P. Cwt.—since that period, I received proposals from Detroit offering to deliver Fifteen thousand Pounds of Flour into the King's Store at Amherstburg, at the rate of Thirty one shillings & Six pence Canada Currency P. Cwt. in Barrels, which proposals I have declined accepting on account of the very high price demanded.

I have entered into engagements for One thousand Bushels of Indian Corn at Six shillings & threepence Canada Currency a Bushel, which is to be immediately delivered into His Majesty's Magazines at Amherstburg.

From the best information which I have been able to collect, the surplus quantity of Flour, that can possibly be brought to market, after reserving what may be sufficient for the consumption of the Inhabitants in the settlements at, above, and below Kingston, will not exceed from One thousand to twelve hundred Barrels; and rather of an inferior Quality, to what this article has been for some years past, notwithstanding this unfavorable circumstance, I have not as yet been able to bring the holders of Wheat, to ask a reasonable price for their Flour, indeed it appears to be the prevailing opinion amongst them, that the price which they expect to receive this year, will exceed that which was paid last year, however as the surplus (supposing the whole was delivered in for supplies) will fall considerably short of the Quantity ordered to be delivered at Kingston, I humbly submit for His Excellency's consideration as a means of enabling me to Obtain the supplies wanted upon more reasonable Terms, that should His Excellency be pleased to direct the Commissary General to forward a few hundred Barrels or even a few Batteau loads of Flour immediately on opening of the communication to Kingston, I am convinced that it would have a very

good effect not only in preventing a rise in the price of this Article but likewise induce the Farmer to bring forward his Store in proper time.

I have the honor to be &c.

Captain James Green
Military Secretary
Quebec.

JOHN MCGILL.

(C 106, pp. 11-12.)

FROM PETER RUSSELL TO WILLIAM CLAUS

Extract of a Letter from Mr. President Russell dated York 24th March 1798 to Captn. Claus Superintendt of Indian Affairs.

Capt. Brant has somewhat alarmed me by a Message he sent me by Major Rierse¹ of Norfolk to an expected attack from the Caughnawagas or Indians of Canada and that they were instigated by french emissarys, had that Nation any hostile design against this Province I should imagine their Operations for Carrying it into execution would not be so concealed as to escape the knowledge of the Commander in Chief, But not having heard from His Excellency on the Subject I am to suppose their purposes are only in their infancy and I request in consequence that you will find out from Capt. Brant the Grounds on which he founds his Suspicions that early measures may be taken to Counteract them.

True Extract

W. CLAUS, S.I.A.²

FROM J. G. SIMCOE TO JOHN KING

WOLFORD LODGE,

March 26th 1798.

Dear Mr. King

being absent from Home I could not immediately have recourse to what I had formerly written to the Duke of Portland respecting Genl. Arnold, & it appeared to me necessary, that I should have recourse to my sentiments therein expressed before I answered your Letter of the 16th of March.

to answer your first query, is there any objection to Arnold & his children having any Grant of Lands in Upper Canada—I say, There is no *legal* impediment (on American Grounds) provided they have not already had any Grant in the Province of New Brunswick, but General Arnold is a Character extremely obnoxious to the *original* Loyalists of America his not intending to reside in Upper Canada, does away in some measure that objection.

2d. The Amount of the Grant—this rests solely with the Duke—no Officer has received more than five thousand Acres nor do I Conceive the Government in that Country competent to give a larger Grant.

¹The well known Samuel Rierse, who had been appointed Lieutenant of the County of Norfolk and commanding officer of its militia.

²William Claus, 1765-1826, born at Williamsburg, N.Y., the son of Colonel Daniel Claus, deputy agent of Indian Affairs, and a grandson of Sir William Johnson, an ensign and lieutenant in the King's Royal Regiment of New York, 1st battalion, 1777-1784. lieut. 60th Regiment, 31 Oct., 1787, capt., 5. Feby. 1795; superintendent of Indian Affairs at Niagara, 1796-1799; deputy superintendent general and deputy inspector general of Indian Affairs, 1799-1826; appointed a member of the Legislative Council, 1812; colonel of the 1st Regiment of Lincoln Militia, 1812-15; member of the Executive Council 1818-1826; died at Niagara, 11 Nov. 1826.

3d. The Duke can certainly dispense with Arnold's personal attendance, & the Plea of his wounds is favorable—

But I conjure you to watch over that Colony; if this Country stands, & I return to pass five years therein it will be with proper & honorable support, the most valuable possession out of the British Seas, in population commerce & principle of the British Empire—faithfully your

J. G. SIMCOE

Endorsed:—Wolford Lodge 26th March 1798—M. Genl. Simcoe. R/28th. J. King. (Q 284, p. 417.)

NARRATIVE OF WILLIAM BERCZY

In the month of February of the year 1794 I was at New York looking out for a spot of Land whereupon to settle 84 Colonists whom I had brought with me from Germany and who being in the greatest part married men composed altogether 229 persons, men, women and children. Several advantageous offers of lands to be purchased in the United States were then made to me for that purpose; when casually I fell in with Mr. Andrew Pierce from Southbury in Connecticut, who had obtained in the month of March in the preceding year 1793 a grant of three townships from the provincial government of Upper Canada, under the condition to settle upon each of these three townships fifty heads of families, vizt. to every 1000 acres one settler, within the space of four years from the date of the grant, For the sake of collecting the stipulated number of settlers, he had returned to his native land, but meeting there with unexpected difficulties, respecting the means of accomplishing the engagement into which he had entered with the government of Upper Canada, he proposed to me to sell, for a valuable consideration, his right to the above mentioned three townships. In order to encourage me to the acceptance of his offer, he communicated to me a printed copy¹ of the proclamations issued at Quebec in the name of the King under the same tenour and date (7th February, 1792) for both the provinces of Upper and lower Canada, and official copy of the order of council for the grant of three townships² and also like copy of his proposals referred to in the order of council³.

Mr. Dederic Conrad Brauer, then a resident and merchant of New York had communicated to me some time before, the desire of a great many of our countrymen in Europe to settle together in some part of North America, who however as they were not rich enough to effect that purpose had applied for his assistance. This communication induced me to examine with that gentleman A. Pierce's proposal, Both of us felt an inclination to settle under the British government; and considering that a limited monarchical government was better calculated for the generality of our countrymen, we soon framed a plan to join our interests and means for settling our emigrants from Germany in the province of Upper Canada, & to begin with my people, But before we came to any conclusion, as well respecting the purchase of Andrew Pierce's right to the three townships, as relative to what we intended to undertake ourselves with the

¹Proclamation Quebec 7th Febr: 1792.

²Official copy of A. Pierces proposal 18 March 1793.

³Official copy of the minutes of council for the grant of 3 townships to A. Pierce 22d May 1793.

government of Upper Canada, I deemed it prudent at first to go to Philadelphia, and to wait on Mr. Hammond the British ambassador in order to obtain a more perfect knowledge respecting the encouragements, held out by the British government for the settlement of the two provinces of Canada.

On my arrival at Philadelphia I was presented to Mr. Hammond by one of his special friends, and in a long conversation which I had with him relative to my intention of forming a considerable German settlement in Canada, he strongly engaged me to give the province of Upper Canada the preference for the execution of my plan of colonizing; communicated to me the before mentioned proclamation¹ and suggested that he had no doubt that the governors of the Canadas were authorized by their private instructions from his majesty's ministers to go still farther by enlarging the terms expressed in the proclamations, when they should consider it conducive to the speedy settlement of the provinces under their administration, And in order to facilitate my transactions he gave me letters of recommendation to General Simcoe then lieutenant governor of Upper Canada & Mr. Osgoode chief justice of that province.

On my return to New York I received the copy of a new proclamation⁴ which although not yet published, had been obtained at Quebec by some applicant for lands, in consequence of an advertisement inserted in the Quebec Gazette from the 21st January 1793 for three weeks successively by order of the governor with the advice of the executive council. The object which the government had in view by this advertisement, was to inform the public without delay of the tenour of the above mentioned new proclamation, and was as follows.

Council Office Lower Canada 21st Jan. 1793.

Final orders remaining to be taken by his Excellency the governor & the executive council (for reasons inserted in the minutes of the board) upon certain petitions for grants of parcels of the waste lands of the crown, all petitioners for lands in this province are hereby notified that the minutes are open for daily inspection, between the hours of ten and three. By order (signed)

J. Williams, C.E.C.

The perusal of these documents, those which Andrew Pierce had communicated to me, and what I had heard during my conference with the British ambassador, and the letter of introduction & recommendation with which he had favoured me for Upper Canada, so fully satisfied me that I saw no reasons for hesitating a moment to conclude the proposed bargain with A. Pierce, and to determine upon settling my people in the Province of Upper Canada upon such lands as I should obtain from the government of that province in conformity to the encouragements held out.

Having concluded my association with Mr. Dederic Conrad Brauer and his house at Bremen we framed before my departure from New York a petition to the Lieutenant governor of Upper Canada in council⁵ for one Million acres of the waste lands of the crown in that province, dated 20th March 1794 and signed by myself, Dederic Conrad Brauer, and by him as Attorney for Charles Lewis Brauer and Son of Bremen.

After the middle of April of the same year I arrived at Navy Hall near Newark then the seat of the Government of Upper Canada where I found present

⁴A new proclamation proposed, Quebec 21st Jan. 1793.

⁵Petition for one Million Acres of land for the present & for more in future. New York 20th March 1794.

only the chief justice, to whom I delivered my letter of introduction, governor Simcoe being at that time absent on an excursion to the Miamis. In the meantime while waiting the return of the Governor I presented to the secretary of the Province Mr. Jarvis a letter of.....

(Unfinished.)

(M 137. Markham Settlement. Berczy. pp. 29-30.)

PETITION OF WILLIAM BERCZY

The humble Petition of William Berczy of York in the Province of Upper Canada,

To the Kings Most Excellent Majesty
May it please Your Majesty

In the Year One Thousand Seven Hundred and Ninety Four, Having a considerable Number of Settlers at my Disposition, which I had brought with me from Germany to America; I saw the Proclamation of Governor Simcoe bearing Date February 7th 1792. Encouraged by it and preferring Your Majesty's Dominions and the British Constitution to any other in that Part of the World: I presented in the Month of May 1794 a Petition to the Governor in Council in my Name and in the Names of Dederic Conrad Brauer and Charles Lewis Brauer and Son of Bremen praying for One Million Acres of Land for the present, and more in future Times, when I should have convinced Government of the Ability to fullfill my Engagements: stating that I had Sixty Heads of Families ready to bring immediately in the Province of Upper Canada, upon the Lands which I would engage to settle conformably to such Prescriptions and such Period of Time as Government should prefix; provided these Conditions should be of such Nature as to enable me to perform that Engagement. And I was convinced of the Possibility to fullfill on so large a scale in a respective short Time the VIEWS of Government to settle such a large Tract, with Loyal Subjects of my own Countrymen from Europe.

The Governor and Council without entirely denying my Request, but not deeming it consistent to grant at once such a large Tract of Land, resolved upon my Declaration that I had Sixty Heads of Families ready to bring immediately in the Province (which I would provide with all necessary Chattle, Husbandry Implements, Vittels and other Necessaries, in order to enable them to become usefull Subjects of Your Majesty) to grant me Sixty Four Thousand Acres of Land with the Promise of more Land when that first Tract should be properly settled. In consequence of which I proceeded forthwith to the neighbouring State of New York where my People was wayting for my further Dispositions, and brought in the month of June 1794 to Niagara more as the promised Sixty Heads of Families.

In the Month of July following after I had introduced my settlers at my Expençe in the Province of Upper Canada to Niagara, and after I had maintained them there already for six Weeks at still greater Expences I applied to the Governor for more Land as I knew that I could settle it. His Excellency complying with my Request, promised me the Grant of a Township on the River Thames which he ordered the Surveyor General Mr. David William Smith to place my Name on the Map upon that Township and at the same Time declared that the Grand of that new Tract should be confirmed through an Order of Council.

More and more encouraged by the above mentioned inducements I submitted myself chearfully to maintain about Two hundred People through all the natural Difficulties and heavy Expences incumbent upon settling a considerable parcel of People in a distant part of the Woods, till I could establishe them in the Month of Nov: 1794 on the granted Lands Twenty miles back of the then new beginning Town of York.

Conformably to the Tenor of the Proclamation of 1792 expressed under Article Vth and in the Expectation to see it fullfilled at my Request I applied for the first Time for a Patent in the Month of May 1795, and in several Times afterwards being always flattered by the Governor with the Effectuation of my Demand; till on repeated Applications for the same Purpose in the Month of October 1796, it was for the first Time stated the Objection that no Deed or Grant could be issued neither in my behalf nor in behalf of any of my Settlers before seven Years uninterrupted Residence in Your Majesty's Dominion of America, being Aliens.

Under these Circumstances, and encouraged by the Honorable Peter Russell, then administering the Government, which feeled the Hardships under which I laboured; I presented the 3d November 1796 another Petition for an additional Quantity of Land, and in order to secure those Lands formerly granted in the Year 1794. But only in the Month of Febr: of the present Year I received a final Answer hereby subjoined under Letter A referring to the published Address of the Board to the President of Upper Canada.

The here annexed List of settlers under Letter B. sheweth that till now I have brought in the Province of Upper Canada seventy six Heads of Families of which Fifty Two are under the Description of the Militia Law, which under my Conduct are ready to venture their Lives for Your Majesty's Service and for the Defence of the Country where I have settled them, being honoured by Government with the Commission of their Captain.

These Settlers altogether with their respective Families I have supported in the Province of Upper Canada with all the Necessaries of Life for Sixteen Months, and the greatest Part of them for near two Years; I have Stocked their Farms with Chattle and other Implements and maintained at my Expences for their Divine Worship a Parson, and for the Preservation of their Health a Physician with Physic for Three Years; and besides these excessive Expences I have sacrificed all my Time since I arrived in the Province of Upper Canada in advising and leading that beginning Colony, which at present is in a thriving Way.

The above Narative which is a succinct Statement of what I have undertaken in settling Part of the Province of Upper Canada and what hath occurred on that Occasion, gives me Confidence to assert that I am not under the Description of those Nominees to which Townships were appropriated so as stated in the Address of the Board to the President; and I live humbly in the conviction that in Consideration of the faithfullness with which I have fullfilled my Engagements, and in Consideration of my sincere Endeavours for the Service of Your Majesty and the Promotion of the Encrease and Prosperity of the Province of Upper Canada, which I wish to be enabled to promote yet more in future Times, Your Majesty will be pleased to Confirm my Claims and preserve myself by it from the Risk to lose the Considerable Property which I have ventured to lay out in confiding on the Grant issued in my favour, and without which I had never engaged to bring my settlers in the Province of Upper Canada, especially under such Conditions as set forth in the Address of the Board which had they been shewn and been explained four years ago would have destroyed at once

the natural Expectation that in contributing to the Public Benefit I should at the same Time promote my own personal Interest and not sacrifice Property & personal Exertion without a competent return for it.

And in Duty bound I remain with the most profound Respect
Sire

Your Majesty's
Most Obediant & Most Dutifull Subject
WILLIAM BERCZY

York the 27th March 1798.

(M 137, Markham Settlement, Berczy, pp. 19-22.)

FROM PETER RUSSELL TO CAPT. BERCZY

YORK April 1st 1798

Sir

Having directed Captain Graham to take Mr. Loder & Mr. Thompson the Mason to inspect the two wings & Kitchen, and give me an estimate of the Expençe it may require to complete the Work you contracted for—I beg you will send any Person you please to join them in the Examination, that you may be satisfied with the amount as well as myself—Until which is done you will pardon me if I decline paying any of your orders.

Your Charge against me of £22.6 for having *changed my mind* with respect to the west wing I cannot by any means admit—since the change was manifestly more to your benefit than mine—for had I continued my Intention of having it a Kitchen you would have received only £170 by Contract—for what would have cost you £280 according to the Sum you valued the Kitchen at which you built for me, tho' much smaller and consequently less expensive than what the larger conveniences of the other must have amounted to.

I shall be glad to know whether your charges for the Cellar & Drain are averaged—or what you actually paid to the Persons you contracted with—If the latter you have probably their Receipts or other [vouchers]* for the payment—But I own the Expençe app[ears to]* me most extravagant—& such as I should not have submitted to had I been here before the work was undertaken—I know very well that Laborers, Carpenters and Masons are at present unconscionable in their Demands, but I do not feel myself under any obligation to employ them until they grow more moderate—& could I have conceived that you would have agreed to pay such prices for me & they could not have been prevailed on to work for less—I should have remained on the other side the Lake until I could have got others more reasonable from the States or Lower Canada. I have the same fault to find with the Charge for painting—& I shall accordingly have the work measured and valued. As I cannot consent to pay for three, four, or five, if not more times painting the same work—when twice or thrice at the utmost might have answered—besides the very great unnecessary waste of Paint & Oil which the enormous Consumption of those articles proves—I observe also that you charge me between four and five times for nails between the 1st of April & the 11th October tho' by Mr. Willcock's Account with me it appears you were during that period taking up nails from him for my use—I shall consequently wish to have this explained.

*Damaged.

Having paid the Garrison Blacksmith by your order for Iron Work—I shall be glad to know what other work may be meant under the Charge of £6 to Carman & Perrigo.

The Account of Receipts & issues of stores on my Account I have not had time yet to compare with mine of Deliveries—But I shall take the earliest opportunity of doing it and let you know the Result.

I am Sir
&c.

(Department of Public Records and Archives, Toronto, Ontario.)

CERTIFICATE BY D. W. SMITH

Alex. McDonell Esquire,¹ has lodged a Warrant for 100 Acres, 1st Concession of York & prays his Honor for No. 32

S.G.O. 31st March 1798

His Honor

The President &c.

D. W. SMITH, A.S.G.

Permitted
Peter Russell

Endorsed:—His Honor the President 31 March 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 259.)

FROM ROBERT LISTON TO PETER RUSSELL

No. 4 Duplicate
Sir,

PHILADELPHIA 3 April 1798

On returning from an excursion I had made to the Southern States, I found here the letter you did me the honour to write on the 13th of last January together with its inclosures; and I beg you will accept my best thanks for the pains you have been pleased to take to give me full information concerning the several points on which I had touched in my letters to you.

My letter No. 2 of the 3rd of October was committed to the charge of a friend at New York, who is in general anxious to oblige me and I do not know by what accident it has happened to miscarry.—I now send you a Duplicate of that letter more for the sake of filling up the blank in our correspondence than for anything it contained that was interesting.—

The Duplicate of your No. 2 of the 29th of May (of which the original has never yet come to hand) contains clear & satisfactory explanations respecting the State of the question between the Government of Canada and Capt. Brant (as agent for the six nations). I am more sensible than I formerly was of the delicacy and difficulty of the situation in which you were placed on that occasion: But I see in the whole transaction nothing to make me change my opinion with regard to the Wisdom and Policy of the resolution taken by you by the advice of the Council, to comply with the desire of those Tribes in the present critical position of publick affairs.

By a letter I have received from Captain Brant, dated the 29th of last December, I am concerned to observe that he is still far from being satisfied with the footing upon which matters stand. He has not indeed any objection

¹Probably the sheriff of York, see Simcoe Papers, II, p. 70.

to the manner in which you have conveyed the Lands disposed of by the Indians to the new purchasers: He says the Five Nations "are willing and desirous that it ever continue to be as it has been with the Sales they have heretofore treated for; that is to say, they to surrender to the Crown and the Crown to alienate to purchasers, whereby they necessarily become subjects:" But he seems hurt that there should remain any uncertainty with respect to the Manner in which the business may be regulated in time to come. He has urged me to make a fresh application to His Majesty on the Subject that the thing may be brought to a point without any unnecessary delay, and he consults me with respect to the expediency of his repairing to England in order to support the claim of his Countrymen in person.

My answer is that I will write home once more, that I doubt whether any advantage is likely to be derived from his personal presence in England and that I may possibly make an excursion as far as the Frontiers next Summer, in which case I shall be glad to talk over the matter with him in a friendly way—I take the liberty of inclosing to you my letter which I beg you will have the goodness to convey to him.

In the mean time I am sorry to say that no change has taken place in the State of publick affairs that in any degree diminishes the necessity of cultivating a good understanding with the Indian Tribes.—The French Emissaries in different parts of this Country have received letter from the late Minister Adet, since his return to Paris, in which he expresses his expectation that the expedition against Canada will be undertaken this Summer and reports reach us from all hands that the French have obtained of Spain the Cession of Louisiana and the Floridas: and if they have not already taken possession of those Countries (which is the news of the day) there is but too much reason to apprehend that this will soon be the case, especially since the elevation of M. de Talleyrand to an Office of high trust and influence in the Government, as he is known to have left this Country with a great anxiety to promote the plan.

I have laid before the American Ministers the interruption given by their Commander in Chief, General Wilkinson, to the trade of His Majesty's Subjects who have establishments beyond the boundary line: and I have received assurances that such arrangements will be made as will prevent any encroachments of that nature, on the part of General Wilkinson, in future. If any delay has taken place on this head, it is to be attributed to the constant state of anxious employment in which the federal Administration has of late been kept by their discussions with the French Republick, discussions which appear daily to be approaching to a rupture.

I have the honour to be with great truth and regard

Sir,

Your most obedient

humble Servant

The Honble Peter Russell

ROB. LISTON

Endorsed:—3 April 1798 from Mr. Liston.

(Department of Public Records and Archives, Toronto.)

FROM JOSEPH BRANT TO WILLIAM CLAUS

GRAND RIVER April 5th 1798.

Dear Sir,

You have required me to give my opinion on the Missassague Lands, but I am rather fearfull to do so, notwithstanding the deceased Chief requested me to take them under my Care, Government are so very ready to blame people for Meddling. I have already given my opinion in my Memorandum that it is too much resembling the Yankees to grasp the land too eagerly, as I dont see any Necessity of making this Acquisition and I think that if they will wantonly take it they should pay a good price for it, at least 2/ an Acre, unless they would allow the Indians to reserve where they please. I have marked it with a pencil a Mile to the West of the 12 Mile Creek to extend 3 Miles from the Lake and then a Strait line til it strikes the line of the River of Credit 3 miles from the Lake by that means the fisheries of all the Rivers will be reserved and otherwise it would be impossible for if the Mouths of the Creeks Should be Settled it would Certainly Spoil the fishery.

Moses Johnson¹ is going down to get something for his trouble in going to the River Thames. I suppose Ten dollars worth of Goods will be sufficient.

I am &c.,

JOS. BRANT.

(Indian Affairs, Upper Canada, 1798.)

FROM JOHN ELMSLEY TO D. W. SMITH

April 8th 1798

Dear Smith

I send you a Doz. Bantom(?) all for Mrs. Smith which I hope will be a cordial to her. I would send you more if I had anything to pack it in—but will bring some with me on the 20th. Your Mother & Son very well. The Missasagues have met the 6 Nations, & appointed Brant their agent with a promise not to sell their Land without his Consent. The Americans are going to war with France to a certainty. I have a letter from England dated Feb. 7. Genl Simcoe was then in London. Yrs ever

J. E.

Endorsed:—The Chief Justice 8th April 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 24.)

FROM JOSEPH BRANT TO WILLIAM CLAUS

GRAND RIVER April 5th, 1798.

Dear Sir,

I have received your favor of the 29th March as also the enclosed extract from the President, by which it seems his Honor would wish to have a further explanation with respect to the Affairs of the Canada Indians or Caughnawagas. It is now going on five years since we first heard of it, they then sent us some Strings of Wampum to inform us that they would no more attend any Council to the Westward, but that they would remain at home and take care of their

¹Moses Johnson had been sent to the Thames to know the truth of a report that two Indians had been murdered by white people.

own Lands lying to the North of the river St. Lawrence, as also up the Grand River (that is on the road to Michilimackinac) for that some times they unexpectedly found White people seated on their Lands and that also we the Mohawks had disposed of some which they must see about, but we thought no more of it then, thinking they had spoke inconsiderately & being Conscious ourselves of never having sold any lands belonging to them, expected they would drop it, afterwards when they had a meeting with the Commissioners of New York State they pretended to have got full information of the Spot they accuse us of Selling, and the Writing with the Signature of the Sellers annexed to it, last Winter when I was in the States, I made no inquiry about it, imagining it would be settled at a meeting we agreed to hold with them at Buffaloe Creek when their Complaint would be examined into, but instead of Coming there at the time we expected last Summer, they went to the Oneidas to gain them to their Interest, and were plotting against me, and since that time seem to get more and more severe, threatening to strike if we do not give them the Money, which as we have not to give, they must Certainly follow the bent of their inclination—they furthermore say that the Mackinac Indians are ready to join them and that there is an Ottawa Chief from that place that they Call White Eyes waiting to hear the event at the Lake of the Two Mountains. I rather suppose that they are expecting the Arrival of the French to begin.

They will never give us the Satisfaction to tell us the Spot of Land they disputed, notwithstanding they say they have the paper that is a proof of it 'til this Winter the Men we sent down insisted on getting a Copy of it to bring up and we find it to be the Genesee Lands that were sold by the Senecas to Oliver Phelps Esquire, and to which [neither we] nor they have any Claim. Thinking this accusation to be a pretence and that they are waiting the arrival of the French to Strike, I wish to push the Matter and bring it to a point one way or another, that is that they either confess themselves in the wrong for accusing us falsely or prove their accusation, or attack us at once before they have any better opportunity, and I wish Government would interfere to bring this about, as for instance whenever we have requested them to Come to our Council at Buffaloe Creek to enquire into the Affair they will not but request us to go to New York, therefore we wish they would speak to them that they might be more plain with us, and Come to our Council fire and explain the Matter. I saw lately in an Albany paper that four Caughnawagas had passed there on their way to Philadelphia to see the President of the United States, but I rather suppose they are gone to see the French Ambassador and Consult with Him, as the Americans wont Care much for such Visitors unless they have Some interest in it. I hope you will excuse the tediousness of my letter as I could not give a full account of the Business and be more brief.

I am &c.

JOS. BRANT,

(Indian Affairs, Upper Canada, 1798.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER

YORK 9th April 1798.

Present,

His Honor The President

The Honble John Elmsley Chief Justice

The Honble Æneas Shaw.
 " Honble John McGill
 " Honble David Wm. Smith

Read the following Petitions.

 Sarah Ainse. Stating that She is a Shanese, and on the 11th of October 1783, received from the Ochipise¹ nation of Indians at Detroit, for a valuable consideration, a tract of Land situate on the North Side of the River la Tranche (now the Thames) extending from the Entrance of the said River to the Forks—Confirmed by Deed of the said nation duly executed and enregistered in the Register of Detroit—That the aforesaid tract of Land, was by the said nation, understood to have been Excepted and reserved out of the Tract afterwards sold by them, to His Majesty, in that vicinity and on the 7th of March 1794 they protested against the Cession of such reserved part having then learned no such exception had been made in their Deeds to His Majesty, tho particularly stipulated immediately and previous thereto.—prays to be Confirmed in the same.

Read the Report of Alexander McKee Esquire, Deputy Superintendent General of Indian Affairs, dated the 21st of September 1797—agreeable to a requisition from the Board dated 12th of Augt. last.

Resolved in consequence that as it appears to the Board from the said Report, that no reserve whatever was made by the Chippawas in favor of Sally Ainse in the cession made to the King in the year 1790, and that as a full valuable consideration was paid by His Majesty to that nation for the land, then Sold, Sally Ainse can have no claim upon the Crown for any part of the lands then ceded—the prayer of this Petition cannot be granted.

Adjourned.

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 34.

QUEBEC, 9th April, 1798.

Mr. President Russell.

Sir,

I have had the honor to receive your Letters numbered 39, 40, 41, 42, 43, 44, 45, 46, 47, & 48.

The Purchase made from the Messissagua Indians at Toronto in 1787, is most undoubtedly in an awkward predicament at present, as the Blank Deed found in the Surveyor General's Office, does not express a single Boundary of the same, and might with as much propriety be applied to all the Lands they possess, as to those it ought to describe.

The mode you propose of rendering the purchase of sufficient validity to all parties concerned, by "purchasing a small Tract to the Eastward of the Northern Limit of the Toronto purchase, in order that a Recapitulation explanatory of the Courses and Boundaries of the Purchases in 1784, 1787, and 1788, may be introduced in the Preamble of the Deed, which, if properly drawn up, may be perhaps as binding a Record of their respective Limits, as if the original Deeds of Purchase had not been lost, or they had been actually expressed in the Blank Deed," is a measure I cannot agree to, on account of its tendency to mis-

¹Ojibwas or Chippewas.

lead the Indians, and would be productive of the most dangerous consequences to the King's Interest, as soon as they should discover, that they had not been openly dealt with. Management of that kind should never be attempted with Indians: the present juncture besides, is, of all others, the most inauspicious for such purposes.—It would in my opinion, be preferable to renew the Purchase altogether, than to risk the consequences that would inevitably follow, if your Plan was put in practice. I should conceive, therefore, that to remedy the existing difficulty, and place the “many respectable Persons who have risked nearly their whole property within the limits of this Purchase, in peaceable possession of their Lands,” it is absolutely necessary that a New Deed of the Purchase in question should be executed with the Messissagua Indians.

As it appears that Sir John Johnson made this Purchase from them, I referred such parts of your Letter No. 39 to him, as relates to it, and I enclose for your information an Extract from his Letter in reply, dated the 26th Ult., and if you conceive the Plan therein suggested, for settling this unpleasant business, will obviate all and every of the difficulties you seem apprehensive, it might be advisable to carry it into effect in the manner he proposes, taking especial care, however, that the Indians concerned are fully satisfied with the measure, and that the new Deed is executed with all the requisite formalities, according to the Regulations.

The Enclosures in Sir John Johnson's letter will shew the quantities of Goods that were originally given by the Government to the Mississaguas in payment for this purchase, *and if they were sensible of having received them*, I should think they can have no objection to execute a new Deed, on your giving their Chiefs a moderate Present for their trouble in attending the meeting you may appoint for that purpose.

The purchase of the two small Tracts marked in Green on the Sketch received in your Letter No. 39, might be proposed to them and agreed upon, at the same time, for which, separate Deeds should be requested of the Indians, descriptive of their respective boundaries, without any reference whatever being Introduced therein of the former purchases in 84, 87 & 88. Sir John Johnson will be Instructed to settle the price for said Purchase, according to the usual practice, that measures may be taken to have the Goods sent out from England, as soon as possible.

I have issued a Warrant on the Dpy. Paymaster General, for Two Thousand five hundred Pounds Sterling, as requested in your letter, No. 43, for account of the Civil Expenditure of Upper Canada, and have directed him to let the whole sum remain in his hands, to answer such Bills as you may have occasion to draw on him to that amount.

In consequence of your having transmitted to me in your letter No. 44, the Legal conveyance to His Majesty, of the Buildings you possessed on the Military Reserve in the Neighborhood of Fort George, known by the name of Springfield; I have issued my Warrant on the Deputy Paymaster General, in your favor for nine hundred Pounds Halifax Currency for the Purchase thereof, according to the valuation made by the Gentlemen appointed to inspect the said Premises.

It gives me much pleasure to find from your letter No. 46, the Land business that occasioned so much uneasiness and suspicion in Capt. Brant's mind, has terminated, or is likely soon to be, to his satisfaction.

From the intimation contained in your Letter No. 47, “of an apprehension that unpleasant circumstances were likely to follow some Claims set up by the Caghnawagas to payment for Lands belonging to their Country in the United

States, said by them, to have been sold some time ago by the Mohawk Indians." The former (the Caghawagas) have been advised, that no time may be lost, to explain the nature of their Claims, to Capt. Brant and the Mohawks by letter, that they may hereafter have a meeting upon the subject, and settle it finally in Council according to their ancient Customs, which they have agreed to, and wished should be in the presence of Sir John Johnson—I have accordingly requested the Superintendent General to write Capt. Brant by the first opportunity, and desire that he and as many of the Chiefs of the Mohawks may come down to the Council proposed to be held in the presence of Sir John Johnson, as may be necessary to settle the supposed misunderstanding in an amicable manner. No speech relative to this quarrel has been sent by me to the Duke of Portland.

As I imagine the presents required for the Indians at Matchedash and Lake Simcoe for the present year, are intended to supply the wants of the Indians resorting to York, I have desired Sir John Johnson to consign them to the care of Mr. Cruikshank,¹ the late appointed Storekeeper there; and to give the necessary directions that in future, such Deductions from the Presents intended for Upper Canada, as may be equal in Value to the supply sent to York, shall be made, conformably to the Commands of His Grace the Duke of Portland. I must here observe that the Requisition for Presents to the Indians of Upper Canada for the year 1798, exceed those rather of the former year, particularly for the Post of Amherstburg, consequently the demand for the following year, should be proportionately less, as I know of no good cause to warrant an encrease.

I am &c.,

ROBT. PRESCOTT.

(C 1207, pp. 74-6.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

Sir John Johnson.

QUEBEC, 9th April, 1798.

Sir,

I have had the honor to receive your letters of the 26th and 29th Ult., and have laid them before the Commander in Chief.

His Excellency has been pleased to recommend to the consideration of Mr. President Russell, the Plan you propose for settling the difficulties, and quieting the Alarms of the Government of Upper Canada, for the Mississagua Purchase of 1787, provided the Indians concerned are fully satisfied with the measure, and willing to execute a New Deed, with all the requisite formalities pointed out by the Regulations.

His Excellency requests that you will have the goodness to give the necessary orders, that the Mississaguas may be applied to for the purchase of the two small Tracts of Land, mentioned in the Plan transmitted to you by Mr. President Russell in his letter of the 21st February last, which might be done at the same time they are convened to renew the old Deed of 1787, as you propose: But for which purchase, separate Deeds must be required of those Indians, descriptive of their respective boundaries, without any reference whatever being introduced therein of the former purchases of 84, 87 and 88:—This point His Excellency

¹George Cruikshank (or Cruickshank) born in New York in 1763, a loyalist and brother-in-law to John McGill, eventually became Deputy Assistant Commissary General in Upper Canada, and supervised the construction of the military road from Lake Simcoe to the Nottawasaga River in 1814; he was appointed a member of the Legislative Council, and died in Toronto, 21 July, 1859.

expressly insists upon, to prevent any ill humour among the Indians hereafter, on that score.

(C 1207, p. 73.) I am &c., JAMES GREEN.

CERTIFICATE BY D. W. SMITH

Mr. Alex. McNabb prays his Honor for $\frac{1}{2}$ lot No. 26 first Concession of York, under warrant lodged for 50 Acres

S.G.O. 13 April 1798

Permitted

PETER RUSSELL

Endorsed:—His Honor the President 13th April 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 261.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

Committee. COUNCIL CHAMBER
YORK 14th April 1798.

Present.

The Honorable John Elmsley Chief Justice

The Honorable Æneas Shaw

The Honorable David Wm. Smith.

Read the following Petitions.

Capt. Will Claus & Praying that the late Col. Claus's Lands may be
Mrs. Ann Claus. assigned to Mrs. Ann Claus.

It appearing from the Quebec Book that the late Lieut. Col. Claus drew a field officer's allowance of Land Vizt. 1000 Acres & was authorised to locate it in that part of the Province of Quebec, which is now Upper Canada. Recommended that the subsequent extension of the Royal Bounty to field Officers to the Amount of 5000 Acres including the former 1000, be granted to Mrs. Anne Claus the widow of the deceased Lieut. Col. Claus: This Petition having been filed in the Office prior to the expiration of the time allowed for presenting Military claims.

Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 16th April 1798.

Present

His Honor Peter Russell Esqr. President &c., &c., &c.

The Hon. John Elmsley Chief Justice.

The Hon. Æneas Shaw.

The Hon. John McGill

The Hon. David William Smith, Speaker of the lower house.

His Honor left the Council—The Chief Justice took the Chair, when a letter from the President was read as follows.

YORK 16th April 1798.

Sir,

You will be pleased to signify to the Members of the Hon. Council that it is my wish that they form themselves into a Committee for the purpose of establishing some permanent scheme for Leasing the Clergy and Crown Reserves—And I beg leave to request the Chief Justice will have the goodness to take upon him the trouble of arranging this business as Chairman of the Committee.

The schemes for the two Reserves must be separately Reported on—as that for the Reserve for the support of a Protestant Clergy is to be communicated to the Bishop of Quebec, for his Lordship's information and opinion.

I am &c.

John Small Esqr.

Clerk of the Council

PETER RUSSELL.

His Honor's letter was taken into consideration.

Adjourned.

(See twentieth report of the Department of Public Records and Archives of Ontario, p. 150.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER

Committee.

YORK 18th April 1798.

Present.

The Honorable John Elmsley Chief Justice

The Honorable John McGill.

The Honorable David Wm. Smith.

N. 4 No. 14. Read the following Petitions.

North West Company's Petition was taken into consideration and

Resolved,

That the Board cannot at present come to any definite determination on the Subject of this Petition; but content itself with assuring the Petitioners that it will give the Company every encouragement and assistance that is not incompatible with the General rights of His Majesty's Subjects.—

Resolved,

That in the mean time it be Recommended to His Honor the President to direct a purchase to be made of the Lands mentioned.

Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 21st April 1798.

Present

His Honor Peter Russell Esqr. President &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. David William Smith Speaker of the lower house.

The Chief Justice presented to the President the following Report on the Subject of the Crown and Clergy Reserves—

Sir/

I have the honor to Report to you the result of the deliberations of His Majesty's Executive Council on the subject of Leasing the Crown and Clergy Reserves.

The Board received with unfeigned satisfaction the intimation of the Royal Pleasure that the management of the Fund for the support of the Clergy shall at all times be entirely vested in the Executive Government, and conceives that the same system may, generally speaking, be applied to it, which shall be adopted with respect to the Reserves for the Crown—

Viewing the two Funds therefore as forming but one Subject, the Board conceives that however small the annual value of those appropriations may be at present or is likely to be for some years to come, they are to be considered, not only as the sources from which many of the purposes for which Revenue is wanted will hereafter be supplied, but as affording in the mean time, in the mere conduct and management of them, the means of erecting and maintaining that influence which experience has shewn to be essential to the strength and efficacy of the best constituted Governments.

To attain this purpose, it appeared to the Board that with respect to the rent to be reserved, it should be such as to make the Lease a beneficial one: that is that the Lessee should have a better bargain from the King than he could obtain from any private Lessor, and be bound by his interest as well as his gratitude to the support of a system from which he would derive advantages greater than he could expect from any other—

With respect to the duration of the Lease, it seemed equally necessary that it should be for a term long enough to encourage improvement, but not so long as to make the Tenant forget the hand to whose bounty he owes it.

In proceeding to apply these principles to the subject before us, the Board found itself anticipated by the unwearied zeal of the Acting Surveyor General, Mr. Smith, who in a paper now filed in this Office has offered a plan for Leasing the Crown and Clergy Reserves, which with a few slight alterations in the detail of the execution the Board has adopted—But tho' we have ventured to make those alterations, I am confident that the Board in whose name I have the honor to address you, would disavow me, if I did not request your serious attention to that plan in its original state, nor would it be doing justice to its author to omit to observe that in that state it bears a nearer resemblance to the system adopted by the Mother Country than in the modified form in which we offer it to you—

The Board therefore proposes to your Honor—First—That the Crown and Clergy Reserves (such parts of the latter as are now or may hereafter be set apart for Glebes excepted) be Leased for a Term of twenty one years renewable as hereafter mentioned, at an annual Rent of 5/ Provincial Currency for each Farm Lot of 200 Acres or Town Lot of one Acre for the first seven years: 15/ for the second seven years and £1.5 for the third seven years—

Secondly, That the Lease contain a clause enabling the Lessee to surrender his Lease (should he be so disposed) at the end of each of those periods, and to take a new Lease for 21 years from such time of surrender so as there be Reserved in such new Lease a progressive addition of 10/ to the rent for each period of seven years thereby added to the time unexpired under the old one—

Thirdly—That the application for a Lease, or the renewal of a Lease be made to the Governor, or Person administering the Government, in Council,

in the same manner as application is now made for a grant of the waste Lands of the Crown.

Fourthly—That the Glebes be Leased from year to year only, until the Parish or Township to which they are attached shall be provided with a minister of the established Church, and that they be from thenceforth Leased at a nominal rent to the Incumbent.

By this plan, your Honor will observe that the Lessee has an interest which tho' nominally for 21 years may at his discretion be extended to 42 years: an Interest which the Board conceives to be of sufficient duration to encourage any improvement likely to be made in a Country like this, on lands in which the Tenant has an Estate less than a Fee simple, without exposing the Crown or the Clergy to the detriment which too long a Term would occasion: leaving it to those who may have the honor to serve His Majesty, or His Successors, when the Lease approaches its expiration, to renew it on such terms and conditions as the circumstances of that time shall point out to them—

You will further observe that the Board does not propose to set any fine on the renewal of the Lease. The practice of reserving a small rent and taking a large fine originated at a time when the management of a fund for the support of the order was left almost entirely to the individuals who composed it, and who took advantage of their transitory power to enrich themselves at the expence of their successors, by granting long Leases, and anticipating the future rent in the present fine—Many reasons might be urged to shew that as the thing owes its existence to abuse, it retains the features of its Parent, and is equally pernicious to both Landlord and Tenant, but it is sufficient to refer to the various Acts of the Legislature of the Mother Country, respecting the Funds of corporate bodies, and to the daily increasing practice of converting such Leases into Leases at Rack-rent, to justify an opinion, that however difficult it may be to extirpate them from an old system, we should be cautious of introducing them into a new one—Should it however be judged expedient to adopt them hereafter, the form of the Lease we have recommended will easily admit of them.

It only remains to observe that with respect to the rent which we proposed for the several periods of the Lease whether considered as a Lease for 21 years or 42 years it may perhaps be thought that 5/ per annum is a very small consideration for the Lease of a Lot of 200 Acres for seven years: but it must be remembered that the object is to produce a Revenue: and it appears to the Board that a Revenue would be sooner produced by adopting a series, the first term of which is next to nothing, provided its progression be sufficiently rapid, than by one whose first term might perhaps be too near the real value to offer any temptation, tho' in the end it might be equally and perhaps more productive—By the time that the proposed Lease of 42 years expires, lands in this Province will in all probability be so valuable that a rent of £2.15 for a Farm of 200 Acres will be considered as trifling: But it must be our excuse to our Successors of that period that we had to encounter the difficulty of introducing a system altogether new in America, at a time when the value of uncultivated land cannot be set higher on an average than 1/3 Currency, or 1 1/2 Sterling per Acre, and when one year's neat produce would generally speaking be a high price for the Fee simple—It is also to be considered that however important it may be to us, for our own sakes as well as that of the Mother Country that we should as soon as possible have a Revenue of our own, it is of much greater importance that the Established Constitution in Church and State should be so interwoven with the whole social system in Upper Canada, as to engage men's interests as well as

their feelings in its support, and make it in popular and daily estimation no less essential to the security of property than to the preservation of Religion and the maintenance of Civil order—How far the scheme we have the honor to offer to your consideration is calculated to answer that purpose is for you to determine.

I have the honor to be &c.

J. ELMSLEY. C.J.

Confirmed and approved in Council

Peter Russell, President.

Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 25th April 1798.

Present

His Honor Peter Russell Esqr. President

The Hon. John Elmsley Chief Justice.

The Hon. David William Smith, Speaker of the Lower house.

Resolved that the following proposals be made to Messrs. Waters and Simons as Joint Printers but if Mr. Waters shall decline to act in partnership with Mr. Simons, that they be made to Mr. Simons as sole Printer—Vizt.

1st. That the King's Printer do print in the Town of York at his own expence a weekly paper to be called the Upper Canada Gazette or American Oracle, of which he shall present one Copy to the Lieut. Governor or Person administering the Government, and deliver another to his Secretary, and a third to the Clerk of the Council.

2d. That he print in the first page of this paper all proclamations, and also whatever issues from the Lieut. Governor's Office—

3d. That for this duty he receive a salary of ninety pounds Halifax per annum, and an allowance of forty pounds per annum for house rent.

4th. That he be paid by the respective Officers of Government for such matters as issue from their respective offices at the Quebec price.

As an additional encouragement the Chief Justice will employ him, as long as he conducts himself with propriety to print the Acts of Parliament, and Journals of the Upper House.

The influence of Government will also be exerted to procure for him the printing of the Journals of the Lower House—He will also be allowed to make such use as he shall be able of the mutilated set of Types now belonging to Government, but when he wants others he must purchase them at his own expence.

Adjourned.

FROM PETER RUSSELL TO JOHN MUNRO (Draft)

YORK 28th April 1798

Sir

Having reason to think that the legislature of Lower Canada has appointed Commissioners to meet others from this Province for the purpose of making a provisional agreement to regulate this Provinces Proportion of the Duties laid on Imports—I have ordered a Commission to be prepared & have named you

as before to be a joint Commissioner with Mr. Cartwright & Mr. Timothy Thompson.

The Commission will be sent to Mr. Cartwright from whom or myself you will receive early notice of the Time & place of Meeting. You will likewise receive a circular letter to inform you that it has been determined in Council to summon the Parliament to meet at this place for the dispatch of Business on the 28th day of May next.

Honble. Jno. Munro.
&c. &c.

I have the Honor to be Sir
Your most obedient
Humble Sert.

(Department of Public Records and Archives, Toronto.)

FROM PETER RUSSELL TO TIMOTHY THOMPSON¹
(Draft)

YORK 28th April 1798

Sir,

The Attorney General having informed me that it would not be displeasing to you to have a Seat on the Bench in the Midland District Court I have given directions for a Commission to be prepared appointing you a Judge in that Court with Mr. Fisher—of which you will be informed as soon as it has passed the Seals.

Having reason to think the Legislature of Lower Canada has appointed Commissioners to meet others from this Province for the purpose of forming a Provisional agreement to regulate our Proportion of the Duties laid on Importations into Lower Canada—I have taken the liberty to name you in the Commission in conjunction with Mr. Cartwright & Mr. Munro²—as a Gentleman on whose Judgment & Integrity I can depend—& whose Zeal for the good of the Province will not permit him to decline a Trust of so much Importance to its welfare—

The Commission will be sent to Mr. Cartwright—from whom or myself you will receive early Notice of the place & time of Meeting.

I have the Honor to be
Sir

Your most obedt.

Timothy Thompson Esqr.

Hum. Sert.

(Department of Public Records and Archives, Toronto.)

FROM PETER RUSSELL TO RICHARD CARTWRIGHT
(Draft)

YORK 28th April 1798

Dear Sir

Not having heard from you since my letter of November last—and Scarcely any opportunities having since offered to me except that by the Winter Express,

¹Timothy Thompson had served as an ensign in the King's Royal Regiment of New York. He was licensed to practice law in Upper Canada, 20 July, 1794. In the War of 1812 he commanded the 1st Regiment of Lennox militia. He represented the counties of Lennox, Addington, and Northumberland in the Legislative Assembly from 1796 until 1800, and Lennox and Addington from 1800 until 1804, and again from 1812 until 1816.

²Hon. John Munro, see Simcoe Papers, I, 104.

which the great Quantity of other Business then on my Hands put it out of my Power to avail myself of—I have now the pleasure to inform you that Mr. Jarvis having paid into my Hands some Money for account of Licenses on Stills & Taverns—enable me to pay you the Allowances, for your attending the Commission to Lower Canada in 1796 & 1797—whenever you may be pleased to appoint an Attorney to receive them & sign the Warrant & Receipts—

I have not yet heard from General Prescott whether the Legislature of Lower Canada has appointed Commissioners for the purpose of making a provisional agreement with this Province for regulating the Proportion of Duties which we are to receive—But judging it right to be prepared for meeting them when I have Notice of their appointment—I have directed a Commission to be made out appointing you, Mr. Munro & Mr. Timothy Thompson for that Service—It had been my wish to have joined Mr. Hamilton & Mr. Street with you in this Commission. But Mr. Hamilton assured me that it would be utterly impossible for him to attend—& I have not been yet favored with an answer from Mr. Street—who I understand is still in the States—

At the Chief Justices earnest Desire it was determined the other day in Council that the two Houses of Parliament should be summoned to meet me here for the Dispatch of Business on the 28th of May next—& Circular letters have been written in Consequence to each of the respective Members. This will afford time for finishing all public Business before the Harvest may call the Gentlemens attention to their agricultural Concerns—& enable the Judges to finish their Circuits before the approach of the Equinox—

I hope Mrs. Cartwright & yourself enjoy your Health I beg my best respects to her, & I have the Honor to be with Regard, Sir,

Your most faithful

Honble

& obedient Servant

Richard Cartwright Esq.

P.S.

The Commission will be sent to you—and I shall take care to give you the earliest possible Notice of the time when the Commissioners from the lower Province may be ready to meet you—

(Department of Public Records and Archives, Toronto.)

CERTIFICATE BY D. W. SMITH

David Burns Esq.¹ prays your Honor for permission to locate the Lot on the east side of Toronto Street, in the Town of York, nearest to the Bay, & at the South West angle of the Court of House Square—having relinquished the Lot No. 10 in front of Palace Street—
York 2nd May 1798

DAVID BURNS

His Honor the President

Permitted

Peter Russell

Endorsed:—His Honor the President 2nd May 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 263.)

¹Late surgeon of the Queen's Rangers and clerk of the Court of Common Pleas.

FROM ALEXANDER McDONELL TO SIMON McTAVISH

COUNCIL OFFICE,
YORK, 3rd May, 1798.

Sir:—

I received Mr. McGillivray's letter of the 24th March together with your Petition on the 9th ult., and on the following day presented the latter to His Honor the President, who, (after taking the sense of the Council on the subject) authorizes me to assure you that he has every inclination to meet the wishes and forward the views of the North West Company in the most ample manner.

His Honor regrets much that the Map alluded to in Mr. McGillivray's letter has not as yet been forwarded as it would more distinctly point out the situation and extent of the land prayed for and shew how far it may interfere with the interest of others of His Majesty's subjects who may be inclined to trade to the North West.

Nevertheless His Honor is of opinion that Mr. McGillivray, (as Agent on the part of the Crown), may make a provisional agreement for the purchase of the tract in question from the Indians to whom it belongs and he will recommend it to His Majesty's Ministers that it may be made over to you by Patent under the great seal of this Province on the following conditions.

You shall be at the expence of the Purchase and pay the fees of office on receiving the deed.

Indeed you can purchase the land as cheap (if not cheaper) from the Indians as you could get it, by obtaining a Grant of the waste lands of the Crown under the present system of granting lands in this Province.

You will send to this office the names of the gentlemen who are to be included in the Patent as Trustees for the North West Company which will be expedited as soon as the sense of His Majesty's Ministers is known on the subject which His Honor will take the earliest opportunity of recommending to their notice and consideration,

I remain, Sir, &c.,
Alex. McDonell
Con. Clerk &c., &c.

Simon McTavish, Esquire.

(State Papers, Upper Canada, 1798.)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA KINGSTON 8th May 1798

Sir,

I had the honor on the 2d Instant to receive your Letters of the 20th March and 10th Ult. acquainting me with His Excellency's commands in regard to the purchase of Flour and Corn to which I shall to the best of my abilities pay punctual obedience.

I have the honor to state to you for the information of His Excellency the Commander in Chief, that previous to the receipt of your Letters, I had entered into engagements for the immediate delivery of Three thousand Bushels of Indian Corn. One thousand Bushels at six shillings & threepence, and Two thousand Bushels at six shillings & ten pence half penny Canada Currency, and I am in daily expectation of being informed that the whole quantity ordered to be purchased has been delivered into the Kings Magazines at Amherstburg.

Since my letter of the 21st March last, I have purchased Fifty Barrels of Flour at Twenty two shillings P. Cwt. to be delivered at Fort George; and as I purpose taking Niagara in my way to York, I hope to have it in my power to transmit information of my having entered into more extensive engagements.

Finding it to be the general opinion when I arrived at this place, that Flour could not be obtained under 22/6 p. Cwt. including Cask, I did not consequently enter into any immediate engagements, nor did I purchase any until after I had received your Letter of the 16th April, when I made Public the expected arrival of a quantity of Flour from La Chine, and in a day or two afterwards declared that I would not give more than Twenty shillings P. Cwt. cask included. Two hundred Ninety and six thousand & Eight hundred Pounds of Flour have been purchased on those terms, with six hundred & thirty seven Bushels of Pease at five shillings a Bushel in Barrels, the whole to be delivered into His Majesty's Magazines at Kingston on or before the first of July. I am still in expectation of obtaining an additional quantity of Flour but have little or none as to Pease. The Farmers, as they informed me in the Bay of Quinte, having fed them to their Hogs in lieu of other grain during the early part of the winter on supposition of their not finding a market for them in the Spring.

I have the honor to be &c.

JOHN MCGILL

Agent for Purchas.

Captain James Green
Military Secretary,
Head Quarters, Quebec.

(C 106, pp. 22-3.)

FROM JOSEPH BRANT TO PETER RUSSELL

"Extract of a Letter from Capt. Joseph Brant to Mr. President Russell dated Grand River May 8th 1798—

"When I was in England in 1786 the Bishop of Canterbury was so kind as to require me in the presence of His Majesty to mention any assistance we wanted in religious matters; and that he would readily comply as far as lay in his power, but I then thought the country too new, and our settlement not sufficiently established for to have a Clergyman. At present we being settled in our situation and in Peace, we have considered our want of spiritual assistance and made application to the Bishop of Quebec through Sir John Johnson for the ordination of Mr. Davenport Phelps, after he should have gone through due examination; a person whom we would wish to have, and it is also the wish of several respectable inhabitants in the neighbourhood and he has sufficient Testimonials of his Moral Character and Loyalty—

"The inclosed Letter of the Bishop which I send for your Honor's perusal rather surprises us, as he mentions the difficulty to lay in some irregularity of our application, but never attempts to direct us in what manner we should apply to obtain our wish—I thought he might have referred Mr. Phelps to be examined by the Revd. Messrs. Addison & Stuart at Kingston—Having no satisfaction from this letter, we hope your Honor will be so good as to take it into consideration, and give us what assistance you have in your power. Should

it please your Honor, I should be happy to have an answer on this business as soon as possible."

P. R.

Endorsed:—No. 3. Extract of a Letter from Capt. Brant to Mr. President Russell May 8, 1798. In Mr. Presdt. Russell's No. 35 of 4th July 1798—
(Q 284, p. 187.)

FROM ROBERT HAMILTON TO PETER RUSSELL

Dear Sir

I have the honor to hand you a most important Paper respecting the American Negotiations a scetch of which was just published at Geneva & sent me by a friend there & which I had hoped to transmitt but no oportunity occurred.

Mr. Pickering in a Letter to Major Ravardi¹ has said that the Congress looks on the Publication of this paper as a declaration of War—

I am most Respectfully

Sir

your Most Obed. &
very hum Sert.

Honble Peter Russell President

R. HAMILTON.

&c. &c. &c.

Endorsed:—8th May 1798 Honble R. Hamilton.

*Addressed:—Honorable Peter Russell
President of Upper Canada
York*

(Department of Public Records and Archives, Toronto.)

FROM JOHN MCGILL TO JAMES GREEN

KINGSTON, 12th May, 1798.

Sir,

I have the honor to state to you for the information of His Excellency The Commander in Chief, that I have entered into engagements for Seventeen thousand Nine hundred and twenty Pounds of Flour at Twenty shillings Currency P. hundred weight, cask included, to be delivered into His Majesty's Magazines at this Post by the first of July, in addition to the quantity which I had the honor to Report to you in my Letter of the 8th Instant, and from the information which I have received, I am inclined to believe, that a further supply of this Article will be obtained in these settlements. But little or none as to the article of Pease, previous to the present Crop being gathered.

I am upon the eve of embarking for Fort George with the view of carrying His Excellency's Commands into proper effect in that quarter.

I have the honor to be &c.

JOHN MCGILL

Major Green

Agt. for Purchas.

Military Secretary

Head Quarters, Quebec.

(C 106, p. 24.)

¹Major Rivardi was then commandant of Fort Niagara.

FROM ROBERT PRESCOTT TO ROBERT LISTON

QUEBEC, 14th May, 1798.

Sir,

I have been honored with your letters No. 20, 21, and 22; and I have communicated to the Merchants of Montreal the Representations you have so obligingly and effectually made to the American Ministry, to prevent any future Interruption of their Trade with the Indians from the Post of Detroit.

I flatter myself that enough has already been said to remove every uneasiness on the part of the American Government respecting our having taken possession of the Island of Bois-blanc, which certainly under the Circumstances I formerly mentioned, cannot in any way be considered as a measure hostile to the United States.

The Communications made in your Dispatches Nos. 21 and 22, are of great importance, and will receive from me every attention which they deserve: the projects of the French therein pointed out, are so much of a Piece with others which they have in part executed, that I cannot doubt but they have actually been conceived, and that an attempt would be made accordingly did not the Navy of Great Britain oppose so powerful an obstacle to their being carried into effect. I shall not fail to use every means in my Power to discover the Friends and Correspondents of the Person you mention to be engaged in the scheme of overthrowing His Majesty's Government in the Country.

I perfectly approve of your proposal to employ some Frenchman whose conduct and Principles may be fully relied on, to obtain the desired information. I have therefore to request that you will make such an agreement as you shall think reasonable with any person you may deem qualified for the undertaking, and the Money shall be regularly remitted to him from hence, upon my receiving your Certificate of his Services. As it will most probably be necessary that he should come from time to time into this Province; he may, if you think proper, be provided with a pass (under the term *Bearer* only) from you, to which the Commanding Officer at St. Johns will be directed to pay due attention.

In answer to what you have had the goodness to suggest respecting the means of informing the Canadians of certain transactions in France, I am truly sorry to observe, that the General and utter want of the first Principles of education amongst them, would render useless any attempt of the kind; some small Publications have heretofore been distributed, but I have reason to believe they were nowhere read or attended to.

I persuade myself that the general change in political opinions concerning France, which has taken place throughout the United States, will greatly contribute to the Security and Tranquility of these Provinces, and I am confident that no Representations will be wanting on your part to the American Government for the purpose of shewing them how intimately their safety is connected with ours, for nothing can be more obvious and certain that their Independence would be at an end, were this Country to fall into the hands of the French.

I am &c.

Robt. Liston, Esqr.

His Britannic Majesty's

Minister Plenipotentiary &c., &c.

ROBERT PRESCOTT,
R.P.

Endorsed:—D. In General Prescott's No. 74. To the Duke of Portland. Copy sent to Lord Grenville, the 1st Decr. 1798.

(Q 80-1, p. 180.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

(Secret)

Sir John Johnson.

QUEBEC, 14th May 1798.

Sir,

Confidential information has been received by the Commander in Chief, that some Persons in the States, in correspondence with others at Montreal, or its vicinity, are meditating mischievous Projects against this Province:—the Plan of which being conducted by a man of Abilities, renders precautions on our side the more necessary: One point of the Intelligence goes so far as to state that Arms and Ammunition for completion of their views, are to be introduced in small quantities at a time, in a clandestine manner.—And the Woods between the Chazy and Chateaugay Rivers on one side, and those above the Province Line, where the Townships of Hereford and Clifton are laid out, downwards on the back of Caldwell's Manor, St. Therese and Chamblé, from their contiguous situation and lonely uninhabited State, are the most likely places for concealing such Articles of Stores, till a proper opportunity offers for bringing them in; His Excellency requests that you will send half a dozen or more faithful Indians whom you can depend upon, to scour those Woods, and report instantly, if they discover any Articles of the above mentioned kind—The Township of Hereford, and the Woods along Lake Champlain upwards opposite to Point au Fer, are more particularly suspected at this moment, and should be most diligently watched.

To keep the matter *totally secret* at present it would be advisable to instruct the Indians in *General terms*, to appear as if looking out for contraband Goods expected to be smuggled in, thro' those places—and should give out if met by anybody, that they were pursuing their customary hunts.

As soon as one Party returns, another should be sent out, and if they could without risk of being suspected, enter the American Territory in the vicinity of the Lines, they might by chance, discover thro' which Channel these transactions were carrying on.

But, Sir, to succeed it is absolutely necessary that Secrecy should be observed—too great caution cannot be observed in employing trusty Indians, and in giving them such Instructions, that their real Errand is not seen through:—His Excellency confides the execution of these points totally to your prudent management; and desires such communication from time to time, as the case may require.

The General requests that you will please to furnish these Indians with whatever Provisions or other Articles that may be wanted for their excursion, from time to time, and he will reward them besides in such a manner, as you may point out as sufficient for the service rendered by them on this occasion.

I am &c.,

JAMES GREEN, M.S.

(C 1207, pp. 92-3.)

FROM JAMES GREEN TO LIEUT. COL. DE BERNIERE

(Secret and confidential)

Lieut. Col. De Bernière.

QUEBEC 14th May, 1798.

Sir,

I am directed by the Commander in Chief to call your pointed attention and vigilance to those Persons who obtain admission into the Province by way

of St. John's; and you will also please to transmit any Intelligence you may come at, respecting Transactions that have a doubtful appearance in the vicinity of the Lake, or on either side of the River—the South River should occasionally be visited up to Mississkoi Bay, but in such a manner as not to create suspicion:—Information has been received of Projects in contemplation against this Province, which renders every exertion for the purpose of defeating them on our part absolutely necessary. Some Indians will be sent by Sir John Johnson to scour the Woods on both sides the River, as if they were on hunting parties, in case any Arms or Ammunition should be intruded thro' these lonely places.

I am also to inform you that a confidential Frenchman is expected in, who will produce the passport of Mr. Liston the British Envoy at Philadelphia: this Person you will admit (even though his Pass should not specify his name) without asking any Questions or search his Trunk, reporting only his having entered the Province.

The General proposes to see you at St. Johns in the course of a month or six weeks, and desires that the purport of this Letter may be kept perfectly secret.

I am &c.,

JAMES GREEN, M.S.

(C 1207, p. 93.)

FROM JOSEPH BRANT TO WILLIAM CLAUS

GRAND RIVER May 14, 1798.

Dr, Friend

I now write to inform you that since the arrival of Young Brant, we have been considering on the nature of the information he brought in, and are come to a resolution to bring the matter to as speedy determination as possible, looking upon delay as dangerous, not with respect to the Caughnawagas themselves, but on account of the poison they are endeavouring to insinuate into the minds of the western Indians, we think it highly necessary to bring them to a meeting that we may prove their accusations to be false, and by that means weaken the effect of any message they may send among other Indians, we also intending to send a message to the Westward ourselves the more effectually to frustrate the designs of these people.

Our friends the English may very probably look upon themselves as unconcerned in this affair, and that it is intirely a dispute among Indians alone; but I am apprehensive that they may be mistaken; and that they are in more real danger than we are; as it all seems to proceed from French insinuation; and the accusation to be nothing more than a pretence to get things in readiness against the arrival of these people, and to have a party to favor their design, in case they should be able to come over.

There will be a message sent from Buffalo Creek soon, to invite our accusers without delay to attend at our Council fire at the above mentioned place, and in case these should decline the invitation to press such as have always shewed themselves our friends to come and hear us prove their accusations to be false, the matter having become too public for us to think of dropping it without an open acknowledgement upon their part. At the same time I hope you will be so good as to procure a passage for our messengers and the other necessities they may want, as also to use your endeavours to get the same assistance for such of the Canada Indians as should be inclined to come to our Council fire.

As I have already wrote to Sir John I think it very necessary for Government to urge these people that are against us to attend as there is no other way to bring the matter to a conclusion than by confuting them in a public manner.

We are just now about sending a Message to Buffaloe Creek to determine on the men who are to go down, which are to be Onondagas.

Capt. Wm. Claus.

I am &c.,

JOSEPH BRANT.
(Indian Affairs, Upper Canada, 1798.)

FROM PETER RUSSELL TO JOSEPH BRANT

YORK May 14, 1798.

Sir,

I have this moment received your Letter of the 8 instant; and I shall with very great pleasure represent to His Majesty's Ministers the propriety of a Stipendiary Clergyman of the Church of England being appointed to reside among the five Nations at the Grand river, as a measure necessary for the promotion of virtue and order among the Indians and preserving their attachment to the King and Nation of Great Britain—But that this Clergyman should be agreeable to the Indians themselves as well as of tried Loyalty to His Majesty is a circumstance too obvious to need enforcing. How a person qualified for ordination, with the possession of these qualities may be found must be left to the Bishop of Quebec—to whom I shall transmit your letter and request; but it appears to me from the Bishops letter that His Lordship will not be inclined to grant Letters of Ordination to any person whom he has not an opportunity of seeing and examining himself—And the certainty of an establishment is absolutely requisite before ordination, my Ignorance of Mr. Phelps political or religious principles puts it out of my power to pass any opinion on the propriety of your choice, but it is of the utmost moment to the welfare of this Province that no person should be admitted to this situation, of whose attachment to the British Constitution there can be the smallest doubt—

I am &c.,

Capt. Joseph Brant

PETER RUSSELL

Endorsed:—No. 4. Copy. Letter from Mr. President Russell to Capt. Brant 14 May 1798. In Mr. Presdt. Russell's No. 35 of 4th July 1798.
(Q, 284, p. 189.)

FROM JOHN ELMSLEY TO D. W. SMITH

May 14th 98.

Dear Smith

I forgot to tell you in my last that I had sent you no Seeds, because I found on my arrival here, that your Mother had taken enough for herself & you & had engaged to forward them to you. I now understand that a parcel of them which I had made up for you has actually been sent to you by your Mother. Take particular care of the Caliloo,¹ as it is a most excellent vegetable. We rejoice to hear that Mrs. S. is so much better. Your Mother & Son are quite well. Yours most sincerely J. E.

¹A Jamaican plant resembling spinach.

I have sent the Crown & Clergy Reserve Report to Major Shaw. Do not let it go to the President till I come over, which will be by the first Vessel.

Three American officers from Detroit say that their troops are all ordered Westward.

Endorsed:—Chief Justice 14 May 1798.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 25.)

CERTIFICATE BY D. W. SMITH

Mr. John Reilly who was formerly permitted to occupy Lot No. 64 on the East side of Yonge Street, and had built a House and made other Improvements thereon, yet finding the land bad and more distant from the Town of York than he could wish, respectfully prays your Honor's permission to relinquish that Lot, and to locate No. 41 on the West side of the same Street which appears vacant.

York 17 May 1798

JOHN REILLY
Permitted
PETER RUSSELL

*Endorsed:—His Honor the President
17 May 1798*

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 265.)

FROM JOHN ELMSLEY TO D. W. SMITH

NIAGARA May 18.98

Dear Smith

I have just received a Letter from Raddish¹ dated Feb. 8 of which I send you an Extract: "It is a matter of small consequence in the opinion of those at home, whether the seat of Government be at York or elsewhere—& the only object is to fix it for the benefit and convenience of the Settlement. York is the permanent Seat of Government. The wild scheme of settling in the Woods, will never be listened to at home. Your Idea respecting White Settlers on the Grand River is exactly the idea of Mr. King. He condemns Brant's Conduct, but sees the policy of a white settlement. You are at liberty to say so to Mr. Russell. . . . I hear nothing of Genl. Simcoe's return. He has a Command in the West of England. . ."

Raddish does not say anything of his return, but requests that I will transmit his Letters to him & is very anxious to have his Deed. From these as well as from other circumstances, I plainly perceive that he has no intention of returning to this country. In this case, I feel myself called upon to do what I assured the Council I would do when I moved for the grant of the Lands set apart in the Township of York: as soon as I come over I will certainly move the Board

¹Rector of York.

that those Lands be still considered as reserved for the actual permanent & bona fide Rector of York.

There is no news here but that the three Majors Shank Smith & Shaw are made Lieut. Cols. by brevet—The Speculators on the Grand River are alarmed at a Report that Broome is in Gaol at New York—With best regards to Mrs. S. & family believe me. Ever yrs.

J. ELMSLEY.

Yr. Mother & Son are both well

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 26.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

(Secret)

Sir John Johnson.

QUEBEC 21st May 1798.

Sir,

The Commander in Chief desires his fullest approbation may be conveyed to you, of the manner in which you have instructed the six Indians, sent to explore the Woods, in the vicinity of the Lines; and he trusts they will not neglect in any manner the important Errand they are employed upon:—Should these return, others must be immediately sent to replace them as the period is not at all ascertained when the importation of the Arms, &c., may take place.

His Excellency requests also that you would have the goodness of sending two more Indians for the purpose of watching the places on both sides of the River between Chamble' and St. Thèrese, which you mention in your letter of the 17th Instant, and furnish them with Instructions similar to those the other Indians have received.

I am, &c.,

JAMES GREEN, M.S.

(C 1207, p. 97.)

FROM JOSEPH BRANT TO D. W. SMITH

ANCASTER May 21, 1798

Dear Sir,

I now take the liberty to acquaint you that the spot of land on the upper part of the Grand River, which you may recollect was reserved for Mr. Cozens, he having disappointed me in not coming forward as agreed with the payment, which was to have been in May 1797; I having waited for him till now that I find it improper to wait any longer; wish you would please to have the deed for that tract made out in the name of James Wilson.

I expected to have received the payment of the interest from the whole of the purchasers the first of this month; but some of them not being able to come forward, I have still given them until the 20th of June, after that I will wait no longer. I hope you will be so good as to have his deed made out before that time.

Please to let the President know, should he be surprised at not having an answer, that his letter missed me while I was gone to the Beach, where I expected to see Capt. Claus; but I am now on my return home and expect to find

it there—You will also be so good as to acquaint the President that we have received a message from the Caghnawagas with strings of wampum, requesting us to go down there, and settle the affair in dispute; but we certainly will not agree to that as they are the accusers, they must come forward and prove their accusation at our own Council fire, where everyone can be present, and the Americans can be called from whom they say they had their information, this apparently is the only probable means of bringing this affair to a conclusion.

Sir

I have the honor to be
Your very hble. Servt

The Honble D. W. Smith Esqr.

JOS. BRANT.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 7, pp. 245-6.)

FROM JOHN ELMSLEY TO D. W. SMITH

May 22d. 1798

Dear Smith

Tho' your letter of the 4th instant gives me my time to consider of the proposal it contains, yet I should think I had forfeited all claim to your friendship if I had taken one half of the interval which has elapsed since you wrote it, to deliberate on the subject. The truth is that your Letter never came to hand till this moment, & I now write only to assure you that you are perfectly at liberty to make such arrangements as suit your own convenience, & will gladly take any of the equivalents you offer for No. 22: if they are the same to you, I shall of course prefer the offer you make of 12, 13 & 14 in Pickering, as they will suit the rest of my Lands there very well.

The circumstance of my having asked 400 for No. 22, & having contracted with you for your lot (late Commissary McGill's) for £22 is perhaps your reason for not offering that also in Exchange; if this is the Case, I have only to say that I shall like that Lot full as well as anything else, & perhaps it may be more convenient for you to keep your Pickering Lands all together. All I ask is that you will please yourself, for to me the only desirable thing is to have an opportunity of accommodating you who accomodate everybody.

I shall probably be the bearer of this myself: but in case I should not I inform you that yr. Mother and Son are both very well.

Believe me to be Dr. Smith

Most truly yours
J. E.

What does the Attorney ask for his Lot next to yours?

Mr. Hallowell does not avail himself of his privilege as U.E. & has paid Jarvis for his Deed.

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, p. 27.)

FROM PETER RUSSELL TO JOHN MCGILL

YORK, May 22nd, 1798.

Sir,

Your report of the progress of your late negotiations in the purchase of the provisions last ordered by His Excellency the Commander in Chief, has given me great pleasure; and I am happy to find by it that the success of your measures evinces the use of your appointment and General Simcoe's wisdom in having recommended it.

I am Sir, with regards your most
obedient humble servant
PETER RUSSELL.

Hon. John McGill

Agent for purchases, &c.

(Wolford Simcoe Papers, Vol. 8, p. 431.)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA

YORK 23d May 1798.

Sir,

I have the honor to State to you for the information of His Excellency the Commander in Chief, that I have at this time entered into engagements for the delivery of Sixty four thousand Nine hundred and sixty Pounds of Flour at Twenty two shillings and Twenty two shillings & six pence Currency P. Cwt. (cask included) into His Majesty's Magazines at Fort George by the first of July; and I am in expectation of obtaining an additional supply of this article when the Farmers can have their Wheat Manufactured, which has been latterly somewhat difficult to get done, owing to the dryness of the season. However exclusive of this inconvenience, there are some of the Farmers who have considerable Quantities of Flour by them & who can afford to keep it on hand, that appear backward in bringing it forward to market, from an Idea which they entertain, that the appearant prospect of a war, between the United States and France, will induce many People to remove from the States into this Province, which they conceive will cause an Extra demand for Flour, and consequently, that a rise in the price of this Article must take place.

I have advice that Four hundred Bushels of Indian Corn at six shillings & ten pence half penny Canada Currency P. Bushel would be delivered immediately into His Majesty's Magazines at Amherstburg; and I have some prospect of Obtaining a considerable supply of Flour from Detroit and its vicinity—as soon as the Quantity and price is clearly ascertained—I will have the honor to Report the same to you for His Excellency's information.

I have the honor to be &c.

JOHN MCGILL

Agent for Purchases

Major Green

Military Secretary
Head Quarters
Quebec

(C 106, p. 33.)

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 23rd May 1798.

Present

His Honor Peter Russell Esqr President, &c., &c., &c.

The Hon. Æneas Shaw

The Hon. John McGill

The Hon. David William Smith Speaker of the lower house.

At the motion of the Surveyor General

Ordered, that an Instruction be sent to the Acting Surveyor General, to explain it to be the intention of the Board that the same expence of Survey is to be taken on all *Farm* Lots from 100 Acres upwards, and not exceeding 200 Acres, namely £1.7.6. to prevent cavil from persons whose lands measure trifling quantities less than 200 Acres.

It appearing on inspection of the U.E. Lists which have been passed and certified by the respective Benches of Justices in the Districts of this Province that many persons have imposed on the Magistrates who having no claim to the privileges of U.E. Loyalists ought to be expunged from the Lists; both to avoid offence to the real U.E. by admitting persons not entitled to the same distinction with themselves, and to prevent as much as possible any improper expence to Government, it is Ordered that the U.E. Lists transmitted to this Office by the Clerk of the Crown be subject to the daily inspection of this Board—and all such names as by information or personal knowledge of the Members of the Council may be found from time to time—not to be entitled to U.E. privileges they are to be expunged from the Lists, by an Order of the Council under the signature of the Chairman at the time—And Ordered in consequence that the Clerk of the Council take the earliest opportunity after each day's inspection to transmit to the Secretary of the Province the names which have been expunged by the Board's order on that day.

At an inspection held this day the following names appearing on the List of the Home District to the Board not to be entitled to the privileges of the U.E., they are ordered to be expunged accordingly—

Capt. George Dame,¹ Henry Warren,² Samuel Pew, John Warren² Junior, Peter Colerick, Tim. Murphy, Peter O'Carr, Thomas Cooper, James Cooper.

The following names on inspection of the U.E. List for the Midland District were likewise found to be improperly introduced And are consequently ordered to be expunged Vizt.

Neil McLean, Esqr. late assistant Comy. Genl., Lieut Hector McLean,³ Archibald Grant, Lieut. John Connolly, Lieut. William McKay, Lieut. Allen McLean,⁴ William McDonell, Commodore Bouchette, John Kirby, Robert Wilkins, Lieut. Lewis Kotte',⁵ Thomas Richardson, Discharged Artilleryman, Thomas Winterbottom, do. do.

¹Late of Butler's Rangers.

²Sons of Commissary John Warren of Fort Erie.

³Late of the 84th Regiment.

⁴Late of the 84th Regiment.

⁵Late of a Hessian Regiment, afterwards a deputy surveyor for the Province of Quebec.

Should any of the above persons judge themselves to be really entitled to the honors and privileges of U.E. they are to bring forward their proofs to the satisfaction of this Board before they can be restored.—

It appearing likewise that Discharged German soldiers, Discharged British soldiers, and Discharged Seamen and Artificers have been indiscriminately admitted into the U.E. Lists, by which they partake of the honors intended only for those who have shewn themselves attached to the unity of the Empire and have suffered in its cause.

The Secretary is to be instructed not to consider Persons of the above description to be U.E. Loyalists, but entitled only to receive their Military lands free of expence without any such privilege being extended to their Children.

.....

 Adjourned.

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 50.

UPPER CANADA, YORK, May 23rd, 1798.

Sir,

I have just had the honor of receiving your Excy's dispatch No. 34—and I have the pleasure to inform you that the Papers inclosed in it, (which were immediately communicated to the Executive Council) have given us the fullest satisfaction, and the Information they contain has happily removed the uncertainty we were in respecting the Boundary Lines of Lands purchased from the Indians in 1784, 1787 & 1788, together with the alarm excited—for the validity of the Tenure by which we held them—It happened very fortunately also that several principal Chiefs of the Chippewa Nation from Lake La Claie were here at the time of my receiving your Excy's letter: since it gave me an opportunity of inquiring what they recollected concerning these purchases and their Ideas of their respective Limits. Yellowhead's answer, therefore, in the presence of Six other Chiefs (which with the Speeches preceding are herewith transmitted for your Excy's information) having appeared to us clearly to accord with the facts stated in Sir John Johnson's letter to Major Green, and the Documents inclosed in it, the Council and myself are of opinion that the Principal object of the Purchases being thus done away it would be improper to put Govt. to an unnecessary expence by making them, or even by obtaining the new Deed proposed by Sir John Johnson, and we beg leave in consequence to withdraw our Requisition. I acceded however to the propriety of your Excy's disapprobation of our Recapitulation plan, as it might (as I must confess) have eventually produced with the Indians the unpleasant consequences which your Excy seems to have apprehended from it.

The D. of Portland having informed me in his letter of the 11th of Sept. last, that I am to receive from your Excy His Majty's Instructions under which I will be empowered to subject Grants of Land to the Addtl. Fee for the purposes His Grace has stated, and also those by which in the Cases therein mentioned His Maj'ty reserves to himself only the mines of Gold and Silver in all Grants, I anxiously wait your Excy's answer to my Letter No. 48 with which I

expect to receive Copies of the abovementioned Instructions, that no time may be lost in carrying the new Regulations into Effect.—As we have ceased to grant orders for Land except to U.E. Loyalists under the old ones.

I am &c.,

PETER RUSSELL.

His Excy Genl. Prescott.

(C 1206, pp. 232-3.)

INCLOSURE.

YORK 21st May 1798.

Proceedings at a Council with the Chippewa Nation from Lakes Huron & Simcoe.

Present—PETER RUSSELL Esqr. President, administering the Government.

Major David Shank, Comdg Queen's Rangers

Major Smith. Q. Rgrs.

Lieut. Brooking. Qns. Rs.

Ensign McGill. Qns. Rs. and several others.

Yellow Head, Principal Chief of the Nation, Speaker.

Father,

These strings which I hold in my hand are your words which we have received and have come down to know what it is you would have to say to us.

2 Strings White Wampum.

His Honor the President answered.

Brothers of the Chippewa Nation,

To see you here assembled and so ready to attend to my call makes me very happy. I look up to the Great Spirit who protects us all to thank him for having taken care of you in your way to this Council fire.

Brothers,

I have called you down for the purpose of completing the purchase of Pentangushene, and to give you the Presents which I promised you last Summer at Niagara—I shall give directions that your business shall be done as soon as possible, that you may not be detained from your Cornfields and families; And I recommend to the same Great Spirit to take care of you on your way home and that you may meet your Families in health; there is some Tobacco laid before you to smoke.

At this Council fire at York this 28th day of May, 1798.
Seven Strings Black and White Wampum.

PETER RUSSELL

Administering the Government.

Yellow Head Replied,

Father,

We are much pleased at what you say, and are happy to comply with your wish, and we shall be much happier when we see you white people amongst us, we shall then consider ourselves as one people.

Father,

We are happy to accomodate our Great Father the King of England with

Land; he has bought a good deal from us and paid us well for them. We the Chiefs of our Nation are satisfied, and if any of our idle young men say otherwise, they must not be listened to.

True Copy.

WM. CLAUS, S.I. Affairs.

Mr. President Russell's Speech to Yellow Head and several other Chiefs of the Chippewa Nation from Lake Simcoe, delivered at the President's House at York on the 22d of May 1798 in the presence of

Wm. Claus Esq. Superindt.
Mr. George Cowan, Interprtr.

Brothers,

I have required this conference that I may lay before you the sketch of a small Tract between the East and West branches of the Holland river communicating with Lake Simcoe, which your Great Father the King wishes to possess for the convenience of his people—

Brothers,

I am informed that you have long since ceded the whole of the Country to the Southward and Eastward of the Waters of the Lake to your great father thro' his Servants Sir John Johnson and Col. Butler; and having given 3 or 4 Miles on each side of the Path leading thro' this Tract to Lake Simcoe, there cannot be but a small portion of the Land which I ask which is not already the King's. But as the expression of Miles makes no Boundary which may not be ignorantly trespassed upon, It is my desire that you would give the West and the East Branches of the Holland River as the Boundaries, lest the King's subjects should by mistake at any time encroach upon the Indian Territory and give offence—For the West branch of that river then becoming the limit of the English possessions on that side, we should take care not to trespass beyond it.

Yellow Head's Answer to the President's request, 22d May, 1798.

In presence of W. Claus, Esqr. Superitdt.

Mr. George Cowan, Interprtr.

Father,

If you white people forget your transactions with us, we do not.—The Land you have just now shewn to us belongs to you; We have nothing to do with it; We have sold it to our Great Father the King, and was well paid for it—Therefore make your mind easy. There may be some of our young people who do not think so; They may tell your people that that Land is ours, but you must not open your ears to them, but take them by the arm and put them out of your houses, for as long as you will listen, you will be plagued by them—When any of the Flat people come amongst us and tell us bad words, we shall serve them the same way.

GEORGE COWAN, Interprtr.
WM. CLAUS, Superintdt.

(C 1206, pp. 233-6.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 51.

UPPER CANADA, 26th May, 1798.

Sir,

The money in the Receiver General's hands being almost entirely exhausted, I am to request that your Excy may be pleased to issue your Warrant to the Dy.P.M.Gl. to pay me £2500 Sterg, Dollars at 4/6. for Account of the Civil Expenditure of this Government. I am sorry that the very great scarcity of Cash in this Province obliges me at the same time to request that the whole amount may be forwarded to me in specie by some safe Conveyance.

I am &c.,

PETER RUSSELL.

His Excy. General Prescott.

(C 1206, p. 237.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 52.

YORK 28th May 1798.

Sir,

A Paragraph in your Excy's letter No. 21, dated the 11th Sept. (which I received on the 20th Jany. last) having given me reason to suppose that your Excy is inclined to pay "what it might have cost to repair the old and construct addtl huts for the accomodation of the Queen's Rangers at York" I took the liberty of requesting Major Shank to order a survey on the Huts originally built for, and which the Regt. under his Command must have occupied had my arrangement for its accomodation not taken place; and of sending his report thereof to Lt. Pilkington with my desire that he would state to me the probable expence it might have taken to re-establish them.

I have now therefore the honor of transmitting to your Excy the report of said survey, and Capt. Pilkington's Estimate thereon amounting to £563.6.3¼ and to mention that the disbursements in the Engr. dept. and the purchase of materials for building the Blockhouse and repairing the huts I had directed (which were paid to him by my Warrant of the 3d Inst.) amounting to £408.13.4½ are nearly £150 less than the reestablishing the Huts for Lodging that Regiment would have probably taken. But I must at the same time observe that some Hutts may be still required for quartering its full complement of men and officers.

The Isolated situation of York, surrounded either by Water or an unsettled Country makes me anxious to open Roads with as little delay as possible for communicating with the head of the Lake on one side and the Bay of Quinte' on the other; that we may facilitate the supplies of Provisions from those Quarters, and thereby lessen the enormous Prices of them, to which the Civil Officers and every other Person whose business calls him to the Seat of Government, are at present exposed. I am therefore in hopes that your Excy may pardon my requesting to have the Detachments from the Queen's Rangers doing duty at Fort Erie & the Chippawa ordered (if the service can possibly admit it) to join the rest of the Corps at this place; that the Regt. may be employed on that

and the other services in aid of the settlement of this Province for which it was originally raised.

I am &c.,
PETER RUSSELL.

His Excy. Genl. Prescott.

(C 1206, pp. 237-8.)

FROM PETER RUSSELL. TO ROBERT PRESCOTT

No. 53.

YORK 29th May, 1798.

Sir,

An application having been made to me by Mr. Pollard (whom Genl. Simcoe had employed as a Commissioner on the part of His Excy to witness the Payment for the late Thames and Chenail Ecarte' purchase) for some compensation for his expences on that service; and having had occasion this year to make the same Gent. my Commissioner to Witness on my part the payment for the purchase of St. Joseph, I beg leave to inclose for your Excy's information the Copy of a letter he has lately written to me on the subject; and to request to know from your Excy what Sum I am to allow Mr. Pollard for his expences on both Commissns, and whether they are to be charged to the Dy.S.I. Genl. in his acct. of Contingencies or become a part of the Civil expenditure of this Province, and paid by my Warrant on the Receiver General.

I am &c.,
PETER RUSSELL.

(C 1206, pp. 240-1.)

INCLOSURE.

YORK, 25th Feby. 1798.

Sir,

In answer to your honors Commands of Thursday Ev'g respecting the sum that might be proper to allow the Commissioner for the Province in the intended purchase of the Island of St. Joseph, Lake Huron.—

His Excy Govr. Simcoe honored me with the Commission in the late purchase on the River Thames, & on the Chenail Ecarte'; to fulfil his Commn. I was absent from my house 10 days, finding Boat, Provision &ca. The Commr. (to Mackinac) or St. Joseph will probably be absent 6 weeks or 2 Months, owing to the difficulty of the Navigation in the river St. Clair in the month of June, (the time the vessel will sail on this business). Considering these circumstances I should hope your honor would not think a Sum of £50 Stg. too much to cover every Expence of the two Commissions. This proposition is only in answer to yr. honors Questn. At the same time should your honor think it proper to employ me in this business, I shall be perfectly satisfied with such allowance as you shall think proper.

I am &c.
R. POLLARD.¹

Mr. Presdt. Russell.

(C 1206, p. 241.)

¹Sheriff of the Western District; he was afterwards ordained and became Anglican rector of Sandwich.

THE RUSSELL PAPERS

FROM PETER RUSSELL TO D. W. SMITH

YORK, May 30th 1798

Sir,

Mr. Alexander Burns has my permission to be located for the 100 Acres ordered him in Council in one of the four hundred Acre Lots reserved for the future disposition of Government marked R. on the Plan

I am Sir

Your most obedient

Humble Servant

PETER RUSSELL

Honble D. W. Smith

&c. &c. &c.

*Endorsed:—His Honor the President**30 May '98*

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 267.)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA

YORK 30th May 1798.

Sir,

I have the honor to state to you for the information of His Excellency the Commander in Chief, that I have entered into engagements for a supply of seventy thousand Pounds of Flour at Twenty six shillings Canada Currency P. Cwt. including Cask, which is to be lodged in His Majesty's Magazines at Amherstburg by the first of July; and that I have some prospect of obtaining an additional supply of this Article from the settlements in the vicinity of that Post.

I have the honor to be &c.

JOHN MCGILL

Agent for Purchs.

Major Green

Military Secretary

Head Quarters Quebec.

(C 106, p. 45.)

FROM ROBERT HAMILTON TO PETER RUSSELL

Dear Sir

I am extremely sorry to be under the necessity of making an Apology for not Attending my duty by this opportunity in the present Parliament—Mrs. Hamilton who laid in Childbed about a fortnight ago, has been so unfortunate as to get a Cold, attended with a Considerable degree of Fever, & tho rather better than she was is still far from being free from Danger—

In this Situation I cannot think of leaving my Family.—A few days I hope will remove my Apprehensions, and I shall have much pleasure in attending my

duty, & in paying my personal Respects to your honor by the first opportunity that Occurs—As our Detroit friends are not yet arrived, I shall hope to Accompany them to York—

I have the Honor to be most respectfully Sir

Your most obedient
& very humble Servant
R. HAMILTON.

The Honorable

Peter Russell President &c.

QUEENSTON June 2, 1798

Endorsed:—June 2d 1798

From the Honble R. Hamilton

(Department of Public Records and Archives, Toronto)

FROM J. G. SIMCOE TO PETER RUSSELL.

WOLFORD LODGE

June 5 (1798)

My dear Mr. Russell,

In answer to your several letters I can assure you that I have done my utmost to have your wishes complied with.

In regard to your personal Request, I am answered from the D. of Portlands Office, that my recommendation will have great weight whenever it shall be necessary to appoint my Successor. Shanks being promoted to the Command of the Q. Rangers, lessens the Necessity of a Military Successor.

I cannot by this opportunity or consequence, which is at a short notice, inform you of Kings personal kindness to me, & of the ministerial Ingratitude, I have met with, suffice It, There are times which call for all mens Exertions, & an oblivion at least a suspension of private wrongs, to serve and to save our Country.

I have the pleasing Command in my own County (& under my General Ld. Sheron) have no doubt of calling forth thirty thousand Devon & Somersetshire men to repel any Invader.

With best comps. to Miss Russell, Mrs. Simcoe & I join in good wishes for your Health & Happiness.

J. G. SIMCOE

Addressed:—To the Honorable

Peter Russell

Upper Canada

favoured by

Judge Alcock

Endorsed:—5 June

From General Simcoe

(Department of Public Records and Archives for Ontario, Toronto)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA YORK, 5th June 1798

Sir,

I have the honor to State to you, for the information of His Excellency the Commander in Chief that, I have since the date of my letters of the 23d and 30th Ult. entered into engagements for a supply of Forty six thousand Pounds of Flour at Twenty six shillings Canada Currency, including Cask, which is to be lodged in His Majesty's Magazines at Amherstburg by the first of July; and for an additional Quantity of Twenty four thousand six hundred and forty Pounds of Flour at Twenty shillings P. Cwt. Cask included to be delivered at Kingston with a prospect of obtaining a further supply of this Article.

I have the honor to be &c.

JOHN MCGILL
Agent for Purchs.

Major Green
Military Secretary
Quebec.

(C 106, p. 52.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 35.

QUEBEC, 7th June 1798.

Mr. President Russell.

Sir,

I lost no time on receipt of your letter No. 49 in communicating to the Superintendent General for Indian Affairs the Paragraph relating to the verbal Message you received from Captain Brant stating he did not know how soon he should be under the necessity of going to War with the Indians of Canada, and I directed him to lose no time in sending to Brant to procure an éclaircissement between him and the Coughnawagas.

Sir John Johnson informs me that the Speeches from the Coughnawagas &c., to the Six Nations were sent from La Chine on the 22d April under cover to Captain Claus, a Copy of which with their Address to Sir John Johnson I now enclose for your Information, he adds that he hopes all cause for future alarm on that subject will be done away.

I enclose also Copies of two Papers sent me last Post by Sir John Johnson, they are written by Captain Brant and relate to the Messissaguas, bearing date Grand River 5th April 1798.

I am &c.,
ROBT. PRESCOTT.

(C 1207, pp. 104-5.)

FROM THE DUKE OF PORTLAND TO PETER RUSSELL

Most Secret.

WHITEHALL, June 7th, 1798.

Sir,

I herewith transmit you a Copy of a Letter from Mr. Liston to Lord Grenville with its Inclosures. You will be best able to judge whether there is any foundation for the suspicion Mr. Liston entertains of the hostile disposition of

the Six Nations, and whether Brant is endeavouring to form a Combination of Indians for that or any other purpose more indirectly adverse to His Majesty's Interests. As to the Conduct to be constantly & uniformly pursued in order to defeat such Combinations, I have only to refer you to the general line of Policy laid down for your observance in the Letters I have written as well to you as to Genl. Simcoe for the management of the Indian Nations in Upper Canada, from which it will be evident that the due performance of the duties of the Several Agents & Superintendants of Indians at their respective Posts, and the proper effect to be given by their means in the distribution of His Majesty's bounty, when added to a judicious mode of settling the ground, must lead imperceptibly but gradually to the Object we have in view. At the present moment it may probably be most advisable to temporize with Brant, even if you have reason for thinking unfavorably of his Conduct, at the same time if that should be the case, no time should be lost in applying to Genl. Prescott to strengthen the Seat of Government in Upper Canada and any other Posts that may be necessary to keep up your Communications, and which would tend to interrupt those between such of the Indian Nations, as you shall have reason to suppose are disinclined to us. In order that Genl. Prescott may be apprized of the real grounds of the Application you may make to him for additional force, I shall by this conveyance transmit to him a Copy of this Letter to you with the Inclosures I have referred to from Mr. Liston.

In case Mr. Brant should be desirous of coming to England, as he proposes in his letter to Mr. Liston, with a view of settling the business of the Lands granted to the Six Nations directly with His Majesty's Ministers here, you will take care not to discourage him from it, and will assure him of the exertion of your best Endeavours to give effect to whatever shall be finally settled in consequence of his Personal Representations. And in case Mr. Brant should again apply to Mr. Liston on the Subject of his coming here, I am to inform you that that Gentleman will be instructed to hold the same language to Him.

I take this opportunity of transmitting to you an Extract of another Letter from Mr. Liston, with the Subject matter of which, altho' it has more immediate reference to lower Canada, it is very necessary that you should be made acquainted in order that you may watch with unremitting Vigilance whatever may be passing to the Westward between You and the Mississippi, particularly on Foxes River, or on the Ouisconsin, and also that you may be prepared to give the earliest Information to Lieut. Genl. Prescott of any Circumstances worthy of notice by means of confidential Persons in the Indian Department.

I am

Sir

your most obedient
humble servant

Mr. President Russell

PORTLAND

Endorsed:—(Most Secret)

June 7th 1798—

The Duke of Portland

rec'd 27th September—

Four Enclosures."

(G 53, pp. 128-131.)

(Enclosure)

Copy No. 12.

PHILADELPHIA 4th April, 1798.

My Lord,

I have considered with attention, the contents of your Dispatch No. 16 of last year, and I will, as much as possible, conform my conduct to the rule laid down by your Lordship.

I cannot however avoid regarding it as matter of regret and of some alarm, in the present critical Situation of Public Affairs, that the Mohawk Chief, Brant, should continue to be dissatisfied with the conduct of His Majesty's Government of Upper Canada, in refusing to make out a Grant of the Lands of the Six Nations in what he affirms to be the Terms of the original Donation; and a persuasion of the danger that might result from a rupture with this man, has led me in some degree to temporize in my Correspondence with him.—The inclosed Copy of a letter from him, (which I received at a great distance of time from its date,) sufficiently marks the state of ill humour in which he still continues to be, and your Lordship will observe in my answer, that I have thought it more advisable to damp his hopes by degrees, than at once to extinguish them.—Were the crisis over, or were it of a less delicate nature, I should have pleasure in speaking a more unequivocal language.

The inclosed paragraph is, in all probability, a violent misrepresentation of facts. But I am assured from good authority, that a Black Belt, the Emblem of War, was actually sent from the Indian Tribes that are settled within His Majesty's Dominions to the residue of the Six Nations who live in the territories of the United States of America, and every movement on the part of Brant, at the present moment, must naturally give rise to suspicion.

I am &c.

ROBT. LISTON.

Lord Grenville.

(G. 53, Part I, pp. 132-3.)

(Enclosure.)

Extract of a letter from Mr. Liston dated Philadelphia 2d April 1798.

"Whatever may be the case with regard to the supposed acquisition by France of Florida and Louisiana, I learn with concern that the Agents in this country do not consider the plan of an invasion of Canada as being given up by the Directory. Letters it seems have been received from Mr. Adet, the late Minister of the Republic at the United States, since his arrival at Paris, expressing his sanguine expectation that the project will be carried into effect in the course of the ensuing Summer and the same idea is entertained by Mr. Coulteulx,¹ a Merchant settled at Albany, a man of Fortune connected with the Bankers of that name in France and in Spain, who (according to information which I have recently obtained) is an enthusiastic Partisan of the measure & carries on an intimate correspondence on the subject both with his friends in France and in the Province. The principal correspondent in Canada is said to

¹Cf. Papers and Records, Vol. XXII, pp. 51-3.

be a person resident at Montreal, whose name I have not been able to learn, but I have suggested to Lieut. General Prescott that it might be discovered by means of perquisitions made at that place. Mr. Le Coulteulx is reported to have been instrumental in conveying a great number of Mr. Adet's Memorials or Proclamations, & also some quantity of arms thro' the woods across the Frontiers to be distributed among the Inhabitants of the Province.

"I am informed by Persons well acquainted with the state of that Country that the disaffection of the lower classes of the inhabitants of Canada is not owing to any pretended grievances under which they labor or to any dislike to His Majesty's Government, but to an ancient partiality to their mother Country, and a general and extravagant admiration of the french Revolution. This admiration is said to be in great measure founded on their ignorance of the real state of affairs in France. The little information they possess on the subject having been communicated by Artfull Men who wished to seduce them from their Allegiance and who while they expatiated upon the glorious effects of liberty, concealed with care the Atrocities that accompanied the progress of Republicanism. The ignorance of many of the peasants, I have been assured exists in such a degree, that they do not believe the death of the King or the murder of the Ecclesiastics."

(G 53, Part I, pp. 134-6.)

(Enclosure.)

FROM JOSEPH BRANT TO ROBERT LISTON

Copy
Sir,

GRAND RIVER Decr 29, 1797.

It is with great pleasure that I acknowledge the receipt of your Excellency's Letter of the 27th September ulto. and I am happy in taking the earliest opportunity in behalf of the five Nations residing on this River, to express the high sense of the obligations we are under to your Excellency for having so early transmitted to His Majesty's Government at home an Account of what I had communicated to your Excellency respecting our claims, as also for forwarding the Substance of my other Communication attended with your Excellency's favorable Recommendations, and although the Answer which your Excellency has received from the Secretary of State contains a Sentiment respecting the original intention of the Grant disagreeable to the five Nations, and very different from what I can myself entertain, yet from my confidence in the King's Paternal Affection for my Brethren, and the love of Justice which must influence His Ministers, I am animated to pursue those Claims which in my view are founded in the immutable Laws of Justice and equity.

It seems, Sir, there exists an Opinion that the original intention of the Grant was, that the Nations should hold the Land for themselves, not alienate it, and that there might be impropriety, perhaps danger, in the Territory becoming the Property of others, without His Majesty's Assent. I know Sir, that respecting these things much may be said for and against, though I conceive little with propriety against Our Claims; but as to the intention of the King's Governor

who gave me the Grant, if I may judge from the most positive and unequivocal declaration, I must conclude that the original intention was that the Nations should hold the Land as an absolute and indefeasible Estate, or at least that every advantage & Emolument that might or could in any way arise from it should be absolutely theirs.—Had there then or for Years afterwards, been a different Idea in my mind, Had we even suspected that, after all the losses and extreme sufferings in the course of the late American Wars in addition to former Wars, our right to the Territory upon which we are seated must have been disputed, and Attempts made to embarrass and distress Us, we certainly should not have neglected and *refused* to accept a more independent retreat elsewhere, and I cannot avoid adding, that without the benefits which might arise from this small Territory we cannot subsist, Our Spirits must fail, and it would be impossible for Us to remain the same People.

We have Sir, however great Consolation and confidence in the King's Care and Affection for Us, Our hearts are still united to his Interests, but we are sorry to conceive that we have too much reason to complain of the administration of his Government here, so far as it respects the Territory of the five Nations.

As to the danger of the Territory becoming the Property of others without His Majesty's Assent, I conceive Sir, there is none.

The five Nations have been so long and strongly without any deviation attached to their Father the King, that they cannot be suspected of indifference in this respect. They are willing & desirous that it ever continue to be as it has been with the Sales we have heretofore treated for, that is to say they to surrender to the Crown, and the Crown allocate to Purchasers, whereby they necessarily become Subjects. We are surrounded by People who have been introduced by Lieutenant Governor Simcoe and settled upon the Crown Lands, and I am confident we shall never be instrumental in introducing those who will be less valuable or more unwholesome in Society.

I earnestly hope that your Excellency will once more have the goodness to communicate to the King, what so nearly concerns us attended with your further favorable & friendly Recommendations and I cannot but feel confident that His Majesty will see the Subject in its true light and treat it accordingly. Whatever decision may be made against us by His Ministers in England or Government here will not meet his Approbation.

But if in your Excellency's Opinion it shall not be deemed proper to make such further Communication, I shall acquiesce and in that case shall be greatly obliged by your Excellency's advice whether my personal Representation of our Claims in England may not be necessary. As the business is now circumstanced, I can by no means rest easy. For many reasons important to us and interesting to Government I conceive it necessary that it be brought to a point without any needless delay, which makes me anxious for your Excellency's advice upon this head as soon as may be consistent with more important concerns.

The President and Council have agreed to confirm the Sales which we have treated for, and which I expect to have the pleasure of seeing concluded in a few days; thus far we shall be satisfied in this business.

As I intend if possible to do myself the honor of waiting upon your Excellency before the Opening of the Spring, I expect then to have the pleasure of giving a more particular detail of these Affairs.

I had hoped for the honor of waiting on your Excellency here last Summer and though your Public Concerns in the United States have deprived Us of that very great satisfaction yet I ardently hope that the State of Public Affairs may be such next Summer, as to permit your Excellency to make the proposed Incursion.

I have the honor to be &c.

JOS. BRANT.

His Excellency R. Liston, Esq.

(G 53, Part I, pp. 140-5.)

(Enclosure.)

FROM ROBERT LISTON TO JOSEPH BRANT

Copy

PHILADELPHIA

3d April, 1798.

Sir,

I had the pleasure of receiving in Feb. last your Letter dated the 29 Dec. and I am happy to observe that you have obtained of the President and Council of Upper Canada a confirmation of those Sales of Land for which you had previously contracted—That you should surrender to the Crown, and that the Crown should alienate to purchasers by which means they become subjects, appears to me to be a very proper mode of conducting the transaction, and I flatter myself that it will obtain the approbation of the King's Government at home. With regard to what is to take place in future, I will not decline to transmit your representations on the subject & they will no doubt meet with attention—of the prospect of success I cannot say anything further than that I am confident both His Majesty and His Ministers are well affected to the Indian Nations, whose Interests you manage with so much ability and that their sincere wish is to secure and promote your happiness.

It is a delicate matter for me to advise you on the subject of your going to England with a view to make personal representations respecting your claims, but as I do not think you can have any Enemies there to misrepresent the case, or that there exist any prejudices against you which it might be requisite to remove, I confess, that were I in your situation, I would not take the trouble of crossing the Seas.

I propose in the course of the ensuing Summer if the state of Public Affairs will permit it, to make an excursion to the Northern parts of this Country, perhaps to visit the falls of Niagara; and I have written home to ask additional leave to cross the Boundary Line. Should I obtain it I shall be happy to have some conversation with you respecting your business on the spot.

In the mean time I beg you will rest assured of my inclination to serve you to the utmost of my power.

I am &c.

Capt. Jos. Brant.

ROBT. LISTON.

(G 53, Part I, pp. 137-9.)

FROM THE DUKE OF PORTLAND TO PETER RUSSELL

Drat to Mr.
President Russell
No. 8.
Sir

WHITEHALL, 8th June 1798.

I have laid before the King your Letters numbered 22 and 23.

As you appear to be thoroughly impressed with the beneficial consequences, that will follow an early adoption of the plan for disposing of the Crown Lands in Upper Canada, and for raising a Fund for the public service of the Province in the manner set forth in my letter No. 4, I have only to refer you to mine No. 5 and 7, on the same subject, and to desire that you will use your utmost exertions in carrying the plan into effect with as little delay as possible—Since the lands in Upper Canada are at least of equal value with those in Lower Canada, the Fees to be reserved for the public service, and for the respective officers concerned in making and passing the Grants, should be the same in both Provinces; I have therefore inclosed for your guidance and direction in this behalf, a Table of the Fees, which are to be taken by the Public Officers on Grants of Land both in Upper and Lower Canada—As in writing to Lieut. General Prescott, I have entered into the grounds, upon which this Table is framed, and also into the consideration of such other Regulations, as it will be necessary to adopt in regard to such of the Crown Lands, as are to be disposed of by way of sale, I take this opportunity of transmitting to you so much of my letter, as relates to this point, in order that Quebec, a similar mode of proceeding may be adopted in both Provinces—16th Decr. 1797. You will already have been apprized by my letters above 8th June, 1798. referred to, that all future Grants of lands (those only excepted for which His Majesty's Government were actually pledged, previous to the receipt of the Instructions contained in those letters) are to be considered as subject to the Fees now established—With respect to His Majesty's former Instructions in favor of Loyalists, I refer you for your guidance and direction, to what I have said on that subject in the Extract of my letter to General Prescott, which I send enclosed, and if any doubt arises as to any claim which shall be hereafter made under the former Instructions, it is to those Instructions themselves, and not to any construction put upon them beyond what the Instructions themselves and my letter to General Prescott will Warrant, that you and the Council are to be governed in your decisions.

On the subject of your letter No. 23, in which you mention your granting to yourself the Commission of Puisne Judge, I must refer you to my letter No. 7. in which I have explained to you the impropriety of your holding such a commission, and have at the same time informed you, that you are to consider yourself as entitled to a moiety of the Salary and Fees of the Governor during his absence, from the date therein specified—

I am &c.
PORTLAND.

*Endorsed:—Drat. to
Mr. President Russell
Whitehall June 1798.
(has been circulated)*

(Q 284, p. 129.)

FROM JOHN MCGILL TO J. G. SIMCOE

UPPER CANADA, YORK, June 8th, 1798.

Sir,

When the account of your Excellency's having resigned the Government of this Province was made known, it not only caused a very particular but likewise a general regret at such an event having taken place, for although the hope as to your returning again to Upper Canada was exceedingly small, when the existing situation of affairs in Europe and your Excellency's eminent and important services were considered, yet I was unwilling to indulge in an idea whereby the general interests of this country might suffer materially by a change. I do nevertheless beg leave to offer my humble and sincere respects to Your Excellency on your appointment to the 81st Regiment and command in the west, at the same time looking forward with pleasure to the period when I shall learn that His Majesty has been pleased to appoint you to the chief command of North or British America.

As there does not appear to be any immediate prospect of Your Excellency's having occasion for horses in Upper Canada, I request that you would be pleased to honor me with your commands both in regard to them and the other property left here, the first by getting aged will lose in value and the latter be subject to damage by remaining so long in packages. Swayze was either stolen or had strayed from Mr. Lawrence about twelve months ago. It is but lately that I have been informed of his having been in possession of a man by the name of Choat on the River Thames and who I am told has delivered him to Springer for the purpose of being sent to me in consequence of letters and advertisements I had circulated in the Western District for this purpose.

Pray what are the arrangements you would wish to have made in regard to Castle Frank? The Chief Justice has a great partiality for the situation, but he is now erecting a very excellent house in town upon Russell's Creek and Simcoe Place. The improvements in York and its vicinity are rapid and the farms upon Yonge Street and Dutch Settlement both valuable and productive. Our Provincial Parliament meets this day in the two brick Government Buildings, but owing to the insufficiency of members present the house is adjourned until tomorrow.

I am just returned from visiting the different settlements where I had been for the purpose of providing the current supplies, the quantity of flour purchased has exceeded my expectations and the price I allow is considerably less than it had been generally supposed I should be able to obtain this article for.

I am lately deprived of the advantages of Rations, Barrel Bulk, and Barrack allowances, which includes Quarters, Wood & Candles. By a late order from the Commander in Chief whereby His Excellency without a hearing directs that Mr.

McGill, the agent for purchases in Upper Canada, shall not in future receive any Military allowances, when the Lords Commissioners of His Majesty's Treasury by Mr. Rose's letter of the 5th January, 1795, made my salary as Commissary on the Army Staff a condition for the duty as agent for purchases, I naturally conceived that I was to receive the advantages resulting from my commission which advantages I have until lately received without my right having been called in question.

If your Excellency would please to condescend to inform me how far you might or might not at the time think me entitled to these allowances I shall be exceedingly grateful for the favor.

It gives me much pain to trouble you on this subject, yet the Quarters and other Allowances are to me of moment in this country.

I have the honor to be with the highest respect, Sir

Your Excellency's most obedient and grateful
humble servant,
JOHN MCGILL.

His Excellency.

Lieut. General Simcoe, &c.

(Wolford Simcoe Papers, Vol. 8, pp. 432-3.)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER

YORK 9th June, 1798.

Present

His Honor The President
The Honorable John Elmsley Chief Justice.
The Honorable Æneas Shaw
The Honorable John McGill.

O 22

Order of Council. As many applicants to this Board who have families respecting the new in the States are desirous to Know the land they are to Regulations. receive immediately after receiving the Answer to their

Petitions, and persons of that description might be discouraged from coming into the Province if they could not receive that information before the New Regulations are promulgated and such a consequence Operate eventually to retard the population of the Province. The President moves that the Surveyor General be authorised to reserve at his discretion Specifick lots for such Applicants as may receive Orders for land under the New Regulations, the warrants on which are suspended until the promulgation.

Adjourned.

(See twentieth report of Department of Public Records and Archives of Ontario, p. 162).

MEMORIAL FROM THOMAS REYNOLDS

To His Honor Peter Russell Esquire President Administering the Government of Upper Canada &c. &c. &c.

The Memorial of Thomas Reynolds Senr., Deputy Commissary at Amherstburg¹.

Humbly Sheweth

That your Memorialist's Duty requiring his residence at Fort Amherst, and having no lands whereon to make improvements in the vicinity of that Post, Prays your Honor & Council would be pleased to grant him lot No. 52 with such further quantity in the Township of Malden as to you may seem meet, as a part of the Lands previously ordered—and your Memorialist as in duty bound will pray

JOHN MCGILL.

for Thomas Reynolds.

Permitted

Peter Russell

Endorsed:—His Honor the President

9 June 1798

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 269.)

FROM HUGH FARMAR TO PETER RUSSELL

My dr. Sir,

The Bearer, Mr. Edw. Oates, who is son to my late Aunt Oates, by a second marriage, has requested of me to give him a letter of Character & Introduction—I have no personal acquaintance with him, but from what I hear of his assiduity and Industry I am not only inclined to introduce him but most cordially wish him success in the line of trade he may adopt. The few hundreds he possesses I understand are the sheer Productions of Diligence, this idea of going has entirely originated with himself, his present residence is at Greenwich, Kent. I have written so many Letters to you and Mr. Lovekin that I am ashamed to recapitulate: indeed my astonishment is great at not receiving a Letter, or Letters from Mr. Lovekin, he, by no means, shd depend upon one, two or three Letters but shd write Duplicates. I am most concerned to write you that we are now in this kingdom in a state of open rebellion; for Particulars will refer you to Mr. Oats—in my several Letters I begged yr. drawing on me for any Sum requisite for the Fines & Charges of the Lands; that I hoped soon to be over; that I lost by the conduct of Mr. Charles Willcox goods, that I wd not have parted with for £1200; they were shipped on board the ship Washington of & for New York, taken by the French into Bordeaux; during the passage Mr. C. Willcocks assured me of every care and professing the highest Friendship, but I am most hurt at telling you that he is found guilty by Captain, Passengers & owners of betraying the Goods and receiving Rewards in Consequence, that such cd come from a man who professed friendship, or who did not profess Friendship is disgraceful to human nature. I also addressed you in

¹See Simcoe Papers II and IV passim.

my Letter in favor of my nephew Richd. Farmar, as we have been informed here of yr having a vacant place under you. my dr. sir you will pardon this liberty, as take my word that I am urged most strongly to it by not only my own Family but my Wife's from their positive opinion that the young man wd give you infinite satisfaction by his Principles and Abilities; he understands French, Bookkeeping, & has pleasing accomplishments. They insist on it that Friendship alone from me to you shd operate to give you safety in a young man of such Integrity. I have also mentioned to you and Mr. Lovekin in my several Letters, that we are not at all discouraged, but more anxious, if possible, to be with you than ever, also that Mr. Jasper Farmar (Father to Richard) was to have gone to the Washington, represented me and pd the charges of the Lands, but imprudently ventured out of Town & missed the ship; had he been on board he might have been a check on Mr. C. Willcocks & have saved the goods. that there was not one person on board except Mr. C. Willcocks & sisters that knew the destination of my goods; for at that time they had some kind of respect for American property, but a discovery of being English & destined for his Majesties Colney destroyed all chance, the words of the Captain and Passengers were that an idle, drunken unfortunate man by the name of Willcocks betrayed the Cargo for base views, the same advice I recd. from Neilson & co. New York. that there were several things among them that wd have amused and entertained you—an American gentleman, by name Bernard, of Massachusetts Bay lately arrived here and who was at Bordeaux at the time gives an acct. of Mr. C. Willcocks Conduct, that I do not choose to mention. I will make so free as to request that you will communicate the contents of this Letter to Mr. Lovekin; It is impossible but that he must have recd. some of my several Letters. I dare to say that Mr. Lovekin will see & give any advice to the young man Mr. Edw. Oates that he may require. Mrs. Farmar joins in most affectionate regards to you and Miss Russell with yr obliged and sincere Kinsman

Cork June 10th 1798

Hugh H. Farmar

P.S. I have also in my several letters mentioned our Inclination to send over our eldest son Hugh out of this distracted country—a lad abt 16 and of excellent Principles, Thank God, & very like the British.

Addressed:—The Honble Peter Russell
York

In fav. of Mr. Oates. Upper Canada

Endorsed:—Hood Farmar Esq.

10 June 1798

Received:—15 Jany, 1799

(Department of Public Records and Archives, Toronto, Ontario)

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER

YORK 11th June 1798.

Present

His Honor The President

The Honorable John Elmsley Chief Justice

The Honorable Æneas Shaw

The Honorable John McGill.

Read the following Petitions

.....

 Gottlob Senseman for Praying for a Tract of Land on the river Thames Six
 self & associates. Miles in Breadth & twelve in depth, whereon they have
 made large improvements, being in the Year '93 per-
 mitted by His Excellency Governor Simcoe to occupy the same.

Ordered that the Surveyor General be directed to cause a Survey
 to be made of the Tract Appropriated to the trustees of the Moravian
 Society by an Order of Council dated the 10th of July 1793 And that this
 tract be reserved for ever to the Society in trust for the sole use of their
 Indian Converts—a Tract be laid off at the same time contiguous thereto
 equal to two sevenths of the Quantity in the said Tract—One of which
 is to be reserved for ever (agreeable to the Act) for the Support of a
 Protestant Clergy in this Province.

.....

 Adjourned.

COUNCIL CHAMBER
 YORK 12th June 1798.

Committee.

Present

The Honorable John Elmsley Chief Justice
 The Honorable Æneas Shaw
 The Honorable John McGill
 The Honorable David W. Smith

Read the following Petitions

.....

 Roderick McDonell Pastor to the Roman Catholics of the County of Stormont,
 and various other parts of the Eastern District—prays
 for Land.

Recommended for 1200 Acres under the New Regu-
 lations, but no warrant until a Certificate is filed of Petitioners being
 actually and bona fide Settled in this Province.

The President must be more fully assured of the Petitioner actually
 meaning to become a Resident in this Province before he can pledge the
 faith of Government to grant him 1200 Acres in it.

J. E.

.....

 Adjourned.

FROM THE BISHOP OF QUEBEC TO PETER RUSSELL

No. 3 (Draft)

QUEBEC 12th. June 1798

Sir

The encouragement held out by the Duke of Portland, in his Grace's letter to you, of the 11th of Sepr. 97, induced me to flatter myself that the number of Clergymen proposed by his Grace, wd be sent out in the Spring Fleet; or, that I shd at least hear, by that Fleet, that their arrival might be looked for at no very distant period. I have been totally disappointed. I have not even learnt whether Mr. Radish returns to us.

Under this disappointment, it appears to me expedient that I should defer my intended visitation until the next summer. The number of the Clergy is so few, the distances they must travel so great, & the expense to some of them so inconvenient, that a Visitation, of no obvious necessity, or utility, ought, I think, by all means to be avoided. And with regard to the office of Confirmation, the number & age of the Catechumens can not, I think, be such as that any inconvenience should be felt from the delay; but the contrary.—

I am unwilling to relinquish a hope that we may have a reinforcement of Clergymen next year. And, in that case, my Visitation will not only be then more seasonable, with respect to them, but will of course embrace a greater variety of objects, with respect to matters of collateral concern, than it can do at the present moment. I presume, that, if York be excepted (where you cannot, I think, be long without a Minister) the building of Churches is not likely to proceed with any great alacrity, before you are assured that you shall have Clergymen to serve them.

If, however, Sir, you should be of opinion that my presence in your Province, before the period I have mention'd, can be in any degree useful, in forming arrangements for the promotion of piety & virtue, or in forwarding any of those objects, respecting which, I am happy to observe, that there is a perfect coincidence in our views; I will still, without hesitation, make a journey to Upper Canada this year:—altho' I shall decline calling the Clergy together to a Visitation, or administering the Rite of confirmation: This is a duty which I will hold myself in readiness to discharge; upon receiving any intimation from you to that effect. For I beg you to be persuaded, Sir, that it is not from any reluctance which I feel to undertake the journey, or other personal considerations, that I propose to defer my Visitation, but solely from a conviction, resulting from the best consideration which I have been able to give the subject, that it will be ultimately more to the advantage of that part of my Diocese which is under your administration, that I should do so.

I see, & feel very strongly, Sir, the force of your reasoning relative to the expediency of placing, as soon as possible, a discreet good Clergyman at Sandwich. The manifold evils which immediately flow in, wherever there is a total suspension of Religious & Moral instruction, acquire, undoubtedly great additional activity from the local circumstances mentioned by you: but they are of themselves & in all cases, of a nature so malignant as to produce a perversion in principle, & a profligacy in practice utterly inconsistent with the duties of good men, & of good subjects—They are evils no less of political than of moral consideration, &, feeling them to be such, I can not but deeply regret the long

delays that have already taken place, & the ground that has perhaps irrevocably been lost.—

It is impossible for me not to see distinctly, Sir, however reluctantly, that, under all the circumstances you have stated, you are not authorized to continue the Donation for Mr. Stuart for his care of the School at Kingston. I am extremely concern'd that it shd be so: & still more concern'd to observe that the Duke of Portland does not appear to give much weight to what has been submitted by me, & urged with much greater strength of reasoning by Gen: Simcoe, upon this subject. His Grace refers us to Quebec or Montreal, & to Nova Scotia, for the education of the Sons of the more respectable Inhabitants of U: Canada. As to this Province—Two hundred Pounds a year was allowed by Governmt (long before I came into it) for the encouragement of Schools. It was unhappily so distributed as to be rendered entirely useless: & it cannot now be recalled. In this state of things an application for further aid, in that behalf, would I think be made with no very proper pretensions, & consequently with no very reasonable hope of success. As to Nova Scotia,—what the cause may be I know not, but the College there seems totally to have failed—Very considerable sums have been granted; but the number of Pupils which was at one time, (as far as I recollect) more than 30 was when Mr. Stuarts younger son left that Country in 94 reduced to 7, & as I was informed by a Gentleman from Halifax, was last winter reduced to three. Gentlemen in these Provinces, who wish to give ye Sons a liberal Education or to qualify them for any of the learned Professions, have now no resource but to send them home, or to the United States. The people of those States are, perhaps, less hostile, at the present moment, to the Constitution & Government of England than they have been. But there still is, & probably ever will be, so much of the old leaven among them, that I can not consider the principles of our youth as being safe under their direction; & am persuaded that the King's most loyal subjects in these Provinces, will never be found among those who have been modelled by their hands. This is a subject in my estimation of great moment: & highly worthy of the attention of his Majesty's Ministers. Whatever has a direct tendency to influence the principles of youth, in the first ranks of Society, & to form their habits of thinking upon Political subjects, under any Government, is surely of sufficient importance to claim, at all times, & more especially in the present times, the serious consideration of that Government—

The question respecting the most advantageous manner of disposing of the lands reserv'd for the Clergy, has occupied much of my thoughts. The object, in the first instance, seems to be to preserve the boundaries & to prevent the depredations wch will naturally be attempted by adjoining Settlers who may want supplies of timber for building, & fencing & this I suppose wd be most readily effected by giving individuals an interest in the produce. Nothing has occur'd to me more likely to be effectual to this purpose than the plan mentioned by you, Sir, of leasing them at very low Rents for 21 years, & renewing the Leases discretionally, if that mode be found practicable, at the end of every 7 years. But if from the dislike which American Farmers have generally shewn to take lands upon expirable Leases, it should be found necessary to let these lands upon perpetual Leases—renewable, (after 21 years) every 7 years, upon rents increasing in a given Ratio, till the close of some determined period (for

instance of 100 years) then, perhaps as the value of money will probably in a length of time undergo great changes, & as it is proper, as far as may be, to secure the permanency of the Provision for the Clergy, it might be advisable to make the Rents payable in Grain (which tho' not absolutely permanent in its real value is perhaps more nearly so than any other commodity) at a certain stipulated rate or in money equal at least to the value of such grain, at the time of payment.

I throw out these hints for your consideration, Sir, without much reliance upon my own judgment in these matters; with the idea only that upon a subject of acknowledged difficulty any suggestion may be acceptable that is not altogether unreasonable. When the Plan is matured, I shall be very glad to have the opportunity of seeing it, which you have been so good as to promise me.

I have the honour to be,
Sir,
with sincere respect &
esteem,
yr faithful & obedt
servant
J. Q.

Copy to Mr. P. Russell
(No. 3)—12 June 1798

(Que. dioc. Archives C—1 pages 163-5.)

FROM THE BISHOP OF QUEBEC TO PETER RUSSELL

(No. 4) (Draft)
Private

QUEBEC 12 June 1798

Sir

The particulars which you have been so good as to state to me respecting Mr. Phelps, put it out of all question in my mind that he is a very improper man not only for the situation for which he has been proposed, but to be admitted at all into Holy Orders.

I am clearly convinced of the importance of your observations upon the caution which is necessary to be used where persons are to be introduced into situations in which they will naturally have many opportunities of influencing the political sentiments of the people. And sure I am that he is least of all fit to be their Spiritual instructor who would be disposed to unsettle their notions of loyalty & obedience & weaken their attachment to the Governments under which it is their happiness to live.

It gives me great satisfaction to find that you concur with me in my opinion of the expediency of placing a Missionary, wherever it shall become practicable, in every Indian Village, but more especially in the Settlement of the Five Nations. I am perfectly aware of the difficulties which are opposed to such a plan, but I hope they will not be always, & altogether, insurmountable. In the meantime, I obtained some little augmentation of Mr. Addisons Salary

from the Soc: for the Prop: of the Gospel for his encouragement in this laborious part of his duty. I believe he is unfeignedly disposed to give a proper attention to it., & am glad to find that you are satisfied with his exertions.

I have heard nothing from Sr. J. Johnson & Captn. Brant, since I had the honour of writing to you before upon this subject—

I am Sir,
with great consideration,
yr obedt, & humble sert.

Copy to Mr. P. Russell
(No. 4)—12 June 1798

J. Q.

(Que. Dioc. Archives C—1 page 166.)

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 13th June 1798.

Present

The Hon. John Elmsley Chief Justice.

The Hon. Æneas Shaw.

The Hon. John McGill.

The Chief Justice laid before the Board the following letter—

YORK, 12th June 1798.

Sir,

Mr. Colin McNabb, the Superintendent of Inland Navigation stationed at Niagara, has presented to me a Petition, (which I have the honor to inclose) stating that having been duly Commissioned to make seizure of all Contraband Goods imported into this Province, he has been restrained for some time from the exercise of a duty which he has been solemnly sworn to fulfill under the expectation that Regulations would have been adopted for carrying the late Commercial Treaty with the United States into effect, and new instructions given to him in consequence; that not having received these instructions he thinks it incumbent upon him to inform me that great quantities of Dutiable and even Contraband Articles are daily brought into this Province from the United States, to the great loss of His Majesty's Revenue, and injury of the Fair Trader, and praying me to give him instructions for the regulation of his future conduct in his office—I have judged it proper therefore, to refer Mr. McNabb's Petition to the consideration of the Committee of Council now sitting of which you are Chairman, and to request that the Committee will be pleased to Report to me their opinion what measures ought to be taken for carrying the Treaty of Amity and Commerce between the United States and Great Britain into proper effect without injuring the Trade of Canada or His Majesty's Revenue.—

The Act passed for the purpose in the last Session having only empowered me, with the advice and consent of the Council, to suspend the operation of such Acts and Ordinances as might be deemed to impede the free intercourse stipulated by the said Treaty, and without giving me authority at the same time to give directions and to make Regulations with respect to Importations, Ex-

portations, Duties or otherwise for carrying on the Trade by Land or Inland Navigation, between the People and Territories of His Majesty in this Province, and the People and Territories of the United States, it was not judged expedient to suspend the operation of more of those Ordinances than what related to the Registry of Vessels, and consequently every part of those Acts or Ordinances relating to the Collection of Duties or seizure of Contraband Goods is still in force. tho' no Ports have been yet named for the entry of Vessels coming from the United States into this Province, or Officers Commissioned to collect those duties and account for them.—

I must confess, Sir, that I do not conceive myself as competent to remedy the inconvenience resulting from this want of arrangement without the interposition of the Legislature—I was therefore induced in my Speech to call the attention of the Two Houses of the Provincial Parliament to the relative situation of this Province with respect to Lower Canada, as well as the United States, in the hope that some specifick propositions might be brought forward by those best acquainted with the Commerce and Interest of the two Provinces. But not hearing of any step of this tendency having been taken in either House, I am constrained to trouble the Council for its opinion respecting the propriety of my recommending to the two Houses to adopt the Regulations established in Lower Canada by introducing a Bill for suspending the operation of all the Acts & Ordinances that were suspended by an Order of their Governor in Council—for throwing open the intercourse by land and water between the United States and this Province agreeable to the Treaty—for imposing the same duties on Madeira and other wines, on foreign Brandies and Spirits, on Rum and other Spirits, on Molasses and Syrops, on Loaf and Lump Sugar, on Coffee, on leaf Tobacco, and on playing cards coming into this Province immediately from the United States, which have been imposed upon like Articles by Acts of the Provincial Parliament of Lower Canada, in the 33rd and 35th year of His present Majesty—for allowing the free importation into this Province from the United States for the purpose of Commerce of all Goods and Merchandise whose importation into it is not or shall not be entirely prohibited upon payment of the several and respective Duties due and payable by His Majesty's Subjects on the importation of the like Goods and Merchandise from Europe—for making the same Provision of exemption from Duty of Entry on Peltries brought by land or Inland Navigation into this Province &c., as in the order and for appointing one or more Ports of Entry and Clearance for all Goods and Merchandise to be imported from the United States of America into this Province by land or Inland Navigation, for ordering that no Register, Manifest, Certificate, or other Document shall be required from any Vessel belonging to the said United States, for Regulating the Duties and Salaries of Collectors and other Officers of the Customs, and fixing the Days and Hours of their attendance—In short by adopting Mutatis Mutandis every Direction and Regulation to be found in that Order in Council which may be judged applicable to the local circumstances of this Province.

I have the honor to be &c.,

PETER RUSSELL
President

The Honorable
Mr. Chief Justice Elmsley.

To which the Chief Justice by order of the Board returned the following answer.

Council Chamber 13th June 1798.

Sir,

I have the honor to inform you that I have laid the Petition of Mr. Colin McNabb, and your letter to me before Colonel Shaw and Mr. McGill, the only Counsellors here present, and that I have it in command from them to request that you will please to meet us in Council for the purpose of taking the subject of the Petition and letter into consideration and uniting our endeavours to frame a plan proper to be laid before the two Houses—from the quantity of business now before the Legislative Council, I fear that the Mornings will be found too short for the purpose, we have therefore to request that the Board be called together in the afternoon and on any day that you will appoint.

I have the honor to be &c.

J. ELMSLEY.

His Honor
The President.

Adjourned.

FROM PETER RUSSELL TO JOHN ELMSLEY

YORK 14th June 1798.

Sir/

I have the honor to acknowledge the receipt of your letters of yesterday and this day—That of yesterday reached me while I was at dinner or I should have immediately joined you in Council agreeable to your request—and upon the Messengers informing me this morning that you were at the Council Chamber I instantly came down—but found that you were just gone to the House—

Having expressed my own sentiments very fully in my letter of the 12th respecting the propriety of a Bill for laying the same Duties on Articles coming into this Province from the United States of America which have been laid on the like Articles by Lower Canada—nothing occurs to me in addition; it will consequently rest with the Committee to favor me with their sentiments on the subject, because if they accord with mine—I shall take the liberty to request you will furnish the Solicitor General with the heads of a Bill to that effect, to be introduced by him into the House of Assembly—No great Revenue can be immediately expected from this first essay—and of course it will not admit the support of many Custom House Officers, nor even large Salaries to those who may be appointed—I should therefore propose that the Ports of Entry should be confined to Kingston, Niagara, and Sandwich—and the present Superintendents of those places be changed into Collectors, at a very moderate Salary indeed (which I presume they would be content with, as they have none for their present Offices) Searchers to be appointed subordinate to them at the dependant Ports, Newcastle, York, and Fort Erie at a very small salary—and a moderate Fee on the American Boats and Vessels which land goods within their respective jurisdictions upon Certificates of Entry from the Collector—These Searchers to Report and account with their principals—who are to make half yearly Reports to the Governor—and account every Quarter with the Receiver General for the

Duties they shall receive, and the seizures they shall make—the Fees as well as the Duties to be determined by the Legislature—perhaps those taken in Lower Canada will be the standard—

I do not think I have the power of dispensing with a positive instruction—and as His Majesty has ordered, *that each different matter be provided for by a different law, without including in the same Act such things as have no proper relation with each—and that no clause be inserted in any Act, which shall be foreign to what the Title of it imports*—I fear I cannot consequently comply with your desire in giving the Royal Assent to the Judicature Bill before the House of Assembly should the proposed amendment be adopted.

I have the honor to be &c.

PETER RUSSELL President

The Hon.

Mr. Chief Justice Elmsley.

(State Papers, Upper Canada, 1798.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 32.

UPPER CANADA

YORK 15th June 1798

My Lord Duke

No. 6, 4th Novemr. 1797 I am this day Honored with your Grace's Letters marked & numbered as in the margin.
 Separate 9th Jany. 1798. I am exceeding happy that your Grace is sensible
 No. 7, 10th January. of the difficulty of the situation in which I found myself placed with the Six Nations and Capt. Brant

at the time I wrote my Letters to your Grace numbered 12 & 15; and your Grace may be assured that I shall not without having previously obtained His Majesty's Sanction permit the alienation of more of the Indian Lands on the Grand River than what I then promised to assent to. The mode in which this promise has been partly carried into Execution will have been communicated to your Grace by my Letter No. 26, written on the 20th of February last.

In my Letter No. 28 of the 21st of March I had the Honor to inform your Grace of the Measures I had taken to obey the Instructions given me in your secret and confidential Letter of the 11th of September last. I shall now direct the several Superintendants and Agents to confine themselves to the care of their respective Districts and to endeavor to prevent as much as possible connections or confederations from taking place between the several Indian Nations, And, agreeable to your Grace's Commands, to be careful to direct and keep the attention of the nations whose affairs they superintend to their own particular concerns.

I shall immediately communicate the Paragraph of your Grace's Letter No. 6, respecting the Act for the better ascertaining the appropriation of Lands to be allotted for the use of a Protestant Clergy, with the Papers referred to in it, to Mr. Chief Justice Elmsley; and I shall request him to prepare another Bill with the alterations your Grace has pointed Out, which I am sorry the errors of the last have rendered necessary.

I have now the Honor to transmit for your Grace's information and Approbation the Plan which has been adopted by the Council & myself for Leasing the Crown & Clergy Reserves, And as the Chairman's Report details the Principles on which it was founded I shall not take up your Grace's time at present with any further observations thereon—A Copy of this Plan has been sent to the Bishop of Quebec, in order to obtain his Lordship's opinion of it.

I have the honor to be &c.,

PETER RUSSELL

His Grace the
Duke of Portland &c., &c., &c.

Endorsed:—Upper Canada 15th June 1798—

Mr. President Russell R./ 25th September

*Ans'd. 5th Novr. No. 32. By the Nemesis Frigate
one inclosure*

(Q 284, p. 159.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 54.

UPPER CANADA, June 15th, 1798.

Sir,

In consequence of a letter I have this day received from the Duke of Portland (an Extract from which with the Extract referred to in it I have the honor to inclose) I beg leave to call your Excy's attention to the object of it (Mrs. Grey of the County of Stormont in this Province, the Widow of the late Colonel Grey) and request to know whether upon General Simcoe's communicating the circumstances to Lord Dorchester or to your Excellency there appeared to be any objection to her receiving a Pension of £50 or £60 p. ann. out of of the Army Extraordinaries, that I may be able to inform his Grace what answer has been given to Mrs. Grey's prayer.

I am &c.

PETER RUSSELL.

His Excy General Prescott.

(C 1206, p. 242.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

Secret and Confidential

UPPER CANADA, YORK 15th June 1798.

Sir,

Capt. Claus the Superintendant at Niagara has lately transmitted to me a speech made by Wabanip, a Chief Warrior of the Mississagues to Capt. Jos. Brant requesting him to take the Mississague Nation under his Protection and to be their Agent and Attorney in behalf of their Nation and Posterity, to do, transact, and negotiate all such matters as they may have occasion to do & transact with the white people; and declaring that they will not dispose of their Land, or take any steps in their Councils without his advice and approbation.

As the tendency of this speech, and the steps which Capt. Brant appears to have taken to Court it, Militates most strongly against the Policy which the Duke of Portland recommends very earnestly to my attention in His Grace's Secret & confidential letter of the 11th Sept. and another letter of the 4th Novr., Extracts from which I have the honor to inclose—I beg leave to transmit for yr Excy's information Copys of the Speech, an Extract from Capt. Brant's letter inclosing it to Capt. Claus, and the Copy of a subsequent speech made by Wabenip to Lieut. Colonel Shank; and to request yr Excy's advice what measures it may be wisest for me to pursue (under these circumstances) in my endeavors to comply with His Grace's Commands. I have not yet said anything to either Capt. Brant or the Mississagues on this subject, but I thought it prudent to change the Council Fire of the Mississagues from the head of the Lake to the River Credit—that the five Nations and the Mississagues may not in future receive their annual presents at the same place, but be kept as much separate from each other as possible.

I am &c.,
PETER RUSSELL.

His Excy Genl. Prescott.

(C 1206, pp. 243-4.)

INCLOSURE.

At a meeting of the Principal Chiefs and others of the Mississague Nation of Indians held at the Mohawk Village on the Grand River on the 13th April 1798, the following Speech was delivered by Wabenip the Head Chief to Capt. Jos. Brant (Thayendanegeden) accompanied with a large Belt.

Brother,

Our Great Chief Wabakenyne being dead; We came to address you and to tell you that we still remember the obligations entered into between yourself and him, and in remembrance of which he gave you the Land to form the connection between our Nations, which we hope you have not forgot.

Brother,

We remember that our Great Chief promised never to sell or part with any of our Land without consulting yourself and the five Nations.

We now wish to repeat this promise; and we request & beg that you will consider yourself as the sole guardian of our Nation, and as our Agent, and fully constituted and apptd. Attorney for us and in behalf of our Nation and posterity to do transact and negotiate all & every such matters as we may have occasion to do and transact with the white people; and we do hereby declare and promise in the presence of the Great Spirit that we do and will approve of whatever you may do or cause to be done respecting our affairs, and we now promise in our own names and for our posterity that we will not dispose of any of our Lands or take any steps in our Councils without your advice and approbation.

Brother,

We are told that the white people do not fully understand our customs and Speeches by a Belt—We therefore now wish that this Speech may be written for us to sign, that you may shew them that these are our wishes and intentions.

The above speech was written at the request of the aforesaid Mississague Chiefs and on the 2d May following read to, approved & signed by them as binding their Nation and Posterity.

In Presence of	WABANIP	FISHHAWK.
RICHD. BEASLEY, J.P.	POLAQUAN	BUFFALOE
J. B. ROUSSEAU	NEKUGUAR	OTTER.
Sworn Interpreter	WABENOS	EAGLE.
ALEXR. STUART.	ATCHICHANK.	FISHHAWK.
A. JONES, D.P.S.	DEBANDAN	FISHHAWK.
	PICHEA. KEA.	BUFFALOE.

(C 1206, 245-7.)

EXTRACT OF A LETTER FROM CAPT. JOS. BRANT TO W. CLAUS, ESQR. DATED GRAND RIVER, MAY 8, 1798.

"Since our meeting the 1st May, I have had so much company that I had not leisure to write to you, there was however nothing material to acquaint you with, except that of the Mississagues coming here to renew with us the engagement formerly passed between the late Wabykanyne and myself in behalf of the five Nations living on the Grand River; What induced them to do this was the late Reports they had heard of Government wishing to purchase the remainder of their Lands—I think it well they have took into their head to do this in the formal manner they have done, as it must certainly clear me from any blame on the part of Government, & I could not think of forgetting my engagement with the deceased and Watch over the Interest of his people particularly when they had since his death repeatedly requested me to remember it. I now inclose you an abridged Copy of this Speech, what they delivered in Council being much fuller and according to Custom."

P. R.

(C 1206, p. 247.)

A SPEECH DELIVERED TO MAJOR SHANK BY WABANIP & SEVERAL OTHER CHIEFS OF THE MISSISSAGUES IN PRESENCE OF THE OFFICERS OF THE GARRISON, YORK, 17 May, 98.

Father,

You are no doubt surprised to see so many of your Children at this time, but we have been always told never to conceal any thing from our Father; and if we heard any news to come and repeat it.

Father,

This is the reason of our visiting you at this time—

Father,

Our Brother Capt. Brant sent us these Strings of Wampum this Spring to invite us to his Village to Council—On our arrival he told us the reason he sent for us was to join our hands and hearts to those of the five Nations and to tye them so fast as never to be separated again; that we may become one people,

and in future the five Nations expect to see us every spring at their Council fire to consult with each other, & if any injury happened to one or the other, they were not to do anything without first consulting each other in Council.

Father,

He gave us this Belt which now tyes us and the five Nations, and I now tell you that we were very much pleased at what our Brother Capt. Brant told us.

J. GIVENS—Agt. of Indns.

(C. 1206, pp. 247-8.)

FROM JOHN ELMSLEY TO D. W. SMITH

YORK June 16, 98

Dear Sir

I was informed yesterday that I had been charged with treating the Members of the House of which you are Speaker with great disrespect, in comparing them to Bears & Wolves. Who the Author of the Charge is, I know not, nor shall I enquire; but lest any Member of the Assembly should be prevailed on to believe it, I enclose to you an exact copy of what fell from me on the occasion alluded to, by which you will perceive that what I said is as distant in meaning from what is imputed to me, as I trust you & all who know me will believe it to be from my intention. I rely on your friendship to make such use of the enclosed as you shall think proper, & am with unfeigned regard

Your friend & servant

J. ELMSLEY.

(Enclosure)

In the Debate on the Bill for the better payment of the Wages of the Members of the Assembly, it became necessary to read the Preamble of the Assessment Act, which among other necessary purposes to which the District funds are to be applied, mentions the payment of rewards for the destruction of Bears & Wolves.

On reading it, the Chief Justice observed, that the payment of Wages to the members of Assembly was certainly a very necessary purpose, & added, in a jocular manner, that if no other mode of paying those wages could be discovered, he saw no reason, as the payment of rewards for destroying Bears & Wolves was no longer a necessary purpose, why the Members of the Assembly should not stand in the room of the Bears & Wolves, & the payment of the Wages of the former substituted for the rewards formerly given for the destruction of the latter.

(MSS. of D.W. Smith, Toronto Public Library, Series B, Vol. 8, p. 28.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 55.

UPPER CANADA, June 18th, 1798,

Sir,

I have had the honor to receive your Excy's unnumbered letter dated the 21st April last—which I shall take the earliest opportunity of laying before a

full council, and I shall lose no time afterward in communicating to your Excy. our joint opinion thereon.

Mr. Givens the Agent of Indn Affairs for the district of York, having represented to me that his present situation intitles him (as he is informed) to greater Bk. allowances & Barrel Bulk, that he before enjoyed as a Lieut. of the Rangers, I beg leave to submit his claims to your Excy's consideration, and if they should appear to be well founded, I have no doubt your Excy will be pleased to give directions accordingly.

Mr. Commy. McGill has likewise stated to me by letter that his allowances from the Provision and Bk. Stores as Milty. Commy. of Stores and Provisions for this Province, have been totally ordered to be discontinued, and prays me to make him in consequence an allowance in money adequate to the loss he sustains thereby; as those advantages with his pay as Commissary were considered by General Simcoe and himself as part of the remuneration proposed for his doing the duty of Agent for Purchases, I have therefore the honor of transmitting Copies of Mr. McGill's letter to me & Mr. Rose's letter to Genl. Simcoe, referred to in it for your Excy's information, and to request to know from your Excy, whether these allces are to be restored to him, or application to be made by me to the Lords of the Treasury for permission to grant him an adequate Sum in lieu thereof.

I am &c.

PETER RUSSELL.

His Excy. Genl. Prescott, &c., &c., &c.

(C 1206, pp. 248-9.)

CERTIFICATE BY JOHN SMALL, CLERK OF THE EXECUTIVE
COUNCIL

Dr. Sir

The bearer Walter Moody a good Loyalist, with a large family is desirous to have Lot No. 1 East side of Yonge Street which is declared vacant—a list of the rest of vacant Lots shall be made out for your office immediately.

I am Dr Sir

Yr. Most obedt.

Council Office

Servant

19 June 1798

J. SMALL

Permitted

PETER RUSSELL

Endorseds—His Honor the President

19 June 98.

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 271.)

FROM JOHN ELMSLEY TO D. W. SMITH

YORK June 21st 1798

Dear Sir

The two Clauses which you tell me the House of Assembly has it in contemplation to add to my Bill, have my most perfect approbation, & seem to

me to be all that Justice and sound policy require. That which relates to Arrest on original process may very easily be drawn: but that which is to deliver the debtor from imprisonment as soon as he has given up all his property, is full of difficulty. It is in fact the object at which the Bankrupt Laws in England have been aiming so long, but without success: Everyone who knows anything of that System, knows also that it has introduced into England a most shocking abuse of everything that is honourable or sacred: A Bankrupt's oath is in fact almost synonymous with perjury. It will therefore I fear require a great deal more consideration than the short remainder of this Session will allow. But if the Assembly will permit the Bill to pass in its present form, I will in the interval between this session & the next prepare a Bill for the purpose now proposed. But I must wish to be understood, by no means to approve of immediately liberating a Debtor when he has made the Disclosure of his property; I mean, that the Debtor should not be allowed to demand his liberty if within an hour after being imprisoned, he gives in a Schedule of property which he swears is a true one. I think the purposes of substantial Justice are much more likely to be attained by shortening the time of imprisonment than by any other mode: Let us say for instance that no man shall be detained in prison for debt for a longer period than three Years: There are very few men, who if they have property, will not give it up rather than remain in prison for three years. The truth is & I appeal to every man of observation & experience whether I am mistaken, there are as I have often heard a very eminent Judge say, nineteen fraudulent debtors for one harsh Creditor: & I verily believe that for one instance of a Creditor who keeps his Debtor in prison from vindictive motives & knowing that he has no property, there are nineteen persons who contract debts without knowing or caring how they are to discharge them. You will see from this, that tho' I entirely coincide with the Assembly as to the object I am utterly at a loss as to the means. The Bankrupt Laws I speak of, have been framed with the greatest attention & by the ablest men; but they are notoriously deficient, & I know it is the opinion of most if not all the Judges in England, that tho' the unlimited power of the Creditor over his debtors may sometimes be productive of injustice & oppression, yet on the whole, it is by far the best system that has yet been devised, & by the occasional introduction of an Act of Insolvency, by no means so formidable in fact as in appearance.

Tho' I hold the mere forms of proceeding very cheap, I look on principles as sacred, & not to be touched but by a very tender hand. One principle I have considered for many years, & confess I cannot yet approve of; I mean the principle of not touching the property if you take the person of your Debtor. The reason of this I could never see: & I cannot think that there would be any objection, while we limit the power of imprisonment to three years, to give to the Creditor a Power of taking the property of his Debtor wherever he can find it, until his debt is discharged: if by so doing, he could obtain a reasonable part of his Debt, & had sufficient grounds to suppose that the Debtor had given up all, I think there are very few men who would from mere revenge deprive a fellow-creature of his liberty. But it is in this, as in almost all other human institutions: we have little more than the choice of evils, & I repeat that from what I have seen of mankind, I am much more afraid of the dishonesty of the Debtor, than the Severity of the Creditor.

But however this may be, I think the subject of too much importance to be decided on at the close of the Session. Had I had the smallest intimation of the wishes of the Assembly, I would certainly have prepared a Bill & brought it with me. But by the next Session I will frame one upon the principle you have suggested to me. In the mean time, the Assembly will I trust see no reason to reject the Bill before it; as it introduces no new Law, but is merely declaratory of the Law as it stood before the passing of the Act of last Year, & as I conceive it to stand now, notwithstanding the passing of that Act. The only two Judges on the Bench being however of different opinions on the Subject, the authority of Parliament became necessary to turn the scale, & the Bill as it now stands, has no other effect than merely to say, that as no alteration was intended none shall be made.

I am dear Sir

Yr. faithful friend & Servt.

J. ELMSLEY

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 8, pp. 30-32.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 36.

QUEBEC 21st June, 1798.

Mr. President Russell

Sir,

I have had the honor to receive your Letters numbered 50 and 51.

I have issued a Warrant on the Deputy Paymaster General for Two thousand five hundred Pounds sterling, Dollars at 4/6 each, for Account of the Civil Expenditure of the Government of Upper Canada, as requested in your Letter No. 51. The whole amount of which will be forwarded to you under Escort of an Officer and Twelve Rank and file.

I am &c.

ROBT. PRESCOTT.

(C 1207, p. 113.)

FROM JOHN MCGILL TO JAMES GREEN

UPPER CANADA YORK 24th June 1798.

Sir,

I have the honor to state to you for the information of His Excellency The Commander in Chief that since my letter to you of the 5th Instant, I have entered into engagements for One hundred fifteen & half Bushels of Peas at five shillings p Bushel to be delivered at Kingston—Sixteen thousand five hundred and fifty six pounds of Flour at Fort George—and for Forty thousand Pounds of Flour (in addition) at Amherstburg, at Twenty Six Shillings Canada currency p cwt including Cask—the whole to be lodged in His Majesty's Magazines by the first of July—and I beg further to state that I have a prospect of obtaining from Detroit and the new settlements an additional supply of Forty six thousand three hundred & sixteen pounds of Flour, which Flour when de-

livered will complete the quantity, that I was directed to purchase by His Excellency the Commander in Chief's order of the 9th December 1797.

Had it been in my power to have procured the quantity of Flour ordered to be delivered at Fort George in the settlements of Kingston and Niagara, I should not in that case have extended my purchase of this article beyond the One hundred thousand Pounds at Amherstburg; But for the reasons which I had the honor to state to you in my letter of the 23rd May last, I saw no prospect of obtaining the quantity wanted at Fort George, upon any terms—I do therefore humbly hope upon this consideration, that the measures which I have taken in order to provide the supplies will meet with His Excellency the Commander in Chief's approbation.

I have the honor to be &c.
JOHN MCGILL
Agt. for Purchs.

Major Green
Military Secretary
Quebec.

(C 106, pp. 70-1.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

QUEBEC 25th June 1798.

Sir John Johnson,
Sir,

I am directed by the Commander in Chief to send you the enclosed Extract of a Letter from Mr. President Russell dated the 23rd of last month with his Speech to Yellow Head and several other Chiefs of the Chippewa Nation from Lake Simcoe, and their reply—You will perceive that the Papers transmitted to Mr. Russell the 9th of April last have given the Executive Council of Upper Canada the fullest satisfaction respecting the Boundary Lines of the Lands purchased from the Indians in 84, 87 & 88, and that in consequence thereof they withdrew their Requisition for the new Deed, and acquiesce in His Excellency's observations on the unpleasant consequences which might have ensued had their Recapitulation Plan been carried into Effect.

I have had the honor to receive your Letter of the 21st Instant, which was laid before the Commander in Chief.

The Instructions you gave the Party of Indians lately, in addition to their former Orders, His Excellency approves, but hopes there may be an Interview between you and Forsyth on the Subject as soon as convenient, least he should see any substantial reason which might induce an alteration in the Plan—

The money advanced the white man sent to Chambly and its environs, or any other similar expences should be charged amongst the Quarterly Incidental Expences of the Department, from time to time.

His Excellency requests you will have the goodness to arrange in the best and safest manner with the Seven Nations respecting proper Deputies to be sent to Buffalo Creek to settle the disputes between them and the Mohawks, in the presence of Captain Claus, but he observes that although the Mohawks feel their pride rather touched on your proposal for their sending a Deputation to the

Caughnawagas, yet they might, from personal respect to yourself, have sent a few of their principal Chiefs to announce their determination on the Subject.

I am &c.,

JAMES GREEN.

(C 1207, pp. 115-6.)

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 25th June 1798.

Present.

His Honor Peter Russell Esqr. President &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. James Baby.

The Hon. Alexr. Grant

The Hon. John McGill

The Hon. David William Smith Speaker of the Lower House.

The Surveyor General having laid before the Board an application from Capt. Joseph Brant Agent for the five Nations, stating that he had entered into a bargain with Mr. James Wilson for the Tract on the Grand River No. 4, which is left blank in the schedule of lands surrendered to the King on the 5th of February last, and praying that a Deed may issue to the said James Wilson in the same manner as was done with respect to the five other Tracts mentioned in the said schedule.

Ordered, that a description issue from the Surveyor General's Office for the Tract No. 4, aforesaid to be granted to Mr. James Wilson upon the same terms and conditions on which the other five Grants were made to Messrs Stedman, Beasley and William Wallace, William Jarvis, and Benjamin Canby.

.....
Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 26th June 1798.

Present.

The Hon. John Elmsley Chief Justice.

The Hon. James Baby

The Hon. Alexr. Grant.

The Hon. Æneas Shaw

The Hon. John McGill

The Hon. David William Smith Speaker of the Lower House.

The Chief Justice read to the Board a letter received this day from the President in the following words—

YORK 26th June 1798.

Sir/

Having received a formal application from the Superintendant of the Inland Navigation stationed in the Niagara River for permission to act in the line of his duty—and conceiving that those Articles of Commerce on which duties have been imposed by Acts of the British Legislature—which may be imported into this Province without having paid those duties, are liable to seizure, and consequently are objects of the Superintendant's cognizance and enquiry—I request that you will be pleased to take the opinion of the Committee, whether it may be proper for me, under the present circumstances of the Province—to suspend the operation of this part of the Superintendant's duty by prohibiting him to make seizures of Goods imported which have not paid such duties—and also those Goods whose importation from any place but Great Britain and Ireland have been altogether prohibited—And if it should be the opinion of the Committee that it would be improper for me to suspend the above mentioned part of the Superintendant's duty, I request you will be pleased to take their opinion whether it would not be an Act of Justice or even duty which we owe to the Inhabitants of the United States to inform them in the most public manner at what Ports they are to pay those duties, and to whom they are to be paid—before we thus expose them to the seizure of their Goods, I am further to request that the Committee will favor me with their opinion whether I can without the authority of the Legislature name these Ports, and appoint Collectors, and other Officers—regulate their Fees and determine their Salaries as well as the fund out of which they are to be paid.

I have the honor to be &c.

PETER RUSSELL, President.

Hon. Mr. Chief Justice Elmsley
Chairman of the Committee of
the Executive Council now sitting.

The Board immediately took the letter into consideration, and after debate,

Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 28th June 1798.

Present.

The Hon. John Elmsley Chief Justice.

The Hon. Æneas Shaw

The Hon. John McGill

The Hon. David William Smith Speaker of the lower house.

The Board resumed the consideration of His Honor's letters of the 12th, 14th, and 26th Instant, and after much deliberation directed the Chief Justice to make the following Report.

COUNCIL CHAMBER YORK 28th June 1798.

Sir/

I have the honor to inform you that the Executive Council has taken into consideration your letters of the 12th, 14th and 26th Instant together with the papers which accompany them.

The subject to which those letters and papers refer is of so great extent, and of so much importance, that the Board has not been able with its utmost diligence to come to any definite determination on any part of it—I am however authorised to say, that whatever may be the measures we may eventually recommend to you, we are satisfied that it will not be proper to bring any of them before the Legislature during the present Session, as we have every reason to think that no application of the kind will succeed, at least until after the meeting of the Commissioners of the two Provinces.

I have the honor to be &c.

J. ELMSLEY.

His Honor
The President.

Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER
YORK 2nd July 1798.

Present

His Honor Peter Russell Esqr. President
The Honorable John Elmsley Chief Justice.
The Honorable Alexr. Grant.
The Honorable James Baby
The Honorable John McGill.
The Honorable David Wm. Smith

Yonge Street Agreeable to the Order of Council of the 16th the Yonge
Report. Street Report was laid again before the Board and the follow-
 ing names are Confirmed in the Lots opposite to them re-
 spectively.

Benjn. Clark	No. 15	East Side.
Jacob Gomer	No. 18	do. do.
Lawrence Johnson	No. 19	do. do.
Nicholas Johnson.	No. 20	do. do.
Thomas Johnson.	No. 21	do. do.
Richd. Lawrence	No. 25	do. do.
Fredk. Baron De Hoen	No. 1	West Side.
James Ruggles	No. 2	West Side.
Joseph Kenderick	No. 6	do. do.
Duke Wm. Kenderick	No. 7	do. do.
Hiram Kenderick.	No. 8	do. do.
John Kenderick	No. 9	do. do.

Thomas Hill	No. 15	do.	do.	
Joseph Shephard	No. 17	do.	do.	
John Wilson Junr.	No. 18	do.	do.	
Abraham Johnson	No. 19	do.	do.	to be Confirmed if actually re-
Josph. Johnson	No. 20.	do.	do.	sidd.
John Coon	No. 21	do.	do.	Actually living to be Confirmed,
Paul Willcot.	No. 23.	do.	do.	

Township of Markham.

John Lyons	No. 23.
Nicholas Miller	No. 24.
Balser Monshier	No. 35
Thomas Lyons	No. 42
John Dexter	No. 43

Township of Vaughan West Side Yonge Street.

Jacob Fisher	No. 26
John Fisher	No. 27
Mathew Chapman	No. 28.

Adjourned.

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 33.

UPPER CANADA

YORK 3d July 1798.

My Lord Duke,

I have the Honor to acknowledge the Receipt of Mr. King's Circular letter dated the 18th of January last; and I shall lose no time in causing Mr. Colquhoun's letter to be published in the Gazette of this Province for the Information of its Inhabitants.

I took the earliest opportunity of communication to His Majesty's Executive Council your Grace's separate letter of the 9th of January last; and I am desir'd by them to apologize to your Grace for presuming to trouble you with the Request, which I had the Honor of making in their name in my letter of the 18th of April 1797. We had been induc'd to make that Request by the Reasons therein stated, and by the Consideration of Our having been long exposed to the heavy Expence & Want of Comforts ever incident to the settling a new Country at this distance from the Sea; which those who come after may probably not experience—We submit however with all deference to your Grace's Opinion; and shall humbly wait His Majesty's gracious pleasure until our loyal and zealous Exertions in his Service may be judg'd worthy of the Royal Favor.

I have not words to express my Sense of your Grace's goodness in ascertaining a suitable Provision for the Person who in the absence of the Governor or Lieut. Governor may execute the office ad interim in this Province; being at the same time most gratefully content with your Grace's Determination respecting myself. I beg leave however to assure your Grace that I had no thought of drawing the Salary of a Puisne Judge after Mr. Justice Powell's return to his

Duty; and I shall obey your Grace's Commands for discontinuing my temporary Exercise of that Office.

My letter No. 32 will have conveyed to your Grace the Plan we had adopted for leasing the Crown & Clergy Reserves. I had again submitted it to the Reconsideration of the Council after my Receipt of your Grace's Letter No. 7. But no other mode occurred to them for rendering those Reserves soonest productive.

I have the Honor to be &c.,
PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada 3d July 1798.

*Mr. President Russell—R./ 25 September, Ansd. 5 Novr.
No. 33. By the Nemesis Frigate*

(Q 284, p. 168.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 34.

UPPER CANADA
YORK July 3rd 1798.

My Lord Duke

The Legislative Council and Assembly having this day requested me to transmit to His Majesty thro' one of His Principal Secretaries of State their joint address of Thanks to His Majesty for His gracious Indulgence in condescending to provide a Fund for establishing in this Province free Grammar Schools and other Seminaries for the Promotion of moral and religious Learning and the Study of the Arts & Sciences; I have the Honor of enclosing the Address to your Grace, that it may be presented to His Majesty agreeable to their Request.

I have the Honor to be &c.,
PETER RUSSELL.

His Grace the Duke
of Portland &c., &c., &c.

Endorsed:—Upper Canada 3rd July 1798.

*Mr. President Russell
R./25th September—Ansd 5th Novr.
No. 34. By the Nemesis Frigate
(one inclosure)*

(Q 284, p. 170.)

ADDRESS FROM THE LEGISLATURE OF UPPER CANADA

To the King's Most Excellent Majesty—
May it Please your Majesty.

We your Majesty's most dutiful and Loyal Subjects the Legislative Council and Assembly of Upper Canada humbly beg leave to approach your Majesty

and to express our deep and heartfelt sense of the additional mark of your Majesty's Paternal care and bounty recently communicated to us in the intimation of your Royal intention to provide a Fund for the Establishment of free Grammar Schools in the several Districts of this Province and in due process of time of other Seminaries of a larger and more comprehensive nature for the promotion of Religious and moral learning and the study of the Arts and Sciences—

We beg leave to assure your Majesty that nothing shall be wanting on our parts to forward your Majesty's most gracious intentions and that our first object shall be to impress on the minds of our youth every sentiment of grateful attachment and Affection to the Person, Family, and Government of their Royal benefactor.

By Order of the Honourable Legislative Council

J. ELMSLEY, Speaker

By Order of the Honourable the Commons House of Assembly

D. W. SMITH Speaker

3d July 1798.

Endorsed:—Upper Canada

*Address to His Majesty
from the Legislative Council
& House of Assembly in
Parliament assembled.*

York 3d July 1798.

In Mr. Prest. Russells

No. 34 of 3d July 1798.

(Q 284, p. 171.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 56.

YORK UPPER CANADA, 3d July 1798.

Sir,

I have the honor to receive your Excy's letter No. 35, dated the 7th June.

In answer to the first Paragraph of which I have to inform you that I find by a Copy of a Speech lately sent to me from Fort George, which the Five Nations made to Capt. Claus and has been transmitted by him to Sir John Johnson, that those Indians decline meeting the Caghnawagas &c., in Lower Canada, on the principle of their being the accusers, and the five Nations thinking it proper in consequence that they should meet them at Buffaloe Creek, agreeable to Invitation, where they may have an easier reference to the documents requisite for clearing up all matters in dispute between them. As the Inclosures No. 3 and 4 partly compose the subject of my Secret and confidential Letter to your Excy of the 15th of June, I beg leave to refer your Excy to that Letter, and to request your Instructions in consequence. To throw more light on Captn. Brant's present views & temper, I take the Opportunity of adding for your Excy's further Information, Extracts from a Letter he has lately written on the Subject to Lieut. Givens—

I know nothing of the displeasure which Capt. Brant mentions to have been shewn by Government to the Mississagues for the Confidence they have placed in the five Nations, the fact is the whole Nation came here uninvited at the time the Indians from Lake Simcoe were assembled and in large numbers to receive payment for the purchase of Penetangushene &c., and fearing that disturbances might ensue from such an assemblage of Indians near this Town, and willing to ease Government of the Expence of feeding such a Crowd, I desired Capt. Claus to send the Mississagues Home, and upon their pressing upon me the Knowledge of their Speech to Capt. Brant the 1st of May, I felt myself under the necessity of desiring either him or Mr. Givens to tell them that I was not pleased with the little Confidence they shewed themselves (by that Speech) in the Justice of their great Father the King & their thinking it necessary to place themselves under any other Protection. I likewise desired them to be Assured that the King would never Accept of an Acre of their Lands before he had fully satisfied them for it, by paying them as usual a Valuable consideration and that they would never be forced to part with them contrary to their intentions. But I have not taken any notice to Captn. Brant of this Letter nor shall I before I receive your Excellency's sentiments thereon.

I am &c.,

PETER RUSSELL.

(C 1206, pp. 251-2.)

INCLOSURE

An Extract of a Letter from Capt. Joseph Brant to Lieut. Givens of the Queen's Rangers, dated Grand River 6 July 1798.—

"I therefore take this Opportunity of letting you hear a few words from me by him, as you are now agent of Indian Affairs, and consequently it is proper for you to be acquainted with their Sentiments on different Occasions—

"I am not a little surprised to find the President has shown so much displeasure at what passed between the Mississagues and us the first of May last, as they have told me that when they went to York to see the Indians from Lake Huron, that were met there, that he would not so much as see them.

"They were almost ready to hold another Council on account of the uneasiness of our Brethren the Mississagues at finding themselves so much slighted by Government for having done no more than conferring agreeable to the forms customary what their deceased Chief Wabbekkanyne had before his Death desired, and which we had agreed to; And the Other was no more than the Ancient Indian Custom of uniting and taking each other by the hand.—But for my part I do not think it worth while Conversing about it at present.

"It seems to me that it would have looked much better not to have shewn any displeasure at their proceedings whatever might have been felt, as it will only tend to make the Indians think it really was the intention of some people to take the whole of the Country from them, and that therefore they regret very much having lost the Opportunity, inasmuch that they cannot even keep a good countenance besides apparently they must have a very bad Opinion of us the Five Nations to shew so much displeasure at our Brethren confiding themselves and lands to our care and attention, these people must certainly be unacquainted with us or else have forgotten past times, did they not look back a very little

distance they would find that our fidelity has been proved in affairs of greater moment than that small tract of Land—and another thing if it is true, it is an intire Contradiction of the former language of Government, which continually advised unanimity and Union to all Indians, as it is evidently their Interest to be so; I hope we shall hear of no more displeasure being shewn on this occasion, if there is, we shall then demand the reasons for it may be particularly pointed out to us, for we never do or say anything without giving a full explanation.”

(C 1206, pp. 252-3.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

No. 35.

UPPER CANADA
YORK 4th July 1798.

My Lord Duke,

Captain Brant, who acts for the five Nations, having in their Name Solicited me to procure Ordination & a Stipend for a Person whom he wishes to establish a resident Missionary among those Indians on the Grand River; I have the Honor to inclose for your Grace's Information some Extracts from my Correspondence with the Bishop of Quebec & that Chief on this Subject.

The moral and political Expediency of our having a clergyman constantly residing with the Indians on the Grand River is too obvious to require my troubling your Grace with additional Arguments to obtain your Grace's support to so usefull an Establishment—But the Difficulties in procuring a Person in every respect qualified for such a Situation are I am afraid almost insuperable; and your Grace will observe that I do not altogether approve of Captain Brants Choice—

I request leave to avail myself of this opportunity to solicit your Grace for one more Stipendiary Clergyman for Upper Canada; as my Lord Bishop's desire to have a Church at New Johnston in the Eastern District as well as at Cornwall, adds one Church to the number I had first proposed to share the Bounty of Parliament, and will of course require another Clergyman to serve it. I therefore propose to take £200 from the £500 which I had appropriated for building a Church in this Town; and allot that sum to the building a Church at New Johnston.

The Western District being the only one which has reported to me its appointment of Wardens to take Charge of the Monies to be collected & appropriated for the building a Church therein, I have as yet drawn on the Lords of the Treasury towards this Service for only two Hundred Pounds in favor of the Wardens of Sandwich, to enable them to build an Episcopal Church in that Town—I wait the Arrival of Mr. Raddish or some other clergyman for York, before I shall draw for the three Hundred Pounds now appropriated towards the building a Church here.

I have the Honor to be &c.

PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada
4th July 1798.
Mr. President Russell
R. / 30th November
No. 35.
Ansd. 24th Jany.
(4 inclosures)
 (Q 284, p. 178.)

FROM SIR JOHN JOHNSON TO WILLIAM CLAUS

LA CHINE 4th July 1798.

My dear Sir,

I have received your several letters and their inclosures, all which I have left in Town, and may therefore forget to reply to all their contents.—

Your Messengers, thirty odd in number, have at length finished with the Seven Nations, Who, Notwithstanding my having signified to them the Generals wish, as well as my own, that they should send Deputies to Buffaloe Creek, to Settle their dispute, have declined it, and I believe given their reasons to the Messengers—so that the Generals wishes and mine have been Equally treated with Slight or rather contempt by both parties, they may therefore take such further steps, as they in their superior judgment may think fit, for I am determined not to have any thing more to say in the business— I think, as does the General, that our recommendations, Which you say you read to Captain Brant, might have been received and treated with a little more respect—the folly of sending such Numbers of insignificant fellows on so trifling a business, I need not point out the inconvenience and Expence of—it should therefore be guarded against in future, as I will not Attend to them, when their Numbers are Unnecessarily increased, and their insignificance so great as those now here—I have Attended none of their Councils, nor do I mean to hear the Indians here on the Subject—they are furnished with a Boat, and every thing Necessary to take them Back—

I am happy to hear that I have at last given satisfaction with respect to the lands purchased from the Mississagas &c.—I cannot help being surprised at the Injustice and littleness of the conduct of your Government, in hesitating or refusing to grant the lands, that an Order of the Council of this Province Issued for, and that I as head of the then land Board, had located for them, and I inserted the Names of your Mother, Colonel Johnsons family, and Mrs. Leake on the Map with a Pencil, to be filled up by Mr. Rankin, the Surveyor—and afterwards carried on a Correspondence with Lord Dorchester on the injustice of granting them only One thousand Acres, each, instead of five, particularly When Mr. Powell was Allowed three thousand Who Never had borne Arms, or sacrificed any property to intitle him to Such a preference the Answer was that they were not prevented from Asking for More when they had Improved the first grant. I remarked, and replied that no such condition was required of Mr. Powell and his remains unimproved to this day—

I am Sorry for the treatment you met with relative to Quarters and I shall do all I can When the General comes up next week, to have it removed—but I can easily conceive the Answer that will be given with regard to Quarters for families, What is doing with for McDonell, is done I Suppose by the Commandant—

I will endeavour to send you the Ear Bobs, &c.—I have not learned that Mr. Lees has taken upon himself to have a Survey on your Store—It can only be the Survey on the goods that was delivered by Molloy Which is directed by the General Instructions—

I wish you to find out young Lefferty, my god Son¹ if you do not know him, and let me know in What Manner I can Serve him, and Should he be in any immediate Want of pecuniary Aid, I wish you to Assist him, if he is not Unreasonable or very Idle, as far as ten or twenty pounds, through any Mercantile house, and if the draft on me could be put off to the end of September it would suit me best—If he will send me a list of Medicines Suitable for his practice, I will send it home, and get it out for him—I will Speak to Mr. Oldham for the Plan of your Seigniory—but Should incline to believe none will be found, and that a Surveyor must draw out one, if Necessary—

I find you have been Misinformed with respect to Mr. Lees giving, or intending to give Orders for a Survey of your Store, it was Mr. Chew that wrote to his Brother that he thought it was likely Mr. Lees would ask to have the Order that Exists for the Survey of the Old Stores, Upon the Arrival of the New Ones, put in Execution, Which Captn. McLean produced at Detroit, and Wanted Elliott to Attend to—The Messengers say they never received any Message from me to attend the Meeting here—you only mentioned it to Brant, I suppose, and he Advised as he thought fit, without Explaining that it was the Generals wish and mine to have the dispute Settled here in my presence, Which was my proposal to the Seven Nations, as I believe I wrote you—

Inclosed you have the two Testimonials which you can deliver with whatever else may be Necessary—

I am so Surrounded with Ottawas the Seven Nations, and the Messengers that I hardly know What I write, one of them has been Writing along side of me.

All here Unite in Affectionate Regards to your Mother and family and believe me Sincerely and truly yours.

JOHN JOHNSON,
(A.L.S.)

(Unaddressed)

(Claus Papers, Vol. 8, pp. 69-72.)

AGREEMENT WITH GEORGE THOMAS KNIGHT

Before the subscribing Public Notaries for the City and District of Montreal in the Province of Lower Canada residing in said City.—Personally Appeared George Thomas Knight now at this City, who by these presents and for the considerations hereinafter mentioned doth covenant promise and agree in manner following, that is to say, that he the said George Thomas Knight shall & will

¹Dr. John Johnson Lefferty.

for & during the term of one year to begin & to be accounted from the fifth day of this present Month of July (1798) serve, abide, and continue with the Honble Peter Russell Esquire of York, in the Province of Upper Canada. party to these presents & accepting thereof. by John Gray of said City of Montreal Esqr. in the capacity of his covenant & domestic Servant, and also in that of Butler, and shall and will diligently and faithfull according to the best & utmost of his power skill & knowledge exercise & employ himself in and do and perform all such service and business whatsoever, and particularly to attend the Table at Breakfast, Dinner and Supper, as well as to attend upon the said Honble Peter Russell as his Body Servant, and also to have & take charge of the Cellars and of all the Liquors &c. as in and about other business, matters & things whatsoever, as his said Master shall from time to time order, direct & appoint to and for the most profit & advantage of his said Master that he can and shall and will likewise be just true and faithful unto him in all matters and things, and no ways wrongfully detain imbeizil or purloin any Monies, Goods or Things whatsoever, belonging to his said Master, as may from time to time be committed to his care & management, and shall and will also, make and give up true and fair accounts of all his actings and doings. in the said employment without Fraud or delay when & as often as he shall be thereto required. And in consideration of the premises and of the several matters and things, by the said George Thomas Knight to be performed as aforesaid, the said Honble Peter Russell by these presents, doth covenant promise and agree to find & allow unto the said George Thomas Knight, Meat, Drink & Lodging. And also shall & will well and truly pay or cause to be paid unto him the said George Thomas Knight the sum of Thirty two Guineas, equal to thirty seven pounds six shillings & eight pence present Current Money of the said province of Lower Canada for the said term of one Year and fully to be compleated and ended. And the said Honble Peter Russell dothe further promise & engage to provide a passage for the said George Thomas Knight free of expence and also to pay and allow all reasonable charges. between the City of Montreal and the Town of York in the said province of Upper Canada, for so the said parties to these presents have covenanted and agreed. For thus & promising and obliging & renouncing & done and passed at the said City of Montreal in the Office of Johnathan Abraham Gray one of us the said Notaries in the year of our Lord one thousand seven hundred and ninety eight the the fourth day of July in the afternoon and signed by the said parties with us Notaries. these presents having first been duly read, according to Law. And the said George Thomas Knight doth hereby acknowledge to have received upon account of his said wages, the sum of five pounds Currency of this Province signed on the original George T. Knight. John Gray. Bte. Desére Nore. & the subscribing Notary.

Quad. Attestor

J. A. GRAY Not. pub. 1798

Endorsed:—4th July 1798

Agreement

George T. Knight

To

The Honble Peter Russell Esquire.

J. A. Gray N.P.

(Department of Public Records and Archives, Toronto, Ontario.)

FROM THE DUKE OF PORTLAND TO PETER RUSSELL

Drat to Mr.
President Russell
No. 10.

WHITEHALL, 5th July 1798.

Sir

It being proposed to grant a Settlement in Upper Canada to Mr. Puisaye, who was commander of the French Loyalists employed in conjunction with His Majesty's Forces on the Coast of France in 1795, and to about 40 of the said Loyalists, who it is expected will embark with him from hence for that purpose in the course of the present Season; I take this opportunity of signifying the same to you, in order that you may take such previous measures, as may be necessary for making out for them allotments of Lands in Situations as favorable as circumstances will allow of, and in the proportion granted to American Loyalists, considering Mr. Puisaye as a Field Officer, and such other Officers as shall accompany him according to their Rank, and the Remainder as Privates. They will be furnished here with the necessary Funds and with such Articles as are requisite to enable them to settle the Lands, which shall be allotted to them—As it is probable that His Majesty's Government may think it advisable to make Provision for a considerable portion of those French Emigrants now here, whose Character and behaviour shall appear to entitle them to such a mark of His Majesty's Beneficence, I am to require you upon previous consultation and communication with Mr. Puisaye to consider the best means of carrying such a measure into execution, should it be adopted. With this view it will be necessary to consider in what situations, in what manner, under what Terms, and Circumstances, and for what numbers, Lands may be allotted, so as to admit of their being occupied by them in the course of the ensuing year; And so that, if a considerable number, should be sent out in the course of next Spring, such previous steps should be taken, and such a degree of preparation made for settling them down upon the Lands, which shall be designed for them, as would render their arrival the least embarrassing to the Province, or, should such an Event not take place, such as would put Government to the smallest Expence possible—

I am &c.,

PORTLAND.

Endorsed:—Drat to

Mr. Presdt Russell—

No. 10

July 1798—

(Q 284, p. 32.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND

UPPER CANADA

YORK 5 July 1798.

No. 36.

My Lord Duke,

I have the Honor to inform your Grace that I met the two Houses of Provincial Parliament for the Dispatch of Business on the 5th of June, and that after I had given His Majesty's Assent to three Bills & reserved four for the

signification of the Royal Pleasure thereon, it was this day prorogued in the usual form.

I have directed the Acts & Bills to be immediately engrossed & attached to the Great Seal of the Province; and Copies to be prepared of the journals of the two Houses. As soon as they are I shall take the earliest opportunity of transmitting them to your Grace with the required Remarks & observations on each.

Copies of my Speeches at the opening & conclusion of the Session, with the addresses of the two Houses, are now inclosed for your Grace's Information

I have the Honor to be &c.,

PETER RUSSELL.

His Grace
the Duke of
Portland &c., &c., &c.

Endorsed:—Upper Canada 5th July
Mr. President Russell
R. / 30th November
No. 36.
Ansd. 24 Jany.
(4 inclosures)

(Q 284, p. 191.)

JOURNAL AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF THE
PROVINCE OF UPPER CANADA, 1798.

YORK, Thursday the 5th Day of July,
1798.

After which His Honor was pleased to make the following Speech to both Houses of Parliament.

Honourable Gentlemen of the Legislative Council and Gentlemen of the House of Assembly:—

At this very critical and eventful period I cannot too earnestly impress upon your minds the necessity of strictly enforcing your Militia Laws that your active vigilance in your respective stations may render it difficult for any person to screen himself from being enrolled in some Militia Corps, so that every man capable of bearing arms may be held in constant readiness to assist in repelling all hostile attempts against either Province.

(See Seventh report of the Department of Public Records and Archives
of Ontario, p. 78.)

THE RUSSELL PAPERS

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER
YORK 6th July 1798.

Committee.

Present

The Honorable John Elmsley, Esqr. Chief Justice

The Honorable James Baby

The Honorable Alexander Grant

The Honorable David Wm. Smith

Read the following petitions.

.....
.....
Joseph Brant—Praying that his Son Isaac deceased Military lands be granted to his wife and family.

Recommended that 400 Acres be granted to the Wife and Children of the late Isaac Brant (as his military lands) as Tenants in Common under O.R.
.....
.....

Willm. Fortune. Stating that from the knowledge he has acquired of the lands
39 F.4 in the Eastern District of this Province by his profession as land Surveyor, and particularly that part of the District bounding on the Southern Banks of the Grand River, has therefore (on account of the late application made to your Honor's for land by N. H. Tredwell¹ late from Platsborough, State of New York) taken the liberty to state to your Honors, That the land so applied for, there has been prior applications made by some of His Majesty's true Subjects, now residing on the Banks of the Grand River, south side, as also the prayed for Military Lands of Captain John Whitlock of the Queens Rangers.

That on account of the certain knowledge Your Petitioner has, that the said N. H. Tredwell is not a true Subject to His Majesty King George, and that he the said N. H. Tredwell is not a Christian denying Christ the Saviour of the World, and preferring the Works of Tom Pane to the Holy Bible; your petitioner therefore in order to discover the very great deception of the Said N. H. Tredwell, and the sore displeasure & loss that will arise to the true Servants of the Crown now residing on the Banks of the Grand, or Ottawa River (whose feelings are exceedingly hurt by his unGodly expressions) should he the said N. H. Tredwell possess said Lands.

Your petitioner has taken the liberty to produce a Sketch of said lands setting forth the situation thereof; Praying your Honor will take into your consideration the above circumstances, and that those who have made prior applications for part of said lands so described may be taken into your

¹The name of Nathaniel Tredwell of the Seignior of Longueuil in the Eastern District of Upper Canada appears in the list of persons who withdrew from the Province during the war with the United States without license abandoning about 13,000 acres of land.

Honors consideration, and that he the said N. H. Tredwell may not receive a grant for the lands so applied for.

Mr. Robinson the Attorney for Mr. Tredwell to be written to, to attend tomorrow at 11 O'Clock.

.....

 Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER
 YORK 7th July 1798.

Present

His Honor Peter Russell, Esqr. President
 The Honorable John Elmsley Chief Justice
 The Honorable James Baby
 The Honorable David Wm. Smith

Read the following Petitions.

William Fortune. Read the petition of William Fortune dated the 25th June 1798, Stating that to his certain knowledge N. H. Tredwell is not a true Subject to His Majesty King George, and that he the said Tredwell is not a Christian, denying Christ and preferring the Works of Tom Paine to the Holy Bible—and that it would in consequence cause sore displeasure and loss to the true Servants of the Crown now residing on the Grand or Ottaway River (whose feelings are exceedingly hurt by his ungodly Expressions, should he the said N. H. Tredwell possess the lands Government has promised under certain conditions & therefore praying that the prior application made for those lands by His Majesty's Subjects may be taken into the consideration of the Board and have its due weight.

Read also another Petition of the said Mr. Fortune dated the 21st June 1798 in behalf of Sundry persons who pray to have Settlements in the Township of Hawkesbury.

Read also another Petition from Josiah Case and Sundry others, which has also been read in Council May 2nd 1797 praying for a Settlement in Township No. 2 now called the West part of Hawksbury on the South Side of the Grand or Ottaway River Vizt. beginning in the 3rd Concession of front Lot No. 5 and extending to Westward—again beginning in the 4th Concession of front Lot No. 4 to Extend Westward.—and in the 5th Concessions covering in the whole 2,850 Acres—which the Council consented to at the time, whenever the allegations set forth in the Petition should be found by the Deputy Surveyor of the District to be as therein Stated.

Mr. Fortune being called before the Board and being asked what knowledge he had of Mr. Tredwell's conduct and Expressions which induced him to entertain the Opinion of him which he set forth in his Petition, declared that he has himself heard Mr. Tredwell speak very much in favor of the American Government and disrespectfully of the British Government, and endeavoured to turn the Bible into ridicule, in short that from

what he himself heard him say, & was told by others in whose report he could confide, that he had said in their presence he had not a doubt but he was inimical to the British constitution and the Christian Religion—and that he could prove it whenever called upon.

Read a Letter from the Surveyor General dated the 23d of February 1797 with the Copy of a Letter from Mr. Tredwell to him dated the 28th of January 1797—also another Letter from Mr. Tredwell dated 7th Novr. 1797—on the Surveyors letter is endorsed 7th March 1797. Mr. Tredwell's Title to interfere with the lands in this Province must be ascertained before he can be permitted to make Surveys or run lines in any Township or Seignory. Read again in Council the 12th of February 1798 and endorsed—Whenever Mr. Tredwell produces to this Board such a Title as can be recognized in this Province, the Board will not object to an exchange of part of his Seignory for waste Lands of the King agreeable to a plan thereof, which the Surveyor General now produced in Council. In the mean time an Appropriation thereof is Ordered.

Mr. Robinson Attorney for Mr. Tredwell appeared before the Board and produced a conveyance from Monsieur Longeuil to Mr. Tredwell of the Seignory De Point a Loriginal drawn up in English according to the manner in which conveyances are usually made under the British Laws, specifying the Boundaries of the said Seignory to be according to a plan of a Survey taken by a Monsieur Papineaux—but not warranting those on any other Boundary lines whatsoever.

On examining the plan which has been produced in Council on the 7th of Feby. 1798, it appeared that the land prayed for by Case & others lies within the Boundaries of the land in Hawksbury requested & Ordered afterwards to be appropriated to Mr. Tredwell.

Mr. Robinson being again called in & being asked whether Madam Longeuil has resigned her Dower, he answered that he believed not because Mr. Tredwell informs him by a letter that to determine this Question he examined the Marriage Contract by which, to his great Surprise he finds that all Monsieur Longeuils Estate real and personal is Mortgaged to her Mrs. L. for the Security of her dower Amounting to 10,000 Livres.

Referred the further consideration to Monday when all the Members are to be summoned to attend.

.....

 Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER
 YORK 9th July 1798

Present

His Honor The President.
 The Honorable John Elmsley Chief Justice
 The Honorable Alexander Grant
 The Honorable James Baby

The Honorable Æneas Shaw
 The Honorable John McGill
 The Honorable David Wm. Smith.

31 O 4. The President having read to the Board the Proceedings of Council on the 7th instant respectg the Exchange solicited by Mr. Tredwell, proposed the following Questions to the Board—

Whether the Conveyance from Monsieur De Longeuil to Mr. Tredwell Conveys such a Title as this Board can recognise for the purpose of accepting any portion of lands in it, for a like portion of lands of the Crown in Hawksbury.

Whether Mr. Tredwell's Apparent Principles are deserving of any favor from Government.

And whether Mr. Case and others claiming location in Hawksbury under a conditional Order of Council dated 2nd of May 1797 do not give them a preference to any Subsequent Application for the same lands from Mr. Tredwell. And should the Board Judge proper to rescind the Appropriation, Ordered to Mr. Tredwell in Hawksbury on the 12th of Feby, 1798 last—Whether they may not Judge it proper to Secure any Settlers whom Mr. Tredwell may in consequence have placed on those lands in their Actual improvements to the extent of 200 Acres each,

The President having withdrawn the Board took these Questions into consideration & came to the following resolutions—

1st. That the Title produced by Mr. Tredwell is not such as can be accepted by this Governmt., and as his Religious and political principles do not appear to be such as to entitle him to further favor—The Board is of opinion that the appropriation Ordered by the minute of Council the 12th of Feby. last Ought to be thrown open.

2nd. That Twelve Months be allowed to the persons whose names have been returned by Mr. Tredwell, as being Settled by him on the Tract in question to come forward and pray in their Own persons for the Lands for which they are respectively entered.

Approved and confirmed in Council.

PETER RUSSELL Prest.

.....
 Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 13th July 1798.

Present

His Honor Peter Russell Esqr. President, &v., &c., &c.

The Hon. John Elmsley Chief Justice.

The Hon. James Baby.

The Hon. Alexr. Grant.

The Hon. John McGill

The Hon. David William Smith Speaker of the lower house.

The President was pleased to read the following letter from Mr. Chief Justice Elmsley.

COUNCIL CHAMBER 13th July 1798.

Sir,

I have the honor to inform you that the Executive Council has taken into consideration the letter from General Prescott to your Honor, together with the annexed plan for selling the waste lands of the Crown in the two Provinces.—

It appears to the Board from His Grace the Duke of Portland's letter of the 13th July 1797, and 19th of January 1798, that it is His Majesty's pleasure that some part of these lands should be sold and the money arising from those sales applied in aid of the Civil Expenditure of the Province—The only subjects therefore for our present consideration are first to ascertain what proportion of them shall be sold, and secondly in what manner the sale shall be conducted.

With respect to the proportion of Lands, to be disposed of by sale, the Board is decidedly of opinion that after deducting the Crown and Clergy sevenths, and a sufficient quantity for the constantly recurring claims of the U.Es. and their descendants, the whole of the remainder to be disposed of by public sale, what the quantity shall be, may be reserved for future consideration, as it forms no part of the system on which the two Provinces are directed to co-operate.

With respect to the manner in which the sales are to be conducted, the Board is of opinion, that no better arrangement can be adopted than that suggested by His Excellency himself, of selling the lands in Tracts of one thousand Acres each, this quantity we conceive to be preferable to that of twelve hundred Acres, on account of the ease with which the Crown and Clergy sevenths may be Reserved in Lots of 200 Acres each, without the intricacy arising from the calculation of fractional parts—

In other respects the Board approves of His Excellency's plan, and until it can be carried fully into execution, Recommends that lands continue to be granted, subject to the new regulations.

In discussing this subject the Board has fully considered another very nearly connected with it, which as it relates, rather to the detail of the plan, than to the principles of it, I am directed by the Board to submit it to your Honor in a separate Report.

I have the Honor to be &c.

J. ELMSLEY.

Approved and Confirmed in Council.

PETER RUSSELL President.

.....
Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER
YORK 13th July 1798.

Present

His Honor Peter Russell Esquire President
The Honorable John Elmsley Chief Justice

The Honorable Alexander Grant
 The Honorable James Baby
 The Honorable John McGill
 The Honorable David Wm. Smith

Read the following Petitions.

.....
 Wm. Fortune. Praying to have a number of families in the Township of
 in behalf of Persons Hawksbury located therein, they having brought their
 wishing to settle in families into the Province to reside.
 Hawksbury Ordered that the Persons whose names are annexed to
 No. 8 F No. 4 this Petition as having brought families into Hawksbury
 for the purpose of settling on the Waste Lands of the
 Crown be located in that Township to the Extent of 200 Acres each upon
 certificates being produced of their having taken the Oaths of Allegiance
 &c., to come under the New Regulations.

List of Names given in by Wm. Fortune Vizt.

Peter McArthur—Wife & six children
 James McLaughlin
 Nathan Cooper Wife & five children.
 Cyrus Calkins—a wife & 2 children
 Danl. McArthur—a wife & 7 children
 Amer Mathews—a wife & 2 children
 Jonathan Jacobs—a wife & 1 child
 Joseph Harriman—a wife & 1 child
 Simeon Davis—a wife & 4 children
 Jonathan Burtch—a wife & 10 children
 David Bishop Worrin—a wife & 8 children
 Stephen Bond—a wife & Eight children
 Alpheus Capron
 Obadiah Winters—a wife & 8 children
 James J. Winters—a wife & 2 children
 Stephen Story—a wife & 8 children
 Otis Thomas
 Strong Burtch—a wife & 1 child
 Hezekiah Clark—a wife & 4 children
 Roger Lane—a wife & 4 children
 Jonathan St. Clair—a wife & 4 children
 Peter Reese—a wife & 1 child
 John McLaughlin—a wife & 4 children
 Amariah Church—a wife & 6 children
 Amos Mathews Parker—a wife & 4 children
 Theodore Davis
 Israel Nichols—a wife & 4 children
 Lieut. Humphrey Morse—
 Adjourned.

THE RUSSELL PAPERS

FROM PETER RUSSELL TO D. W. SMITH

YORK 13 July 1798

Sir

I return you back E. Allans Letter to you & the letter to Mr. Small—His letter to me contains my lease to Mathews & McDonell of the Lot No. 4 in Delaware Township—which he says Kilburn has surrendered to him—and he prays a Deed for the whole Lot—being willing to pay the five years to run of the Rent on the lease—To which I shall not now object as it was the Governor's wish he should have a Grant of that Lot. But the matter had better be done in Council.

I have the Honor to be

Sir

Your most obedient
Humble Servant

PETER RUSSELL

Honble D. W. Smith
&c. &c. &c.

Endorsed: His Honor the President
13 July 98—relative to Mr. Allan

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 273.)

PERMIT BY PETER RUSSELL

I hereby grant permission to Mr. Gray¹ to locate Four thousand acres of Land in the Township of Walsingham for such persons as may have Warrants lodged in the Surveyor General's office.—of those Mr. Farrand² was attorney for. . .

PETER RUSSELL.

York July 13th 1798

Endorsed:—His Honor the President
13 July 1798

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 275.)

MINUTES OF THE EXECUTIVE COUNCIL

COUNCIL CHAMBER AT YORK 14th July 1798.

Present

The Hon. John Elmsley Chief Justice.

The Hon. James Baby

The Hon. Alexr. Grant.

The Hon. David William Smith Speaker of the lower house.

¹Probably the solicitor general.

²Probably Jacob Farrand.

Read the following Petitions.

.....

.....

George Okill Stuart, stating that he undertook the charge of a Grammar School at Kingston, on the 1st day of July 1795, with the consent and approbation of His Excellency Governor Simcoe, and the Right Reverend Lord Bishop of Quebec—That His Excellency Governor Simcoe promised him an annual Salary of one hundred pounds while he continued in that employment—That on the expiration of the first year, the Governor issued a Warrant to the Receiver General for the payment of one hundred pounds—That on the first day of July next two hundred pounds Currency will be due to him—He begs leave to observe that depending on the promise of Governor Simcoe, and considering the faith of Government in some degree pledged for the payment of his Salary, he hopes the President in Council will take his case into consideration, and allow him such redress as may be thought reasonable and just.

From the tenor of the Warrant issued by His Excellency Governor Simcoe for the first and only payment made to Mr. G. O. Stuart, and also from the information contained in the Lord Bishop's letter to the President of the 9th of January 1798—The Board thinks that the arrears of his salary may be paid, and the growing payment kept down until His Majesty's pleasure be known—

Confirmed in Council.

P.R.

The Honble Richard Cartwright, stating that the King's Mills in the vicinity of Kingston in the Midland District were originally built for the benefit of the Loyalists settled in that quarter, and continued to be employed free of Toll for their accommodation till the division of the Province of Quebec, when they were Leased under the directions of the Receiver General of this Province for the benefit of the Government—That it having pleased Lieut. Governor Simcoe to encourage by a salary to the Master, the establishment of a Grammar School at the Town of Kingston in the year 1795, which even at that time appeared to him sufficiently ripe for it, and which has now become more so, and his Majesty having been pleased to signify to the Legislature his approbation, that appropriations for such Establishment should be made by the Executive Council; Petitioner considering it as an object of the utmost importance to the Midland District that the school already established there by the Lieut. Governor should be supported, prays that these Mills may be applied to a fund for that purpose.

To await the Report to be made by the Executive Council, Judges, and Law Officers on the subject referred by His Grace the Duke of Portland's letter of the 4th November last.

Confirmed in Council.

P.R.

Read the following letters,

From the Duke of Portland to Major General Simcoe, Whitehall 22d June 1796, No. 15.

Letter from the Lord Bishop of Quebec to His Honor the President.

RESOLUTION OF THE LAND BOARD OF THE HOME DISTRICT.

Lieut. Ralfe Clench having petitioned this Board for leave to dispose of the within lots No. 32 and 33,¹ first Concession, Township No. 8,² they authorise the same and the said lots are hereby transferred to Samuel Street Esqr. given at the Board this 23rd day of February 1793.

J. BUTLER
ROBERT KERR
R. HAMILTON
JOHN BURCH

I resign my right & title to the within to John Young 15 Octr. 1796.

SAML. STREET
JOHN YOUNG

I resigned my right & title to within to Richard Beasley 15th July 1798

Endorsed:—Lieut. Clench, Barton

(MSS. of D. W. Smith, Toronto Public Library, Series B, Vol. 9, p. 423.)

FROM JOSEPH ELLICOTT TO MESSRS. HAMILTON AND STREET.

BUFFALO CREEK July 15th 1798

Gentlemen/

I presume you are not unacquainted with the circumstance of Mr. Houdreoue's Trunks, and Baggage being detained in the Province of Upper Canada—This Gentleman is in the service of the Holland Land Company, employed for the purpose of Assisting to carry into effect the surveying of their land between the Jenese River and Niagara; being that Tract of Country purchased of the natives last fall—On his route to this place having a Number of Instruments to bring with him from Philadelphia, which on his Arrival at Fort Schuyler, found he couldn't obtain a safe conveyance by land, he was Oblige to Go the Water route, which Occasioned him to land in your Province, there being no method to travel on this side of the river, to this place, reduced him to the necessity of travelling through your Province to Fort Erie, from which he found a Passage to this side—What may have occasioned Majr. Revardys Suspicions of this Gentleman being a French Emmisary, I can not tell—He has been some years in the United States, and since my acquaintance with him, I have always heard him declare himself of Royalist—He was employed at least two years previous to engaging in the Service of the Holland Land Company, in laying out a City at the mouth of the Susquehannah River, and making a Survey of the Harbour and Soundings, a Map of which is now with the Engraver; and I believe I shall be right in saying, that many of the officers of our Government are Subscribers—It is true that the Instruments he had with him, would afford grounds of Suspicion, were he not in the Employ of Some Respectable Characters.

To be brief, one of the particular parts of his business, was to examine the Ground proposed for Effecting the intended Canal round the Great falls of Niagara; The Holland Land Company being much Interested in that Object,

¹A similar series of transfers bearing the same dates disposed of Lots No. 30 and 31 in Township No. 8, MSS. of D. W. Smith, Series B, Vol. 9, p. 425.

²Township of Barton.

for which purpose a Water Level was sent on with him for that business. The Barometer and Thermometer for the purpose of making Meteorological Observations on the Climate, With several other Instruments which we deemed necessary to effect our Business, Mathematical Books &c.

He informs me he has a Portmanteau in which are all his papers, containing his Journal and Sketches of the Most remarkable cataracts and other places he thought worthy of note—There is another Trunk containing Sundry Drafting Instruments, Sent on for the purpose of delineating a neat Map of the Country, as the Surveys are returned into my office and Some Bottles Containing Spirits of Wine &c. for the purpose of preserving such birds Reptiles &c. as may be thought curious. I have now given you a true Statement of facts concerning that Gentleman.

However I will say, altho he was recommended to me by Gentlemen of Veracity and Distinction, and Also to Mr. Cazinove the Dutch Company's Agent in this Country—If I should have reason to believe that I had a Single Man in the Service I am now engaged in, that were Emmissaries in any manner Connected with the French Government, I should take the Necessary Steps to have them Secured.

It is to be hoped the Instruments &c. will be delivered to Mr. Adam Hoops or his Order, and not injured, as in such Case we shall be prevented from executing a Considerable part of our business untill others can be procured.

I am Gentlemen with much

Regard Your Most Obedt. Servt.

JOSEPH ELLICOTT

Principal Surveyor for the
Holland Land Company—

Messrs. Hamilton & Street Esquires.

Addressed :—

Messieurs Hamilton & Street Esquires,
Queens Town,
Upper Canada.

Favoured by Adam Hoops Junr.

(Department of Public Records and Archives, Toronto)

FROM ROBERT HAMILTON TO PETER RUSSELL

Sir

The enclosed Respects a Monsr. Houdreceuve who came here a few days ago in Richardsons Vessel from Oswego—He appeared as having no Introductions, both to the Magistrates & to the Commanding Officer a Character rather suspicious,—And the necessary steps were taken to Ascertain the truth of the story he told.

This being satisfactorily done, there was of course no difficulty made in permitting him to receive his Baggage, which had been stoped at the Chippawa by Lieut. Cowell.

Mr. Ellicott has represented him to me as a very excellent Landscape Draftsman, & has requested that if possible he might be Allowed to return to this side for the purpose of taking a View or Sketch of the Falls. This by an Alien

Law can only be done with the permission of the Governor or Person Administering the Government of this Province.

Should the Account of this Gentleman given in the inclosed by Mr. Ellicott be satisfactory to your honour, and I believe that full Credit is due to what Mr. Ellicott says I should esteem the Permission prayed for as a particular Favor done me.—

With Sincere Respect I have the Honour to be
Sir

Your most obedient
& very humble Servant
R. HAMILTON

To his Honor
The President—

QUEENSTON July 16, 1798.

From the Honble Robt. Hamilton requesting me to permit a French Engineer to take a View of the Falls of Niagara

Addressed :—To the Honorable

Peter Russell Esquire

President of the Province
of Upper Canada

Received 20 July 1798

(Department of Public Records and Archives, Toronto)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

UPPER CANADA

YORK 17th July 1798.

No. 37.

My Lord Duke,

In Obedience to your Grace's Commands communicated to me by your letters No. 4 & 5, I have in Conjunction with the Executive Council of this Province very maturely considered General Prescotts Plans for laying an additional Fee on all future Grants of the Waste Lands of the Crown, or disposing of the same by public Sale in certain Parcels as therein mentioned—And I have now the Honor to submit to your Grace's Perusal & approbation the Result of our several Deliberations, in Council on the 5th of April, the 23d of May, the 25th of June, and the 13th instant.

I had early in the Winter communicated to General Prescott the Outline of our Opinions on his plans and the particular Circumstances wherein a difference in our relative Situations might require some slight Deviations on the Part of this Province—And having been favored with His Excellency's Answer about the Time when I had collected a full Board, we were fortunately assisted by His Excellency's Sentiments on the Subject; and at the same time an opportunity of considering His Excellency's last Plan for disposing of the Waste Lands by public Sale, & adopting such Parts of it as seemed to quadrate with our existing Circumstances—Copies of my letter to General Prescott, and of his Excells. answer & Plan are inclosed herewith for your Grace's Information.

Not judging ourselves at liberty after my Receipt of your Grace's Commands to pass any Orders of Council for land (except to U.E. Loyalists) without subjecting the Grantees to the Payment of the additional Fee, and expecting very soon to receive from General Prescott His Majesty's Instructions mentioned in your Grace's letter to me No. 5; we continued to answer Petitions as usual, only suspending the issuing Warrants of Survey until the instructions for authorising the additional fee should arrive—But being at last apprehensive from General Prescott having delayed sending me the Instructions, that Business might (if we waited any longer) so accumulate on the offices that it would be impossible for them to manage the vast flux which might rush in on them the instant we issued the Warrants on the answered Petitions; I proposed to the Council to take off the Suspension, but to direct the Half fees (to be received from the Grantees) to remain in the Receiver General's Hands until we should be authorised to apply them towards the Civil Expenditures of the Province—which Arrangement we humbly hope may meet with your Grace's approbation.

I have the Honor to be &c.,
PETER RUSSELL

His Grace the Duke
of Portland &c., &c., &c.

Endorsed:—Upper Canada
17th July 1798.
Mr. President Russell
R./ 30th November
No. 37.
Ansd. 24th Jany.
(4 inclosures)
1 voluminous
(Q 284, p. 202.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

No. 38.

UPPER CANADA
YORK July 17th 1798.

My Lord Duke,

As the Commerce between the United States and this Province is now increasing to a considerable Magnitude, and sundry Articles are daily brought in from thence, which are the Produce & Manufacture of the East & West Indies as well as of Great Britain & Ireland, I judged it to be my Duty to take such measures (for collecting the Duties imposed thereon by the British Parliament—and laying others by the Legislature of this Province equal to those which had been laid on the like Articles by the Legislature of Lower Canada) as can be taken consistently with the letter & Spirit of the late Treaty of Amity & Commerce between Great Britain & the United States of America—

I was influenced herein by two important Considerations—the one—That since the Lower Province had agreed to give to this Province a share of the Duties collected on Imports into Quebec & Montreal proportioned to its annual Consumption of those Imports, the Merchants of Lower Canada had in my opinion a right to expect that we should enable them to come to our Markets upon equal

Terms at least with those of the United States; by subjecting the latter to the Payment of the same Duties &c., which the others paid below—The other was, that I might secure to the Province for Supporting the Civil Expenditure of this Province, the Duties on that part of its Consumption, which is supplied by Imports from the United States of such Articles as are liable to duties in Lower Canada—But diffident of my own Judgment, I submitted my Ideas & Wishes to the Consideration of His Majesty's Executive Council for this Province before I directed a Bill to be introduced for those Purposes. Your Grace will observe from the inclosed Minutes that the Council has not judged proper to come to any Decision on this Question; and that in Consequence nothing has been yet done respecting it—I humbly beg leave therefore to refer the Matter to Your Grace, & to request that I may be honored with your Grace's Instructions thereon.

I have the Honor to be &c.,

PETER RUSSELL

His Grace the Duke of Portland

Endorsed:—Upper Canada 17th July 1798.

Mr. President Russell

R./ 30th November

Ansd. 24th Jany.

No. 38.

*Copy sent to the Commrs.
for Trade & foreign Plan-
tations & inclosure in*

Original 30th Novr. 1798.

(one inclosure)

Voluminous

(Q 284, p. 245.)

FROM PETER RUSSELL TO D. W. SMITH

YORK 17 July 1798

Sir

I am extremely sorry for the occasion which has obliged you to solicit my permission to go to Newark, and I sincerely hope that my Compliance with your Request may be the means of restoring Mrs. Smith to her former Health; you have consequently my leave to accompany her to Newark in the Mohawk—but I must desire that you will return hither with the Chief Justice to sign the Acts of the last Session which the Clerk of the L. Council is engrossing to be sent home under the Great Seal of the Province.

I own it will be with Reluctance that I consent to your absence from hence until the first of October—because the Chief Justice's judicial Duties will probably keep him away until that time—& I cannot depend on Mr. McGill's assistance as a Councillor, as his Employment of Agent for Purchases is constantly calling him from hence.—there consequently cannot be an audit of Council without you—and there are many accounts still to be examined, particularly my own and those of the Lt. Governors Office, which my Secretary's illness & the other more pressing Business which has unavoidably hitherto arrested my own attention have prevented our preparing—Had I known your wish in time I should have stopped

Mr. Baby—for *after you are departed* I really see no probability of my being able to collect a Council for any purpose & the whole business of the Province must consequently be at a *stand until your return*—Besides Warrants of Survey are daily issuing on which considerable sums are to be received for Surveys—I therefore hope you are sufficiently sure of their safety in your absence—I have taken the liberty of suggesting these hints to you and shall leave it entirely to your own discretion to avail yourself or not of the leave which I hereby give you to be absent from your Duty until the first day of October after you have signed the Transcripts of the Acts of last Session which the Chief Justice is to bring over with him on his return.

I have the Honor to be Sir
Your most obedient
Humble Servant
PETER RUSSELL

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 277.)

FROM PETER RUSSELL TO D. W. SMITH

YORK 17 July 1798

Sir,

Lt. Coll. Shank having assured me that the Governor promised Ensign Pearce a location in Etobicoke & marked his name in the Map on a Tract adjoining Major Smiths—I am at his request to desire that you will appropriate until further order about 1200 Acres adjoining Lt. Coll. Smith's land in Etobicoke—that I may have time to enquire from his Excellency what were his intentions respecting Mr. Pearce.

I have the Honor to be
Sir
Your Most Obedient
Humble Servant
PETER RUSSELL

Honble David W. Smith
&c. &c. &c.

*Endorsed:—His Honor the
President
17 July 98.*

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, pp. 153-4.)

FROM GENERAL SIMCOE TO PETER RUSSELL

WOLFORD LODGE.
July 21st 1798.

Dear Sir,

This will be delivered to you by Monsr. Compte de Puyssaye whom Mr. Windham has desired me to recommend to your good offices. The Shortness of the time between his departure, & the Information that I have received of it, prevent me from writing severally to other Friends. I therefore wish you to take the task upon yourself & to say how satisfactory it will be to me to learn, that this body of Emigrants have met with a kind and friendly reception, to those

whom I most value & love, you know that no words of mine can add to the Estimation with which all those will be viewed who on principles of honour & conscience have maintained the cause of the late King of France against his ferocious Oppressors; We feel all the value of our own Loyalty & resistance to the American Rebellion when We approve of their conduct & in the compassionate Reverence with which a Colony of Loyalists shall treat their Unfortunate People, will be strengthened that demand on posterity for Approbation, which the American Loyalist will certainly obtain, when his Firmness in the hour of trial will be universally admired, & all the swindling transactions of the American Revolution, with its bitter fruits shall be most Justly execrated.

I wish this letter may pass the Seas in safety, but I almost give up the hope; these French privateers are great enemies to correspondence, I have before me a letter from Mr. Ryland in which he informs me of his having thrown overboard all my letters from Canada; however, I trust, I shall hear of the growing prosperity of our Colony, & am not without hopes, of assisting you one day or other in furthering its progress in all that may conduce to its felicity.

My dear Friend your true & faithful Servant

J. G. SIMCOE.

*Endorsed:—21 July 1798,
General Simcoe*

Received 18 Nov.

Addressed:—To
the Honorable
Peter Russell &c. &c.
Upper Canada

by Monsr. Le Compte De Puysaye.

(Department of Public Records and Archives, Toronto.)

FROM PETER RUSSELL TO THE BISHOP OF QUEBEC.

UPPER CANADA

YORK July 20th 1798

My Lord Bishop

I had the Honor on the 17th instant to receive your Lordships letters marked Nrs. 3 & 4 and I am sorry that my present Indisposition (from a vile Intermittent of this Country) puts it out of my power to do more than barely acknowledge the Receipt of them. I hope therefore your Lordship will have the goodness to pardon my transmitting herewith our Plan for leasing the Crown & Clergy Reserves without entering more at large into the Subject.

As your Lordship seemed to interest yourself with respect to Mr. Stuarts Son, I submitted his Case with a copy of General Simcoes Warrant for the Payment of one years Salary to the Consideration of a Committee of the whole Council; and I have the Pleasure to inform your Lordship that it has recommended the Payment of the two Years in arrears;—but to stop there until I shall receive the Duke of Portlands Commands on the Subject.

I have the Honor to be with the greatest Reverence & Respect, My Lord Bishop,

Your Lordships
Most Obedient &
Most Humble Servant
PETER RUSSELL

Right Reverend
The Lord Bishop of Quebec.
No. A.

(Que., Dioc. Archives, C-1, p. 169.)

FROM R. I. D. GRAY TO PETER RUSSELL.

To his Honor the President &c., &c., &c.

YORK, July 24, 1798.

Sir,

In obedience to your Honor's request contained in your letter of the 12th instant, I do myself the Honor to lay before you my observations upon the Acts which originated in the House of Assembly, and have been reserved by your Honor for the signification of the Royal Pleasure thereon—the one "An Act for the more uniform laying of Assessment throughout this Province," the other "An Act to alter the method of performing Statute duty on the highways and Roads within this Province."

With respect to the first Act it was introduced into the House of Assembly with every Caution that appeared necessary to frame it in such a manner as to render it acceptable to the Country in general; and to remedy the great evils and grievances which exist in the Province in consequence of the Assessment Act now in force, which has occasioned great uneasiness among the people, and is by no means calculated to produce an equal or an equitable Tax.

It is found by experience that the public expenditure and charges fall upon the most industrious part of the Community, who at the same time are by their Industry improving and augmenting that sort of property, which now pays little or no Tax. The mode of Assessment by Persons chosen by the people at present has become extremely odious, because it affords much room for partiality, and it is practised to a very great degree. As the Persons chosen Assessors are changed, so the Assessments of the different Townships vary according to the inclinations, or rather the prejudices of the Assessors, who are in general the most illiterate men, and who in fact, by the Latitude of their Appointment have the power of putting such valuation on property as they think fit, without regard to the intentions of the Legislature, or the Spirit of the Law, under which they act. The House of Assembly, sensible of the inconvenience of the present mode of Assessment, unanimously conceived it necessary in order to obtain a more equal Assessment of Property throughout the Province as well as to encrease the Revenue, to take upon themselves to ascertain what property should be rated and its value; by which means every person would know exactly what his Taxes are to be, and would be satisfied that his neighbours paid no more nor less than himself in proportion to his property. By the Act which your Honor has thought proper to reserve the Assessors are only deprived of the arbitrary power of being

the judges of the Quantity and value of every mans real and personal Estate, and certainly it is proper to take that power out of their hands who seldom made a proper use of it.

With respect to the Tax laid by the last Act upon the Property of Persons not resident in the Province, I have only to observe to your Honor that the House of Assembly had in view the large Quantity of property which individuals, resident chiefly in Province of Lower Canada possessed in this Province by purchase, also by Persons living in the United States, under the idea that this property, which consists mostly of Wild Lands, is encreasing in value as the Industry and Cultivation of this Province advances, it was conceived but right and equitable that it should bear a small proportion of the public expenditure.

With regard to the second Act which your Honor has also reserved It is founded upon the same equitable motives which occasioned the introduction of the first Act. Complaints came from all quarters of the Province respecting the labour to be performed on the Highways. It was considered as a hardship that there is no distinction of property or persons with respect to it. The poorest man is bound to do the same proportion of work that is incumbent on the most wealthy. The House of Assembly therefore, I conceive with some propriety, thought it just that the proportion of labour on the highways by each individual should be regulated by the value of his ratable property and particularly when it is considered that a very small proportion of the Inhabitants will not be obliged to work 12 days on the roads as there are few whose property does not exceed £300.

The above mentioned Acts are the only two which originated in the House of Assembly, and I submit the foregoing Observations on them with great deference.

I have the Honor to be &c.,
ROBT. I. D. GRAY,
Sol. Genl. U.C.

Endorsed:—Copy.

*of the Solicitor General's Report
on the Bills which originated in
the House of Assembly in the last
Session—24 July 1798.
In Mr. Presdt. Russell's No. 40 of
11th Augt. 1798. 2.*

(Q 285, p. 10.)

FROM THE DUKE OF PORTLAND TO PETER RUSSELL

Drat to Mr.
Prest Russell.
No. 11.
Sir,

WHITEHALL 28th July 1798.

I have laid before The King your Letters numbered 24, 25, 26, and 27.
The Observations of the Chief Justice and Solicitor General on the Acts passed in the first Session of the second Parliament of the Province of Upper Canada, merit peculiar attention, but I must observe that I have not yet either

received the Acts themselves, or printed Copies of them, altho' the latter are referred to in the Chief Justice's Observations.

The Order of Council, "signifying His Majesty's assent to the Bill for extending the Provisions of an Act formerly passed in the Provincial Parliament of Upper Canada, to confirm, & make valid, certain marriages, &c., and to provide for the future solemnization of Marriages, &ca." has been transmitted to you. The Bill for "the better ascertaining the appropriation of Lands to be appropriated to the use of a Protestant Clergy" transmitted with the address of both Houses for the purpose of being laid before the Parliament of Great Britain, as required by the Canada Act, previous to the signification of His Majesty's pleasure thereon, evidently requires that those parts, specified in my Letter to you of the 4th Novr. last, should be omitted in order to render it unobjectionable and consonant to the Provisions of the above Act.

Altho' the Acts for securing the Titles to Land in Upper Canada, appear materially to vary from the Draft as originally drawn by the Attorney General, and revised by the Attorney and Solicitor General here, yet from the very able and weighty reasons adduced by the Chief Justice, in support of the Act as it now stands (which reasons must be founded on a correct information of the peculiar and local circumstances which operate on the Titles in question) I am authorized to infer that the Act will be found in every respect to answer the important objects it is meant to embrace—

Altho' in several of my late Letters to you, I have entered very much at large into the principles & regulations under which the future Grants of the Waste Land of the Crown should be made, yet there are some circumstances stated in your opinion and in the Chief Justice's Letter to you on this subject included in No. 27 which merit peculiar attention.—

With respect to the Table of Fees, as it applies to all Grantees (those only excepted to whom the faith of Government is actually pledged) I have only to refer you to my Letter of the 8th June last, and to the Table therein referred to—In deciding the question as to what description of Persons the faith of Government can be said to be pledged, I entirely agree with you that it cannot be supposed to extend to Loyalists and disbanded Soldiers not residing in the Province, neither can it be allowed to extend to any of the posterity, except to the Children of the first Loyalists receiving Grants—The extension of this principle generally to their Descendants would, if acted upon, lead in process of time to Grants being made to an immeasurable extent without regard either to merit or Services, and of one hundred Fold the value of those bestowed on the meritorious subjects, who were the original objects of His Majesty's Bounty, as the cause for bestowing it decreased—It would be making a most unwise distinction between the several descriptions of His Majesty's subjects, after the grounds for making such distinction had ceased to exist, and would thereby have the effect of lessening the peculiar Grace and Favour shewn by His Majesty to the original Loyalists and their children. The Idea therefore of so general an extension of the favour of the Crown to the posterity of Loyalists, seems to have arisen, not from the tenor of His Majesty's Instructions, but from the most vague, improper, and unwarrantable extension of them. After having added this Explanation to the principles and regulations already laid down, it must be left to your own judgment and discretion, aided and assisted by the advice of your Council, to fix some criterion whereby to ascertain to what descrip-

tion of Persons now within the Province, His Majesty's former Instructions shall be held to apply—

It is clear, as you have very properly observed, that, except to the extent of Land allowed under those Instructions, neither Loyalists nor disbanded Troops can be considered as exempted from the standing Fees.

They must be annexed to every further Grant of Land to them, be its extent what it may.

In Grants which still remain to be made to Loyalists residing within the Province, and to whom from the Construction, which has been put on His Majesty's Instructions, it becomes necessary, that they should be made free of all Expence, it will be improper to burthen the Fund arising from the additional Fee for the public Service with more than one half the usual Fees on Grants payable to the Officers of Government.

Some regulation should certainly be adopted to secure the taking out the proper Title Deeds, and the payment of the Fees by all Grantees, and if for this purpose a moiety of the Fees should be required to be paid on taking out the Warrant of Survey, care should be taken that it be a moiety of the whole Fees, as well of the additional Fees for the public Service, as those payable to the Officers of the Crown; or in other words in all cases the receipt of the additional Fee and the Fee payable to the Officers of the Crown, or the security for those Fees, should be put on the same footing—

Mr. Chief Justice Elmsley's reasoning on the beneficial operation of Grants of a moderate extent, and such as will be within the reach of actual Settlers, is perfectly well founded, whether by Sale or Grants the quantity disposed of should always be regulated by the call there is for it, and should never exceed the existing disposition and means for its speedy cultivation.—

By a strict observance of this Rule the value of each succeeding Lot will invariably and therefore rapidly increase.

I am &c.,
PORTLAND.

*Endorsed:—Drat.
To Mr. President Russell.
Whitehall.*

*July 1798:
No. 11.*

(Q 284, p. 134.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

UPPER CANADA,
YORK, 29th July 1798

No. 57.
Sir,

As soon as a full Council could be collected I took the opportunity of laying before it the letter which your Excellency did me the honor of writing on the 21st of April last, and the plan you therein inclosed for disposing of the Waste Lands by Public Sale; and it gave me peculiar Satisfaction to observe that the sentiments of all its Members perfectly accorded with my own in giving it that praise which the Wisdom with which it was framed Merits, and in resolving to

make it the Standard of our Proceedings in this Province, whenever it shall receive the Sanction of His Majesty's Ministers & we can ascertain the Quantity of Waste Land we may have to dispose of after providing for the growing Claims of U.E. Loyalists' Children.

We have resolved in the mean time to continue to grant lands under the New Regulations from One Acre to Twelve hundred to each applicant at the discretion of the Board. But not having yet received from your Excellency the Copy of His Majesty's Instructions which empowers us to charge additional Fees, we have directed the money arising therefrom to remain in the Receiver General's hands unappropriated or applied untill we do, least any change of Arrangement may render it hereafter necessary to return to the Grantees the Money which this additional fee may exceed the Amount of the former one.

The Alteration which your Excellency proposes with respect to the deposit Money and the time to be allowed for paying the remainder anticipates a like proposal from us. For the larger the Sum pledged in the first Instance, the more hold we shall have of the purchaser; And One Eighth of the whole Appears to us so trifling a proportion, that we do not think any man ought to Offer himself a Candidate for purchase of the Waste Lands who cannot Command it.—

Those persons who have that presumption are speculators only who depend wholly upon their subsequent Sales for their payments, which if they should fail in, you will hear no more of them. Five years we also think are ample to accomodate the Convenience of Men of real Property, who are the kind of settlers we should principally wish to introduce into these provinces by Purchase.

I have the honor to inclose for your Excellency's Information a confirmed Report of the Executive Council on the most likely means of rendering the Clergy and Crown Reserves Productive, and a Subsequent One on your Excellency's plan of disposing of the Waste Lands by Public Sale.

I should have done myself the honor earlier had I not been for some time very much indisposed with one of the intermittents of this Country; which has laid up my Secretary too and scarcely left me a Clerk to Copy articles.

I have the honor to be &c.

PETER RUSSELL.

His Excellency Genl. Prescott, &c., &c., &c.

(C 1206, pp. 300-302.)

FROM ALEXANDER MACDONELL TO PETER RUSSELL.

To His Honor the President &c. &c. &c.

Having lodged a Warrant for One Hundred Acres in the first Concession of the Township of York I humbly pray your Honor for Number Twenty Eight, a Hundred Acre Lot in that Concession.—I have the Honor to be

Your Honor's most Obedient &
Most Humble Servant

A. MACDONELL

Permitted if vacant

PETER RUSSELL

Endorsed:—His Honor the President

Received:—28 July 1798

(MSS. of D. W. Smith, Toronto Public Library, Series A, Vol. 8, p. 279.)

FROM PETER RUSSELL TO ROBERT HAMILTON

(Draft)

YORK 29th July 1798

Sir

I was very ill & confined to my bed when your letter of the 16th reached this, or it should not have remained so long unanswered.—

From Mr. Ellicotts account of Monsr. Houdrecouve I cannot see any Injury likely to result to this Province from his being permitted to take a Sketch of the Falls—Being desirous therefore on all occasions to show my attention to your Wishes—I have agreeable to your Desire inclosed my license for Mr. Houdrecouve's return to this Province for that Purpose.—

To the Officers Commanding His Majesty's Posts and to the Justices of Peace in the Home District of Upper Canada. Whereas it has been represented to me that Monsieur Houdrecouve a Native of France—has been for some time Resident in the United States and is now in the Employ of the Holland Land Company taking Surveys of the Tract purchased from the Indians by the United States last fall, is desirous of taking Sketches of the Falls of Niagara, which he cannot effect unless he is permitted to enter this Province and the Honble Robert Hamilton having assured me that he has reason from respectable authority to believe that Monsieur Houdrecouve is in no respect inimical to Great Britain or this Government.—I do hereby grant unto Monsieur Houdrecouve my Permission to come into the Home District of this Province for the Purpose of taking a Sketch of the Falls of Niagara—& to remain therein unmolested for the Space of One Month from the Date hereof—Given under my hand and Seal at Arms at York this 28th day of July 1798.

(Department of Public Records and Archives, Toronto.)

FROM ROBERT PRESCOTT TO PETER RUSSELL.

QUEBEC 2nd August 1798.

No. 37.

Sir,

I have had the honor to receive your letters numbered 52, 53, 54 and your Secret and Confidential Letter of the 15th of last month.

Captain Pilkington will have Instruction to transmit an Estimate for Hutting the Queens Rangers at York, agreeable to my Original directions.

I enclose an Extract from His Majesty's Instructions to the Master General of the Ordnance, dated 7th September 1791—and of the Minute of the Treasury therein referred to, on which are founded my objections to Establish York as a Military Post, without express Orders from His Majesty's Minister, under which objection I comprehend the Construction of the works proposed by Captain Pilkington's Plan for the same Place.—

The Grounds on which the Widow of the late Colonel Gray claims a Pension from the Government, I am totally unacquainted with—Her Memorial, I am informed, was transmitted to England by Lord Dorchester. But let the merits of her case be what they may, I could not without a special Order for the purpose, grant a pension to her out of the Army Extraordinaries.

If it is necessary to reward Mr. Pollard, whom Lieutenant General Simcoe and yourself employed by Commission to witness on the part of the Lieutenant

Governor or Person administering the Government of the Province of Upper Canada, the Payment to the Indians of the Lands purchased from them in that Province, I think you should use your own discretion in paying him, as the appointment did not originate from me.

With regard to the matter contained in your Secret and Confidential communication of the 15th of June, I think upon due consideration thereof, that it is highly expedient not to attempt to enter into any Treaty whatever with the Messissaguas, for the purchase of those lands belonging to them, which you have in contemplation, and of which in your Letter No. 39, you sent me a Plan, but to let them enjoy in the same undisturbed manner as formerly the Lands they possess, and by adhering in every respect to the Line prescribed by His Grace the Duke of Portland, any attempt of Captain Brants to interfere in their favor must fall to the ground.

This Line of Policy appears of stronger necessity, when you advert to the *cause* which Brant assigns for his interference at present, in what materially interests the Messissagua Nation, as stated in his Letter of the 8th of May last to Captain Claus, of which you sent me a Copy, his words are as follows—

"There was however nothing very material to acquaint you with, except that of the Messissaguas coming here to renew with us the Engagement formerly passed between the late Wabakanyne and myself, on behalf of the five Nations living on the Grand River, *what induced them to do this was the late Reports they had heard of the Government wishing to purchase the remainder of their Lands.*"

I have besides had the honor to state to you on a former occasion, that the present times are the most unpropitious for entering into new Projects—the quiet of the Provinces depends in a great measure on our maintaining every class of People in a free and undisturbed enjoyment of their Possession—The Indians being materialy of a Jealous disposition should of all others be attended to on the above Principle. In short they should have no cause whatever on the part of Government for complaint.

I am very sorry that under the present uncertain situation of Public affairs, it is not in my power to send the Detachments from the Queen's Rangers to York—

I have the honor to be &c.,
RORT. PRESCOTT.

Mr. President Russell.

(C 1207, pp. 133-4.)

(ENCLOSURE).

EXTRACT OF REGULATIONS ENCLOSED BY
GENERAL PRESCOTT.

GEORGE R.

Regulations in Respect to the carrying on Fortifications or other Military services by Directions of any of Our Commanders in Chief, Governors, Lieutenant Governors, or other Officers, Civil or Military, Commanding in any Part of Our Dominions or by Directions from the Master General of Our Ordnance, within the Limits of any Command or Government.

Four—We are pleased to confirm the Minute of the Commissioners of Our Treasury of the 28th November 1764—restraining Commanders in Chief and Governors from incurring any Expence without the Notice required by the said Minute, which We were then pleased to approve, a Copy of which is hereunto annexed.

Minute of Treasury referred to in the foregoing Regulations.

Secondly—That if any Governor or Commander in Chief shall be of opinion that any Expence ought to be incurred for the Good of His Majesty's Service he is previously to make representation thereof to the proper office at Home, who are to communicate the same to this Board, that His Majesty's Pleasure may be taken thereupon, and that proper Estimates may be laid before Parliament, to the end, that such Sums may be granted, as Parliament shall think necessary for that Purpose.

R.P.

(C 1207, pp. 134-5.)

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 58

Sir,

UPPER CANADA,

YORK 8th August 1798.

His Majesty's Vessels so seldom now make their Appearance in this Port, that any means of communicating with your Excellency are unfortunately not so frequent as I wish them to be, you will most probably therefore receive other letters which I have written above a month since, at the same time with this, which I am obliged to commit to the care of a chance traveller whose Business calls him to Montreal in a private Vessel going round the lake to Kingston.

I rec'd the other Letters from the Deputy Superintendent General informing me that the Indian Blacksmith of the Western District has thought proper to resign his Appointment in consequence of his being ordered to reside at Amherstburg, and he requests to know from me how he is in future to get the Indian Business in that Line executed, as no one can be procured there to do it for the usual Salary—He also complains of a Garrison order issued by Capt. McLean, fixing one o'clock at noon, for the delivery of all Requisitions to Indians, because those who come after that hour will have to wait until the next day before they are served, a circumstance, which he says, may be productive of discontent to the Indians and an increase of Expence to Government, by detaining them longer about the Fort than necessary—I perfectly concur in the propriety of one or more Officers attending all Issues to Indians, and that one time of the day should be fixed for the usual ordinary Issues. But casual Parties dropping in after that hour may (I humbly presume) be issued without much Inconvenience in the presence of the Officer of the day, whose duty keeps him of course within the Garrison. But your Excellency is so much a better Judge of those matters than I am that I shall not presume to trouble you with any Comments on these letters and have only to lament, as I did before, that the Military & Indian Department at Amherstburg do not draw more cordially together than they seem to do. As to the Blacksmith, if he is (as I judge him

to be) A Military Appointment, he is Amenable to Military Jurisdiction, and subject to Punishment if he presumes to quit his Duty without leave. He may consequently be forced to act until another can be found to supply his place. But I beg leave to submit to your Excellency the necessity of sending to Amherstburg another Blacksmith from Quebec, as I am afraid that a proper one cannot be procured nearer.—

By a letter which Mr. Givens has shewn me this day from Capt. Brant to him, I am apprehensive that Chief is inclined to be very troublesome; as he seems to be searching about for causes for Offence, and disposed to Quarrel with everything the Officers of this Government say or do let the Subject be never so trifling. The Object of his present Views, I really have not Wisdom to discover. I can only see that a continuance of such a disposition may cause me some uneasiness and take up more of my time than the other important vocations I have to attend to will admit. I have ordered Mr. Givens to send me a Copy of Capt. Brant's letter, that I may transmit it to your Excellency. But lest I may not receive it in time for this letter, I thought it my duty to give your Excellency this intimation without delay, tho' I have neither Secretary nor Clerk well enough to assist me, and I am but Just recovering myself from a fit of Illness.

It would I confess have been Wiser if Mr. Givens had avoided Writing to Capt. Brant at all or not have made use of so many Words as he has. But the Chief teased him I believe into it by repeated letters; and now he Catches at his Words to endeavour to Wrest them into a Quarrel. I do not however Approve of Mr. Givens speaking indiscriminately to such Messengers as have fallen in his Way (which I apprehend has been the case) as the meaning and purport of what he said would of course be perverted, and no good whatever could be expected from such loose conversation. It was indeed my wish that neither he or Capt. Claus should have mentioned to Wabenip or any other Chiefs that I was not pleased with the distrust they shewed in Government by supposing that the King their father would permit their lands to be taken from them without their consent, and their thinking it necessary in consequence to chuse a mediator and Protector to prevent it, and to assure them that not an Acre would ever be accepted from them without satisfying them first. But I believe Capt. Brant is vexed that his views with respect to the Mississaguez have been discovered, and he probably thinks the safest way of covering his Conduct is by insinuating that Government means hostilely to the Indian Interests of which he professes himself the Champion. He has not yet written to me directly on the Subject; but he has repeatedly written *at* me in his letters to Capt. Claus, Mr. Givens, & Mr. Jones. I am however cautious of noticing anything he says; and have only written to him two or three times in Answer to One of his letters on another Subject, in which I tell him his Apprehensions are totally groundless.

I am &c.,
PETER RUSSELL.

His Excellency Genl. Prescott.
&ca., &c., &ca.

(C 1206, pp. 255-8.)

THE RUSSELL PAPERS

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK 6th August 1798.

Present

His Honor Peter Russell Esqr. President &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. John McGill.

The Hon. David William Smith Speaker of the lower house.

.....

Read the following letter from the Acting Surveyor General.

S. G. O. 6th August 1798.

Sir,

I think it my duty to suggest to your Honor, whether the purposes intended to be effected by the opening of the new Road to the River Credit, will not be lessened unless Mr. Jones is instructed to cut out the fallen Timber from the old Road, as soon as he has perfected the new one—submitting to your Honor, that until Bridges are built over the Mouths of the Humber, Etobecoke, and the Credit the whole of the old Road should be cleared of such fallen timber—it may not be improper to mention that the Bridge over the main branch of the 12 mile Creek, is the only one remaining between this and the head of the Lake, and to inform your Honor, that in the opinion of several of whom I enquired, the Bridge over the Outlet might be set upright at a small expence—the Road altogether however loses much of its consequence by the steepness of some of the hills, which I apprehend ought to be improved, without much cost, and in case the Road along the Lake to the Credit, from the Town, is to be considered as a public Road, for the convenience of all His Majesty's Subjects, your Honor will probably see the necessity of carrying it without the Garrison.

I inclose your Honor a proposal left at the Office by Mr. Miles, and the Copies of two applications from Mr. Jones.

I have the honor to be &c.

D. W. SMITH, A.S.G.

Recommended that as soon as the new Road to the Head of the Lake is opened, the old one be cleared and Bridged: that the Bridge at the Outlet be restored: that the hills be cut down: and that the Road be brought into the Town of York so as not to pass through the Garrison—

Adjourned.

FROM JOHN MCGILL TO JAMES GREEN.

UPPER CANADA YORK 7th August 1798.

Sir,

I had the honor to State to you, in my letter of the 24th June last that there remained a deficiency of Forty six thousand three hundred and sixteen Pounds of Flour to be provided, in order to complete the quantity wanted for supplies, which it was out of my power to procure in the settlements of Kingston & Niagara, But that I had a prospect of obtaining it from Detroit and the new

settlements in the vicinity of Amherstburg. In these my expectations I have not been disappointed tho' the Tenders have come forward at a much later period than I had reason to hope, owing to the dryness of the season which prevented the Mills from Manufacturing the Wheat into Flour—

On the 5th Instant, I received proposals for the immediate delivery of this additional Forty six thousand three hundred & sixteen Pounds into His Majesty's Magazines at Amherstburg at Twenty six shillings Currency P. Cwt. including Cask, as the period had elapsed to which I was restricted for the delivery of supplies, I conceived it proper to submit the proposals to Mr. President Russell, who was pleased to Sanction the purchase under the Idea, that it would be a saving of Expence to Government in point of Transport, and with the express Stipulation "that provided the Stores at Amherstburg have Room to receive the quantity of Flour mentioned without Inconvenience." I have therefore in compliance with the President's sanction, and to complete the quantity ordered by His Excellency the Commander in Chief on the 9th of December last, entered into engagements for Forty six thousand three hundred & sixteen Pounds of Flour upon the conditions as specified by the President, with which conditions I have informed Mr. Commissary Reynolds, and as soon as I can know from him the capability of the King's Stores to receive this additional supply, I will have the honor to Report the same to you for the information of His Excellency the Commander in Chief.

I have the honor to be &c.

JOHN MCGILL

Agent for Purchases.

Major Green
Military Secretary
Head Quarters
Quebec.

(C 106, pp. 79-80.)

FROM PETER RUSSELL TO ROBERT PRESCOTT.

UPPER CANADA

YORK 8th August 1798.

No. 59.

Sir,

The Warrants that I shall be obliged to issue in discharge of the public Accounts of the last half year which have been just audited by the Executive Council being likely to exhaust the whole of your Excellency's last Warrant to me for £2500 Sterling dated the 21st of last June, I am constrained to solicit your Excellency for another Warrant for the same Sum for Account of the Public Expenditure of this Province; and to pray that the Cash may be sent me as soon as it can be done with Convenience to the Public Service.

I am &c.

PETER RUSSELL.

His Excy
Genl. Prescott.
&c., &c., &c.

(C 1206, p. 259.)

FROM ROBERT PRESCOTT TO PETER RUSSELL.

No. 38.

QUEBEC, 9th August 1798.

Mr. President Russell.

Sir,

I have some time since given directions that Lieutenant Givens should receive such addition to his Barrack allowances and Barrel Bulk from Montreal as his present appointment entitles him to.

But Mr. McGill's situation in that respect is very different, as Agent for Purchases he cannot receive Military allowances, the appointment being entirely of a Civil complexion, and I am free to own to you, that the Purchases he makes, and which amount annually to between 4 and 5,000 Barrels of flour and as many Bushels of Pease and of Indian Corn would be transacted without an Agent at less Expence to the Public, and with less trouble to myself—when Mr. McGill did the duty of Commissary he received Military allowances, but since the appointment of Mr. Crookshank to be Assistant Commissary, *he* receives the allowances annexed to that appointment.—To give Military allowances to *two* Commissaries at the Town of York where about two hundred men are quartered, could never have been intended by the Lords of the Treasury.

With respect to the Instructions you desire in your letter No. 56, I must refer you to my Letter No. 37—I am more fixed than ever in my opinion, from perusal of Captain Brant's Letter to Lieutenant Givens, of the 6th July, that no Lands should be purchased from the Messissaguas at present.

I am &c.,

(C 1207, p. 137.)

ROBT. PRESCOTT.

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 60.

UPPER CANADA,
9th August 1798.

Sir,

Having just received from Mr. Givens a copy of Captn. Brant's letter to him, which I mentioned to your Excellency in my letter of Yesterday; I hasten to transmit it for yr Excellency's Information, with the Copies of four other letters which appear necessary to elucidate this Business.

Agreeable to the Instructions I have rec'd from the Duke of Portland—I confidentially directed Captn. Claus, Captn. McKee and Mr. Givens to confine themselves to the Care of their respective Districts, and to endeavour to prevent as much as possible Connections or confederations from taking place between the several Indian Nations, and to be careful to direct & keep the attention of the Nations whose affairs they superintend to their own particular concerns. Captn. Brant appears however determined to take the Mississagues affairs under his own immediate Direction & to render himself their Agent as fully as he is that of the five Nations. However as my Interference may possibly lead to Consequences as unpleasant as they are unforeseen, I judge it prudent to be silent for the present, that I may have time to be honored with your Excellency's sentiments & advice on the subject.

I am &ca.,

His Excellency. Genl. Prescott.

PETER RUSSELL.

(C 1206, p. 260.)

INCLOSURE No. 1

GRAND RIVER 6 July, 1798.

My Dear Sir,

It is now a long time since I wrote to you as I expected you here several times, and was now lately intending going to see you and was really on my way when I met my friend Mr. Jones and returned back with him. I therefore take the Opportunity of letting you hear a few words from me by him as you are now Agent for Indian Affairs, and consequently it is proper for you to be acquainted with their sentiments on different occasions.

[For remainder of this letter see extract appended to Russell's letter to Prescott No. 50, 3d July 1798.]

(C 1206, p. 101.)

INCLOSURE No. 2.

GRAND RIVER 24th July 1798.

Dear Sir,

I wrote you some time ago, but not having received any Answer, I am inclined to think it must have been intercepted, for I should imagine from our old acquaintance sake that you would not fail to favor me with an Answer, but how more particularly the business absolutely required One I would wish therefore to hear from you as soon as possible, for the Business will not allow of remaining in suspense, it being too disagreeable to have things said behind ones back, without getting an explanation of it. And besides I have lately heard from the Mississagues of several unfit things that have been said to them concerning us.

As for my part my sentiments and Conduct is intirely Open to View. I fully explained in a memorandum to Capt. Claus my reasons. I do not think it Just for Government to want the Mississagues land, without shewing it to be requisite for the Interest of His Majesty's Country and I do not think it reasonable that the land should be taken from the *Poor* Mississagues for a shilling an Acre, only to give away to Individuals to make money of. If on this acct. I should be thought to oppose the Intent of Government I think it very hard after the great trouble I have continually taken in advancing that of His Majesty in these parts, and which I am still ready to do to the utmost in my power.

I am just getting ready to go to morrow to Niagara, Our Deputies from Canada being on their return, nine of the St. Regis Chiefs accompanying them, but none from Caghnawaga nor Canissitaga, so I am not sure but we may have to go to Montreal.

We hear that Colonel Lewis, that Black fellow, is in his way to Buffaloe Creek, very likely with some insinuations from the Friends for that reason we send Mr. Norton there to acquaint the Chiefs that they should never allow such a fellow to come to the Council fire, and to receive no message from him.

Dr. Sir, I am &c.,

Lt. Givens.

JOS. BRANT.

(C 1206, pp. 263-4.)

INCLOSURE No. 3.

YORK 29 July 1798.

Sir,

I was favored with your letter of the 6th of June on the 29th following, and was prevented from immediately answering it by a flux of Business, which for

some time engrossed my whole attention so much that I could not spare a moment for it. I however desired Mr. Jones to inform you that the business you wrote about had been done by the Council immediately after Mr. Smith's receipt of your letter to him.—

I am very sorry to observe by a letter Mr. Givens communicated to me, from you, to him dated the 6th Instant—that the Mississagues have complained to you that I am offended with them for their Speech to you on the first of May last. I do not know who may have told them so, I am sure, I have not; for I have scarcely seen a Mississague since they came here unsolicited and uninvited in a large number, when the Lake Simcoe Indians were about to receive their Annual Presents, and the price agreed to be paid for Penetangushene—and being Apprehensive that Quarrels and Riots might be the consequence of so large a concourse of Indians being assembled between the Garrison and the town, and having nothing to say to the Mississagues, I desired Capt. Claus to prevail upon the latter to return home. But I did not authorize anything further to be said to them respecting their speech to you of the first of May (which had just then come to my knowledge) than to express my surprize that they should have so little confidence in the King their Father as to Judge it necessary to employ a Mediator and protector—to prevent their land from being taken from them contrary to their wishes and that they may rest assured the King would never accept a single Acre from them unless they themselves were willing to give it and were satisfied with the price he paid for it. If you have been told more than this, you may be assured, you have been listening to Persons, who neither mean you nor this Government Well.

How the Mississagues came at this time to be so uneasy about the Governments wanting their lands I cannot conceive—for no Application has been made to them by my Authority on that subject, since the delivery of the Presents last year, when Capt. Claus was desired to sound their inclinations respecting the ceding to the King the Block between the Etobicoke and your tract at the head of the Lake which Government wanted in Order to connect the land communication between this and the settlements on the South of the lake and to prevent the course of Justice from being interrupted by such a large tract of Indian Territory intervening.—The answer they then gave to Capt. Claus convinced me that this was not the time for making further proposals to them—I therefore dropt it & contented myself with opening a road by their permission thro' it.

I am &c.,

PETER RUSSELL.

Capt. Joseph Brant. &c., &c., &c.

(C 1206, pp. 264-6.)

INCLOSURE No. 4.

Dear Sir,

YORK 30th July 1798.

I had the honor of receiving a Letter from you dated 6th July and have to apologize for not being able to Answer it sooner, as I thought it necessary to shew it to the President, and he being very ill at the time, desired me to leave the letter with him and I could not get it again until yesterday.

I am sorry you did not come to York at that time, and not have turned back with your friend Mr. Jones, for I should have been better able to have

explained this matter to you than by writing, and as you will receive a letter at this time from the President I must beg leave to refer you to it; as he has explained to you all that passed between us and the Mississagues last spring.

In your letter dated the 24th instant which I rec'd on the 28th you say "you have lately heard from the Mississagues of several unfit things that has been said to them concerning you." I know nothing that has been said to them except what I said.

I have told the Mississagues several times that they acted very wrong to go to your Council, before they had consulted their Father—that they must see the necessity of it as their Chief is so drunken and Ignorant—And that they might incur the displeasure of Government by such conduct and bring themselves into difficulties when they might avoid it by proper conduct and attention to what the King their father and benefactor might say to them.

This was my conversation to them but as there is some people very busy in reporting and misrepresenting matters to you, you therefore no doubt have heard more than has been said.

I am &c.

J. GIVENS.

P.R.

(C 1206, pp. 266-7.)

INCLOSURE No. 5.

NIAGARA 3rd Augt. 1798.

Dr. Sir,

I have rec'd the President's favor and yours. I have no time at present to say anything to the former, and shall only send you a few lines to inform you that I comprehend them both fully; And that it appears by what you write that what I have heard was true, the information I had and language of your letter seeming to correspond together—

I must beg leave to inform you that I feel very sorry and hurt at the Language you have used to the Indians; for Government has never hitherto made use of such language to them on any occasion. If you have been ordered to say so, I cannot blame you for it. I must repeat that Government never said so much to the Indians as what you own to have said "that the Mississagues acted very wrong to go to our Council, or any other Council before they had consulted their Father; that they must see the necessity of this, as their Chief is so drunken & Ignorant, and that they might incur the displeasure of Government by such conduct, and bring themselves into difficulty, when they might avoid it by a proper conduct and attention to what the King their Father and benefactor might say to them." If this should be the case there is an end to our being a free people, and I can look upon this manner of speaking as no less than threatening—As you tell me you have spoke in this manner several times to the Mississagues.

I find I shall be obliged to inquire of them what has been said to them, and what usage they have met with, for should this manner of speaking be continued it might tend to bad consequences by disuniting us, and depriving us of the liberty of enjoying our old Customs.

I am &c.

JOS. BRANT.

P.R.

(C 1206, pp. 268-9.)

DEED FROM THE INDIANS TO McTAVISH ET AL.
(Copy)

Know all men by these presents that we the chiefs and old men of the Chipeway or Bavoutigost Oininie at the Falls of St. Marys for ourselves and by and with the consent and advice of all the Men of our Tribe in consideration of the Goodwill Love and Affection, which we and the whole of our Tribe bear unto Simon McTavish, Joseph Frobisher John Gregory William McGillivray and Alexander Mackenzie Merchants of Montreal in the Province of Lower Canada for themselves and as Agents and Directors of the North West Company and for the Sum of Two Pounds Current Money of said Province to us in Hand Paid and also for Divers other Good causes and Valuable Considerations us the Chiefs and rest of our Tribe Hereunto moving have Given Granted Aliened enfeoffed and Confirmed and by these Presents do give Grant alien enfeoff and Confirm unto Simon McTavish Joseph Frobisher John Gregory William McGillivray and Alexander Mackenzie in their aforesaid capacity their Heirs Executors administrators and assigns, a certain Portion of Land or Tract of Country situate lying and being on the North Side of the Falls of St. Marys bounded in Front by the said Fall and Strait of St. Marys comprehending Ten Miles in Front of Said Strait and Falls and the same distance in depth running a Line about North from the Grass Points or Maguatesonaganis below said Falls on said Strait of St. Marys and the same course nearly from Pine Point or Mitamigue Oshink above said Falls near the Entrance of Lake Superieur that is from a Large Pine about five Hundred Yards above the Extremity of said Pine Point, with all and Singular the Appurtenances &c. within the Lines or Boundaries already mentioned or into the said Tract of Land appurtenant or in any wise belonging: and the Reversion and Reversions remainder and remainders Rents Issues and Services of the said Premises and also all the Estate and Right, Title, Interest, Property Claim or Demand whatever of us the said chiefs and old men or of anyone whatever of the said Tribe, of in and to the said Lands and Premises including the Island on the North Side of said Strait and Said Falls of St. Marys as well as every Part and Parcel thereof with their Appurtenances. To Have and to Hold Said Lands and Premises Hereby Given and Granted or Mentioned or intended to be Given or Granted unto the said Simon McTavish, Joseph Frobisher, John Gregory William McGillivray and Alexander Mackenzie in their Capacity as aforesaid the Heirs and assigns for the only proper use and behoof of them the said Simon McTavish, Joseph Frobisher, John Gregory William McGillivray and Alexander Mackenzie in their capacity aforesaid for ever.

And the said chiefs and old men for themselves and on behalf of their whole Tribe their Heirs and assigns do Covenant Promise and Grant to and with the said Simon McTavish Joseph Frobisher John Gregory William McGillivray & Alexander Mackenzie as aforesaid their Heirs and assigns Lawfully may from Henceforth and forever after Peaceably and Quietly Have Hold and Occupy Possess and Enjoy the said Lands Hereditaments Premises Hereby Given and intended to be given or Granted with their & every of their appurtenances free clear and discharged or well and sufficiently Saved Kept Harmless and indemnified of from & against all former and other gifts, Grants, Bargains Sales, Estreats, Rents, Extents and of from & against all former and other Titles, Troubles Charges and Encumbrances whatsoever, had done or suffered by them the said chiefs and old men or by anyone whatever of said Tribe their Heirs or assigns or

any other Person or Persons Lawfully claiming or to claim by from or under or any or either of them. And by these presents do make this our act and deed irrevocable under any pretense whatever & have put the said Simon McTavish Joseph Frobisher John Gregory William McGillivray and Alexander Mackenzie in their capacity aforesaid in full Possession and Seisure by delivering Them a Piece of said Tract on the Premises.

In witness whereof we the Chiefs and old Men for ourselves and on behalf of our whole Tribe of Chipeways or Bavoutigost Oininie have into these Presents Set the Mark or Insignias of our Families at the Falls of St. Marys this Tenth day of August one Thousand Seven Hundred and Ninety Eight.

(Signed)

Witnesses	Melosaki—
J. B. Nolin	Quegoitte taguamiguiscam
John Bennet	Sizain
F. Chalen	Kakonse
Mehr Auge	Netashsquoansicque
John Burn	Tacoacanais
J. B. Cadot	Jicatjioisay
	Quitoiainse

(Department of Public Records and Archives, Toronto.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

UPPER CANADA

No. 39.

YORK 11 August 1798.

My Lord Duke

I had the Honor of mentioning in my Letter No. 27 that I should take some more favorable Occasion of transmitting to your Grace a Copy of Mr. Smith (the Acting Surveyor General's) Opinion of the plan of an additional Fee and the means of rendering the Clergy & Crown Reserves immediately productive—I accordingly embrace this opportunity of sending your Grace a Copy which Mr. Smith has just prepared for that purpose.

I have the Honor to be &c.

His Grace

PETER RUSSELL.

The Duke of Portland

&c., &c., &c.

Endorsed:—Upper Canada 11th Augt 1798

Mr Presdt Russell

R/30th November—No. 39

Ansd. 24th Jany.

(One enclosure Voluminous.)

(Q 284, p. 248.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

UPPER CANADA

No. 40.

YORK 11 August, 1798.

My Lord Duke,

I have the Honor of transmitting to your Grace herewith Transcripts of three Acts, to which I gave His Majesty's Assent in the Second Session of the

second Parliament of this Province; and of four Bills which I have reserved for the Signification of the Royal Pleasure.

Engrossed on Parchment the Acts & Bills are fastened to each other under the Great Seal; and they are accompanied by a Map of the organized Part of this Province (with a Table of numerical Reference for the more ready comprehending the Boundaries mentioned in the new Division Bill); and by a Copy of the Journals of the Legislative Council,—those of the House of Assembly not being ready to go by this Opportunity.

The Reports of the Chief Justice and of the Solicitor General, on the Bills which originated in the Houses of which they are respectively Members, together with a schedule of the accompanying Acts & Bills are inclosed for your Grace's Information.

I have the Honor to be &c.,
PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada 11 Augt. 1798

Mr. President Russell

R./ 30th November

Ansd. 24th Jany. No. 40

Copy sent to Mr. Fawkener 22d

Jany. 1799, together with the Report

of the Chief Justice and Solicitor

General and Schedule and Map &

Table in original

(13 inclosures)

10 voluminous

(Q 285, p. 1.)

FROM JOHN ELMSLEY TO PETER RUSSELL.

I have the Honor to lay before you my Official Report of the Grounds & reasons of such of the several Acts passed during the late session of Provincial Parliament, as originated in the Legislative Council. In doing which I shall observe the same order as in my Report of last year.

1. An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships of the Province—Mr. Duncan.—

The object of this Act, as well as the means by which it is to be attained, are sufficiently clear from the Act itself.—In old Countries disputes about boundaries are as rare, as disputes about titles are frequent. In a new Country the case is reversed, and the titles are generally as clear as the boundaries are confused. There may be some expence and trouble in carrying the Act into execution, but there is every reason to hope that its operation will eventually be extremely beneficial.

It may perhaps appear at first sight that death is too severe a punishment for the offence of knowingly and wilfully putting down, defacing, altering or removing the Boundaries which are to be erected under this Act, but in this respect also, reference must be had to the Country for which the Law is made.

Land marks in an old Country seldom do more than discriminate the property of two or three individuals, and are so well known, that the removal of them is no more than the destruction of a hedge, or the filling up of a Ditch, the loss of either would be immediately perceived and the uncertainty of limits occasioned by it as immediately remedied by recurring to other sources of Evidence. But in a Country of perpetual forest, the Boundaries or Monuments provided by this Act, will for a great many years be the only Standards to which resource can be had, and whoever will cast his eye upon the plan of any of the Townships into which this Province is divided, will see that the removal of one of them will involve in confusion not only the Concession at the End of which it stands, but perhaps several other Concessions, the course of whose lines it may govern, and the Settler after many years of Labour may discover that the whole of his Industry has been laid out on lands which do not belong to him. In short the Crime appeared both in its principle and in its consequences to bear so close an Analogy to the Crime of forgery that there was but little difficulty in subjecting it to the same punishment.

2d. An Act to repeal an Ordinance passed in the 25 year of the reign of His present Majesty entitled "An Ordinance concerning Advocates, Attornies, Solicitors & Notaries, and for the more easy collection of His Majesty's Revenue," as far as the same relates to Notaries.—The Chief Justice.

While the Ordinance which this Act repeals remained in force, no persons could act as Notaries, who had not been admitted and authorised under the Canadian Law: But as the Laws of England are now established in this Province, and as the functions of a Notary under the two Codes are very different, it was judged expedient to repeal the Ordinance by which means it was conceived that the authority by which the Governors of His Majesty's Colonies have appointed Notaries by License under their Seals would immediately attach. I presume it was upon the same supposition that when this Ordinance was on a former occasion suspended for the space of two years His Excellency General Simcoe appointed the only two persons who now act as Notaries in this Province.

I have however been informed since this Act received the Royal Assent, that the Governors of His Majesty's other American Colonies do not appoint Notaries under any Prerogative of the Crown, but under a Power delegated to them for that purpose by His Grace the Archbishop of Canterbury—Whether such be the case, and if it be, whether the Lieutenant Governor of this Province is provided with any such power I have no means of informing myself.

3rd. An Act for the better division of the Province. The Chief Justice.

When the former division of this Province into Districts and Counties was made, very little more of it was known than the Banks of the River St. Lawrence, & of the Lakes thro' which it flows. Since that time the interior parts have been explored, surveyed, and to a certain degree settled. In doing this the Country seemed to divide itself into districts, surrounding some natural or Artificial point which seemed to offer itself as a Centre for the civil purposes of that district. It was thought proper therefore to take advantage of the present moment, when the inconveniencies of making a change are trifling to anticipate the time when a change will be necessary but the inconveniencies attending it considerable.

For this reason the Northern parts of the Counties in the Eastern District, which are at present very little settled, were separated from the Southern and formed into Counties.

For it is obvious that when the Banks of the river Ottawa are as well settled as those of the river St. Lawrence the inhabitants of those Townships will feel their attendance on public Duties at Cornwall and Johnstown a very serious inconvenience; and it is equally obvious that as the former of these Rivers affords to those who live near it, the same easy means of Communication that the latter does to the Townships on its banks, the causes which have raised Cornwall and Johnstown into Towns, will in all probability soon establish a Town on the Ottawa, to which the inhabitants of those Counties may resort.

In the Midland District little more has been thought necessary than to throw the County of Ontario which consists wholly of Islands, and extends from the mouth of the Gananoqui to the entrance of the Bay of Kinty into the several Counties on the Mainland, to which those Islands are wholly or in greater part opposite. The only one of those Islands which is at all settled at present is the Isle of Tonti or Amherst Island. Should the other Islands never be inhabited, this change can never prove inconvenient. Should they ever be settled, it will be much more convenient for those who live on them to resort to the Towns on the Main, than to any Town that may ever be formed on any of them. The Settlers on the Isle of Tonti do now, and will always find it more convenient to resort to Adolphus Town, or even to Kingston than to any part of the County of Ontario, which is sufficiently central for the Site of a County Town.

The great extent of the Home District together with the removal of the Seat of Government from the Town of Newark to the Town of York made it absolutely necessary to separate the County of Lincoln from the rest of that District, and to erect it into a distinct Bailiwick;—Provision is also made for the division of the remainder of the Home District into two Districts as soon as the increasing population calls for such a measure.

The very rapid progress made in the Townships on the river Thames, and in those which form what is commonly called the Long Point Settlement, together with the great distance of the latter from the Town of Sandwich, which is at present the capital of the Western District, called for the division of that District into two, if not three Districts—The County of Norfolk will probably in a few years require to be raised into a District Bailiwick; its limits and those of the Adjacent Counties were accordingly moulded with a view to that Event. On viewing the Province thus divided it will be seen for what purposes future as well as present the division has been made. The Town of Cornwall will, it is presumed, be always found sufficiently convenient for the Civil purposes of the Counties of Glengary & Stormont, and the Town of Johnstown for those of Dundas and Grenville. The Causes which establish Towns in other places, will probably soon make it necessary to lay off one on the Ottawa River, which may be the County Town of the Counties on the Banks of it. The inhabitants of the large and thriving County of Leeds have it already in Contemplation to lay off a Town in the Township of Kitley.

In the Midland District the Town of Kingston naturally presents itself as the central point to the tract of Country on three sides of it, which forms the present County of Frontenac, as well as to the Islands which front it. Adolphus

Town will perhaps for many years be amply sufficient for all the civil purposes of the Bay of Kinty.

In the future district of Newcastle—a Town at the Presque Isle, where there is a good harbour, or perhaps at the Hope Mills, which stand on the line between the Counties of Durham and Northumberland, will answer all the civil purposes of those two Counties.

The Town of York will of course be the County Town for what will then be the Home District.

The proposed District of Niagara consists of the County of Lincoln, and the Tract on the Grand River assigned by His Majesty for the use of the Six Nations, and to which the name of the County of Haldimand was given in commemoration of the Person during whose Administration that appropriation was made.

The head of the Navigation of the River Thames, and the confluence of its two principal Branches, are two of three points which I have already had the Honor to observe naturally present themselves as points of rendezvous and consequently as places for the transaction of public business, both were accordingly long ago selected by His Excellency the Lieut. Governor for the Sites of Towns, to that at the former he gave the name of Oxford,—to that at the latter the name of London—In forming the present Arrangement therefore, care was taken to distribute the Townships which lie near those places in such a manner as it was conceived would best promote His Excellency's intentions.

The Town which has been projected & I believe actually laid off at Charlotteville will be a very convenient Capital to the Long point Settlement; and it is hoped that the Towns of Chatham and Sandwich will be equally so for the two Counties which will compose the Western District.

It will of course be some time before the whole of this plan can be carried completely into execution; but when that time arrives, it is hoped that none of His Majesty's Subjects in this Province will be at a greater distance from the place to which the discharge of his public duties calls him than an easy days Journey.

I have only to add that there is no material difference between the arrangements made by this Act and the plan approved by your Honor in Council.

4th. An Act to repeal part of an Act passed in the 37 year of the reign of His Majesty entitled "An Act to extend the Jurisdiction & regulate the proceedings of the District Court and Court of Requests" and to make further provision for the same. The Chief Justice.

The Division of the Province into smaller Districts having in a great measure removed the objection to the allowance of Milage in serving the process of the two Courts, this Bill was prepared in order to restore it, and also to authorize one or two necessary allowances to the Clerk of the District Court.

5th. An Act to Amend part of an Act passed in the 34th year of reign of His Majesty entitled "An Act to establish a Superior Court of Civil and Criminal Jurisdiction & to regulate the Court of Appeals," and also to amend and repeal part of an Act passed in the 37 year of the reign of His Majesty entitled "An Act for regulating the Court of Kings Bench" and to make further provision respecting the same. The Chief Justice.

One of the objects of the Bill which I had the Honor to lay before you early in the last session & previous to its being offered to the two Houses was to remove by Legislative Authority the difficulty occasioned by a difference of

opinion between Mr. Justice Powell & myself with respect to the process of Execution in actions in which the Deft. has not been held to special Bail, and so declare that the person of the Deft. should be liable to be taken in execution as well where he has not as where he has been so held to Bail. The Bill passed the upper House in the form in which it was submitted to you, but was returned from the Assembly a few days before the close of the session with Amendments, which gave to it nearly the form in which it was presented for the Royal Assent—When those amendments came under discussion, I opposed with every argument in my power the Slightest deviation from the Law which gives the Creditor the right of taking the body of the Debtor in Execution. In answer I was informed that whatever might be the true construction of the Provincial Statutes which relate to this Subject, the amendments made by the Assembly were not to be considered as introductory of any innovation, but as declaratory of the Law as it was conceived to have been established by the Provincial Statute 34 Geo. 3. c. 2. That when that Bill was before the Legislative Council, some of its members expressed a very strong desire as well on account of the circumstances of the Country as on principle of General Policy that the severity of the Law of England against the persons of Debtors both on original and on final process might be Mitigated, and proposed that the only case in which the subject should be deprived of his liberty in civil cases should be when he manifested a disposition to leave the province with an intent to defraud his Creditors—That when the proposal was made, my learned predecessor declared that though he would not have suggested it himself, he rejoiced at hearing it, as it entirely accorded with his own Ideas on the Subject, and that he would gladly introduce it into his Bill.

On receiving this Account I called upon such of the members as were in the House when that Bill passed to Confirm or disprove it. Not being conversant with the use of technical terms, they could not speak with particularity on the subject, but they all either admitted or did not deny that such was the substance of what passed. When the House rose the Clerk, who is a professional man, and the less liable to misapprehension of Mr. Osgoode's meaning very distinctly confirmed the whole of it; and Mr. Justice Powell has since repeated to me what he had told me on a former occasion, that he had always conceived Mr. Osgoode's opinion and intentions to be such as they were then stated to have been.

I have not the honor of any personal acquaintance with my predecessor, tho' I remember him perfectly in England, and also remember how high he stood in the estimation of Westminster Hall. I hope therefore it will not be thought inconsistent with the respect I have always felt for him, if I venture to think that no alteration should have been made on a Subject so important, and of such extensive consequences as the Law of Imprisonment for Debt, at least until the Mother Country had sanctioned such a step by her example. That the Law of England on that subject is, in terms at least, a severe one cannot be denied; nor is it less true that it is sometimes converted into an instrument of private malice. But in framing political institutions we have seldom more than the choice of Evils, and I rely on the uniform practice of England for centuries past, as a proof that nothing short of the power which the Creditor in that country has over the liberty of his Debtor can enforce that punctual and exact observance of engagements on which so much of the Welfare of social life depends, and that it is better to connive at the abuse occasionally made of that power, than to expose ourselves to the ten thousand frauds which the want of it will daily

suggest and encourage—I do not presume to speak of my own experience; but as far as it has gone, it has most deeply impressed on my mind the justness of an observation which I have often heard made by one of the greatest modern Authorities (Lord Thurlow) that he believed there are nineteen fraudulent Debtors to one harsh Creditor.

But however this may be, I was satisfied, that such were the intentions of Mr. Osgoode and such the expectations of the Legislature. It appeared therefore very distinctly to me, that the faith of Government was pledged for the establishment of the System, which has the Sanction of such Authority, and that it was the duty of the person in my situation, whatever his own opinion of the subject might be, to support it to the best of his power. I endeavoured therefore to give something of form and technical language to the Amendments made by the Assembly, and as the advanced stage of the session did not allow of more than an Outline, to make that outline as distinct as possible. But I took every opportunity of declaring, as I do now, that tho' the Bill passes for mine, I consider it as introducing nothing new, but as merely declaratory of the intention of the Legislature, When it passed the 34. Geo. 3. c. 2. And that I am not to be precluded from attempting to restore the Law of England on the subject, whenever experience shall have impressed upon the public mind the Conviction which I feel myself, that nothing less than the rigour of that Law will be effectual.

Already indeed has that best of teachers suggested the propriety of one alteration, which I cannot but consider as an Approximation towards so desirable an Event. The 34. Geo. 3. c. 2. enacts that no person shall be holden to special Bail in civil cases—unless the Plf. will make oath that he verily believes that the Defendant is about to leave the Province with an intent to defraud his Creditors. How difficult, how nearly impossible is it for any Creditor (for the Oath must be made by himself) who is not always watching his Debtor to have such a knowledge of his intentions as to be able to make that Oath with a safe Conscience; and how easy is it for the latter in a Country situated as this is, to elude all the Vigilance of the former! If I can trust the information I have received, it has seldom happened that any person has made the Affidavit required, but on grounds much too slight to meet the intention of the Legislature; while on the other hand persons of more delicacy have in many instances been deterred from making it until the fraud which it was intended to prevent was completed.

By the present Bill, the Affidavit, which may be made by the Servant or Agent of the Plaintiff as well as by the Plaintiff himself will be sufficient if it states an apprehension only, that the Defendant will leave the Province nor need it state that he so leaves it, with an intent to defraud his Creditors. A fraudulent intent can seldom be collected but from circumstances, and there is perhaps no circumstance which more strongly evinces that intent than that a man should leave the country without paying his Debts. But still there is a possibility that a man who is in debt may leave the Province without any intention of returning, who at the time of leaving it, may have no intention to defraud his Creditors. While this possibility exists, those whose minds are impressed with a proper sense of the nature of an Oath will scruple to depose to an intention of that kind, tho' they may have sufficient reason from the Character of their Debtor, or from other circumstances to suspect that it exists; And when it is recollected how large a part, not only of the ordinary business of human life, but even of the solemn Transactions of Courts of Justice necessarily proceeds upon the

balance of probabilities it will not perhaps be thought a hardship upon any man who is about to leave the Country, without paying his debts that he should be suspected of never intending to pay them.

The principle however being established that no person is to be deprived of his liberty in Civil cases, who does not by his character or conduct give rise to an apprehension that he may leave the Province without paying his debts, it became necessary to advert to the consequences as far as they would affect the Law of Bail, and of process of Execution against the person.

The first that presents itself is that imprisonment in civil cases is no longer to be considered as a security for the payment of a debt, but as the means of preventing the Commission of an intended fraud. Consequently the Obligation of those who become Bail, is not to pay the debt, if the Defendant does not pay it, but is an undertaking that he will not commit that fraud. As long therefore as he remains in the Country without exciting suspicion, he must be considered as an innocent man, and let the manner in which the debt may have been contracted, or the circumstances which may have marked the subsequent conduct of the Debtor be what they may, the Condition of the recognizance must be considered as unbroken.

A second consequence that seems to follow, is that the person of the Defendant while he excites no suspicion shall be as sacred after Judgment as before; for as it is the criminal intention alone that is to deprive him of his Liberty, the same reasoning which protects him at one stage of the cause, must necessarily protect him at another.

But as the Debtor has all the immunities of innocence, while he is innocent, so, as a third consequence he should be subject to the consequences of crime, when he is criminal. For this reason, and also on account of the very great ease which criminals of all sorts may escape from Justice in this Province, a power is given by the seventh Clause of apprehending a Debtor who is about to leave the Province without paying his debts—by Warrant from any Magistrate, and of detaining him until he can be served with that process which is applicable to the stage of the Cause.

With respect to that part of the Bill which reduces the District office to an Office for the issuing of original process and of the writ of *Capias ad satisfaciendum* only, and restores the former system of returns, it is not from any alteration in my opinion of the Ease and convenience of which I conceive that each of the Measures which it repeals might have been made the Instrument, and still less from any alteration in those circumstances of the Province which suggested them that I have now proposed to repeal them. But it is as I have already had the Honor to state to you, from the deference I owe to the opinion of persons for whom I have the highest respect, and who see inconveniences in them greater than any advantages that can in their Judgment be expected from them. I owe it however to myself to add, that the experiment has now been tried for near nine months, and during that period I am not aware that any inconvenience has happened from either of them, except that which meets us on every side, and on every subject, I mean the inconvenience arising from the want of means of regular communication between the Seat of Government and the rest of the Province.

The same reason that induced me to wish that Milage should be restored

to the District Court, has also suggested the same with respect to the Court of Kings Bench.

I have the Honor to be &c.

J. ELMSLEY. C.J.

Endorsed:—Copy

*The Chief Justice's
report on the Acts passed
in the Session of 1798.*

*In Mr. Prest. Russell's No. 40.
of 11th Augt. 1798.*

3.

(Q 285, pp. 82-104.)

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 61.

Sir,

UPPER CANADA

YORK 18th Augt. 1798.

Having yesterday Rec'd a Letter from Mr. Elliot the late Superintendent of Indian Affairs at the Post of Amherstburg in the Western District of this Province, calling upon me to institute some Public Tribunal for ascertaining the Truth or Falsehood of the Charges brought against him while acting in that capacity; I esteem it my Duty to transmit herewith a Copy of it for your Excellency's Information as I know of no authority with which I am now vested for instituting the Enquiry which Mr. Elliot wishes.

Should your Excellency be inclined on this occasion to refer to the Documents sent me by the Deputy Superintendent General respecting Mr. Elliot's General Character & services, & his Conduct in the particular Affair which caused his Dismissal, I beg leave to mention that they will be found in my dispatches Numbered 34, 45 & 49. with which I had the honor of transmitting the originals or copies to your Excellency immediately after I rec'd them.

I have the honor to be &c.,

PETER RUSSELL.

His Excellency Genl. Prescott, &c., &c., &c.

(C 1206, pp. 269-270.)

FROM ROBERT HAMILTON TO PETER RUSSELL

QUEENSTON August 19th, 1798

Sir,

The bearer hereof Mr. Francis Mason¹ is sent to this Country by his Majesty to make Collections in the Botanical Line;—He has I believe Letters from some of his Majesty's Ministers, to insure Attention from the Officers of Government in this Country. But having been very warmly Recommended to me by my friend Mr. John Brickwood of London, I am tempted on my own Account to Solicit from You to him those Civilities which Im Convinced you will find him to Merit

¹Francis Masson, a distinguished naturalist.

—May I hope you Will excuse this Liberty, & that you will believe me with very sincere Respect

Your Honours
Most Obedient
& very humble Servant
R. HAMILTON

The Honourable Peter Russell Esqr.

(Department of Public Records and Archives, Toronto.)

FROM RICHARD CARTWRIGHT TO JOHN ASKIN

KINGSTON 20th Aug't 1798

Dear Sir,

I was a few days ago favoured with your Letter of 12th July.—The Legislature were prorogued & dispersed even before the date of your Letter, so that for the present I fear I can be of little Service to you in the Business. But what I can do I will, and as the Chief Justice is shortly expected here I will do what I can to interest him in your Behalf. For though I certainly have never considered such Certificates as you mention to have been assignable, because given for the express Purpose of settling and improving the Country by the actual Occupation of the Persons to whom they were given; and consequently till such Occupation & Improvement have taken Place, the Lands were not even equitably out of the Crown's. Yet I know you are so well entitled to every Favour that the Government can confer, that I shall most cheerfully exert any little Influence that I may possess to get your Claims confirmed; and should they not be settled to your Satisfaction before your other Friends & I meet again at York we will try our united Efforts in your Favor.—You will before that time be able to judge whether your personal Attendance will be necessary.—

Please present my best Respects to Mrs. Askin and the rest of your Family and believe me &c.

RICHARD CARTWRIGHT.
(A.L.S.)

John Askin Esqr.

(Canadian Archives, Askin Papers, Vol. X.)

FROM ROBERT PRESCOTT TO THE DUKE OF PORTLAND

No. 84.

QUEBEC 22d August 1798.

To His Grace the Duke of Portland,
My Lord,

Brant's ill temper no doubt originates from a delay on the part of the Government of Upper Canada, in performing certain promises made to him with respect to the Grant for their Lands on the Grand River; but that cause being removed, and he having declared himself satisfied with what was done for him in that respect, it is difficult to ascertain what he means by the conduct he has since evinced, unless it may be ascribed to insincerity in his declarations of satisfaction on the Land granting business.

He seems disposed to commence a quarrel with the several Nations of Indians of Lower Canada, respecting some assertion they have made that the Mohawks had sold a part of their Country situated within the Boundaries of the United States, and he invited the Caghnawaga Indians to Buffaloe Creek to settle this dispute; about the same time that he complained of the above, there appeared a Paragraph in a New York paper, of which the enclosed is a Copy, stating that certain Indian Chiefs were gone to Philadelphia on that errand—I directed Sir John Johnson to enquire at the Caghnawaga Village what was meant by this, and to find out if any of their Chiefs were absent—they proved to be all at home; they denied any knowledge of the affair; and they contradicted the Paragraph in the American Papers, by inserting another in the Montreal Gazette—and wrote to Brant inviting him and the Chiefs of the Five Nations to come to Caghnawaga, there to settle the existing differences according to ancient Custom, in presence of Sir John Johnson in Council—Copy of the invitation I enclose.

The above Invitation they however declined to accept, conceiving it would be degrading themselves to come to Caghnawaga—and to bring the affair to issue without further delay, I have recommended to the Seven Nations of Lower Canada to send Deputies to Buffaloe Creek, and in presence of the Superintendent residing at Niagara, Captain Claus, to settle the dispute—They have not as yet come to a resolution on that proposal, if they refuse I shall direct a more pressing Invitation to Brant and his People to come down to Caghnawaga.

From a late Communication with Mr. President Russell I observe that Brant wishes to take the Messissagua Nation under his protection—having been invited by them to become their Agent and Attorney to transact and Negotiate all such matters as they may have to transact with the white people, declaring at the same time that they will not dispose of their Lands, or take any steps in their Councils, without his advice and approbation—To frustrate this endeavour of Brant I have advised Mr. President Russell, to lay aside for the present, every idea of treating with the Messissaguas for the Purchase of their Lands, particularly as it may be fairly presumed that an intention of that kind, has given rise to the application they have made to Brant to take the management of their affairs into his hands, and by an adherence on the part of the Government of Upper Canada, in every respect to the Policy laid down by your Grace, any attempt of Brants to become the Head of the Messissagua Nation, must fall to the ground.

I should however trust from the favourable disposition of the Americans, that Mr. Russell will not have occasion of applying to me to strengthen that Government, as I cannot hesitate in giving my opinion to your Grace, that it would be highly imprudent to detach any part of the Forces from this extensive Province, were there even Barracks in Upper Canada for a greater number of men, than are quartered there at present.

In Lower Canada, I have only three Battalions of regular Troops, consisting of 2034 Rank and File, besides the 1st Battalion Royal Canadian Volunteers of 424 Rank & File—on which Corps from their being chiefly Canadians, I confess there can be but small reliance in case of an Attack from the French.

Quebec must be taken care of, and at Montreal a considerable Force must necessarily be stationed, to awe the Habitants of that vicinity, who have in more than one instance evinced a refractory spirit.

In Upper Canada there is stationed 647 Rank and File, consisting of the 2nd Battalion Royal Canadian Volunteers and the Queens Rangers—besides their Militia being composed altogether of Britons and Loyal Americans, they can be depended upon.

The Militia of Lower Canada is not to be resorted to in case of an Attack from the French, it would be even dangerous to Arm them—The only dependence therefore, that I can have for the protection of Lower Canada in case of need, is on the few Troops above enumerated, and the British natural born subjects resident in Lower Canada.

I trust your Grace will, on a view of the foregoing statement, consider with what anxiety I have looked for the arrival of the Regiment I had reason to expect was intended as a reinforcement to the small Force allotted for the defence of this extensive Province, and I presume yet to entertain the most earnest expectation of its arrival this Autumn.

I am &c.,

RORT. PRESCOTT.

(Q 81-1, p. 4.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 39.

QUEBEC, 23rd August 1798.

Mr. President Russell.

Sir,

I have the honor to acknowledge the receipt of your letters numbered 58 and 59—and to mention that number 57 is not come to hand.

I have issued a Warrant on the Deputy Paymaster General for two thousand five hundred Pounds Sterling, Dollars at 4/6 each, for account of the Civil Expenditure of the Government of Upper Canada as requested in your Letter No. 59, which sum will be forwarded to you under Escort of an Officer and twelve Rank and File.

A Blacksmith shall be sent to Amherstburg as soon as possible to replace Timothy Murphy, Indian Blacksmith, who has thought proper to resign his appointment in consequence of his being ordered to reside at Amherstburg.

I have desired the Officer Commanding at Amherstburg to give directions that Casual Parties of Indians dropping in after the hour fixed upon by a Garrison order for delivery of all Requisitions to Indians, may be served in the presence of the Officer of the day, to prevent discontent among the Indians and an increase of Expence to Government by delaying them about the Fort longer than is necessary.

It is much to be regretted that Mr. Givens the lately appointed Superintendent, should have been so hasty and imprudent, as to enter into any kind of Correspondence with Captain Joseph Brant, until he had received your approval of the Letters proposed to be written—had this conduct been observed by Mr. Givens the uneasiness you seem now to be under on that score, would have been prevented.

I consider it advisable that Brant should as soon as possible, be informed in any manner you judge it best for the Kings Interest, that there are no Lands whatsoever, in contemplation to be purchased from the Messissaguas—and by observing towards him the same Open and Generous deportment he has ever

been accustomed to from the British Government, he must soon be convinced that his apprehensions, of any unfriendly Acts on your part, towards him or the Indian Nations, were unfounded.

I am &c.,

ROBT. PRESCOTT.

(C 1207, pp. 148-9.)

ACCOUNT FOR PURCHASE OF LANDS AT STRAITS OF ST. MARY

Account of sundry Articles Given to the Proprietors of the Lands on the North side of the Straits of St. Mary's for a tract of said Land not less than 10 Miles square as described in this Deed of Conveyance to McTavish, Frobisher & Co as Directors of the North West Company vizt.

30 Gallons of spirits	20/	£30.-.-.
8 Guns.	45/	18.-.-.
1 Cask 70" powder	5/	17.10.0
2 Bags 160" shot & ' &&	1/	8.-.-.
1 Roll 100" twist tobacco.	2/6	12.10.0.
5 Bags Hulled Corn	30/	7.10.0.
8 Spanish Dollars.	5/	2.0.0.

Halifax Currency.

£95.10.0.

York 26th Augt. 1798.

ALEXR. MCKENZIE.

(C 1206, p. 286.)

FROM JOSEPH BRANT TO JOSEPH CHEW

NIAGARA August 30th 1798.

Dear Namesake.

I have just time to acquaint you with a little of our Affairs, you are frequently offended with me for not writing to you oftener, but I think it however excuseable as I rely on your Son and other correspondents to inform you of common occurrences; but as it now happens, when anything occurs that materially affects our feelings, I never fail myself to trouble you with an account of it—as also should it concern the interests of the Country.

You know concerning our Deputies having been down, and they brought up some of the St. Regis people to our Council; and what they have said concerning the accusation, intirely clears up the Affair in our minds and convinces us as to our innocence of what was laid to our Charge, but for the purpose of clearing up any doubts, that might remain in the minds of these people or of others, we have sent for further proofs, which when obtained cannot fail of convincing the most obstinate.

There is a thing I have to acquaint you with, that surprises me very much, it is what I hear Mr. Lorimier the interpreter has said to the Caughnawagas, immediately after Sir John had spoke to them, encouraging those of the Warriors that had a mind to attend at our Council to go there—he spoke to them in contradiction, advising them not to go as he looked upon it as dangerous for them,

it was certainly very unfriendly of him to endeavor to Stop a reconciliation taking place in this manner, and none but an enemy would behave in such a manner.

An Agent at York named Mr. Givens has also been very busy as you will see by an extract of his own letter, he said several very unfit things to the Missisagags which you will see by our speech and the extracts of his own letter. I have no time to give you Copies of my letters on this business at Present—Dear friend what hurts me most is to see so many new things and Changes taking place, and our Customs getting done away within these few years; if this is to be the Case all I can say is that we feel it and let you know accordingly.

if Government should not in some way remedy this, all I can say is that our fate will be much worse than ever we could have expected it.

I am &c.

JOS. BRANT.

Joseph Chew, Esqr.

(Indian Affairs, Superintendent General, 1798.)

FROM JAMES GREEN TO HAZELTON SPENCER

Major Spencer.

QUEBEC, 1st September 1798.

Sir,

I have the honor of introducing to your notice and attention, by Command of His Excellency General Prescott, the Bearer of this Letter, Monsieur Jules Le Fer¹, a French Gentleman of his acquaintance, who purposes visiting the Falls of Niagara before he leaves Canada.—His Excellency requests you will forward him to Fort George, for that purpose, by the first opportunity, being provided with a similar Letter of Introduction to Colonel McDonell—Monsr. Le Fer returns to Philadelphia by the route of the Genesee.

I am &c.,

JAMES GREEN.

(C 1207, p. 157.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

QUEBEC, 3rd September 1798.

Sir John Johnson,

Sir,

.....
His Excellency has lately received several Letters from Mr. President Russell, relating to Brant's interference in what concerns the Messissagua Nation, his advice has been uniformly to Mr. Russell to desist altogether from Purchasing any part of the Lands belonging to the Messissaguas, by which conduct any attempt of Brant to become their Agent or Attorney must fall to the ground—the General apprehends that it is not impossible but Joseph Brant has some ill disposed Person to urge him on to be thus troublesome to the Government of Upper Canada.

I enclose by His Excellency's Command Copy of a Letter from Brant to Lieutenant Givens dated Grand River 24th July, by which you will perceive

¹He was the person sent by Mr. Liston to Canada on secret service.

that he has not altogether given up the Idea of coming to Montreal and suspects that Lewis the Blackfellow¹ was on his way to Buffaloe Creek.

I am &c.,
JAMES GREEN.

(C 1207, pp. 158-9.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

QUEBEC, 6th September, 1798.

No. 40.

Mr. Presdt. Russell.

Sir,

I have had the honor to receive your letter numbered 60 of the 9th of August.

From an attentive perusal of Captain Brant's Letters to Lieut. Givens, it appears beyond a doubt, that the cause of his interfering in behalf of the Messissaguas, and his present ill humor, proceeds from an apprehension that it was intended to purchase their Land for the purposes of Jobbing, and it is not impossible, that some ill disposed Person or Persons may be urging him on to be thus troublesome to the Government of Upper Canada, in order to cover their own insidious views—To restore matters, therefore, to their usual situation, I think it advisable the sooner Brant is undeceived the better; for if no purchase is in contemplation, why not tell him so unequivocally.

I should think it might be a very easy matter to convince the Messissaguas that they have nothing to complain of, on the score of *inattention*, and that they need not entertain the smallest apprehension of losing their Lands either by Purchase or otherwise.

From the observations you will have made on the Indian Character during your residence in Upper Canada, you will perceive how applicable the 1st Article of the Instructions for the good Government of the Indian Department is in the present instance.—Having in my Letters numbered 37, 38 and 39 enlarged on the above Subject, I conceive it unnecessary to add any more at present.

Mr. McGill, Agent for Purchases, has stated that the quantities of flour required under the Order of the 9th December 1797, are laid in at the Posts in Upper Canada; and in order to give him an early opportunity of making the necessary arrangements for another year's supply, I request that you will be pleased to acquaint him that 2500 Barrels of Flour and Three Thousand Bushels of Pease will be wanted for the Military Departments, to be deposited in His Majesty's Magazines on or before the 1st of August next, in the following proportions, Vizt.

Barrels Flour.	Bushels Pease.	
800	1000	at Amherstburg.
900	1000	at Fort George.
800	1000	at Kingston.
<hr/>		
2500	3000.	

¹This was probably the chief from St. Regis, often called Colonel Louis, having a commission of that rank from the United States, who was part negro.

the above mentioned quantities are to be paid for in the manner pointed out by the Lords Commissioners of His Majesty's Treasury, and I hope they will be procured on more reasonable terms than those purchased last.

I enclose an Extract of a Letter from Captain McLean, Commanding at Amherstburg, dated the 18th of last month, from which you will perceive that he still complains of profusion in the Issues of Provisions to Indians resorting to that Post.

I do not understand why the Indians should be encouraged to come in from all distant quarters, unless it be for the purpose of covering the former transactions of the Indian Department, by making the Issues of the present day, appear of equal extent with those of former years—Should this really be their motive, I confess they are highly reprehensible.—The Officers of the Indian Department at Amherstburg should explain their conduct in this instance, whenever you are at leisure to call upon them for it.

I am &c.

ROBT. PRESCOTT.

P.S. I have appointed a Smith named Loveless to succeed Timothy Murphy as Blacksmith to the Indian Department at Amherstburg, his Pay to commence on the 10th Instant.

Just as this letter was closing I was honored with your letter No. 61—in answer to which I beg leave to acquaint you that His Grace the Duke of Portland has signified to me His Majesty's approbation of the dismissal of Mr. Elliot, and that the King would name a Successor to the Office he lately held in the Indian Department.

R. P.

(C 1207, pp. 165-7.)

FROM HAZELTON SPENCER TO JAMES GREEN

KINGSTON 6th September 1798.

Sir,

Your letter of the 13th Ulto I have received.

The Gun boat Speedy is launched, acquiped and sailed for Fort George under the command of Lieut. Thomas Paxton but have not commenced laying the keel of the new Vessel to replace the Onodago, agreeable to His Excellency the Commander in Chief's Directions as stated in your letter of 5th March last from two causes the first owing to the Indisposition of the Master Builder, the second owing to the wish of Captain Bouchette and Mr. Pearson to deviate from the Modle of the Mohawk so far as to have the new Vessel to be double decked and of about one Hundred And Fifty Tons saying a Vessel of that Burthen would be better adapted for transporting the King's troops and effects, as well as a great saving to Cables &c. than any other vessel and in order to comply with my Instructions on that Subject have taken the Opinion of the whole of the Navy Department which I enclose and have to request You will be pleased to lay them before His Excellency for his directions on the subject. Should any person

at this Post be appointed to the acquipment of the Vessel beg leave to Observe that I think Lieut. Earl of the Navy the most proper person.

I have the Honor to be &c.
H. SPENCER Major
2d B.R.C.V.
Commanding

Major Green
Military Secy.

(C 723, pp. 152-4.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

UPPER CANADA
YORK 8th Sept. 1798.

No. 62.

Sir,

I have this day the honor to receive your Excellency's two Letters No. 37 & 38. and return your Excellency my thanks for sending me an Extract from His Majesty's Instructions of the 7th of September 1791 & the Minute of Treasury therein referred to which I had not seen before, and which I shall of course consider in future as a Guide to my own Conduct.—

The Paragraph of your Excellency's letter respecting Colo. Gray's Widow I shall communicate to the Duke of Portland, that His Grace may take such further measures for fulfilling the Intentions respecting that Lady, as he may Judge proper.

My letter to your Excellency No. 50 must have informed you that I had dropt all thoughts of the purchase I had in contemplation from the Mississagues, the plan of which I had inclosed in my Letter No. 39 and the inclosed Copy of my letter to Capt. Brant of the 29th of July last will shew your Excellency that no mention has been made to them by my Authority about purchasing their land between this & the Head of the Lake since October last. But I am too sensible of the propriety of avoiding every subject which may tend to discontent among any of the Indian Tribes at the present Crisis, to agitate this Question further. My only wish in transmitting Captain Brant's letter to your Excellency was to enable you to Judge of that Chief's Views & temper; and to request your Excellency's advice how I may best Obviate their Effects (agreeable to the Duke of Portland's Instructions) without exciting his Displeasure or alarm. But I believe the true Policy will be to let the Matter drop & die away (if possible) for the present, unless his improper revival of it may compel me to proceed further in it. He has written another letter to Mr. Givens on the Subject, but with less Acrimony than the former, which as it did not call for a particular Answer, I desired Mr. Givens only to acknowledge his having received.

I am &c.,
PETER RUSSELL.

His Excellency Genl. Prescott. &c., &c., &c.

(C 1206, pp. 272-3.)

FROM ROBERT HAMILTON TO PETER RUSSELL

Dear Sir

I am duely honored with yours of 31st Ulto. & have now in McMullen's vessell shiped 10 bushell wheat, which I trust you will find good for seed, being among the best in this neighbourhood.—The farmers have not yet begune to thrash out their oats, I will however endeavour to secure the quantity you mention, before the close of the navigation.—Please return the bags, which will be employed in sending the oats.—I send two of our last papers—and wish very heartily that Buonaparte may be in the situation there mentioned, as I trust Adl. Nelson or Lord St. Vincent will give a very good account of his squadron, & Ireland if kept from the intervention of foreign foes, must soon return to order, & consequent Comfort.—

Will your honor permit me to mention as a private Communication, the situation of our County Occasioned by the Absence of the Sheriff. You must doubtless have heard that the Court of Oyer and Terminer was postponed when last ordered, for want of a Jury.—We have reason to fear that the Quarter session in Octr. will be in the same predicament,—& I am well informed that several very serious inconveniences if not actual Loss have arisen to sundry Individuals, from the Absence of so material an Officer.

The Gentlemen of the Law in this Quarter suggest the propriety of the Sheriff naming a substitute for this County, if he cannot himself attend. May we intreat that your Honor will interfere in our favor in this Respect, as the only means of saving the County from Confusion, & Expence, and of securing Property to Individuals.

I am with sincere Respect
your Honours
Most obedient
& very humble Servant
R. HAMILTON

The Honorable
Peter Russell

QUEENSTON Sept. 8th. 1798

(Department of Public Records and Archives, Toronto, Ontario.)

FROM PETER RUSSELL TO SIMON McTAVISH

UPPER CANADA,
YORK, Sept. 9th, 1798.

Dear Sir:—

I was favored with your letter of the 10th of June last on the 2nd of the month following but I was prevented from acknowledging the receipt of it by a severe illness which attacked me soon after the prorogation of the Parliament and being told that you were gone to New York occasioned my deferring it until I heard of your return.

I had great pleasure in the opportunity offered me of marking my regard for my old brother passenger in the Everetta whose acquaintance I shall always be happy to cultivate by doing all in my power to forward his wishes respecting a grant of the North side of the Straits of St. Marys. But the Council, being

doubtful of the propriety of giving up that pass wholly to the North West Company to the exclusion of His Majesty's other subjects, suspended coming to an immediate decision on the prayer of your Memorial and recommended a purchase to be made of the land in the vicinage.

I was so satisfied of the numberless advantages likely to accrue to this Province and this town in particular from a compliance with your request that had the matter rested with me I should not have hesitated a single moment about it.

I have now sent a copy of your Memorial to the Governor General with a request that he will give directions for the purchase of the tract recommended by the Council. Should His Excellency, however, not judge it expedient at this particular crisis to make more purchases from the Indians, I cannot see any impropriety in the Company's soliciting from His Majesty a confirmation of the one made by Mr. Mackenzie, which may render any further application to this Government unnecessary and, should His Majesty's Ministers refer the matter to me, you may be assured of every support in my power.

Believe me &c.

PETER RUSSELL.

P.S. I beg leave to trouble you with the enclosed note for Mr. Mackenzie which he should have received here but his boat was off before my servant could reach it. I beg my best compliments to him.

Simon McTavish, Esquire.

(Wolford Simcoe Papers, Book 8, p. 435.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

UPPER CANADA

YORK 9th Sepr. 1798.

No. 63.

Rec'd 6th Octr.

Sir,

The Directors of the North West Company at Montreal having in April last Petitioned me in Council for a grant of a tract of Land on the north side of the straits of St. Mary's extending from about half a mile below the Falls to the upper most part of the point au Pin about seven Miles on the River with the Channels and small Islands on the north side of the Island called Belle Isle, under such Restrictions and Reserves as may be Judged proper—that by opening a communication on that side they may be able at all times and in any Event to render that Commerce secure and free from interruption; We took their Memorial into our most serious consideration And reflecting on the Capital which the North West Company had risked in that trade, and the very great advantages which have resulted from it to the Manufactures, Commerce, Navigation, & Revenues of Great Britain, we readily admitted their Claim to the Protection and Indulgence of this Government. But not feeling ourselves from our present Knowledge of the land in Question to be competent to Judge how far a compliance with the prayer of their Memorial in its full extent might possibly affect the Interests of His Majesty's other Subjects, we deemed it prudent to suspend the coming to an immediate Decision upon it, and the Council advised

me to take measures in the mean time for a Cession to His Majesty from the Indians of all the land from a point opposite to the North West end of St. Josephs along the Banks of Lake George up the straits of St. Mary's to the Gros Cap, including the intermediate Islands—being a tract about 40 Miles in length & 12 Miles back, from which such a portion might be granted to the North West Company as should be hereafter judged expedient. In order therefore to save Expense as much as possible, I directed Mr. McTavish to be written to, that their factor in the North West (Mr. McKenzie) might be instructed to sound the Indians who were proprietors of the soil, how far they might be inclined to make that cession to His Majesty and what they would expect for it.

Mr. McKenzie accordingly called upon me the other day on his return from the North West, and informed me that he had spoken to the Indians on the Subject & they appeared to be willing to cede to His Majesty as much of that Country as he may wish to have, and that he had in the mean time by way of sounding their expectations—made a purchase for the Company of ten Miles square, being part of the aforementioned Tract—for which he paid them Goods to the value of £95.10/ Canada Currency with which they were perfectly content and he has no doubt that the whole tract in contemplation (including that sold to the Company) may be purchased for less than £200 in addition, for he does not presume to think that the Company has a right to occupy the land now bought without the consent and confirmation of His Majesty, but only made the purchase in Hopes of obtaining that confirmation, should Government not be inclined to solicit from the Indians the Cession of the Whole Tract.

I have inclosed for your Excellency's information copies of the Memorial. the Deed of Cession and an Account of the Articles given by Mr. McKenzie to the Indians, and should your Excellency judge proper to countenance the purchase I have stated, I beg leave to request that Sir John Johnson may be directed to Order a provisional Agreement to be made for it with the Indian Proprietors when Mr. McKee meets them next at St. Josephs. As I am perfectly sensible that the most essential advantages may result to the Prosperity of this town and Province from drawing the company's Trade thro' it, and inducing them to establish Ware houses and Magazines here and at Matchedash which I am persuaded would be the immediate consequence of this indulgence. I presume however only barely to suggest these considerations which (as well that my regard for the Interest of the Company) have I own, influenced my present Interference, and I submit the Whole with all deference to your Excellency's superior Wisdom.

I have the honor to be &c.

PETER RUSSELL.

His Excellency
Genl. Prescott,
&c., &c., &c.

(C 1206, pp. 274-7.)

INCLOSURE

MEMORIAL OF SIMON McTAVISH AND ASSOCIATES

To the Honorable Peter Russell Esqr. Administrator of the Government of the Province of Upper Canada, President of the Council, &c., &c., &c.

The Memorial of Simon McTavish, Joseph Frobisher, John Gregory, Wm. McGillivray and Alexr. McKenzie of Montreal, Merchants and Copartners, carrying on Trade under the Firm of McTavish, Frobisher & Co. as well on their own behalf, as Directors of the Company trading to the North West commonly known by the Firm of the North West Company.—

Humbly Sheweth

That by the Treaty of 1783 the south side of the Straits of St. Mary's extending from Lake Huron to Lake Superior, as well as the same side of the Communication from thence to the Lake of the Woods having been ceded to the United States of America, Your Memorialists with a View of rendering the Commercial intercourse with the North West Country as perfectly independent of that Government as the existing Circumstances would admit were induced early in the succeeding Year under the express sanction and countenance of Sir Frederick Haldimand then Governor in Chief of Canada, to explore at a very considerable Expence a Northern communication to the North West Country by the Way of Nipigon in Order to avoid any interference with the Territory ceded to the United States, that since that period their Labours have been increased, their exertions unceasing and their Expences accumulated in the prosecution of that design.—

That on the surrender of the Posts in 1796 in consequence of that Treaty. your Memorialists in furtherance of their Original Views and contemplating the Manifest advantage of a free and Open intercourse thro' the British Territory on the North side of the Falls of St. Mary's have also at a great expence, under the immediate sanction of Lord Dorchester caused Surveys thereof to be made and have at last with much difficulty and Labour nearly effected a communication by Land over that Portage.—

That your Memorialists, in common with all His Majesty's Subjects trading to that part of the Indian Country feel the absolute necessity of a Communication being opened and effected which will render at all times and in any event that commerce secure & free from Interruption; and your Honor must be equally sensible how very Advantageous it must inevitably prove to the British Government to continue a Trade so extensive and beneficial under its own immediate protection and the benefits and Advantages arising from the Nature of an Establishment in that part of the Country, such as your Memorialists would be inclined to Make under the Security and protection which your honor with the Advice of your Council may be pleased to grant.

Your Memorialists are induced to consider their Claim and pretension to the favor of the Government of Upper Canada equal (if not superior) to any other of His Majesty's Subjects from their successful exertions to attach at their Own Expence the Friendship and alliance of the various and numerous Tribes of Indians inhabiting that distant Country, and their ready & zealous co-operation in every measure conducive to that end, as well as from the Magnitude and importance of a trade so beneficial and productive to the Mother Country as that wherein they have been for so many years engaged.—

Your Memorialists, encouraged by the repeated assurances and promises of his Excellency Governor Simcoe to Make them such Grants of land within this Government as might be necessary for securing and facilitating so valuable a Branch of Commerce as well as from a perfect Conviction of the Advantages that will thence result to the Province at large, are induced to make this Application

to your Honor for a Grant of that Tract of Land lying on the North side of the Straits of St. Mary's extending from about half a Mile below the Falls to the uppermost part of the point au Pin about seven Miles on the River with the Channels and small Islands on the north side of the Island called Belle Isle by such depth and under such Regulations, Reserves and Restrictions as is Usual or may in your Honor's Wisdom be deemed necessary for the Public Utility. And as in duty bound your Memorialists will ever pray.

McTAVISH FROBISHER & Co.

Montreal

24th March, 1798.

P.R.

Endorsed:—Received 10 April 1798

Referred to the Committee of Council

P.R.

Read the 18 April.

ARTICLES OF AGREEMENT WITH JACOB BOYCE

UPPER CANADA

Articles of Agreement entered into on the Tenth day of September in the year of our Lord One Thousand Seven Hundred and Ninety Eight at York in Upper Canada, Between Jacob Boyce Carpenter on the one part, and the Honorable Peter Russell on the other. That is to say,—The said Jacob Boyce doth hereby covenant and agree to build on the Farm belonging to the said Peter Russell, a good Substantial Barn, Forty feet long and twenty-two broad, from outside to outside. The body to be composed of proper Sizeable round Logs of Oak, Pine, Hemlock, Ash or Elm, thirteen feet in height from the floor to the plate. To have two folding doors in the Centre of each side, Twelve feet in Breadth, and Eleven feet in height.

The Posts on each side the doors to be stout and framed and rabbitted to let the logs into them—The Sills, the Plates, the Frame girt Beams and Sleepers to be hewed not round,—The Rafters to be fourteen feet long, the Collar Beams, ten feet long all of them Stout Scantling and hewed neatly—The threshing floor to be made of two inch Plank neatly joined, and fourteen feet by twenty in Size.—The other Floors to be also closely joined and made of Pine Boards Inch and a half thick. One End of this Body is to be loged off to form two Stables the breadth of the barn—each Stable to be 10 feet square in the clear, and the partition logs to be girt framed and hewed, so as to assist in binding the two sides—The roof to be covered with boards and afterwards Shingled with 18 Inch Shingles, well jointed and closely laid on, Exposing only one third to the Weather.

Each Stable to have a strong Batten door, the gable ends to be framed and tightly Weather Boarded—The Said Boyce undertakes to find all Materials viz. Logs, Planks, Boards, Shingles, Nails, and everything else requisite for the building—except hinges and Locks for the Doors—He also undertakes to be at the Expence of bringing all the Materials to the Spot and raising them.—and to build the Barn in a complete, Strong and Workmanlike manner, and have the whole completely finished before the last day of October next coming—and the said Peter Russell on his part promises to pay to the said Boyce, One hundred

and twenty five Dollars when the Barn is raised, and One hundred and twenty five Dollars when the Work is finished—being the full amount of the Sum agreed to be paid for building the said Barn and finding the Materials. To which the parties have severally put their hands and Seals this Tenth day of September in the Year of our Lord One Thousand Seven Hundred and ninety Eight.

JACOB BOYES
PETER RUSSELL

Signed and Sealed
In presence of
Alex. McNabb.

York November 3rd 1798. Received from the Honorable Peter Russell Fifty two Pounds five shillings and nine pence which with forty seven Pounds nineteen shillings and three pence received before is in full of the above work & all Demands.

JACOB BOYES

Endorsed:—Articles of Agreement Between the Honble. Peter Russell and Jacob Boyce carpenter, for Building a Barn.

(Department of Public Records and Archives, Toronto, Ontario.)

FROM JAMES GREEN TO SIR JOHN JOHNSON

QUEBEC, 13th September 1798.

Sir John Johnson.
Sir,

I have had the honor to receive your letter of the 10th Instant, which together with the Speech of the five Nations delivered in Council at Fort George on the 26th Ultimo by Captain Brant and Captain Clause's reply, were laid before the Commander in Chief.

His Excellency is much pleased to find that the dispute between the Five Nations and the Canada Indians is likely soon to be amicably settled, and requests that you will either by Letter to Captain Brant, or through Captain Claus, as you may judge expedient, give him an Invitation to come to Montreal next Spring, with the persons he proposes to bring with him as witnesses in support of the assertion alluded to in his speech, respecting the sale of the Five Nations Lands, seven or eight years ago. Brant will then be convinced that your attachment to the Interest of Indians is as firm as ever, and that neither he nor any of the Indian tribes have the smallest reason to suspect the contrary, and the matter in contention between the Five Nations of Upper Canada and the seven Nations of Lower Canada can be adjusted on that occasion—the Complaint against Mr. Lorimier the General desires may be explained by the opportunity of Captain Claus's return to prevent unnecessary correspondence on the subject during the winter.

It appear that Mr. Givens has been so imprudent as to enter into a Correspondence with Brant on the Messissagua business, but so far as the Commander in Chief is informed, it is by no means of the nature Brant states in his Speech

—Mr. President Russell will probably have explained before this time the objectionable parts of that Correspondence.

I am &c.
JAMES GREEN. M.S.

(C 1207, pp. 173-4.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND,

UPPER CANADA
YORK 19th September 1798—

No. 41—
My Lord Duke

I have the Honor to transmit herewith for your Grace's Information a Continuation of the Minutes of the Executive Council of this Province on State Matters from the 21st of July 1796 to the 31st of December 1797, and on Land Matters from the 15th July 1796 to the End of that year—

As soon as the Clerk of the Council has finished his Copy of the latter to the End of the year 1797, for which he has received Directions; it shall be transmitted to your Grace—

The Copy of the Journals of the House of Assembly, in the last Session. not being ready for my last, is inclosed with this Dispatch.

I have the Honor to be &c.,
PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada, 19th Septr. 1798.

Mr. President Russell

R./30th November

No. 41.

Ansd. 24th Jany.

(3 inclosures)

Voluminous

(Q 285, p. 412.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 64.
Sir,

YORK 20th September 1798.

I rec'd a Letter the other day from Capt. Brant, which as it contains Intelligence of a Message lately sent by the Shawanees and other Western Indians to the five Nations and other Indians of Canada I Judge it right to communicate to your Excellency.

I avail myself also of the present opportunity to inclose herewith the Copy of a speech lately sent me from Newark, which Capt. Brant made there in August last to the Superintendent of that District and an Assembly of Indians invited thither for that purpose.

The Notice which Captn. Brant has taken of Mr. Givens's Communications with the Mississagues appears to be part of a System he is pursuing with a View of obtaining from the Indians of this Province the Management of all their Concerns with Government. He has not however stated what Mr. Givens said to the Mississagues exactly as it was. For Agreeable to the Instructions I had given to that Gentn. to prevent as much as possible a Coalition, taking place between the different Tribes of Indians, He took an Opportunity of telling a Chief of the Mississagues, that they were wrong in shaving their Heads and dressing like Mohawks for should the present Quarrel between the seven Nations of Canada and the five Nations break out into a War; and the former take the back road to attack the settlements of the latter on the Grand River, and passing thro' the Country of the Mississagues in their way thither, find them dressed as Mohawks or conclude them to be one people, and probably knock them on the head—they would therefore act more wisely by not taking part with other Indian Nations, as they would then have only themselves to Answer for, and would be always certain of the protection of their Great Father the King, who kindly supplied all their Wants & would continue so to do as long as they should deserve it, he did not however blame them for seeking the Friendship of the Mohawks or any other Indian Tribe, but they were imprudent to Enter into such close alliances with any; For they could never want a protector while the King remained their friend & father. His Arm was strong, and his Wings were sufficiently large to cover and shelter all his Indian Children.—

The letter from Captn. Brant is dated at the Grand River but I am credibly informed that he was when he sent it off, and is now at the River Credit, holding a Grand Council of Indians from all quarters. Mr. St. John the Interpreter, whom he brought with him, called upon me two or three days ago—and happened to mention that Captn. Brant was at the River Credit. I asked him whether he was not coming on to York to see me—he said no, that his business was to get some salmon, and he should return to the Grand River immediately—but did not mention a syllable of the Council; tho' Mr. Givens tells me he came here expressly to carry thither some Chiefs from Lake Simcoe, and to Invite Mr. Givens thither by Captn. Brant's desire. I however directed Mr. Givens not to go but send an Excuse; as I am persuaded he would have been exposed to insult had he gone. When the Council breaks up I intend to send for Mr. St. John and examine him before the Executive Council respecting this business, and enquire his Reasons for interfering in any of Captn. Brant's Councils without having received Orders for so doing, and I shall afterwards submit our Opinion of his Conduct to your Excellency's consideration, which appears to me at present to be very equivocal, if not worthy of Reprehension. I have not yet noticed to him or Captn. Brant that I know anything of this Council; nor indeed have I any one at the Credit, on whose Report I can depend, as both Mr. St. John and Mr. Jones the Surgeon (Surveyor?) are connected with Captn. Brant, and Coon who keeps the Public House there is not to be trusted.—

I have the Honor to be &c.,

PETER RUSSELL.

His Excellency Genl. Prescott. &c., &c., &c.

(C 1206, pp. 287-290.)

INCLOSURE

GRAND RIVER
11th September. 1798—

Sir,

We have hitherto given your Honor a great deal of trouble concerning our Lands and yet take the farther liberty of asking your Assistance in that respect, which we hope your Honor will not take amiss. The land Governor Haldimand granted us extends to the source of this River which we would wish to have surveyed, and as we hear Mr. Jones is not very busy, we hope if you could possibly spare him, you would let us have his Assistance and you would do us a particular favor, as for the hands to assist him we will provide them ourselves and other necessities.

I have nothing further to acquaint your honor, than that a few days ago, Deputies from the Shawanese and others to the Westward passed here with bunches of Wampum, according to our ancient Customs, they are gone to Buffaloe Creek, the purport of their coming is to invite the five Nations strongly to attend at a great meeting shortly to be held at Detroit of all the Western Indians. I suppose it is for the purpose of renewing and strengthening their former Agreements and confederacy, should their coming have anything else material in it, I imagine the Agents in that quarter have acquainted your Honor of it, so I think it needless for me to say any more about it. We have left it intirely to the Buffaloe Creek people to determine how to Act, as they are in General backward and dilatory; but for our parts we are always ready to take a hearty part in whatever may promote the Welfare of the Country.

I have the Honor to be &c.,

JOS. BRANT.

His Honor the President.

(C 1206, pp. 290-1.)

INCLOSURE

SPEECH OF THE FIVE NATIONS DELIVERED IN COUNCIL BY
CAPT. BRANT

FORT GEORGE, 26th Augt. 1798.

Present.

Lieut. Col. McDonell Commandg 2d Batt. R.C.Vrs.

Capt. Claus Superintendt. Indian Affairs.

Doctor Kerr

Mr. Chew. Indian Department.

Mr. Norton, Interpretr. — ditto.

and

The Farmers Brother, Red Jacket with several other Chiefs and Warriors of the five Nations.

After the usual Ceremonies were passed, Capt. Brant spoke on behalf of the Five Nations as follows.—

Brothers,

We are now going to speak agreeable to our ancient Customs of always informing our Brethren with what may pass among us, should the affair be of

consequence. We therefore now wish to acquaint you with what has been done in a meeting we have had at Buffaloe Creek with some of our Brethren the seven Nations.—

Brothers,

I suppose you are well acquainted with the subject of this meeting, it was occasioned by these people having accused us of having sold their lands for some years past. We therefore Wished to see them that we might convince them of our innocence. We have now come so far to the point, as to be acquainted with the spot they have been talking of, which intirely clears us in our minds, but we would wish fully to convince them also to their satisfaction by getting the Proofs and Witnesses, that is the People that were concerned in the transaction, in which they say that we made away with their lands, it was because we were unacquainted with that part of the Country they said we had sold that we wished and even found it necessary to have the affair examined into in the Midst of the Five Nations. As some one might have done it privately without the knowledge of the other Chiefs and again because we know the people that were concerned in all Sales made by the five Nations were not at a great distance from home, and consequently their testimony not difficult to be obtained.

Brothers,

The great Man that the seven Nations thought fit to make their representative in this Affair is a Black man called Colonel Lewis. We began by inquiring of them where the land was situated that they alledged us to have sold, he said that the papers sent us last Fall comprehended it, as they were informed by the Commissioners of New York State, this paper was nothing more than the Deed of Sale of the Five Nations Country sold seven or eight years ago, which I now deliver into your hands, that you may be clearly convinced that what they have accused is not true. He alledged as a reason for some of them believing this information, that the abovementioned Sale did not specify any particular boundaries. It is true lines were not drawn, neither was it surveyed, but it was specified to be only the Five Nation Country, and consequently could not comprehend what belonged to the seven Nations, it not even taking in the Oneidas Country that adjoins it and may be said to lay between it and the Territory sold —We told him, that as had he been deceived by the New York people—that he had best go to them again and get more sufficient proofs, and for our parts we would see that the Witnesses of the sale first mentioned should be sought after to testify that it did not comprehend any part of Country belonging to the Seven Nations. You will please to excuse Brothers our taking up so (much time) in explaining this business.

Brothers,

Again we say a few words more to acquaint you with our feelings at what we have heard from the people we sent below to lead the Seven Nations to our Council fire that Sir John Johnson is much Offended at our proceedings, and that of the Seven Nations this Spring, that he seems to think that we have treated his Orders with contempt, and therefore refused to have anything more to do with the Affair but leaves it intirely to Ourselves—we are surprised he should think after this manner for we never thought of rejecting his advice, and hope never will, but he must certainly intirely mistake the Affair, for he appears to be offended at us not going down at the same time we do not know of his ever having required of us to go ourselves. We did not think fit to go to the

seven Nations Council for the following reasons: Because as they have accused us we do not think fit to run after them to clear ourselves of the blame, and the Invitation they sent us was not sufficient according to our Customs to induce us to go, it being no more than a letter and strings of Wampum. without any Messengers to take us by the hand. Secondly we did not think it right to put Government to so much unnecessary Expence unless they had invited us themselves—and lastly—We looked upon this as the fittest place to Investigate the matter all the proofs that might be required being more at hand here than in Canada; which what we have now done shews clearly to be the Case, all that is now wanting to conclude the business is a few testimonials of people concerned in the sale, which when obtained we can readily go to Canada and settle the Affair finally, for we are neither ashamed nor afraid to go to any place to settle the Business, but had we gone before we would have done nothing but Argue, they asserting and we denying without either being able to prove one way or the other. Sir John Johnson could not adjust this but when all the necessary proofs are obtained, his interference is then certainly very requisite to make up all matters.

Brothers,

There is yet another thing that gives us uneasiness, which we wish to acquaint you with, it is that when Sir John Johnson found there were many of the Warriors of the seven Nations desirous to attend at our Council fire, he encouraged them to go, but in contradiction to this Mr. Lorimier the Interpreter immediately after advised them not to go, intimating that it might be dangerous to them to attend. We think it very strange, that an Interpreter should take so much upon himself, and We think that he certainly must be an Enemy that would give such Advice, tending to prevent a Reconciliation taking place. As Captain Claus is now going down we thought it proper that he should know this is certainly dangerous and detrimental.

Brothers,

There is yet another thing that has lately been done by the Agent at York in consequence of our meeting the Mississagues this Spring at our Council fire on the Grand River when we renewed our former Friendship, and went thro' the usual Ceremonies, and also confirmed some other engagements respecting their lands, which Seemed to displease the President very much, from that apparently has proceeded the many things Mr. Givens has thought proper to say to the Mississagues, & they have also informed us by strings of wampum, that they were very uneasy at what he has been saying to them, which was that they were very foolish to enter into any alliance with the five Nations, for that they were at Variance with the lower Canada Indians, who would come up by the back Lakes to attack them and would destroy them promiscuously with their friends the five Nations.

Brothers,

This has surprised us very much as well as several other Alterations in the Indian Department these few years past, and gives us reason to think that our Situation is becoming really disagreeable & should it continue in this manner, we shall soon be reduced to such a degree, that we will no longer remain the same people, should Agents and Interpreters be allowed to Act so contrary to what has hitherto been done by Government.

Brothers,

We flatter ourselves that the enjoyment of our Ancient Customs is what still causes us to be somewhat respectable, should we be deprived of this indulgence we will Soon be reduced to Nothing.—

It was the having the full liberty of treating Independantly among ourselves, that made us serviceable both in Peace and War and was neither the British nor French Governments ever attempted to deprive Indians of this liberty, if it had not been for this, We do not think that Upper Canada would be in the state it now is. Belts of Wampum have been always used on different occasions, it is even the support of Warriors & is continually passing in replacing people lost and other occasions.

Brothers,

We are sorry to trouble you with so tedious a Detail; but we wished to make you fully understand our meaning, and besides we think it right that we should conceal nothing that me may have disagreeable on our minds, but truly shew you the sentiments of our hearts, so that Government might be the better able to take our situation into consideration, and rectify it to our satisfaction, but if not, we must humbly submit to our fate—

A Bunch of Blk & White Wampum.

A true Copy.

W. JOHNSON CHEW

Clk. Ind. Department.

Rec'd 15 Sepr. 1798.

P.R.

(C 1206, pp. 292-8.)

FROM D. W. SMITH TO PETER RUSSELL

S. G. O. 24 Sept. '98

Sir,

If it is any convenience to your Honor to draw bills on Quebec or Montreal, I will be obliged to you for one of £200, or £250 on account of the Department

I am with respect

Your Honors humble

& obedt. Servt

D. W. SMITH A.S.G.

His Honor

The President &c. &c. &c.

Addressed:—His Honor

The President

&c. &c. &c.

Endorsed:—24 September 1798

The Honble D. W. Smith

(Department of Public Records and Archives, Toronto, Ontario.)

MEMORANDUM ON TRADE AND COMMERCE BY
ROBERT HAMILTON

The Trade carried on by the Province of Lower Canada through the Province of Upper Canada in the territory of the United States about Detroit, and towards the Illinois & Mississippi forms one of the most considerable branches of its Commerce, and may be computed to amount to about one hundred thousand pounds Province Currency annually as may be seen by the Documents No. 1 & 2 hereto annexed, which are calculated upon a very moderate average and are sufficiently accurate to shew that the preservation of this Trade, which appears also from the annexed Returns to be still increasing, merits very serious attention.

The goods furnished for this Trade consist of British Manufacture, Wines and the produce of the West India Islands, All which according to the Table of American duties would be liable to pay from 25 to 50 Cents per Gallon on Spirits, from 20 to 56 Cents on Wines—9 Cents per pound on loaf sugar—5 Cents per pound on Coffee, 15 per Cent ad valorem on Arms, Leather and several Articles, 12½ per Cent on others; and not less than 10 pr. Cent on any—as may be more particularly seen by referring to the Law of Congress—Compared with this our Scale of duties is low indeed, limited at present to a very few articles, and will we presume never be extended to those of British Manufacture which greatly exceed in value all the other articles employed in this Trade—Admitting therefore for a moment that we received from the United States, Articles to an equal amount with those we send into their Territory; and that the duties were collected on each side agreeably to the Treaty; it is evident that the balance would be very greatly against us, But this equality in the Trade is far from existing, that what we receive from the States is almost nothing—It is Notorious that no established Mercantile house in the States hath yet engaged in this Trade. The few Articles which are brought are generally brought by Adventurers who seldom appear a second time, and so far from having lost anything by the American Treaty, the Trade of this Country has visibly increased by that Mutual and unrestrained Intercourse which has taken place between the Americans and us in consequence of this Treaty—It is demonstrated from the Returns of the Officer at Coteau du Lac that a very large augmentation has been made of the Exports of even Rum and Sugar, almost the only articles in which any competition was to be feared—The demand for Goods of all kinds from this Province must further increase with the progress of the American Settlements which are forming along the South side of the River St. Lawrence and the Lakes—The natural, we may indeed say the only outlet for all the produce of these Settlements is by the river St. Lawrence, whose Waters are sufficient to carry the largest Rafts of lumber to the Sea Ports of this Province. And this lumber which is itself a valuable Article of Commerce may at the same time be made a vehicle for transporting their Wheat, Flour and Pot Ash to a Market—This by the way of Oswego is impracticable; for besides the impossibility of going against the current in the Oswego River, no Rafts could be got through Wood Creek; and there is moreover the Land-carriage from Schenectady to Albany—That this Lumber and Surplus Produce will be exchanged here may be fairly presumed; because all other things being equal, such exchange would be in the natural order of Trade—But there are in this case other Inducements; for the high Duties in the United States must

necessarily make the different Articles dearer there than they will be here; and they can besides be transported at one third of the Expence from Montreal to Kingston that it would cost to bring them from Albany to Oswego; the Carriage of a Barrel of three hundred weight being in the one case usually but from three to three and a half Dollars and in the other from nine to Ten Dollars. Could the United States enforce the collection of their Atlantic Duties on our inland Commerce with their Territory they must necessarily act as a Bounty to take the Trade from us and turn it into their own Channels, or at best we should have to pay a pound where we could collect a penny—It is therefore evidently and greatly for the advantage of these two Provinces, for Lower Canada in a greater degree than for us, that our Commercial Intercourse with the United States by way of the Lakes should be left unincumbered with Custom house Establishments & Restrictions—But it will perhaps be said that we have no security that the Government of America will allow it to remain so—This is certainly true, and it is so much for their Interest that they should not; that they can have been passive on the occasion from no other motive than the difficulty or rather the impossibility which is common to them and us of enforcing the collection of Duties under the relative Geographical Situation of the two Countries, which are separated from each other only by a chain of Lakes and Rivers of several hundred Leagues in extent, rendered by Treaty equally free to both parties—But as we should lose more than we can well calculate were they to make the experiment, it does not seem consistent with common prudence for us, by first adopting the measure to provoke them to it; and it would be great Weakness to suppose that they would not immediately retaliate—

No. 1.

Note of Merchandize and Rum from Montreal which passed the Niagara portage in 1797 consigned to Merchants residing on the American side of the River at Detroit—vizt—

	Galls.
1213 Barrels of Liquor averaged @ 36 Galls each is	43,668.
2761 numbered packages of Merchandize valued by the Owners at a general Estimate when delivered there at £20 Provl. Currency each	£55,220
261 Barrels salt 4 minots ea is	1344 minots.

These are exclusive of the goods for Michilimackinac—The quantity of goods is certainly increased this season tho' neither this nor the Rum for this year can yet be ascertained—

R. HAMILTON.

Queenstown 24 September 1798.

No. 2.

Value of Returns in Peltries from the American Territory for the year 1797.

2616 packs of Peltries from Detroit passed the Niagara portage in that year by an account received from Robert Hamilton, Esqr, 3210 were collected at Michilimackinac agreeable to an Acct. furnished by Mr. Robert Dickson—
5826 Total—Which taken at the very moderate average of £15 Curry. per pack

amounts to £87,390. And it is well known that very considerable remittances have been made in Bills of Exchange and Bank Bills of the United States.

RICHARD CARTWRIGHT.

No. 3.

Packs from Detroit transported over the Niagara Portage, Vizt.

in the year 1796 1910

in 1797 2616

in 1798 to 24 Sept. 2704.

Queenstown, 24th September 1798.

R. HAMILTON.

The Packs from Michilimackinac for these different years cannot be easily ascertained as many of them are sent by the Grand River—

No. 4.

Account of Expences on goods by the Mohawk River, Vizt.

Use of a Boat from Schenectady to Oswego.

3 Men at £12 ea. provisions included

for passing the Locks on the River

£5.

36. — .

3.12.

N. York curry.

£44.12

Equal in Quebec Do. to

£27.17.6.

These Boats carry only 12 Barrels exclusive of the mens Provisions which makes £2.6.5½ per barrel, to which if we add the Transport from Albany to Schenectady, and the storage at this latter place, it will bring it to at least 10 Dollars per barrel—

Goods paying duty at Quebec, which passed Coteau du Lac from 18th April to 31 December 1797.

Jamaica Spirits or	foreign Brandy or	Molasses	Madeira Wine	Port Wine &c.	Loaf or Lump Sugar	Musco- vado or Clayed Sugar	Coffee	Leaf Tobacco	Playing Cards.	Salt
Galls.	Galls.	Galls.	Galls.	Galls.	Lbs.	Lbs.	Lbs.	Lbs.	Packs	Minots
58,989	2625	638	4,983	15,894	28,881	11,529	8,445	3	1182.	3454

Goods paying duty at Quebec, which passed Coteau du Lac between 1st January and 31 December 1798.

65,892	1,498	240	4,982	14,546	33,291	14,804	4,725	200	1,466	3714
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It will be observed that the last Return comprehends a Period of nearly four months more than the first, but this being during the suspension of the Navigation, any goods that have passed during that time could only be for the Consumption of the Inhabitants of the Eastern District, and would be very far short of the difference between the two Returns in the Articles of Spirits and Sugar.

R. CARTWRIGHT.

P.R.

*Endorsed:—Observations on the Trade of Upper
Canada—& a Comparative View of the
Articles of Commerce paying Duty
at Quebec that have passed into
the Province in the years 1797 & 1798—
In Mr. Presdt. Russell's No. 60 of 18 May
1799.*

3.

(Q 286-1, pp. 119-126.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

UPPER CANADA

YORK 27th Sept. 1798.

No. 65.

Sir,

I am this day honored with your Excellency's Letter No. 39 dated 23d Augt.

I cannot conceive by what means my Letter No. 57 has miscarried, as it went by the same Opportunity with my dispatches No. 58 and 59 which your Excellency has received, and they were all addressed to the care of Mr. Clarke of Montreal with a Letter to the Bishop of Quebec under the same envelope. However i have the honor to inclose herewith a Duplicate of it, and shall transmit the Inclosures as soon as I can get them transcribed being too Bulky to be prepared for this Opportunity.

I have the honor to be &c.

PETER RUSSELL.

His Excellency

Genl. Prescott.

&c., &c., &c.

(C 1206, p. 299.)

FROM JOSEPH CHEW TO ALEXANDER McKEE

MONTREAL 27th Sept. 1798.

My Dear Sir

You will See by my Letters to Mr. Selby and Capt. Elliot, that the Pay of the Interpreters Day & Fisher and the Allowance of Office Rent for the Asst. Secretary has not been Allowed at Quebec—Surely Mr. President Russell will represent this Matter, by the Inclosed Extract which I send to you as a Particular friend and not Officially; you will see the S.I.G's opinion of the Requisitions inclosed to me by Mr. Burns, Secretary to the President, which have been approved by the President and proper Officers—in short my Dear Sir the Government or direction of Indn Affairs being in the Hands of the Upper Province—gives so much Offence that I have a Very hard time of it—

Last Sept. a Requisition for the Indians at Matchedash was Sent from Ft. George that amounted to £611 some odd shillings Sterling another for them for

the present year Amounting to about £500, is sent down.—I always supposed those Indians had resorted to Mackinac and now Would to St. Josephs, therefore believed it proper to mention this to you.—I have Sent you an almanac and a few of the last papers in which you have an Account of the great Victory obtained by the British fleet over that of the Dutch on Which I Sincerely and truly Congratulate you.—My family join me in my Wishes for your health and perfect happiness Sorry I am to tell you I am Confined to the house with the most severe Rheumatism Cough & pain in my breast be assured that I am &c.

JOSEPH CHEW.
(A.L.S.)

My Respects to Captain
McKee & Lady.
Alexr. McKee Esqr.

(Claus Papers, Vol. 8, pp. 29-30.)

FROM PETER RUSSELL TO JOSEPH BRANT

YORK 28th September 1798.

Sir,

Having heard that you were at the River Credit for the purpose of procuring some salmon, I was in hopes you might have found it convenient to pay York a Visit, when I should have been happy to have talked with you upon several matters that have occurred in the course of this Summer. But Mr. Givens the Agent for the District having obtained my leave to pay you a Visit, I embrace the Opportunity of writing to you by him and sending you Assurances of my best wishes.

I was sorry to be informed in a Letter which I rec'd some little time since from Mr. Liston, that you thought you had reason to complain of the Administration of this Government, and appeared to be not perfectly satisfied with what had been done by it respecting the Territory of the Five Nations, conscious that I had never been actuated in my transactions with the Five Nations by any other Motive than a sincere wish to serve and oblige them, and that I had really done everything in my power to accomplish that end, I own I am very much concerned to find by this Letter that I am disappointed in my Wishes notwithstanding the Expressions of thanks and satisfaction which I have more than once received from yourself in their name. However I beg you to be assured that the Interests of the Five Nations have a true and faithful friend in me, who will be ready to promote them on all occasions to the utmost of his Power, for I am fully sensible of their attachment to the King, and am not ignorant of their sufferings in His Service, and consequently know that I should be disavowed by His Majesty, was I to act otherwise: should you therefore Judge it necessary to go to England for the purpose of inforcing with His Majesty's Ministers the further Wishes of the five Nations, respecting the future disposal of more of their lands on the Grand River, I shall with pleasure Exert my best endeavours to give Effect to whatever shall be finally settled in Consequence of your personal Representations, which I am persuaded will have every favorable attention paid to them that you can desire—

A very few days ago only I received from Mr. Chew the Copy of your Speech at Fort George on the 26th of last month, by which I observe that you

are displeased with some Language held by Mr. Givens to the Mississagues in consequence of your meeting them last spring, and not very well satisfied with the late Alterations in the Indian Department; I have in consequence inquired from him what he really said to the Mississagues on that Occasion, and he assures me that understanding from you that you apprehended a Rupture with the Seven Nations of Canada, and supposing that if they made any attempt against your settlements, they would of course March thither thro' the Mississagues Country, he judged his duty as the immediate Agent and friend of the latter to caution them against the possible consequences of Shaving their heads and dressing like Mohawks. But as he will be with you himself, he can best explain to you what he said to them on that occasion. I am however persuaded that he did not mean anything unfriendly to you, on the Contrary that he has ever entertain'd a personal esteem for you.—The Alteration in the Indian Department was only meant to promote the Economical management of it by giving the Governor of the Province who is upon the Spot a Power of inspecting and Controlling its proceedings. By this arrangement the Indians themselves may be benefited, but cannot be injured, as their Access to the Governor General and the Superintendent General is still Open, and their Council Fires continue to Burn in the Old places, the Only alteration with respect to them, is the Appointing an additional Agent to attend to the Concerns of the Mississagues and the Indians about Lakes Simcoe & Huron and bringing their Annual Presents nearer to their places of Residence than formerly, at which they should undoubtedly rejoice.

With respect to the Alarm you seem to think has been Excited in the Mississagues by Governments proposing to buy their Land between these settlements and the Head of the Lake, I took an Opportunity of saying before that it is unfounded; as I even forbade any further application being made to them on that head immediately after the Answer they gave to Captn. Claus this time last year, and tho' hints have been since given me that they would not be disinclined to part with it within a certain distance of the Three Rivers, I would not listen to them, and I beg leave to assure you again, there are no lands whatever in contemplation to be purchased from the Mississagues.—

As I understand that most of Mr. Jones' Party are now returned to the Garrison sick, and that it may be some days before they will be well enough to go again upon the Road duty, I have desired the Surveyor General to spare him to you for a short time to assist on the Survey you propose making of the unsurveyed part of the Grand River.

Believe me to be &c.,
PETER RUSSELL.

Captn. Jos. Brant, &c., &c., &c.

(C 1206, pp. 309-13.)

FROM PETER RUSSELL TO JAMES GIVENS

YORK, 28th September 1798.

(Most secret.)

Sir,

You have my leave to pay Captn. Brant a Visit either at the Credit or Grand River wherever he may now be. But it is my wish that you should do

your utmost to keep him in temper and persuade him of the friendly disposition of Government towards the five Nations in General and him & the Mohawks in particular.

You will say that I was, it is true, a little hurt that the Mississagues thinking it necessary to seek a Protector to prevent their lands being taken from them without their Consent; as there could not be the smallest foundation for such a suspicion. But that I had never any thoughts of interrupting their ancient Customs; they were a free Nation, and had undoubted right to communicate with, and send and receive Belts from whatever Indian Nations they pleased I only expected that as they and the five Nations were regarded by us as our firmest friends, they would loose no time in Communicating to me whatever they knew passing which was likely to affect the British Interests.—

Explain what you said to the Mississagues about the Caughnawagas knocking them on the head in such a way as may convince you meant no Offence to him, but thought it your duty to caution them against the possible consequences of their endeavours to appear as Mohawks.

Assure him that all he has heard about my being displeased at the meeting at the Grand River, in May last, are lies.—

That I do not conceive that I have anything to do with any of their meetings. But seeing the purport of it in their Speech to be the prevention of their land being taken from them, contrary to their Will—I desired them to be assured that no such intention had been ever entertained; nor would their Great Father the King ever suffer such injustice.—

The land was theirs, and their Father was willing and strong enough to protect them in the possession of it, they therefore were wrong in having such diffidence in him as to Judge it necessary to enter into such alliances with that View.

Endeavour in a round about Way to come at the purport of the last Council at the Credit, and ask whether he knows of any Belts having been lately sent to the Indians on the Interior of the States and meetings sought by the Tribes Inhabiting Foxes River and the Ouisconsin.—

Let all these inquiries come from yourself as having Arisen from Reports having reached your own ears, and merely in the course of conversation.

Endeavour all you can to renew your intimacy with him, and take occasion to say that you have often heard me speak in the most friendly terms of him.—

Take occasion to inform Mr. St. John that I wish much to see him here, having some business to speak to him about. In short, collect all the Intelligence you can, retain whatever you Judge interesting to us.

I am &c.,
PETER RUSSELL.

(C 1206, pp. 313-5.)

FROM ROBERT PRESCOTT TO PETER RUSSELL

No. 41

Extract of a Letter from His Excellency
General Prescott to Mr. President Russell
dated

QUEBEC 5th October, 1798.

"I received very lately confidential Information that a French General

named Collot¹, who was amongst others engaged in a Plan for Stirring up a Rebellion in Canada, went into the Western Country in the Summer of 1796 & 1797 to prepare the Indians to make an attack on Upper Canada, at the same time that a French force should come into Lower Canada—When he (Collot) left that Country, he promised the Indians that he would return in 1799, and they expect him accordingly—He was to sail for France in the Beginning of July to assist in concerting measures for renewing the above Plan.”

“The above Communication is to be depended upon, and I take the liberty of handing it over to you; that, if possible, you might discover what Tribes of Indians in the Western Country have been tampered with by the before mentioned Frenchman, that measures may be taken to prevent the intended mischief.”

P.R.

*Endorsed:—Extract of a Letter from
His Excellency General Prescott
to Mr. President Russell
dated Quebec 5th October 1798
Received 2nd Nov'r.*

*In Mr. President Russels
of the 8th November 1798*

No. 44

(Q 286-I, p. 33.)

FROM WILLIAM OSGOOD TO PETER RUSSELL

(Private & Confidential)

QUEBEC Octr. 6. 1798

Dear Sir

I duly received your Favour of the 13 of Sept. with its enclosure—I confess to You that the Project of establishing Custom Houses in Upper Canada for the purpose of collecting Duties on Goods coming from the States

¹General Victor Collot had served with Rochambeau in the American War of Independence, later became governor of Guadeloupe, until its capture by the English, then came to Philadelphia, and with his Adjutant Warin, by authority of Adet, the French Minister to the United States, under an order dated “Phila. 24th ventose, 4th Year of the Republic One and Indivisible,” made a long tour through North America, of which the account was not published until 1826, long after the death of the travellers. Rosengarten, *French Colonists and Exiles in the United States*, Phila, 1907. p. 83.

Genet's plans to organize an armed expedition on the Ohio River in 1793-4 to conquer Louisiana, as Spain was then an ally of England and at war with France, found support in the discontented adventurers of the West, led by General. Clark. Genet commissioned him as a major-general in the service of the French Republic, and sent out various Frenchmen,—Michaux (nominally on a scientific tour of exploration), La Chaise, Collot, and others, with civil and military titles,—to co-operate with Clark, but the movement collapsed with Genet's recall. *Idem*, pp. 26-7.

In 1797 Carondelet was made uneasy by the presence of the French General Collot, who had been making maps and plans and inspecting the miniature forts near New Orleans. He arrested Collot and sent him to Philadelphia on the rumor that France was eager to regain Louisiana and that Collot had been sent to reconnoitre the ground. *Idem*, p. 48.

always appeared to me to be impracticable to any Effectual purpose—In fact the mere Statement of the Relative Situation of the two Countries namely their being divided by a Water Communication in some parts narrow and in others wide for an Extent of many hundred Miles bears insuperable difficulties upon the very face of it—The Equitable principle assumed as a datum by Mr. Cartwright may not perhaps be so readily conceded by our House of Assembly. The Question may certainly be converted into an Apple of Discord between the two provinces If the Gentlemen Commissioners do not possess sound judgment—We must hope for the best.

I have received only one Letter from General Simcoe since he left this Continent—I have written several to him by private hands which have generally had the Effect of introducing the Bearers to the Sans Culottes. Mrs. Simcoe is a better Correspondent to her Friends by a Letter to Mrs. Caldwell it appears that she is in an advanced state of Pregnancy—It is the fashion here to predict that Genl England is to be appointed ¹by the interest of the Marquiss Cornwallis his patronage must now be powerful shd he be disposed to exert it—I think You acted prudently in not making any Application unless You had a reasonable Prospect of Success—Perhaps You will be astonished to find that Mr. Berczy the German Settler of Upper Canada should become the Editor of a publication respecting land matters solely regarding Lower Canada—He seems to be a wrong headed meddling Fellow and has been made a Tool on the present Occasion—It is now no longer a Secret that Genl P, is at Variance with his Counsel—Every judicious Character in this Province is scandalized at the rash & indecent Measure of making public the proceedings of the Executive Council which is well known to have proceeded from the Chateau—The Genl. has altogether abandoned himself to the direction of a Rash and Ignorant Adviser who has brought Disgrace upon the Government and must eventually bring down sore Affliction on his Patron.

I am sorry to find that the Climate of Upper Canada continues to be so unhealthy—the Progress of the Yellow Fever has been greater this Year than was ever known on this Continent. Several Cases have appeared among the Military here, chiefly among those who are supposed to have laid in the Seeds of it, at the Miamis—Doctor Nooth's ²Absence begins to be lamented Prince Edward sent a Gentleman (Mr. Hale) in the Brig Earl of Moira commanding the Doctor's Attendance and Opinion on his Case which arises from a Contusion on his Thigh owing to a Fall from his Horse the prevailing Suspicion is that his R.H. wishes for the Doctor's Sanction upon the Necessity of his going to Europe. This harmless Stratagem is certainly allowable considering his Honourable Banishment during the prime of his Life—

I am surprized at the dearness of Provisions with You especially of Poultry labour will long continue at a most exorbitant Rate—When Miss Russell becomes completely free from the intermittent She will furnish a good Supply from her Poultry Yard—The Servant You Enquire of has a good Name for Honesty and Sobriety but having been in Trade is rather ill Qualified for the Condition of a Servant. I regret Human depravity in the Person of the Sieur

¹Probably as Lieut Governor of Upper Canada to succeed Simcoe.

²Dr. T. Mervin Nooth, principal medical officer to the army in Canada.

Franklin—All Friendly intercourse is banished in this place for the Want of Servants Grossman is constant Harry has taken to himself a Help-mate but lives with me—Pray make my best Compliments to Miss R.—and accept assurances of the Sincerest Regard from

Dear Sir

Your faithful & affectionate Servant
WM. OSGOODE

The Honourable
Mr. President Russell

(Department of Public Records and Archives, Toronto.)

FROM JAMES GREEN TO HAZELTON SPENCER.

Major Spencer,
2d Roy. Can. Volrs.
Commanding at Kingston.

QUEBEC, 8th October, 1798.

Sir,

I am directed by the Commander in Chief to send you a list of French Emigrants, just arrived from England, under Authority of a Passport from His Grace the Duke of Portland; their Chief is Lieut. General Le Comte Joseph de Puisaye, who is addressed to Mr. President Russell for the purpose of forming a Settlement in Upper Canada.

His Excellency desires you will forward them to York, whenever it can be done with propriety, on account of the advanced State of the Season—You will please to afford these Emigrants every Civility and assistance in your power, and should they be obliged to take up their quarters for the Winter at Kingston, and be under the necessity of applying to you for Provisions, they must be supplied, but you will be particular in ascertaining the real situation of their wants in that case before any are granted, as Mr. President Russell is Instructed by the Ministry on that subject.

I am &c.
JAMES GREEN M.S.

(C 1207, p. 190.)

Enclosure.

On board a Vessel.

Capt. Guide de St. Olert. Major Le Poret—Capt. de Farcey—Major St. George—Lieut. Colo. Marseul, to direct—Capt. Boiton.—Auguste—Polard—Fourneux—Bagot—Thompson—2d. Thompson—Jones—Thisereld—Fouchard—Sejeant—Renoax—Padiou—Le Bugle—Moasse—Champagne—Lambert—Pipet—Le Marchand—three others—Female Passengers—Catherine Donovan—Frances Fourneux.

By Land.

Lieut. General Le Comte Joseph de Puisaye¹—Major General le Comte de Chalus—Susanne Smithers—Willm. Smithers—Le Marquis de Beaupoil—La Marquise de Beaupoil—Hippolite de Beaupoil—Le Vicomte de Chalus—La Vicomtesse de Chalus—Marie Donovan—Mons. D'Allegre.—Monsr. St. Victor.

(C 1207, pp. 190-1.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

Duplicate
Seperate

UPPER CANADA YORK 10th October 1798.

My Lord Duke

Immediately after my receiving your Grace's Letter No. 6 I transmitted to the Commander in Chief the Extract from the letter to Lieut. Governor Simcoe respecting Mrs. Gray² therein inclosed together with an Extract from your Grace's letter to me on her Subject, and I have now the honor to inclose for your Grace's Information a Copy of His Excellency's Answer. By which it would appear that he does not think himself authorised to grant a Pension to that Lady out of the Army extraordinaries without a special order for that purpose—

I have the Honor to be &c.

PETER RUSSELL

His Grace the Duke of Portland
&c., &c., &c.

¹Comte Joseph de Puisaye, 1755-1827, a descendant of an ancient noble family, was born at Mortagne in Perche, and received a commission in the royal army at an early age. He was elected to represent the noblesse of Perche in the States-General of 1789, and promoted to the rank of marechal de camp. Some months later he retired to his estate at Mesnille and was placed in command of the National Guard of Evreux. He became chief of staff to General Wimpfen, who was organizing a royalist or so-called Girondin army in the department of the Eure, which was defeated and dispersed at Pacy-sur-Eure in June 1793. De Puisaye took refuge in Brittany, but in the following year went secretly to England to seek assistance and succeeded in gaining the confidence of the ministers, particularly that of William Windham, the Secretary at War. The expedition undertaken at his request was disastrously defeated at Quiberon, and de Puisaye again sought an asylum among the royalists of Brittany. His arrogance and passionate temperament made him unpopular and in 1797 he resigned his command and again went to London. After the conclusion of the peace of Amiens, he returned from Canada to England, and in 1803, published a lengthy historical narrative of his adventures, entitled, "Memoires de Comte J. de Puisaye, &c., qui pourront servir à l'histoire du parti royaliste français durant la dernière revolution," 6 vols. 8vo. This work provoked considerable criticism in pamphlets and periodicals. It was reprinted at Paris in 1805-6 in 6 vols. 8vo. De Puisaye seems to have lived much in England during the remainder of his life and died at Blythe House near Hammersmith, 13 Sept., 1827.

²The widow of Lieut. Colonel James Gray and mother of the Solicitor General.

*Endorsed:—Upper Canada
 York, 10th October 1798
 Mr. Presdt. Russell
 Separate
 Duplicate Original not received—
 R./ 15th April 1799
 Ansd. 10 June
 One Inclosure*

(Q 286-1 pp. 9-10.)

FROM ROBERT PRESCOTT TO WILLIAM WINDHAM.

Sir,

QUEBEC, 10th October, 1798.

I have the honor to acknowledge the receipt of your letters of the 31st July and 1st August, handed me by the Comte de Puisaye, who arrived here on the 7th Instant together with M. de Chalus, de Beaupoil, St. Aulaire, d'Allegre, and the other French Emigrants mentioned in His Grace the Duke of Portland's Passports Nos. 100 and 153.

As the ship they came in was bound no further than Quebec, I was obliged to hire a Vessel to convey the greater part of them and their Baggage to Montreal, and have directed on account of the advanced season of the year, that they should as quick as possible be forwarded to Kingston in Upper Canada, at the Public Expence, and I have given them sufficient Provisions for that Voyage—I am much afraid it will not be possible for them to reach York before the Winter sets in, but as Kingston is a well settled place they will not meet much difficulty in procuring Quarters for the Winter—I have directed the Officer in command at that Post to afford them every assistance in his power, and even grant them Provisions during the Winter should their necessities require that accommodation.

For some of the Gentlemen who could not, for several reasons, proceed by Water from Quebec I directed Carriages to be provided to Montreal.

As I have not received any Instructions respecting these Emigrants from any other channel than your letters above referred to, I hope the Expences incurred, on the occasion will be approved of, the lateness of the season rendering it absolutely necessary that they should be forwarded to Upper Canada without delay.

I am &c.
 ROBT. PRESCOTT.

Right Honble
 Wm. Windham.

(C 1207, pp. 191-2.)

FROM DAVID SHANK TO JAMES GREEN.

YORK, U.C. 10th Octr. 1798.

Sir,

I beg leave to submit for the approbation of His Excellency the Commander in Chief a Requisition of Ordnance Stores for the Post of York, Mr. Russell

having intimated to me His Excellency's pleasure that all military expence incur[re]d here should hereafter be allowed at Head Quarters—I am to report that the new Blockhouse does not accomodate more than 70 men the miserable state of the old Huts are such that they will require considerable repairs to accomodate the rest. I have therefore thought proper to send to Captain Pilkington to make an estimate of the necessary expence—The Carriages of the two six pounders also require painting and new Oil Cloths—The Flag is worn quite out, I formerly reported it, and made a requisition for another through Lieutenant Colonel McDonell it is awkward to be altogether without one.

I have the honor to be &c.

DAVID SHANK Lt. Colonel

Major Green
&c., &c., &c.

(C 512, pp. 22-3.)

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 66.

UPPER CANADA, YORK 12th Octr, 1798.

Sir,

In a letter which I lately received from the Duke of Portland dated the 7th June last, I am directed to watch with unremitting Vigilance whatever may be passing to the Westward between me and the Mississippi particularly on Foxes River & on Ouisconsin, I am likewise cautioned against the possibly hostile disposition of some of the Indians nearer us. But I am notwithstanding inclined to flatter myself that there is not so much ground for suspicion as Mr. Liston (from whom this intelligence comes) supposes. For all the Accounts I have had from the Westward represents that Quarter in a state of tranquility; and I have no reason to suspect any thing to the Contrary nearer home. I lost no time however in putting the Deputy Superintendant General on his Guard, and desired him to collect all the Intelligence he could without delay & transmit me immediately Information of what is going on in his Neighborhood.—I also sent Mr. Givens to Capt. Brant with a friendly letter from myself, directing him at the same time to say that he had asked & obtained my permission to pay him a Visit. Mr. Givens is returned & informs me that Capt. Brant took his Visit & my letter very kindly. He reports also that the late Council at the Credit had no other object than the ascertaining from the persons concerned what he had actually said to the Mississagues in consequence of the Council at the Grand River last Spring, and that Capt. Brant is now perfectly satisfied with his Explanation.—That he told him Belts had lately passed from the Indians about Foxes River and the Ouisconsin to the Shawanese, who sent on Bunches of Black & White Wampum to the five Nations & the other Indians of Canada. The first calling the Shawanese to a General Council to which they were to Invite all the Indians to the Eastward, & telling them that their father the French was again on his feet as he had promised them to be when he was thrown on his back by the English—The Belt from the Shawanese (as far as he knew) only invited to a General Council to be held near Detroit without assigning the purport of it. Capt. Brant further told him that there is a Mississague (named Catfish) very busy among the Mississagues in persuading them to go to Presqu' Isle to meet

a Chief of that Nation (called Paqua) who has continued among the Americans ever since last War, & promises that the French will soon come & (if the Mississagues Join him) will Assist them in revenging the Death of Wabakanyne and driving the English from all their lands.—

As I have not taken the smallest notice to Capt. Brant of *his* late Conduct, no ill Blood can have been caused on that Score and indeed from Mr. Givens's report I am in hopes he is returned to his temper, at any rate, I shall not fail in these uncertain Times to temporize with him as much as possible. A Copy of my Instructions to Mr. Givens, & my last letter to Capt. Brant is inclosed for your Excellency's Information—

Your Excellency may possibly have had other intelligence respecting the Designs and present Disposition of the neighbouring Indians than I have had. But from what has hitherto come to my knowledge I do not see much reason for Alarm. I must confess however that the Seat of Government is naked of Defence & open to Attack from all Quarters in case of any hostile movement towards it, I am consequently on that account much disposed to wish I had a larger Regular Force to trust to on such an Emergency than the present small Debris of the Queen's Rangers now here. For this reason, as well as the others I had the honor of stating to your Excellency in my former letters I do not despair but your Excellency may yet incline to order the Detachments at Fort Erie & Chippawa to Join that Corps as soon as the Season for Transport closes.—

Having received Information from Capt. Genevay that he had sent me some Specie on the first of September last, I begin to grow very uneasy at my not having rec'd it before this. Report says it reached Kingston about the 7th of September. The Mohawk sailed since then and arrived at this place without it. It was after that (I understood) put on board the Swift, which sailed from Kingston on the 22d. & two days after turned back. Several vessels since then have left that place & some of them arrived here. But no Swift has appeared. I am told to-day that she has gone into the Niagara River & landed the Money there. Whether this has proceeded from the bad sailing of the Swift or the Misconduct of the Officer who Commands her, I am not sufficiently informed to state to your Excellency; but should it be the latter I flatter myself it will not pass unnoticed as the delay of this Supply (under the danger of plunder to which it may have been liable) might have exposed the Civil Government to no small inconvenience if I had not been able to procure some Cash on my own Credit to answer its most urgent Calls.—

The Duke of Portland having in a letter to me (of which the inclosed is an Extract) gives me leave to build a small armed Vessel for the Service of the Civil Government of this Province, I had contracted with a Ship Wright in this place to build one, and I had promised Lieut. Paxton of the Lake Marine to give him the Command of her, if he could obtain your Excellency's Permission to take it without injuring the Progress of his Rank in the line in which he is now serving, the Vessel now being in some forwardness and consequently requiring the daily inspection of her Commander, and not having heard from Mr. Paxton, that he has obtained the requisite permission, I am induced to request to know from your Excellency whether you have objections to Mr. Paxton's Acceptance of this Command and retaining his right of Promotion in the Navy of the Lakes, because if this change of Service should not meet your Excellency's Pleasure, it is my Inten-

tion to appoint Mr. Baker to it, & I shall immediately want the attendance of either the one or the other to Superintend the building of the vessel.—

As the Crew of this Vessel is to consist of a Master, a Mate & four Seamen, I beg leave to move your Excellency to authorize the Commissary to Issue on the Governors demand from time to time the Quantity of Provisions which may be occasionally wanted for Victualling that Complement.

I have the Honor to be &c.

PETER RUSSELL.

His Excellency Genl. Prescott, &c., &c., &c.

(C 1206, pp. 302-7.)

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 67.

UPPER CANADA, YORK 13th Octr. 1798.

Sir,

I had last night the honor of receiving your letter No. 40 dated the 6th Ultmo and have agreeable to your Excellency's desire directed the Agent of Purchases to lay in the supplies of Provision according to the Quantities and places, and by the time therein stated, upon the most Economical terms for which he can procure them.—

I am extremely concerned that the Officers of the Indian Department in the District of Detroit, should act in the manner suggested by Captain McLean, and I shall not fail to take the earliest Opportunity of calling upon the Deputy Superintendent General for an Explanation, as I very early directed the Superintendants in each of the Districts to discourage assemblages of Indians about the Posts as much as possible, and not to detain them there longer than the Service might absolutely require it.

My letter to you yesterday on Capt. Brants subject will have rendered a further Answer to the Paragraph of your Excellency's present letter relating to him unnecessary; and I have the pleasure to inform you that the Money about which I therein exprest uneasiness was brought to me last night by the Speedy on board which it was shifted at Niagara from the Swift.

I have the honor to be &c.,

PETER RUSSELL.

His Excellency Genl. Prescott. &c., &c., &c.

(C 1206, pp. 316-7.)

FROM PETER RUSSELL TO ALEXANDER McKEE.

YORK, 13th October 1798.

Sir,

Not having any letter of yours to acknowledge since the one in which you promised to send me the Deed for the purchase of St. Josephs, and having lately rec'd a letter from the Duke of Portland dated in June last, wherein he puts me on my Guard against the Influence which may be obtained among the Western Indians by Emissaries sent to them by the French, who are contemplating an

Attack on this Province and the Frontiers of the United States, I Judge it proper to dispatch this Letter with my Earnest request that you will lose no time in informing me of any suspicious movements you may observe among the Indians Inhabiting the neighbourhood of Foxes River or the Ouisconsin, or any other transactions among the Western Indians from which inferences may be drawn of their hostile or friendly Disposition towards us.

Captain Brant informs me that he has rec'd from the Shawanese and other Western Indians, Bunches of Black and White Wampum in Company with other Indian Nations within the British and American Territory, inviting them to a grand Council at Detroit and refers me to you for information respecting the real intention of this meeting, which he supposes to be only for the purpose of renewing their Old friendships according to their Ancient Customs.—

The suddenness of this Opportunity leaves me only time to say this much and to acquaint you that a Blacksmith will be sent You from Quebec, & that Provisions &c., may be issued to Indians at any time in presence of the Officer of the day without waiting for the Return of 12 o'clock the Next day.

I have the honor to be &c.,

PETER RUSSELL.

Colonel McKee.

(Indian Affairs, Upper Canada, Civil Control, 1798.)

FROM PETER RUSSELL TO J. G. SIMCOE.

UPPER CANADA, YORK, 15th October, 1798.

Dear Sir:—

It gives me very great pleasure to observe that no mention is made of your resignation in any of the Duke of Portland's letters to me, as I am encouraged from thence to flatter myself that Your Excellency still continues to be Governor of this Province, and that we may expect to see you here as soon as the more important services for which you are now wanted at Home may admit it.

I have not failed to write regularly to you as matters occurred here which I judged worthy of your attention, but I have not had the happiness of receiving any letters from your Excellency in return, except the few lines which you did me the honor of sending me immediately after your arrival from St. Domingo. Since then I have heard once of you from Colonel Stevenson, and I have had the pleasure of seeing your signature to two warrants for Major Littlehales's and Mr. Scadding's salaries to which I have paid due honor.

I have hitherto conducted the Administration of your Government in tranquility, and I am told much to the satisfaction of the Inhabitants. But I am sorry to observe that the current Civil Expenditure of it keeps higher than I wish—owing partly to the heavy (perhaps inevitable) requisitions of the Surveying Department—and the Bounty of the Council to its Clerk and to the Secretary and Register, with a view of expediting the U.E. Grants which were and still are much in arrear. I hope, however, that the latter may now cease or at least considerably lessen, since the late increase of those officers' fees on Grants ought, in my humble opinion, to be regarded as a very ample compensation for all their own trouble and all the additional expence they may be exposed for Clerks, &c. But the Roads of communication, especially to and from the Seat of Govern-

ment are so obviously and indispensably requisite that the continuance of large disbursements on that score appears to be unavoidable. I am also sorry to mention to your Excellency that poor Smith's abilities prove every day less adequate to his situation; the language in which the minutes are being kept being inelegant and often confused and he proceeds so slowly in entering the Records of his office that I have not been able with the utmost driving to obtain a copy of those on land matters for the Secretary of State to a later period than the last of 1796.

I have zealously forwarded your Excellency's measures for throwing open the appropriated Townships which the fairest trials and fullest experience had convinced us would never answer any salutary purpose of population or even of gratification to the majority of the loyal settlers, and the clamor excited by this line of conduct among the land speculators began to subside. We were consequently in a fair train of carrying into immediate effect the new regulations proposed by the King's Ministers for raising a fund to be applied to the public services of the Province. But I greatly fear that a late publication of His Majesty's instructions to General Prescott of the 15th August, 1797, and the Report of the Council on them with His Excellency's reply (which appear to have been irregularly obtained from the Council office at Quebec) will put the appropriation again in motion and thereby cause us a great deal of trouble to obviate the various discontents to almost all classes which is likely to follow so unfortunate a Revival of their claims.

A descent of French troops in the St. Lawrence has been expected this Summer, and I have reason to think that French Emissaries have been sedulous in disposing the Western Indians to a Co-operation, but I have not heard that they have met with much success. The Caughnawagas of St. Regis have had some sparring with the Mohawks about the sale of Indian lands in the States, and Brant intimates to me that they have been encouraged to it by the French to cover a hostile movement against us. The chief has likewise affected to be discontented with this Administration but with what view I cannot discover, (as I am persuaded his own interest is on the side of his attachment to the King), unless he means to frighten Government into a compliance with his desire of selling the Grand River lands at his pleasure. I have avoided, however, to take notice to him of what he says or I hear of him—being determined to keep on good terms with him if I can, notwithstanding he sometimes seems to wish for an opportunity of picking a German (?) Quarrel with me.

The increase of this town bears no proportion to that of the population round it. The head may consequently grow too big for the body, and scarcity and dearth of provision be the inevitable consequence to the great distress of the officers of Government whose incomes are certainly unequal to their unavoidable expence. But the die is thrown and they must abide their fate as most of them are too poor to leave the country and seek another Provision.

I intended to have myself sent your Excellency the half of the Lieutenant Governor's fees received by me by warrant and from Mr. Jarvis between the first of July 1796 and the 31st of December, 1797, but Captain McGill having obtained by petition an order of Council for the payments being made to him as your Attorney, I have this day given him for your account my bill on Mr. Davison in your favor for the amount, being £307.4.9.Ster., as stated in the account I laid before the Council, a copy of which is enclosed for your Excellency's information. This being the only money I have received on this score I cannot

form an idea what the future receipts may be, but the Council, having directed that half the fees shall be regularly paid to the Receiver General, subject to the orders of the Board, they will of course be paid from time to time to your Excellency or whoever happens to be Lieutenant Governor for the time being. I hope Mrs. Simcoe and all your family are well. Miss Russell desires to add her respectful compliments to those of, Dear Sir, Your, &c.

PETER RUSSELL.

His Excellency Lieutenant General Simcoe.

(Wolford Simcoe Papers, Book 8, p. 442-3.)

FROM ISAAC WINSLOW CLARKE TO JAMES GREEN.

My Dear Sir,

MONTREAL, 15th October, 1798.

I am favor'd with your Letter of the 11th instant and not[e] with much attention the contents of it.

It is very fortunate for the Travellers by Land that the weather is so fine. I expect them to arrive this morning and have lodged a Letter to be delivered before they get into Town to inform them the Houses where they are to drive to. I heartily wish that the Vessel may get up soon. If I hear of her within any reasonable distance I will send Batteaux to bring them up if the wind should be against them.

As yet I know not if the Company who come by Land are to wait here for the arrival of the Vessel. I conclude they will not like to proceed without their Baggage. As soon as they arrive I shall be better informed and what will be necessary for their journey upwards. I am very much afraid that as they come on they will be informed of the inconveniences they will be exposed to in Upper Canada for this winter, and finding this a more comfortable place, will make them desirous of making this their winter quarters. But you may depend that nothing shall be wanting on my part to get them on the moment of their arrival, and as comfortably as possible. Two Batteaux intended for the Ladies and principle Gentlemen will be ready to day.

Mr. Ross will send down the rest of the Plank should it be at Kingston or when it arrives.

The Cyder will go down in good season and I hope the Oats from Chambly too, they have been waiting for the Vessel to get up, and I hear the late east wind carried up the Vessels to the Bason.

A man is to day arrived from Boston in 10 days. Mr. Gerry arrived there a week before, he does not know the date of his leaving France, no news of Buonaparte. The Fever much abated at Boston, a very few persons only sick of it. So many as 30 a day had died of it. Nothing has been heard of Mr. Dickason & his family since they went away from here.

I am ever &c.

I. W. CLARKE.

I will beg you to
forward by the Convoy
the two Letters inclosed
for England.

Major James Green.

(C 619, pp.4-6.)

FROM JOHN MCGILL TO J. G. SIMCOE

UPPER CANADA, YORK, 15th October, 1798.

Sir,

In consequence of a claim made for the half fees and fees arising from the privilege of the Great Seal, the members of the Executive Council were induced to direct, in the summer of 1797, that all sums arising on this head should be paid into the hands of the Receiver General, until His Majesty's pleasure should be made known on the subject; a copy of this order of the board was transmitted to the Duke of Portland. His Grace has since signified His Majesty's pleasure that one moiety of the fees shall be paid to the Lieut. Governor and the other moiety to the person administering the Government during his absence; agreeably to this decision I lost no time in petitioning the Council as your Excellency's Attorney for an order to direct the Receiver General to pay into my hands one moiety of the half fees as from July, 1796 to December 31st, 1797, amounting to three hundred and seven pounds four shillings and nine pence Sterling, for which sum I have just received a Bill No. 30 of this date, Peter Russell Esq., on Alexander Davison Esq., Harper Street, London, in your favor at thirty days after sight, the first of which I have the honor to transmit enclosed. If your Excellency's resignation of the Government of Upper Canada has not as is reported here have been accepted of, I request that you would have the goodness to intimate the same, which will enable me to apply for and receive a moiety of the fees for the year 1798, without which I will not obtain them.

I am exceedingly beholden to your Excellency for your letter of the 9th February last, which was received in July. The President this day in Council confirmed the recommendation of the board ordering me payment of the money advanced for corn purchased at the Grand River in 1796, which sum previous to the receipt of your Excellency's letter I had not the most distant hopes of receiving in this country.

I was fortunate enough to provide the whole quantity of flour required by the Commander in Chief this season for supplies, and I have the honor to enclose a copy of Mr. President Russell's letter of the 22nd May, last in answer to my first report made to him on the subject of purchases made at Kingston.

In rejecting the first proposals for the delivery of fifteen thousand pounds of flour at Amherstburg, I was enabled afterwards to purchase upwards of two hundred thousand pounds in sacks at $5/6$ Canada Currency per cwt., less than if I had commenced purchasing at the original price demanded. I have this day received authority to enter into engagements for the supply of next year, which falls considerably short of the quantity ordered for the last year.

I feel myself exceedingly thankful to your Excellency for your goodness and attention to my friend Shank, in having got him appointed to the command of the Queen's Rangers, his exertion in supplying men for the purposes of furthering the Public Buildings and works at York has accorded with Your Excellency's wishes previous to your departure.

If it were not for the hope I have of seeing you again in Upper Canada, after the more critical and arduous affairs of Europe are settled, I should most sincerely wish myself divested of all power to sit at any board where the subject and distribution of lands were in question.

The Commander in Chief will by no means admit of my receiving Military allowances as Commissary of stores &c., in consequence of my appointment as agent for purchases. How far His Excellency is in the right I will not take upon me to determine though I humbly conceived them as appendages annexed to my situation in this country, if your Excellency should think otherwise I shall be satisfied.

I am sorry to say that Mrs. D. W. Smith has been for some months past in a very bad state, and is hardly expected to recover. Capt. Smith is likewise unwell. If his situation as Surveyor General could be made permanent it would add greatly towards easing his mind on that head.

Your Excellency's horses are in high order and fit for any service. Swazie has been in my possession since Mr. Lawrence's decease, which happened three months ago.

Mrs. McGill and Miss Crookshank request their respectful compliments to Mrs. Simcoe, Mr. Francis and Miss Sophia, and I beg leave with the utmost gratitude and respect to subscribe myself

Your Excellency's most obedient and most humble servant,
JOHN MCGILL.

P.S. I received in July last from Mrs. McBride, your large Seal with your Arms &c., upon it. She informed me that her nephew found it in one of the old ink stands. Should Colonel Shank leave this as is expected in the winter I shall have the honor of transmitting the Seal by him.

J.McG.

(Wolford Simcoe Papers, Vol. 8, pp. 440-1.)

FROM ALEXANDER McKEE TO PETER RUSSELL.

AMHERSTBURG 17th October 1798.

Sir,

I take the Earliest Opportunity of informing you that I was in hopes that the meeting of the several nations at this place to receive their annual supplies would have been so general as to put it into my Power to have got the Deeds for Sandwich perfected but some Chiefs of the several tribes of Hurons being absent who were deemed by them necessary to be present, that Nation declined doing anything in the business untill their return; and as the other Nations will be always ready I Judged it best to defer the matter untill all the parties concerned should be present at the same time in Order to compleat the business to the satisfaction of the whole.

I have also to inform you that some of the nations in this Country I understood have been counciling about sending a deputation of their Chiefs to England, and their Resolution has been communicated to me by a principal Chief of the Shawanese to whom I have endeavored to explain the impropriety of such an undertaking at this time whilst their Father the King of England is engaged in a war with France, at all events it will not be suitable for them to determine upon anything of the kind untill they hear the Opinion of His

Excellency the Commander in Chief, and your Honor, that they may receive your Advice upon the subject, and be directed thereby.

I have the honor to be &ca.,
ALEXR. MCKEE.

Honble Peter Russell Esqr.
&ca., &ca., &ca.

(Indian Affairs, Upper Canada, Civil Control, 1798.)

FROM RUFUS KING TO THE DUKE OF PORTLAND.

GREAT CUMBERLAND PLACE, October 17, 1798.

My Lord,

I am concerned to trouble your Grace again on the subject of the exile of the Irish State prisoners, especially after friendly assurances that your Grace has had the goodness to give me, and have induced me to believe that they would not be permitted to go to America. But the late accounts from Ireland, which, I hope inaccurately, state that preparations are making to send them to the United States, give me much anxiety lest I have omitted any further step that might have been expected, or proper, in order to prevent it. It is true that the President of the United States has power to deny, and in my opinion, will refuse them a residence among us, provided he is apprized of their names and delinquency; but of these he may be ignorant, especially as I have expressed to him my expectation that they would not be permitted to go to America. If his Majesty's Government is still free to decide, I must repeat my earnest hope that these delinquents may not be permitted to proceed to the United States. If the permission of Government has already been given, I take the liberty to ask of your Grace a list of the names, and a description of the persons of those of the State prisoners who are to be sent into my country, in order that I may, if possible in season apprise my government of the measures. It is quite possible, and I still hope, that these publications are altogether erroneous. In this case, I must beg your Grace's pardon for having thus unnecessarily troubled you on a subject that, through your obliging interference, had already been satisfactorily decided.

FROM WILLIAM WICKHAM TO LORD CASTLEREAGH.

WHITEHALL, October 19, 1798.

Forwarding the above letter.

"I saw Mr. King yesterday, and had some conversation with him on the subject of this correspondence, when he assured me that, under the powers given him by the Act lately passed in America, the President would not suffer any of the traitors from Ireland to land in America; and that, if they escaped his vigilance and set foot on shore, he would instantly have them seized and sent back to Europe. This determination of the President of the United States, which Mr. King told me I might consider as official, seems to furnish a conclusive answer to any complaints that may be made of these people when government shall signify to them the impossibility of their being suffered to go to America."

(Castlereagh's Correspondence, Vol. I, pp. 394-6.)

FROM THOMAS WELCH TO D. W. SMITH.

CHARLOTTEVILLE, 17th October, 1798.

Dear Sir

I take the liberty to inform you, that a circumstance has lately hapned in the Vicinity of long Point, which is a subject of real concern to me, and to every real friend to good order in our parts, which was as near as I can recollect as follows vizt.. On the Evening of the 17th September I hapned to be at the House of Mr. John Pearson near Long Point, in order to make a Survey of the Marsh petitioned for by Mr. Edward McMichael, when a certain William Daley, came to me & informed me that a Small Vessell belonging to Mr. Erskine¹ at Detroit, laden with American Goods, bound from Presque Isle to Detroit, was Wrecked on Long Point; that the Master or Skipper of that Vessell, was a Drunken dishonest Fellow, and requested that I would go to the Point, and as a Magistrate, take care of such part of the Cargo as might be saved from Spoliations, which he was apprehensive would be Comitted on the same by the Unprincipled Skipper, if not prevented in time by Authority. I then immediately went with Daley to John Backhouse Esquire, who was at that time at Mr. Pearsons Thrashing floar, who after being informed of the Circumstances, promised to go if notify'd, on the Morning following, with the Boats which were to proceed from John Courtwrights Landing to the Point. Early on the Morning of the 18th Daley and the said Skipper came to me at Person's, where the latter related to me the circumstances of his being Cast away &c. and asked me to go with them; I told them Mr. Backhouse had promised the Evening before to go, on the shortest Notice, that Mr. Backhouse was the properest person as being a Magistrate for the Western District, and Employ'd about his own private business; and I was not a Megistrate for the Western District, and was Employed about the business of the Publick; and desired them to call upon Mr. Backhouse, whom I doubted not, would go with them; they then left me & said they would do so, which I have since been informed they did, and that Mr. Backhouse did not go with them, and since my return home I have been informed, that the Skipper aided by a Number of the Inhabitants of Long Point committed very great Spoliations on the Cargo of the said Vessell, by giving & selling to them for little or nothing, this I am very sorry for, and cannot refrain from observing that those depredations might have been easily prevented had the Cargo been taken care of here, by the Legal Authority. Samuel Ryerse Esquire was from home when those Scandalous irregularities were Committed, and did not return home till after the Skipper had made his escape. I beg not to be understood as exhibiting a Complaint against Mr. Backhouse, too well knowing that that is not My Province; I only have taken the liberty to make mention of that Gentlemans Name to show the reason why I did not go forward to take care of the said Cargo, although not vested with legal Authority *in this District*. I beg leave to mention Dan Millard Esquire, and Capt. Edward McMichael, in having been very instrumental in preventing an almost total distruction of the Cargo by warning the Inhabitants of the impropriety of their Conduct, and the very great danger they exposed themselves to by such unwarrantable Conduct.

¹The sloop Annette, owned by John Askin of Detroit. See Ontario Historical Society, Papers and Records, Vol. XX, p. 43.

THE RUSSELL PAPERS

I have the Honor to be with profound Esteem

Dear Sir

Your most obedient
and very Humble Servant

The Hon. David Wm. Smith Esquire

THOMAS WELCH

(Department of Public Records and Archives, Toronto.)

FROM ISAAC WINSLOW CLARKE TO JAMES GREEN

MONTREAL, October 18th, 1798.

My dear Sir

The wind yesterday was easterly, but light, to day it blows fresh and I hope it will bring up the Catiche, the weather still very fine. How very fortunate for the Emigres! Two Batteaux fitted up as comfortably as possible and some necessities for their journey are ready at La Chine. General Comte de Puisaye determined on his arrival to go on Friday morning, with the company who came by land, leaving Monsieur D'allegre to wait and bring on those who come by water. If the wind should continue I think it's probable the General will be induced to wait the arrival of the Vessel with their baggage, for if they go without, they can take no more than a Blanket for each Gentleman and two for the Ladies. The General is so very much disposed to æconomy that he would have no more. The Ladies are to have only the Luxury of a Bodette. Without consulting him I send in each Batteau about 40 Pounds of Alamode Beef and 3 dozen of Port Wine he allows to be sent.

5 Barrels of Cyder for General Prescott are shipt on the Sloop Castor, Bejean Master, which waits for a wind, and the remainder of the Plank 44 pieces which arrived this morning from La Chine are shipping on board the same Vessel.

General de Puisaye is to send me his Letters to be forwarded, they will be inclosed with this from Dear Sir, your &c.

I. W. CLARKE.

Major James Green.

1 o'clock. The Catiche is arrived, Carts are ordered for the Baggage for to morrow. I hope to get them all out to morrow, and away from La Chine the next day, if the weather continues fine. I advise the General to wait and all go together, and he agrees to it.

(C 619, pp. 9-11.)

I.W.C.

FROM D. W. SMITH TO PETER RUSSELL.

S. G. O. 20th Octr, 1798.

Sir./

In obedience to your Honors Commands I wrote to Mr. Iredell¹ respecting the migration of part of the Moravian Sect from their Settlement on the River

¹Abraham Iredell, Deputy Surveyor for the Western District.

Thames—& he informs me that two of their Ministers & seven Indian families have removed to Muskingum, in the United States—

I am Sir

Your Honors, most obedt.

humble Servant

D. W. SMITH, A.S.G.

His Honor
the President

*Endorsed:—20th October 1798
the Honble D. W. Smith*

*Addressed:—His Honor the President
&c. &c. &c.*

S.G.O.

(Department of Public Records and Archives, Toronto.)

FROM ISAAC WINSLOW CLARKE TO JAMES GREEN.

MONTREAL, 22d October 1798.

My Dear Sir

I may I believe with safety say that the Emigres and all their Baggage are now out of the Province of Lower Canada, as they left La Chine on Saturday morning and have had a continuance of the finest weather imaginable. The Furniture &c. took up twelve Batteaus very well fitt'd; They were as comfortably provided as possible and they went off to all appearance in good spirits and well satisfied. I understood from the General that the people were tampered with on their way from Quebec, being told that they were going to a sickly, bad Country and that they would do better to stay here below, some of them shew a reluctance at going on; had they had any time here there would I believe have been difficulty with them; I advised the General as soon as the Carts came, to send them on in divisions, with the Baggage to La Chine, it being a retired place; he did so and all went on well, as could be wished. I shall send the Commissary General a Note of the expence of several articles provided for the comfort of the Ladies and the Gentlemen who came by Land; they being awkward things to appear in a public account, I was in hopes that General De Puisaye would propose to pay for them; as he did not I thought it best not to move it, as the cost is inconsiderable compared with other expences. He has paid for two of the Caleshes from Quebec to La Chine and at his going off at La Chine I told him there were two small Stoves in the Batteaus which I thought would be usefull to him in the winter, and if he thought so he had better take them with him; he offered to pay for these, but I told him the cost of them was but little and it was not worth while. I believe that New Ark will be their quarters for this winter. On this subject I avoided speaking as I conceive it is a business to be regulated above, there are several empty houses I understand at Newark.

.....
.....Yours &c.

I. W. CLARKE.

Major Green.

If it should be thought proper to charge the General for the few Stores provided for him & Company I can yet receive payment for them from the Agent here. I will thank you to inform me. The articles are Wine 90/. Bodettes 70/. sundries 41/8 & 12/6. Total 10.14.2.

I purchased for their use 7 pair of Blankets which will be returned.

(C. 619, pp. 12-15.)

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK 22d Octr. 1798.

Present

His Honor Peter Russell Esqr. President &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw.

The Hon. John McGill.

.....
The Chief Justice presented a Report from the Board which is in the following words.

To His Honor Peter Russell Esqr. President Administering the Government of His Majesty's Province of Upper Canada—

Sir,

In the Report which we had the honor to make to you of the result of our deliberations on His Excellency the Governor General's plan for disposing of the waste lands of the Crown by sale, we informed your Honour that in discussing that Subject we had fully considered another very nearly connected with it, which as it related rather to the detail of that plan than to the principles of it, we reserved for a separate Report.

The subject there alluded to, and to which we now beg leave to call your Honor's attention is the propriety of making an extensive addition to the waste lands of the Crown by purchases from the Indians, before any steps are taken for carrying that plan into execution, and even before it is in any manner announced to the public.

This is a measure with the propriety and even necessity of which we are so strongly impressed, that we feel no hesitation in declaring an opinion that unless something of the kind be done, the plan itself and the object of it will be materially retarded if not entirely defeated.

It is no secret to any Person at all acquainted with the state of Indian Affairs, that the Aborigines of this Part of His Majesty's American Dominions are beginning to appreciate their lands not so much by the use in which they are in the habit, or are capable of making of them themselves, as by the value at which they see them estimated by those who purchase them, and either cultivate them, or dispose of them in their natural state—It is equally notorious, that if the Indians wanted penetration to make the discovery, there are a great many persons of European Origin who have attached themselves to the several Tribes which sur-

round us, and who will not fail to inform them that the value of an Article depends as much upon its importance to the purchaser as on its usefulness to the present possessor—

But if this were doubtful now, when the lands purchased from the Indians are distributed among His Majesty's Subjects, at a Fee hardly exceeding the prime cost of them, it cannot possibly remain so when the Indians discover as they unquestionably will, that the purchases made from them are to be converted into a source of wealth to ourselves—Slow as their progress is towards civilization they are perfectly apprised of the value of money, and of its use, in maintaining them in those habits of indolence and intemperance to which most of them are more or less inclined—In order therefore to exercise that foresight which our Indian neighbours are but beginning to learn, and in which it certainly cannot be our interest to promote their improvement, we submit to your Honor's consideration the propriety of suspending the promulgation of the plan which has been laid down for us untill we can make a purchase sufficiently large to secure to us the means of extending the population and encreasing the strength of the Province, so far as to enable us before our stock is exhausted to dictate instead of soliciting the terms on which future acquisitions are to be made—For we are satisfied that the purchase of 50 or even 100 Townships, if made now, will cost us less than the purchase of ten after the promulgation of the Governor General's plan.

There is also a step which, whether viewed as preparatory to that which we have recommended, or as a distinct, and independant measure, the Board considers as of indispensable necessity—It is that before we proceed to dispose further of the waste lands of the Crown, we inform ourselves of the quantity which after satisfying all claims for which the public faith is pledged we shall have to dispose of. It may not perhaps be possible to form a very accurate statement, on account of the uncertainty with which the negligence of our predecessors has involved us, with respect to the limits of the purchases from the Indians, but we are very decidedly of opinion that an attempt towards it should be made before any step is taken towards carrying the plan of the Governor General into execution.

I have the honor to be &c.

J. ELMSLEY.

.....

 Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL. [LANDS.]

COUNCIL CHAMBER, YORK, 25th October 1798.

Committee

Present

The Honorable John Elmsley Chief Justice

The Honorable Æneas Shaw

The Honorable John McGill.

.....

B. 158 bundle No. 4
Wm. Berczy

Referred by Mr. President Russell to the Executive Council, whose advice is requested what answer it may be proper to make to this Memorial.

Every reflexion that has occurred to the Members of this Board, & every fact that has come to their knowledge satisfies them of the justness of the Principles on which the Report of July 3d 1797, was framed, and determine them to abide by it. The Clerk is directed to transmit to Mr. Berczy a Copy of the order of Council made on his former Petition.—

Adjourned—

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK, 29th Octr. 1798.

His Honor the President, and the same members¹ met from Adjournment of Thursday last.

.....

His Honor produced and read the following answer to the Report of the 22d Instant.

York 26th Octr. 1798.

Sir/

I read with attention the Committee's second Report on the Governor General's plan for disposing of the waste lands of the Crown by sale, which you presented to me in Council on Monday last—and tho' I am strongly impressed with the expediency (I had almost said the necessity) at the present important juncture of raising (if possible) an immediate Fund within the Province for defraying the Civil Expenditure thereof; I must yield to the weight of your arguments against any attempts being yet made of doing it by *selling* as proposed *a portion of the waste lands to the highest bidder*.

I readily concur with the Committee therefore respecting the propriety of confining ourselves to the granting lands under the new Regulations in quantities proportioned (as usual) to the respective conditions of the applicants until we may obtain a sufficient stock of land by additional purchases from the Indians to enable us to proceed on that plan with some certainty of accomplishing the end proposed by it.

I shall accordingly without loss of time transmit a copy of your Report to the Governor General, and request His Excellency to give directions to the proper Officers for treating with the Indian proprietors about an immediate purchase from them to the extent of about twenty Townships in such situations as you may judge likely to be most productive—

It may however be proper in the mean time that the Acting Surveyor General should be directed to prepare for our information a Report of the un-

¹Messrs. Elmsley, Shaw, and McGill.

granted lands in this Province, and the quantity thereof (as nearly as can be ascertained) which may be wanted, to fulfil the unsatisfied orders of this Board.

I have the honor to be &c.

PETER RUSSELL

The Hon. John Elmsley.

Chief Justice

Ordered, that the Acting Surveyor General shall be instructed accordingly—
Adjourned.

PROCLAMATION RESPECTING GRANTS OF CROWN LANDS.

WHEREAS it appears by letters lately received from his GRACE the Duke of PORTLAND, one of His Majesty's principal Secretaries of State, to be His Majesty's royal will and pleasure, that in order to raise a FUND for the PUBLIC SERVICE of the Province, all future GRANTS of LAND, those only excepted for which His Majesty's government were actually pledged previous to the receipt of those letters, be subject to a FEE of SIX PENCE Halifax currency per acre, exclusive of the usual expenses of survey: BE IT THEREFORE KNOWN that all grants of land (except as before excepted) confirming orders of council made subsequent to the TWENTY-SECOND day of December last, being the day on which those letters were read in council, shall be subject to a fee of six pence Halifax currency per acre, exclusive of the charges for survey, which are to be paid as usual to the surveyor general, on presenting to him the warrants of survey for location agreeable to the proportion specified on each grant in the SCHEDULE hereunto annexed, And His Majesty being graciously pleased to direct that his royal favor shall continue to be extended to those LOYALISTS who have adhered to the UNITY of the EMPIRE, BE IT FURTHER KNOWN, that in conformity to the above instructions, all grants of land to the extent of two hundred acres each, issued, or to be issued to persons of that description, and to their CHILDREN of the FIRST GENERATION, confirming orders of council subsequent to the sixth instant, shall be subject to only HALF the above fee (that is three pence per acre,) and shall not be subject to any charges whatever for the expense of survey. And that the said fees may be regularly collected and applied to the public service of the province: BE IT KNOWN, that all persons subject to the payment of full fees or half fees, are upon receiving their respective warrants of survey, to pay to the Receiver General of the province an advance of half the fee they may be subject to, and they are to pay the remaining half to the secretary of the province upon receiving their respective PATENTS from his office.

GIVEN under my hand and seal at arms, in this town of York, this thirty-first day of October, in the year of our Lord, one thousand seven hundred and ninety-eight, and in the thirty-ninth year of our reign.

PETER RUSSELL.

By the President's Command,

JOHN SMALL, C. E. C.

SCHEDULE of the charges for survey, ordered to be taken by the SURVEYOR GENERAL to enable him to defray the expenses of the survey which he shall receive warrants for:

	£.	s.	d.
For Town Lots and all other quantities of land not exceeding 100 acres.	1.	0.	0.
All quantities exceeding 100 acres and not exceeding 200 acres	1.	7.	6.
All other quantities.	1.	7.	6.
on each two hundred acres which the quantity ordered may amount to.			
And when the EXCESS on grants above two hundred acres exceeds one hundred acres, and yet does not amount to two hundred acres, for such excess shall be charged TWENTY SHILLINGS.			

(Cf. Fourth Report of the Ontario Bureau of Archives, pp. 194-5.)

FROM MAJOR H. SPENCER TO JAMES GREEN.

KINGSTON, 31 Octr, 1798.

Sir

I have the Honor to acknowledge the Receipt of your Letter dated Quebec 8th inst, wherein you inform me "The Commander in Chief has directed you to forward me a List of French Emigrant[s] just arrived from England under Authority of a Passport from His Grace the Duke of Portland—their Chief being Lieutenant General Le Compte Joseph de Puisaye who is addressed to Mr. President Russell for the purpose of Forming a Settlement in Upper Canada and to be forwarded to York whenever it can be done with Propriety.

The Lieutenant General Le Compte Joseph de Puisaye with his Suite have thought proper from the advanced State of the Season to winter at Kingston though the Lieutenant General intends to Visit Mr. President Russell and return here—in consequence of which I shall order One of His Majesty's Vessels on that Service.

I shall afford these Emigrants every Assistance and Civility in my Power and will be particular of the real situation of their Wants before they are granted as Mr. President is instructed by the Ministry on that Subject.

I have the Honor to be &c.

H. SPENCER, Major,
2d B.R.C.V. Commanding.

Major James Green
Military Secretary.

(C 619, pp. 21-2.)

FROM PETER RUSSELL TO ROBERT PRESCOTT

No. 68.

UPPER CANADA, YORK, 2nd November, 1798.

Sir:—

I have this day the Honor to receive your Excellency's two letters dated the 3rd and 5th of October the latter numbered 41 and the first covering Inclosures

which I have not time at present to consider sufficiently for transmitting my observations thereon to your Excellency by this opportunity.—

The confidential Information, contained in your Excellency's numbered letter, added to that which I received on the 27th September last from the Duke of Portland, and what I could collect from a conversation which I have lately had with Captain Brandt considered together convince me that a very dangerous cloud hangs ready to burst over this Province—And I am sorry to mention in Confidence to your Excellency that I have not at present the means of discovering with any degree of Certainty in what Tribes of Indians we may place an implicit trust. I have repeatedly written to Mr. McKee the Deputy Superintendent General requesting Intelligence from him of what is doing among the Indians in his Quarter but I have not heard anything material from him Since the Commencement of the present year—

Should the Western Indians be really disposed to make an Irruption on the back Settlements of this Province, considerable mischief may unquestionably be done before I could possibly hear of their attack and there are so few farms occupied between the Don and the Humber in the rear of this Town that the Indians themselves would probably bring me the first news of their approach. I am compelled therefore with concern to declare to your Excellency that I have the most Serious apprehensions for the consequences of a Sudden attack by the Western and Lake Indians. The Indians of the Grand River should prove faithful & Captain Brandt assures me that they are, but he has not a doubt of the hostile disposition of the Cocknawagas and others of the Seven Nations of Canada whom he believes to be strongly in the french Interest.

Thus circumstanced I hold it to be my duty to solicit your Excellency with the utmost Earnestness for a larger regular force to be stationed near the Seat of this Government, if possible before the Spring; that I may be able to push forward Posts to such situations between this Town and Lake Simcoe as the Engineer may judge fittest, with at least one field Piece to each for the purpose of apprizing us in time of an Enemy's approach and giving some check to his advance—I shall in the meantime endeavour so to arrange the few Militia we have here as to cooperate with his Majesty's regular Troops on the shortest Notice, Colonel Shaw (the lieutenant of this County) has had for some months one Hundred Stand of Arms with the adequate proportion of Ammunition & Orders to have a like number of men ballotted for and held in constant Readiness to embody at a moment & march where ordered.—The like orders have been given to all the other lieutenants of Counties for arming & keeping one Hundred Men of each Militia Battalion under their respective Commands in constant Preparation to attend the first Summons; and the arms & Ammunition which your Excellency had the goodness to send me last year has been equally distributed among them for that purpose.

The Militia placed under the orders of Colonels McKee and Baby in the Western District have been greatly reduced in numbers by the Secession of those who have become Subjects of the United States—However from the last Reports of those Gentlemen I value myself on One Hundred & Fifty men from that Quarter in case of Emergency. The Long Point Settlement may turn out one Hundred and Fifty more; and the county of Lincoln about Eight Hundred. The two last are Staunch old Soldiers and may be depended upon—the Midland

& Eastern Districts having in their last Returns reported their Militia to be no more than 2683 Rank & file (tho' I am persuaded one third more ought to be enrolled in those Districts) I cannot State their Strength for the field at more than One thousand Men in Arms but I hope I shall not be disappointed of drawing from thence that number at least without domestic Inconvenience whenever their Services may be wanted.

His Grace the Duke of Portland having informed me that he has transmitted to your Excellency Copies of His Grace's most Secret letter to me of the 7th of June last and of the Papers therein inclosed—I do not trouble your Excellency with other copies of them, And I hope His Graces Injunctions to me & the present alarming appearance of our political Horizon may apologize for my application for a Reinforcement at a time, when I fear your Excellency may judge it right to keep all your Troops for the Security of Lower Canada; I have however in doing so only obeyed the Dictates of my duty & Submit with deference to your Excellency's Superior Wisdom & Information.

I have &c., (Signed) P.R.

His Excellency General Prescott
etc., etc., etc.

Endorsed:—Copy. Mr. President Russell to General Prescott—In President Russell's of the 8th November, No. 2. 1798.
2nd Nov. 1798—

(Q 286-I, p. 35.)

FROM D. W. SMITH TO PETER RUSSELL.

S.G.O. 2nd Novr. 1798—

Sir;

I enclose to your Honour, a Letter of the 17 Ult. which Mr. Welch, one of the Extra Deputy Surveyors, at present in the Long Point Circle, has thought proper to communicate through me, relative to some Spoliations upon a Wreck in that Quarter—

I am Sir, your Honors
most obedt humble Servant

D. W. SMITH

A.S.G.

His Honor
The President
&c. &c. &c.

Endorsed:—2nd November 1798
from the H^e. D. W. Smith inclosing a letter from Mr. Welch—

Addressed:—His Honor the President
&c. &c. &c.
S.G.O.

(Department of Public Records and Archives, Toronto.)

FROM JOHN MCGILL TO JAMES GREEN.

YORK, 2d November 1798.

Sir,

I beg further to state to you for His Excellency's information, that I have entered into engagements for a supply of Eight hundred bushels of Peas at five shillings a Bushel, in Cask, to be deposited in His Majesty's Magazines at Kingston, in January and March—and for seven hundred Bushels of Peas at five shillings a Bushel, in Cask, at Fort George and Fort Erie in May & June next.

It appears from the best information which I have hitherto been able to obtain, to be the opinion of the Farmers & holders of Wheat, that Flour will not be sold under the price of last season, how far this will really be the case, I cannot at present take upon me to say—having but lately issued my advertisements for a supply of Flour and Peas for next year—My utmost exertions shall not, however be wanting to provide the Quantity ordered for supplies upon the most reasonable terms, and against the period specified.

I have the honor to be &c.

JOHN MCGILL

Agent for Purchs.

Major Green
Military Secretary
Quebec.

(C 106.)

FROM JOHN GRAHAM TO JOHN KING.

Private.

Extract from a Letter from
Lt. Col. Graham to Mr. King
dated Novr. 3rd. 1798.

I have read a letter which was intercepted going to an American at *Paris* from a Person in *Vermont*, by which, I find that Major *Lee* (Aide De Camp to Genl. *Clerk*) and Joseph *Keeler* both of the County of Rutland, have gone for Upper Canada, pretending to speculate in Lands—these Persons were sent by the *Democratic Society*, (of which Colonel *Lyon*¹ is the head) and paid by them, to do what they can in the cause of Jacobinism in Upper Canada—Two others were dispatched on the same Principles and Plans to the Islands of *Cape Britain* (to wit) *Levi Richardson* and *John Smith*, where they are now to be found—Major *Lee* and *Keeler* I believe may be found with one *Elijah Phelps* a Jacobin, at the Landing Place near the Falls of Niagara, to aid in a Revolt against the Government of Upper Canada—I believe Governor *Simcoe* will remember *Elijah Phelps*,²

¹Matthew Lyon, (1748-1829), born in Ireland, participated in the war of the American Revolution as an officer in the "Green Mountain Boys," eventually attaining the rank of colonel in the Vermont militia. He was a member of the Legislature of that State for four years and a representative in Congress from 1799 to 1801 and from Kentucky from 1803 to 1811.

²He was engaged in milling and other industries at Queenston and Niagara Falls for many years. His gravestone in the Fonthill cemetery bears the inscription: "In memory of Elijah Phelps, who died March 15th, 1843, aged 103 years."

he is a Farmer from Connecticut—I have only to add (however trifling this may appear) that little things if not cropped in the Bud, often become great.

*Endorsed:—Extract of a letter
from Lieut. Col. Graham
to Mr. King, dated Novr. 3rd., 1798.*

Private.
(Q 285, p. 410.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

No. 43.

UPPER CANADA, YORK 3rd November 1798.

My Lord Duke

I had the Honor on the 26th Ultio, of receiving your Grace's Letter No. 10, and a Duplicate of Mr. King's letter, dated the 10th of March; the original of which has not come to my hands, nor have I yet received your Grace's letter No. 9.

Immediately after receiving your Grace's letter No. 10 I laid it before the Executive Council, and desired the Members to form themselves into a Committee and report to me the Situations which they may judge the most favorable for ordering allotments of Land to Mr. Puisaye and the French Loyalists with him agreeable to the Proportions directed by your Grace's letter; that the necessary previous arrangements may be made for their accomodation with as little delay as possible. And I shall not fail with the assistance of the Council to consider the Situations Terms & Circumstances properest for making a Provision for the other French Emigrants whom your Grace has signified to me it is probable His Majesty's Government may think adviseable to send out to this Province in the Spring; and I lost no time after my receipt of your Grace's letter No. 8 to consult with His Majesty's Executive Council upon the Subject of it; and I have in Consequence of their advice published the Proclamation of which a Copy is inclosed herewith for your Grace's Information. The Secretary has been likewise directed to keep an account of Patents issued from his Office under the new *Regulations by Acres*—And at the end of every half year, after deducting Five pounds eleven Shillings for every thousand Acres granted within that Period subject to full fees, and Two Pounds fifteen Shillings & Six pence on each Thousand Acres Subject to half fees, to pay the Balance remaining to the Receiver General to be applied as may be directed to the public Service of the Province—And the Council being of Opinion that it may create Discontent among former Grantees if those receiving land under the new Regulations should be given larger Portions than what had heretofore been given to Persons of their respective Conditions, it was resolved that no alteration should be made in that respect. But as the Officers fees upon small Grants under 1000 Acres would in many Instances be reduced to less than even the Value of the Paper & Wax of the Patents, it was judged adviseable to charge the full fee of £5.11 on the Patents for each Town Lot, and order the whole of that fee to be distributed among the Officers in the proportion specified in the Table, which we hope may receive your Grace's Approbation—

I transmitted to your Grace in my Letter No. 37, a Copy of the first Report made to me by a Committee of the Executive Council upon General Prescott's Plan for disposing of the Waste Lands of the Crown by Sale. I have now the

Honor of inclosing for your Grace's Information a Copy of its second Report on the same Subject with that of my Answer and the Copy of a letter I have this day written thereon to General Prescott. As soon as we receive the Surveyor General's Report of the Amount remaining of ungranted waste lands, and the Quantity thereof which may be wanted for fulfilling the unsatisfied Engagements of this Government, I shall transmit it to your Grace by the first early Opportunity, that His Majesty's Ministers may judge from it what number of French Emigrants it may be possible to accommodate with land in Upper Canada.

The Return of Executive Councillors required by Mr. Kings letter I have the Honor to inclose to your Grace herewith. And I beg leave to take this Opportunity of stating to your Grace that the distance at which Mr. Grant and Mr. Baby live from the Seat of Government deprives me almost altogether of their Assistance in Council—For Mr. Grants Duty in commanding the Marine on Lake Erie most frequently prevents his Obeying my Summons to Council, and Mr. Baby's domestic avocations do not always admit of his taking so long a Journey which is the more to be regretted as he is a young Gentleman of discretion and a very good Understanding. The Chief Justice & Colo. Shaw are likewise (sometimes tho' not very often) prevented from attending by the periodical Duties of their respective Stations. And indeed it is owing to these untoward circumstances that I have been obliged to delay sending to your Grace the Opinions of the Executive Council and the judges & Law Officers of the Crown in what manner and to what extent a portion of the Crown Lands may be appropriated & Rendered productive towards the formation of a Fund for establishing free Grammar Schools & other Seminaries in the different districts of this Province; and Submitting to your Grace's Consideration another Draft of a Bill for the better ascertaining the appropriation of Lands to be allotted to the use of a Protestant Clergy, which I informed your Grace that I had requested the Chief Justice to draw up. For the approaching Circuits requiring the Chief Justices absence immediately after the last Prorogation of Parliament prevented his preparing the Draft of the Bill at that time, and obliged me of course to break up the Councils before we could possibly take the other Object of your Grace's Commands into our Consideration. I therefore ordered a full Council to be summoned for the first ultimo. But Mr. Grant & Mr. Baby having failed to attend according to order on account of the lateness of the season, nothing has been yet done in either Business—I propose however to proceed immediately with the Councillors, Judges & Law Officers at present here; and I hope to be able very soon to make a Report to your Grace of the result of our Deliberations.

I have the Honor to be &c.

PETER RUSSELL

His Grace the Duke of Portland

Endorsed:—Upper Canada

York 3d November 1798.

Mr. Prest. Russell

No. 43

R./ 15 April 1799

Ansd. 11th June.

Five Inclosures

(Q 286-1, p. 12.)

FROM THE DUKE OF PORTLAND TO PETER RUSSELL.

Draft to
Mr. President Russell
No. 12

WHITEHALL, 5th November 1798.

Sir,

I have laid before the King your Letters numbered from 28 to 34 both inclusive.

I doubt not but in due time an opportunity will arise of purchasing the Lands of the Messassague Indians between the head of Lake Ontario and the Etobicoke, on reasonable Terms:—with this view however you will certainly do well not to shew any degree of eagerness on the subject, but on the contrary to defer bringing it forward, until the Messassagues are impressed with a due sense of the obligations they are under to His Majesty for the Presents they annually receive.

They must be brought to consider themselves in no way entitled to those Presents; that they are indebted for them to His Majesty's spontaneous bounty, and owe them solely to his Paternal regard for their Welfare and Comfort—That it is therefore a Duty incumbent on them to shew their Gratitude to His Majesty for the Benefits they receive from him by promoting to the utmost of their Power, the Interests of His Government in Canada. That it is by such means alone that they can manifest their gratitude and attachment to His Majesty, and secure a regular continuation of the favor and good Offices, which they have never failed to experience—

I herewith transmit for your Information and guidance so much of a letter from me to Governor Prescott, as relates to the removal of Captain Elliott as a Superintendent of Indians in Upper Canada.

His Majesty is so sensible of the distressed situation, to which the Western District of the Province must be reduced by the fire, which destroyed its Jail and Court House, as to command me to authorize you to grant such Degree of relief, in aid of the exertions of that District as you shall judge necessary for rebuilding the same; because it is evident, that, until they are reestablished,, the Magistracy cannot be answerable for the Peace and good order of that Quarter—You will therefore draw upon the Lords Commissioners of the Treasury for this Service, as occasion shall require, but in the exercise of this permission I am confident (from the very just and proper sense you have expressed of the Burthens of this Country) you will exert the utmost possible oeconomy.

The Returns of the Militia of Upper Canada, must be very much below what they ought to be, according to the actual state of Population of the Province—This irregularity as you observe can only arise from the defective state of your Militia Act, and particularly, as I apprehend from the want of such Provisions as are necessary to secure the regular service of a summons on every Individual within the Province liable to serve, and the actual Ballotting for the whole of the proportion, which ought to be furnished by them—

The Plan which was framed by Mr. Smith, the acting Surveyor General, and which has been recommended with some alterations by the Council appears well calculated to secure the Crown and Clergy reserves, and to render them produc-

tive, and to meet, as far as local circumstances will allow, the end and object, for which those Reserves are directed to be made. But I am of opinion that in lieu of a Rent in Money as thereby proposed it will be necessary to substitute a Corn Rent, or in other words a Rent to be regulated by the Price of Corn, as by that measure the actual value of the Rent meant to be reserved, as well at the commencement, as on the Termination of each period mentioned in the lease, will be more correctly ascertained, than it can be by any given denomination in Money, and consequently the most compleat and lasting Justice will be done to all Parties.

I must observe in answer to what you have stated in No. 33, on the subject of a former request made in your Letter of the 18th of April 1797, that Grants of Land to the extent you have suggested should be made to the Members of His Majesty's Executive Council "merely in consequence of their holding their situations at the Board," that notwithstanding, it was not judged expedient to comply with that request on the grounds upon which it was made. His Majesty has taken into His Royal consideration the very heavy expences to which such of His Servants as are more immediately concerned in the Administration of His Government in Upper Canada have been subject by removing the seat of Government to its present situation, and having maturely weighed the injury they must have sustained in their private fortunes by that circumstance over and above the other inconveniences, which they must have been put to by it, a loss it is to be observed, to which their successors cannot be exposed, is graciously pleased to empower you to grant to each of the present Members of the Executive Council, such a quantity of the Waste Lands of the Crown, as, including what has been already granted to each, will only amount to 6000 Acres.

But in carrying into effect this Act of Benevolence on the part of His Majesty, it is His Royal Pleasure, that the grounds on which these grants are made, shall be clearly and distinctly specified and recorded, so as not to be drawn into Precedent in future, or to give any claim whatever to the like indulgence, to the succeeding Members of the Board—

I have had the honor to lay before His Majesty the very loyal and dutiful address of the Legislative Council and Assembly of Upper Canada in Parliament assembled, which you transmitted in your Dispatch No. 34, and have the pleasure to acquaint you, that it was received in the most gracious manner, and that His Majesty was pleased to express his peculiar satisfaction at the attention paid by the Legislature to the future happiness of His faithful subjects in Upper Canada, by the means they are taking to lay the foundation of sound learning and Religious education for the Benefit of the rising Generation.

I am &c.

PORTLAND.

*Endorsed:—Draft to Mr. President Russell
November 1798.*

No. 12

(Q 284, p. 173.)

THE RUSSELL PAPERS

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK 6th November 1798.

Present

His Honor Peter Russell, Esqr. President, &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw

The Hon. John McGill.

His Honor the President informed the Board that he had received instructions from the Duke of Portland to transmit to His Grace by every Packet, a Report of the state of His Majesty's Executive Council for the Province; specifying therein the absent Members—and distinguishing whether upon leave of absence or not, and the time they have been absent on leave—

Ordered, that the Clerk do keep a Book for this special purpose.

The President requests the Executive Council to form itself into a Committee to take into consideration His Grace the Duke of Portland's letter No. 10, and Report to him in what situations it may be properest to allot Lands to Mr. de Puisaye & his followers and also in what situations, in what manner, under what terms and circumstances, and for what number of French Emigrants lands can be allotted, so as to admit of their being occupied by them in the course of the ensuing year—in order that such a degree of preparation may be made for setting them down upon the lands which shall be designed for them—as would render their arrival the least embarrassing to the Province—or should such an event not take place, such as would put Government to the smallest expence possible.

The President directed the Clerk to send the following circular letter to the Hon. Mr. Justice Powell, and Mr. Attorney General—

Council Chamber, 6th Novr. 1798.

Sir/

Having received directions from the Duke of Portland, one of His Majesty's principal Secretaries of State, to consult the Members of His Majesty's Executive Council, and the Judges, and law Officers of the Crown in Upper Canada, and Report to His Grace, in what manner, and to what extent a portion of the waste Lands of the Crown may be appropriated, and rendered productive towards the formation of a Fund for the establishment of free Grammar Schools in those Districts in which they are called for, and in due process of time by establishing other Seminaries of a larger and more comprehensive nature for the promotion of Religious and moral learning, and the study of the Arts and sciences, out of which His Majesty may according to His pleasure allot such salaries as he shall judge proper for the School Masters of such free Schools who are to be appointed by His Majesty's Governor, or the Person administering His Majesty's Government subject to His Majesty's approbation—

I am to request you will be pleased to meet the Chief Justice and the members of His Majesty's Executive Council at the Council Chamber on Friday the ninth Instant for the purpose of taking the above subject into your consideration, and Reporting to me your opinions thereon, that I may transmit them to the Duke of Portland for His Majesty's information—

I have the honor to be &c.

PETER RUSSELL.

Adjourned.

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 70.

UPPER CANADA YORK 7th Novr. 1798.

Sir,

As the money in the Receiver General's Hands appropriated for the Civil Expenditure of this Province is nearly expended, I have the honor to request your Excellency will be pleased to issue your Warrant to the Deputy Pay Master General to pay me Two thousand five hundred Pounds Sterg. dollars at 4/6 for account of that Service and for which I shall be accountable. I beg leave further to request that your Excellency will be pleased to direct the Deputy Pay Master Genl. to retain the whole of this Warrant in his hands for the purpose of answering my Bills for the Amount in such Proportions as I may have occasion to draw for it in the Course of the Winter.

I have the Honor to be &c.

PETER RUSSELL.

His Excellency

Genl. Prescott.

&c., &c., &c.

(C 1206, pp. 322-3.)

MINUTES OF THE EXECUTIVE COUNCIL.

At a Council held at the Presidents 7th Novr. 1798.

Present

His Honor Peter Russell Esqr. President &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw

The Hon. John McGill.

The President informed the Gentlemen of the Executive Council, that as the business he had to communicate to them relative to the Indians—who had been hitherto under the Superintendence and Control of the Officer Commanding His Majesty's Troops in each of the Districts, he had taken the liberty of requesting Lieut. Colonel Shank to assist our deliberations on this occasion.

Colonel Shank having in consequence taken his Seat—the President then read a letter from Capt. Claus, the Deputy Superintendant of Indian Affairs, inclosing a Speech of three Messessague Chiefs lately made at the Head of the Lake, and also a letter from Capt. Joseph Brant—

The letters and Speeches were in the following Terms—

Beach 5th Novr. 1798.

Sir/

The great hurry in getting the presents &c., ready to proceed to this place prevented by Reporting my return to Fort George (which was on the 26th Ultimo) to your Honor sooner.

I arrived here on the 3rd Instant, and was surprised to find the Messessagues assembled at this place, I informed them that the presents had been sent to York in one of His Majesty's Vessels five days ago; they told me they had something to say, but I declined hearing them & told them so, not conceiving that I ought to intermeddle in their affairs, as they have an Agent to whom they

are to apply for redress; but they persisted in my listening to them what they had to say, which I was obliged to comply with—They dwelt greatly upon what Mr. Givens had told them respecting the Canadian Indians, and six Nations, and the ill treatment one of their Nation received from Mr. Givens at the Credit—The Chief that spoke is from the River La Trenche—I shall not trouble your Honor with their speech, as their complaining of Mr. Givens is I am persuaded in consequence of some evil minded people, that intermeddle too much in Indian Affairs. I told them so, and that I did not believe it came from themselves—they then complained of the hardship of having the presents delivered at the Credit when there were not more than three families there, and that numbers had to come from River la Trenche, and Grand River, they desired I would forward the inclosed strings of Wampum to your Honor, to draw the Presents here, and if it was not strong enough, that they would add to them, as they cannot go to the Credit for want of Canoes and shoes, and that many of their people were laying ill here.

I humbly conceive if your Honor thought proper to order Mr. Givens here with their presents, and word to come from yourself that what they have heard is nothing but the idle Reports of bad people—that their minds would be easy.

I took upon myself to say that you, Sir, had thought the Credit the most convenient place for them, and for that and no other reason, had directed that the presents should be delivered to them there, but when it was known to be otherwise, I supposed your Honor would comply with their wishes, and have the goods delivered to them here.

I understand that there has been meetings between the Messessagues and Capt. Brant during the time I was absent—I shall procure what passed at those meetings and forward them to you, Sir, by the earliest opportunity.

I have the honor to be &c.

WILLM. CLAUS. S.I.A.

His Honor

The President.

P.S. Altho' it was not my intention to have troubled your Honor with the Speeches of these people, yet I am obliged to do it, as they have sent to me to know if they are ready to go, as their young man is waiting—

I therefore inclose them with the Wampum given with them—which your Honor will please return, sending as much more as will replace it—Should there not be Wampum sufficient in Store, I will endeavour to procure some here from the Grand River people.

Copy of a speech delivered by the Messessagues to Capt. Claus Superintendent at the Head of the Lake, where they had formerly received their Presents, along with the five Nations from the Grand River—

Present

Lieut. Forbes, Royal Artillery
 Ensign Bordwine, Royal Canadian Volunteers
 Doctor Kerr, Indian Department
 Mr. Chew, Indian Department
 Mr. J. B. Rousseaux, Indian Department
 Mr. Norton, Indian Department

Muscoming in place of Polagawa, a Chief from between the Grand River and the River La Trenché spoke first as follows—after the usual compliments of congratulating on meeting having passed, and after he had given the reason why the above named Chief did not attend spoke as follows—Vizt.—

Father, we have now come a long Road that was formerly made for us, to the place where we were accustomed to meet our Father; Colonel Butler when alive made this Road for us, and told us that so long as we remained of the same heart, that Government would never make any deviation, and that when he should leave us, there would be another Father appointed to take of us, as he had formerly done, we have found this to be so since his decease, we have found you to be appointed in his place, and we were pleased to find we were not forgotten—but we cannot comprehend why this new Road should be made for us now, this is the place where we have been accustomed to meet our Father, we cannot imagine for what reason this separation has been made, the greatest part of our Nation is hereabout, and to the Eastward of this, there is but very few at the River Credit, on that account we cannot think it has been done for our convenience.

Father, you see now your Children before you—they have come a great way to see you, and now have the satisfaction to meet you here, we hope therefore you will give us clothing to cover ourselves for we are cold and naked, we have been a long time waiting for you.

Eight strings of Black and white Wampum.

Capt. Claus answered them, that Government had been pleased to appoint Mr. Givens to take care of them, and on that account he had already got the Goods intended for them from Niagara, and that he would meet them at the River of Credit for the purpose of delivering it to them—that all the Goods he had was for their brethren the five Nations; and that he advised them to repair to the place mentioned for their presents, and that Mr. Givens who had now the care of them was the fittest person for them to represent to, the inconvenience they were put to by this new arrangement, at the same time he could assure them that the motives which might induce Government to make this alteration could only be their considering it to be for the benefit of their Children—

Father, we have now heard your words, and receive them well, but we have to tell you furthermore, that Mr. Givens has never been announced to us as our Father, you was and no other—we know no more of him than by report, and himself telling us he was to have the care of us.

Father, we now give you these Strings as a Rope to pull Mr. Givens here, you will not send it to him, but to the Great man at York, and let him know that we cannot go to the place they appoint, and that we wish he would send Mr. Givens to us, for we wish to see him here, and get the Goods intended for us in the place we were accustomed to get them—as we have always found our Fathers ready to oblige us—we hope that our present Father will be so good as to do us this favor by sending us Mr. Givens, and the Goods—

Now, Father, we speak to you on this business, and request you to assist us in it, and expect you will do it as we depend upon you—

Wabanose then got up with some strings of black Wampum, and spoke thus—

Father, as I was coming down from the rapid on the River of Credit, I saw Mr. Givens on shore who beckoned to me to come, when I went there, he told

me he had two pistols, and desired me to stand off or he would shoot; and several other things passed which we have already told Capt. Brant, and it is written so that the women and children were frightened, ran away, and left me that every one don't wish to go nigh him, for we are afraid least disagreeable things might some times arise from such behaviour.

Four Strings of black wampum.

To this Capt. Claus immediately answered, and said that if he did so, he could not mean any harm, it being so contrary to the laws of the white people, as well as the instructions of the King their Father, for should any one go so far as to kill a man in such a manner, it would only be bringing a shameful and untimely death upon himself—But this business has already been made known to your Father at York, who spoke to Mr. Givens about it, and he denies having said or done anything of the kind; I therefore cannot but believe that you have been urged to say what you have now spoke, and that it does not come from yourselves—

Then Queneponen got up with some strings of Wampum and said what this man has been saying I confirm—this is the first I have heard of Mr. Givens's appointment in a public manner, but since he told us himself that he was appointed to take care of us, he has treated us with so much contempt, and so haughtily, calling us despicable names—and the whole of his behaviour towards us has not been such as Children should expect from a Father; therefore we cannot agree to go there, and wish you to acquaint the Great Man the President of it, and send these strings—Besides our numbers are much greater than those of the River Credit, we are 116 men, 125 women, 89 children; forty of this number have come from the River la Trenche—

Three strings of white Wampum.

Capt. Claus replied to this, that he thought the only reason for the new appointment was that Government looked upon it to be for their good, as Mr. Givens was a Gentleman fond of them, and acquainted with their Language, manners, and customs; that it was to him they should make any application, for as for himself he could do nothing in it—

Queneponen again said—Father, when you succeeded Colonel Butler, you told us you took us under your wing, and used us according to Custom—but now you shake us off;—and the person who you now tell us is to take care of us, will not receive us properly under his wing as we have already said—To whom then can we apply, you will not assist us, nor he won't—We therefore again request you will forward what we have now said to the Great Man our Father at York—We cannot conceive how it can be for our good to have to go such a distance with our Women and Children who are sickly at this season—and another thing we have taken our Brothers the five Nations by the hand—and we wish to hold them fast, and not be separated from them—

Three strings of white Wampum.

To this Capt. Claus answered—that he could not help being surprised at what they said—he could not see what had been done to induce them to think that Mr. Givens or any one else wished to injure them—unless it was those people who ran about telling them idle stories—he told them they were bad people that put it into their ears; those stories ought to go in at one ear and out at the other—

A Copy of a letter from Capt. Joseph Brant to His Honor the President dated Government House, 5th November 1798.

Sir,

I take the liberty to acquaint your Honor it is now two days since Capt. Claus has been here—the greatest part of the Messessagues are now assembled—yesterday they had a Council, and several of them have spoke to Capt. Claus in public in much the same manner as they had done to us the Five Nations, which I suppose Capt. Claus will transmit to your Honor—

I am sorry to say it is yet the same business that was occasioned by our meeting last Spring at the Grand River, it having caused Mr. Givens to hold out the language he did last summer to the Messessagues—but what particularly offends them is what he lately did at the River of Credit, and since still adding to it by calling them liars to clear himself—this and his other behaviour towards them makes them afraid to have anything more to say to him—as they are apprehensive it might occasion disagreeable things—however this I think might be removed, and they might be reconciled again—

The chief difficulty is, the River of Credit being appointed for them to receive their presents at, instead of this place, where they formerly used to get them along with the Five Nations, it is taking them so far which is troublesome, for their numbers hereabout, and to the Westward of this is much greater than about the River of Credit, which is very few, and it appears to me it can make no material difference to Government—besides what makes them get more uneasy, is that they think it done with an intent to disunite us in consequence of what happened last Spring—

I therefore request of your Honor in behalf of the Five Nations that you will take into consideration the uneasiness of these people, and do your endeavour to remove them by sending the presents here or to the Out-let—and I hope we the Five Nations, and the Messessagues may then have an end to discontent and uneasiness—

I must beg leave to acquaint your Honor that I felt myself disappointed the last time I was at York, which was greatly occasioned by your expressing in your letter that you had a desire to discourse with me on the affairs which occurred during last summer—I am very sorry that your dinner and the multiplicity of other business you then had on hand prevented us having the conversation I expected—

The Summer before last when we had a Council at Niagara, your Honor then acquainted us that you was appointed to have the full direction of Indian Affairs, and that you was as it were King in this Province, and then you was so good as to tell us, that whatever application you wished to make to Government, you could give us satisfaction on that respect, without our sending any farther—I therefore now make bold to apply to your Honor concerning our Church which last Summer got hurt by the lightning, and besides on account of the foundation not being well laid, it wants some repairs, which I request your Honor will endeavour to get done for us at the expence of Government—

I have the Honor to be &c.

JOS. BRANT.

His Honor
The President

His Honor then requested that the Board would take the letters, and Speeches into their consideration, and withdrew.

The Board after deliberation came to the unanimous Resolution of Recommending to His Honor, that the presents intended to be distributed at the River of Credit be for this time distributed at the Head of the Lake—But that Lieut. Givens be charged with the distribution of them, and that he be directed to inform those for whom they are intended, that on account of the illness of some of them, and the lateness of the season, they have been indulged in their request, but that it is His Majesty's pleasure that hereafter the distribution be made at the River of Credit, and that it will always be made there in future, unless when some unforeseen circumstances render it necessary or convenient to make it elsewhere: That His Honor do also strongly intimate to the Indians his apprehensions that their feelings have been played upon by ill disposed persons, and caution them against listening to any representations or suggestions that may have a tendency to persuade them that His Majesty either has on this, or will on any other occasion lose sight of their comfort and welfare, in whatever changes he may in His Royal wisdom think fit to make in the system adopted with respect to them: and finally that Mr. Givens be announced to them as the person charged with the care of their affairs, and he be directed to adopt the language and conduct most calculated to conciliate their personal good will and to efface the impression which it would seem that pains have been taken to make to his prejudice.

J. ELMSLEY C. J.

Confirmed in Council

PETER RUSSELL

Adjourned

FROM ROBERT PRESCOTT TO PETER RUSSELL.

No. 42.

QUEBEC, 8th November 1798.

Mr. President Russell.

Sir,

I have the honor to acknowledge the receipt of your letters numbered 63, 64, 65, 66 and 67.

The circumstance of having a communication through the British Territory by the Falls of St. Mary's appears to be a desirable one—The proposed Purchase on the part of *Government* from the Indians, if it can be made at so very cheap a rate as you mention in your letter No. 63, without the interference of Brant or any other Person would seem advisable. But it may not be improbable that the grant prayed for by the North West Company may be intended more for the Purpose of securing a Monopoly to themselves, than for the general good: on this account it might perhaps be more prudent and advisable to submit the whole to the consideration of His Majesty's Ministers before anything be done therein; particularly as others of His Majesty's subjects are said to be making arrangements for employing considerable capitals in that Trade, who may not improbably have submitted additional Information on the subject to His Majesty's Ministers.

I am sorry you have had the trouble of sending a Copy of your letter No. 57, which by accident was mislaid among a number of Papers.

The kind manner in which Captain Brant received Mr. Givens' visit and your friendly letter to him of which I have a Copy in No. 66 gives me the greatest pleasure; I trust there will be no ground for future contention, which on our part we cannot be too cautious in guarding against, under the present circumstances of the times.

I have had no other reports respecting the designs and present disposition of the neighboring Indians than what have been transmitted to you from time to time. should I receive any you may depend on having the speediest communication in my power.

I have given directions to the Officer in Command at Fort George to send the Detachments belonging to the Queen's Rangers, at Forts Erie and Chippawa, to join their Corps at York, as early in the Spring as possible.

Lieutenant Paxton being employed on Lake Ontario in one of the King's Schooners, renders his acceptance of the Command of the Armed Vessel now building at York for the service of the Civil Government of Upper Canada impossible. I must here request that in fixing and regulating the Establishment of the Officers and Seamen for this Vessel, care may be had that their Pay and Emoluments may not exceed, what the other officers and Seamen employed in the King's Service on the Lakes receive, for reasons that must be sufficiently obvious.

I have directed the Commissary General to authorise the Commissary at York to issue on your demand from time to time the quantity of Provisions which may be occasionally wanted for Victualling the complement of men employed on board this Vessel, the accounts of which to be made up as soon after the 24th of June of each year as possible, that the account of the cost of the same may be carried to the Credit of the Crown, in the accounts ending at that period.

I observe with much satisfaction the directions you have given to the Deputy Superintendent General, for an Explanation on the Irregularities in the Indian Department, suggested by Captain McLean, I assure you no set of people require to be more looked after; I enclose for your Information the Copy of a Return of the Provisions and Rum issued to the Indians at Amherstburg for the last two years, ending 24th June 1798, by which you will observe a difference of no less a quantity than 21,642 Rations, 1101.6 Gallons Rum, and 7238 Bushels Indian Corn, between the Issues of the former year and the last Twelve months, principally owing, as Captain McLean states, to a stop being put to what was called *Casual and Incidental Issues*, which saving at the Quebec prices amounts to a Sum exceeding £3000 Halifax Currency, exclusive of the Expence of Transport from Quebec to Amherstburg.

I am glad to find that you have received the last sum of £2500 in Specie, remitted from hence late in August; the delay of Transporting the same from Kingston, I understand, was owing chiefly to the Inability of that Garrison from Sickness to furnish the necessary escort.

I am, &c.,

ROBT. PRESCOTT.

FROM ROBERT PRESCOTT TO JOSEPH de PUISAYE.

Le Comte de Puisaye.

QUEBEC, 8th November, 1798.

Sir,

I had the honor to receive your letter of the 18th October which I should have replied to immediately, had your departure from Montreal been deferred a few days longer.

I received yesterday with much satisfaction your letter from Kingston of the 31st Ult., by which I find you have reached that place with as little inconvenience to yourself and the Ladies, as could reasonably be expected, considering the lateness of the Season, and I hope you will by this have made your final arrangements with Mr. President Russell for the completion of your original Plan, in a manner satisfactory to yourself and the Gentlemen of your Suite.

I am happy to inform you that the last Post brought Official Dispatches from Ireland announcing the Total Capture of the Debarkation of the French force lately landed at Sligo under Command of Humbert, General in Chief, together with the whole of their Artillery, Ammunition, and some few of the deluded Peasantry who had joined them; they were surrounded by the Corps under Lieut. General Lake, and surrendered at discretion.

Your letters under cover of the 18th October were sent to London by the Andromeda Frigate, Captain Taylor—and the letter for Mr. Modford of yesterday's date. will go by Halifax on the 14th Instant.

I am &c.,

ROBT. PRESCOTT.

(C 1207, pp. 207-8.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

No. 44.

UPPER CANADA, YORK November 8th, 1798.

My Lord Duke

Since the letter I had the Honor of writing to your Grace on the 8th Ultimo (No. 42) Captain Joseph Brant has paid me a visit & dined with me. And I was extremely happy to observe in the Course of my conversation with him that his Professions of Respect & Attachment to the Kings Person & Government were strong & apparently unfeigned—But the Tenor of his Discourse confirmed me in the Suspicion I had long formed that his Ambition leads him to wish to be at the Head of all the Indian Tribes within this Province, and to be considered their Chief as much as he is Chief of the five Nations. For this purpose I think it is plain that he is endeavouring to form a strong Union of Interests between the five Nations, the Messassagues, and those Branches of the Chippewa Nation who are dispersed over the Tract of Country lying between this Town & Matichish on Lake Huron.

To obviate such an Event I had agreeable to the line of Policy recommended to me by your Grace taken the Missassague Tribe from under the Superintendency of Captain Claus of the Niagara District and placed it under Mr. Givens the Agent at York; with Directions that its Council Fire should be renewed at the River of Credit, where I caused a Small House to be built for the accomodation of Travellers and the Distribution of its annual Presents. This has mani-

festly hurt Captain Brant as it disappoints his views. And as it likewise interferes with the Interests of the Interpreter Mr. St. John and some Traders who live at the Head of the Lake (where Captain Claus has constantly delivered the annual Presents to the Missassagues, as well as to the five Nations) every Engine is set to work to excite a Dislike in the Missassagues not only of this Arrangement, but also of their Agent Mr. Givens, who from his Speaking the Language & being frequently with them may have it in his Power to discover their Intrigues and probable Misrepresentations of the Speeches which pass between that Nation and this Government. I should however have disregarded these little acts and adhered steadily to my Plan; if the present important Crisis did not oblige me to temporize and keep in Temper all the Indians from whom I have any right to expect Assistance should we be attacked from the Westward, as I have reason from the inclosed Intelligence to expect may be the case, if the War should continue & the French can effect a landing in force in the River St. Lawrence.

This Consideration has induced me to solicit some additional regular Force from General Prescott, to whom I have stated my apprehensions & internal Strength in a letter which I forward by this Opportunity, & of which I have the Honor to enclose a Copy for your Grace's Information.

I have the Honor to be, &c.,

PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada

York 8th Novr. 1798.

Mr. President Russell

No. 44.

R./ 15th April 1799

Ansd. 11th June.

Two Inclosures

(Q 286-I, p. 30.)

FROM ROBERT RANDALL TO PETER RUSSELL.

YORK, Nov. 12th 1798.

Honorable Peter Russell Esqr.

President of the Province of Upper Canada &c., &c. In Council—The petition of Robert Randall humbly prays your honors to grant him the privilege of erecting and establish—at or near the Waters of River Niagara in the Province aforesaid Your Petitioner further prays your Honors to grant or lease for Nine hundred and Ninety nine Years a certain slip of land reserved for the use of Government lying and running with the waters of Niagara river from the mouth of Chippaway Creek until it intersects the South end of a certain line of a slip of land granted or leased to John McGill & Benjamin Canby Esqrs. and also from the South end of the East line of said Reserve to the waters edge of Niagara River and from then Five Chains length into the mouth of Chippaway, from thence running a line down the river parallel with the banks the line to intersect the East side of South part of a small Island or Islands opposite said Mills formerly belonging to McGill & Canby as afd. together with all water and water

courses touching and including said banks wherever it may not interfere with the Grant or Lease made to said McGill & Canby. Also your Petitioner prays a Lease for the aforesaid term of time of the One or otherwise three small islands lying and being in the River Niagara, opposite the Mills aforesaid, and from the West side of the said Island or Islands to the banks of the said river including all the banks or Government reserve, not interfering with the Lease afd., until it strikes a broken old black oak tree, being and standing on the bank of the said river, a point opposite the North end of the said Island or Islands, and from the said tree to the end of the said Island allowing one chain in the water from said point of Island together with all waters, water courses, or bed of said river lying and being betwixt said Island or Islands and banks of said river, and two chains length from the East side of said Islands into the main body of Niagara, and further your petitioner prays the privilege of raising, Carting and working any Iron ore reserved by His Majesty where your petitioner may find the same most convenient, and should a body of Iron Ore be found on any of the Lots reserved for the use of Government lying or being in the Neighbourhood of the Chippaway waters or waters running into Chippaway, the privilege of locating the same or a lease for and during the term aforesaid, or if mountain or stone Ore should be found on any Lots reserved for Government use lying within a distance to admit of being brought advantageous to the works, then in that case the privilege of raising elsewhere to be extinct—Also your petitioner prays your honors to grant or Lease as afd, a body of land where it may be located most convenient, tho' the unlocated land may be too remote to be convenient to supply the works with wood for Coals. Your petitioner will in his opinion be able by allowing a difference in exchange to procure land lying in bodys convenient for his use. As a consumption of fifteen thousand Cords of wood yearly will lay works liable to be much imposed on, should the consumption of Coals depend on the neighbouring plantation—further your petitioner humbly prays Your Honors may in your wise Counsel consider the propriety of your petitioner praying the exclusive privilege of erecting and establishing Works for the manufacturing of Cast and wrought Iron in the Province of Upper Canada, and prays the same to be granted for and during the term of Twelve years from the date of the privilege so granted, as one set of Works will be competent to supply the Province with all Cast and Wrought Iron for a length of time, the privilege to lay open for other establishments, it will fall heavy on the first undertaker, the first that undertakes the establishment will find it Arduous and the expence vastly great. Your Honors are knowing how difficult it will be to get Labourers, and the price of hire enormous in the highest degree, Provisions scarce and vastly high, materials and utensils for the business difficult to be got, as they must be brought a great distance, and that at a great expense, yet the task must fall on some one, for so fertile and fine a Country as this is makes it much to be pityed, an establishment for manufacturing Iron was not already made, as a Supply of the Article of Pot Ash Kettles may be justly said to be a fund for every Settler as well those Gent. holding bodyes of land to pay for clearing and making complete farms, and may it please Your Honors as quick as the first establishment has waded through every difficulty, and gets into blast, that Moment Materials are furnished for any person to erect works at the fourth part of the expense, as the first establishment brings mechanics and labourers, as well the farming interest

augmented to supply provisions much reasonably. However Your Honors' petitioner is happy to submit the consideration of the whole to Your wise Counsel, and being fully convinced your honors will strengthen and encourage so desirable undertaking to any person who is willing to Come forward in so arduous a task, And with pleasure wait the result of your wise decision—

Your petitioner in duty in duty (sic)
bound will ever pray.

ROBERT RANDALL.¹

*Endorsed:—Robert Randall
for an Iron Manufacture
Rec'd Novr. 12—98
Read same day*

Recomm'd that a Survey on a large Scale be made of the Shore of the River Niagara, from Table Rock to Chippawa Bridge with such sketches of the Islands by intersections as can be had. The further Consideration of the Petition postponed till the Survey is made.

J.E.

Confirmed
P.R.

(Land Petitions Upper Canada R. 1798.)

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK 12 November 1798.

Present

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw

The Hon. John McGill

The Hon. David William Smith Speaker of the lower House.

The Chief Justice ordered the following letter to be entered.

YORK 12th November 1798.

Sir/

I have the honor to receive your letter of Saturday desiring to know whether the Members of the Committee on His Grace the Duke of Portland's letter on the subject of schools are to Report their opinions separately, or whether the Chairman is to Report the plan agreed upon by them all—In answer to which I can only have the honour to say, that in my opinion a Report from the Chairman

¹Robert Randall (1768-1834) had lately migrated from the United States into Canada. In December, 1795, he had been placed under arrest in Philadelphia, on a charge of attempting to bribe members of Congress to support the claims of himself and associates to the possession of a large tract of land in Michigan. He was elected member of the Legislative Assembly of Upper Canada for the fourth riding of the county of Lincoln at the general election in 1820 and re-elected in 1824, 1828, and 1830. His gravestone in the Drummond Hill cemetery bears the following singular inscription:

"In memory of Robert Randall, Esq., M.P.P., the victim of Colonial Misrule, who died May 2nd, 1834, aged 66 years."

The petition printed above is entirely in Randall's own handwriting.

of the plan unanimously agreed upon would be less troublesome both to the Committee and His Grace, and would probably throw equal if not more light upon the subject, than the opinions of the Members stated separately, I shall therefore only request a General Report signed by the Chairman, however I do not mean by this to preclude any of the Gentlemen from favoring me with their own sentiments, in addition to the general advice, as I believe it is the desire of His Majesty's Ministers to obtain all the information possible on a subject of so much importance to the future welfare of this Province.

I have the honor to be &c.

PETER RUSSELL.

The Hon. John Elmsley
Chief Justice.

Adjourned.

FROM JOHN KING TO J. G. SIMCOE.

WHITEHALL, Novr. 13th 1798.

Dear General

I hope in a very few days to be able to inform you of the period up to which you will receive your half Salary as Governor of St. Domingo, and whether it can be extended beyond that mentioned to you in my Letter of the 19th March last.

On the subject of the Upper Canada Fees, I must candidly state to you, that I think you draw a Conclusion, that cannot in fairness be warranted by anything that the Duke of Portland or I from His Grace have said upon it—the Duke of Portland thought and thinks it still I am sure a hard case, that those Fees should have fallen so much below the Amount you state them to have been given in at to you—His Grace would therefore be glad if any proper and practical way of reimbursing you could be hit upon—but in so doing I think you go much too far in claiming it as a *right* to have the Deficiency you mention made good—To establish such a Claim as a matter of *right* it would be necessary that His Majesty's Government should have undertaken to make fees equal if necessary to the amount you mention—I do not say but that you were deceived in the Amount, so of course was Nepean in his estimation of the Amount of those Fees—but such things often unavoidably occur without of themselves giving any actual right or title to receive the Deficiency by some other means, or through some other Channel—

Whatever are the respective Rights of yourself and Russell to the Upper Canada Fees, it is not in the Duke of Portland's Power, certainly not in his Inclination to alter them—

My Letter to you of the 19th March clearly shews the Duke of Portlands Ideas on the Subject, namely to hear what in construction of Law would be considered as the respective Rights of Russell and yourself to the Fees in question with a view to facilitate the Perception of what should be deemed your share of them.

But I believe His Grace never pledged himself nor until now did I know or think you had ever considered his Grace as at all pledging himself to make the Amount of Your Upper Canada Fees equal to £500 a Year from the time of your being Lieut. Governor of Upper Canada.

I have been thus explicit on the subject because I think you have not sufficiently adverted to the necessary grounds upon which His Grace must proceed in a matter of this sort whatever his wishes to see your services properly recompensed may be—

I remain &c.

J. KING.

P.S. Since writing the above I have seen Nepean, he has no doubt he says of his having told you that the amount of the Fees would be £500 per annum but he is certain he never could have given you to understand that Government would warrant that amount, and make good any Deficiency—If this were the case I am sure the Duke of Portland would have viewed the question in the Light you do as a matter of right, not merely as a hardship, which nevertheless I am sure His Grace feels it to be.

*Endorsed/—Copy of a letter from Mr. King
to Genl. Simcoe dated Whitehall
13th Novr 1798.*

(Simcoe Correspondence, Miscellaneous.)

PROCLAMATION REVOKING PROCLAMATION OF 5th SEPTEMBER, 1792.

WHEREAS by a proclamation issued under and by virtue of an act of the parliament of this province, passed in the thirty-seventh year of His Majesty's reign, entitled "An Act for making temporary provision for the regulation of trade between this Province and the United States of America, by land or inland navigation," it was ordered, that the operation of certain ordinances in the said proclamation specified, should be suspended, and whereas it has been found expedient that the provisions of the said ordinances, except as hereafter excepted, should be continued until some further and other arrangements relative to the commercial intercourse between the United States of America and this province can be adjusted, NOW THEREFORE KNOW YE, that I have thought fit, by and with the advice and consent of the Executive Council to revoke and annul, and do hereby revoke and annul the said proclamation bearing date the twentieth day of September (sic) last, except as herein after mentioned; and I do also by and with the advice and consent of His Majesty's Executive Council, hereby further order and declare, that so much only of the ordinance passed in the twenty-eighth year of His Majesty's reign, as relates to the REGISTER, shall be, and is hereby suspended.

GIVEN under my hand and seal at arms, this sixteenth day of November in the year of our Lord, one thousand seven hundred and ninety-eight, and in the thirty-eighth year of His Majesty's reign, at York, in the province of Upper Canada.

PETER RUSSELL.
President, &c., &c., &c.

By command of His Honor,
John Small, C.E.C.

(Cf. Fourth Report of Ontario Bureau of Archives, p. 192.)

FROM ROBERT HAMILTON TO PETER RUSSELL.

Sir

I had the honor only yesterday to Receive your Circular letter of 7th Inst.

I instantly dispatched directions to the Officers commanding the four Battalions of Militia in this County to hold the detachment formerly selected as per Return of September 5th 1797 in Readiness for Actual Service, And I trust that in the course of the present Week these Four hundred Men as well as a detachment of Eighty Men from the Corps of Artillery will be armed and as far as Circumstances will Admit fitt for duty.

Nothing on my part shall be wanting to induce the Officers in General and those in particular who shall be in this detachment to exert their best endeavours to put the Men into that State of Discipline and forwardness as may render their Service usefull when it may be required—

I have the honor to be with Sincere Respect

Your Honor's

Most^d Obedient

& very humble Servant

R. HAMILTON.

The Honorable

Peter Russell

President of the Province of

Upper Canada

QUEENSTON 18th Nov. 1798.

(Department of Public Records and Archives, Toronto.)

PROCLAMATION OFFERING A REWARD.

WHEREAS it appears by certain information, that a large quantity of HAY, the property of the Hon. ROBERT HAMILTON, of Queenston, was lately destroyed by FIRE, and that since, on the night of the IXth inst., another considerable stock was, by the same means, also destroyed, and that there is great reason to believe that the same have been wantonly and maliciously set on fire. NOW, for the better detecting of the person or persons who may have been guilty of this most base and felonious act, so that he or they may be brought to justice, I do by these presents, with the advice of His Majesty's Executive Council offer a reward of

One Hundred Guineas

to any person or persons, who will give information of those who have perpetrated either of the above offences, upon conviction of any of them. And I do hereby further offer His Majesty's most gracious PARDON to any of the offenders (other than the principal concerned in the above diabolical transactions) upon the conviction of any person or persons of whom he shall give information.

GIVEN under my hand and seal at arms, this twenty-first day of November, in the year of our Lord one thousand seven hundred and ninety-eight, in the thirty-ninth year of His Majesty's reign, at York in the said Province.

PETER RUSSELL, President.

By order of the President

ALEX. BURNS, Sec'y.

(Cf. Fourth Report of the Ontario Bureau of Archives, p. 195.)

FROM J. KING TO PETER RUSSELL.

Circular

WHITEHALL, 22d November, 1798.

Sir,

Inclosed I transmit you, by the Duke of Portland's direction, printed copies of the most gracious Speech, with which His Majesty opened the Session of Parliament on Tuesday the 20th Inst., and of the Addresses of both Houses to his Majesty thereupon.

I have the honor to be

Sir

Your most obedient

humble Servant

J. KING.

Mr. President Russell

&c. &c. &c.

Endorsed:—Circular

22nd. November 1798

Mr. King under Secy. with the King's Speech

Received:—19th June 1799

(Department of Public Records and Archives, Toronto, Ontario.)

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 71.

UPPER CANADA, YORK 20 NOV. 1798.

Sir,

I have the honor to inform your Excellency that the Count de Puisaye and Mr. D'Allegre arrived here from Kingston on the 18th instant with Letters to me from the Duke of Portland and the Secretary at War, by which I am informed that it is the intention of His Majesty's Ministers to Establish Mr. De Puisaye, and the Officers and Men who served with him on the Coast of France in 1795 on locations of Land in this Province in the same proportions and on the same terms and conditions as the Loyalist Troops disbanded in 1783, and in Which I presume are included Rations out of His Majesty's Stores tho' they are not mentioned in His Grace's letter to me. I therefore take the liberty of inclosing to your Excellency a Copy of the list given to me by Mr. de Puisaye consisting of thirty-eight persons and requesting to know whether the Rations are to be issued on my Certificates and how long they are to be continued.

I have the honor to be &c.,

PETER RUSSELL.

His Excellency Genl. Prescott, &c., &c., &c.

(C 1206, pp. 323-4.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

No. 45.

UPPER CANADA, YORK, 21st November 1798.

My Lord Duke.

1798

I have the Honor to inform your Grace that the Count de Puisaye arrived here on the 18th instant, and delivered

Circular 23rd April to me your Grace's and Mr. King's letters as stated in
Do. 26th May the Margin to which I shall pay all due Obedience—

From Mr. King The very high Character given to me by Mr. Wind-
31st July. ham of Mr. de Puisayes Principles Integrity & Honor encourages me to place a Degree of Confidence in him which I should have been cautious of reposing at this important Crisis in any other Frenchman not so well recommended. Therefore, as the vacant land between this Town and Lake Simcoe offers a Situation which is equally distant from the French Settlements in lower Canada, and on the Detroit River, I have chosen it, with Mr. de Puisaye's approbation for the Establishment of this Colony of French Royalists—because its Proximity to the Seat of Government will not only facilitate the Conveyance to them of any assistance they may occasionally want, but subject all their movements to the immediate Inspection & Comptrol of the Administration—And indeed their numbers may moreover contribute to fill up an uninhabited space, thro' which an Indian Enemy may at present advance to the Destruction of this Town before we can possibly receive sufficient warning of their approach—I have for this purpose directed the Surveyor General to lay off four Townships immediately to the Northward of Markham, Pickering & Whitby, and Mr. de Puisaye proposes to accompany the Deputy Surveyor himself that he may have an opportunity of exploring the Country.

To preserve as nearly as possible their former Subordination, it is my Intention to form these Royalists into a Corps of Militia as soon as it can be done with Propriety, and by placing Mr. de Puisaye at their Head with permission to name the Officers, & putting him into the Commission of the Peace, give him the Civil & Military Direction of the Colony—This Gentleman appears to be fully sensible how much I depend upon the Prudence and Fidelity of his Conduct in this Situation and he assures me in consequence that he shall not admit a Frenchman into the Establishment under his charge whose Principles he is not perfectly acquainted with.

I have the Honor to inclose for your Grace's Information the Copy of a List which Mr. de Puisaye has given me of the Persons who have accompanied him to this Province with a Specification of their respective Ranks; and I beg leave to solicit your Grace's Pleasure respecting their being supplied with Provisions out of His Majesty's Stores. For not having received any Intimation thereof from the Commander in Chief, I am at a loss to know how far I am at liberty to sanction the delivery of Rations to them, which Mr. de Puisaye informs me they had been encouraged to expect, as was heretofore done to the Loyalists who brought orders from administration to be settled in this Province—I request My Lord, likewise to be instructed before Patents are issued for the lands to be granted to the persons composing this new Establishment, whether the half Fee (three pence per Acre) is to be charged to the respective Grantees, as directed by the new Regulations; or whether they are to receive their lands gratis, and the half Fees to the Officers (two Pounds fifteen Shillings & Sixpence on each thousand Acres granted) to be paid by Warrant on the Receiver General as formerly.

The Acting Surveyor General not having been yet able to complete his Report of the Quantity of waste land which may remain to be disposed of after providing for the previous Engagements of Government, I must defer a little longer the transmitting to your Grace our joint Opinions upon the numbers of French Royalists who can be provided with Lands in this Province, & upon Situations most proper to place them in—But I shall take care to execute the Report with my utmost diligence—

I have now only to assure your Grace that I shall with pleasure pay every attention to your Grace's Commands, and do all in my power to promote the Views of His Majesty's Ministers on this Occasion.

I have the Honor to be, &c.,
PETER RUSSELL.

His Grace the Duke of Portland, &c., &c., &c.

Endorsed:—Upper Canada

York 21st November 1798

Mr. President Russell

No. 45.

R./ 15 April 1799

Ans'd. 11 June

One Inclosure.

(Q 286-1, p. 39.)

FROM JOSEPH DE PUISAYE TO PETER RUSSELL

NOTE:

La redaction officielle dont j'ai été honoré par le Gouvernement Britannique aupres du Gouvernement de la Province du haut Canada, et la Communication a laquelle j'ai été autorisé avec Monsieur Le President pour lui soumettre mes idées relatives a l'établissement projeté d'un grand nombre de mes compatriotes dans cette province devenant *officielle* elle meme par cette recommandation. Je supplie le gouvernement du haut Canada de vouloir bien examiner dans sa Sagesse s'il n'y a pas lieu a deliberer sur les objets que j'ai L'honneur de leur représenter, encore qu'ils ne fussent pas contenus explicitement dans les lettres officielles qui lui ont adressées par les Ministres de sa Majesté Brittanique la Bontée avec laquelle toutes mes demandes ont été accueillées depuis mon arrivé aupres du Gouvernement du haut Canada en m'inspirant des sentiments de la plus vive Reconnaissance ne ma rien laisser a desirer pour le Sort de ceux de mes Compagnons d'armes qui m'ont suivis ici—Un seul point concerne principalement le sort de ceux qui vienderont me joindre par la suite sans exiger quelleque explication il s'agit du projet indiqué par Monsieur Windham de former un Regiment de Ligne ou de Milice—Ces hommes qui apres avoir longtemps combattus pour leur pays sont pres a se devouer a la defence de celui qui daigne les adopter. Je dois donc declarer ici sur la responsabilité que m'impose le Credit qui m'a ete donné sur cet objet et d'apres les Communications tres frequentes que j'ai eu a cet Egard avec Monsieur Windham celui des Ministres par lequel toutes mes relations avec le Gouvernement ont passées que la recommandation qui est faite a Monsieur le President par sa Grace le Duc de Portland de consulter avec moi a principalement pour objet la maniere d'employer a l'avenir, & d'etablir dans le haut Canada le plus grand nombre de Royalistes Francais possible qui sera rendu digne de cette marque de la bienfaisance de sa Majesté;

Je dois declarer en meme temps que le principal moyen qui a paru desirable et sur lequel le Gouvernement Britannique attend L'avis du Gouvernement du haut Canada est de former de ces Royalistes Francais un corps militaire sous la denomination, la forme, & pour le Service qui parroiteront au Gouvernement du haut Canada etre le plus avantageux a la Sureté, a la prosperité & aux progres des etablissements de cette province. Je puis meme assurer que si cette proposition est agreable au Gouvernement du haut Canada loin que son Execution eprouve la moindre difficulté le Gouvernement Britannique est disposé a la seconder & quelle ne sera daucune depense pour un pays qui est assurement hors d'etat par lui meme d'en supporter une pareille.—Je dois repeter que Monsieur Windham en ecrivant a Monsieur le President a cet egard n'a eu d'autre dessein que de demander l'avis du Gouvernement et que devant etre probablement chargé de L'execution qui sans doute sera remis a son departement il l'a l'accellerera de tout son pouvoir—D'apres ces considerations je supplie Monsieur le President & Messieurs les Membres du Conseil de vouloir bien deliberer sur cet objet la et adresser le Resultat de leur deliberations au Gouvernement britannique en leur observant que s'ils jugeroient a propos de favoriser cette Proposition il seroit utile que leur Depeches parvinrent en Angleterre assez a temps pour qu'au printemps prochain l'on put former, habiller & armer quelles que Compagnies pour les embarquer sur la premiere Flotte qui fera Voile d'Angleterre.

YORK 21me Novembre 1798

(Signé) LE CTE JOSEPH DE PUISAYE

Endorsed—No. 1

In Mr. Prest. Russell's

(No. 46) 25th November 1798

No. 2

(Q 286-1, p. 72.)

FROM JAMES GREEN TO SIR JOHN JOHNSON.

SIR JOHN JOHNSON.

QUEBEC, 22d November, 1798.

Sir,

I have received and laid before the Commander in Chief your letter of the 19th Instant, which I shall have the honor of replying to by Monday's Post.

I now enclose by Command of His Excellency, an Extract of a Letter from Mr. President Russell, received last night, dated York the 2d Instant, by which you will perceive suspicions are entertained of the fidelity of the Caghnawagas and other Indians of the seven Nations to the Government—should there be the smallest foundation for the Report, which His Excellency can scarcely give any Credit to, he requests you will not fail to give him the earliest information, and recommends some means to be hit upon by which you might discover whether there has been any person among the Indians of Lower Canada from the Enemy to tamper with them—the above hints His Excellency recommends to your most serious attention, and begs a communication of your Ideas thereon as soon as possible—Would it not be proper, if it could be so managed, to employ somebody else besides Lorimier to make these enquiries, unknown to him, in order by receiving the information required thro' the medium of two distinct persons totally unconnected, to develop the matter with more ease, and come at the

truth with greater certainty—however this Idea is merely thrown out for your consideration as to the practicability, and of course should be kept from Lorimier's knowledge altogether—this Letter you will be pleased to consider as perfectly Confidential, and act accordingly.

I am &c.,
JAMES GREEN, M.S.

(C. 1207, pp. 215-6.)

MINUTES OF THE EXECUTIVE COUNCIL.

At a Council held at the President's, 22d Novr. 1798.

Present

His Honor Peter Russell Esqr. President, &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw

The Hon. John McGill

The Hon. David William Smith, Speaker of the Lower house.

The Chief Justice informed the Board that he had been requested by the Count de Puisaye to express a wish that the subject of the Duke of Portland's and Mr. Windham's letters should be taken into consideration, so as to enable him to transmit the resolution of the Board to his friends in Europe as soon as possible—and further in case any part of the Province should be appropriated for the reception of himself and his followers, room might be left for the introduction of English Settlers—He also requested that a Reserve might be made in the Tract assigned for a Town and Common round it.

The Duke of Portland's and Mr. Windham's letters being then read, the Board came to the following Resolutions.

Resolved, that it appears to the Board, that it is the wish of His Majesty's Ministers that an appropriation of land shall immediately be made sufficient to accommodate not only Monsieur de Puisaye and those who have come with him—but such other French Loyalists as may be sent over by Government to join him—

Resolved that the Townships of Uxbridge, Gwillimbury, a Township in the rear of Whitby not yet named, and the ungranted part of Whitchurch be appropriated for the present for this purpose—Reserving however to the Board a discretion of altering this arrangement should it hereafter be judged expedient to do so—and Reserving 1000 Square Acres round Gwillimbury for a Town and other purposes of Government—and 1000 Acres on the Lake for a Town and Common.

Resolved, that Monsieur de Puisaye shall be considered as the head of this new Establishment and that no person shall be admitted to a location of land in it, but through his recommendation—unless by a special order of the Board—

Resolved that Monsieur de Puisaye be permitted to appropriate to himself five thousand Acres in any parts of the above Townships not reserved, that he may wish—

Resolved, that appropriations shall be made in the said Townships under Monsieur de Puisaye's recommendations to all the Officers and Soldiers who served under him in the Expedition from England to the Coast of France in proportions corresponding with their respective Ranks, agreeable to the scale

observed with respect to the disbanded Troops of 1783—Vizt. 5000 Acres to Field Officers—3000 to Captains—2000 to Subalterns and Staff—and 300 Acres to Non Commissioned Officers, Drummers and Privates.

Resolved that the appropriations may be immediately made at Mr. De Puisaye's discretion—the individuals who receive them are to be informed that Deeds cannot issue before they have been resident in this Province seven years—and that if they shall leave the Province before the expiration of that time, they are to forfeit all claim to the land ordered them—

PETER RUSSELL.

Read a Letter from His Grace the Duke of Portland to Mr. President Russell, dated 12th June 1798, signifying it to be His Majesty's pleasure that a grant of 13,400 Acres of land may be made to General Arnold and his family out of the waste lands of the Crown in Upper Canada, on the usual terms and conditions, that of residence alone excepted—

Ordered accordingly whenever General Arnold's Agent appears to take up the Warrant of Survey—

P.R.

Adjourned.

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK 24TH NOVEMBER 1798

Present

His Honor Peter Russell Esquire President &c., &c., &c.

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw

The Hon. John McGill.

The Hon. David William Smith Speaker of the lower house.

.....
The President read the following letter to the Board—

Gentlemen

It having been signified to me by His Grace the Duke of Portland that His Majesty's Government has it in contemplation to make provision within this Province for a considerable portion of those French Emigrants now in England, whose character and behaviour shall appear to entitle them to such a mark of His Majesty's beneficence; and that it is His Grace's wish that after previous consultation and communication with Mr. De Puisaye I shall consider upon the best means of carrying such a measure into execution should it be adopted—I beg leave again to request that the Council will be pleased to deliberate in Committee, *in what situations, in what manner, under what Terms, and circumstances and for what numbers, lands can be allotted, so as to admit of their being occupied by them in the course of the ensuing year*—and it being absolutely necessary towards the success of the proposed Establishment, that His Majesty's Ministers should be informed before the Spring of the ideas of this Government respecting it, I cannot too earnestly Solicit an immediate Report from the Committee on the above question—

I have in Conformity to His Grace's Commands requested Mr. De Puisaye to favor me with his own ideas on this subject—He has in consequence sent me a Memoire which I submit to the consideration of the Board; and I beg that it will likewise be pleased to Report to me its opinion in Committee upon the manner in which he proposes that these French Royalists shall be employed in this Province—for tho' no mention is made in the Duke of Portland's letter of a design to form them into a Military Corps—yet we may infer from Mr. Windham's letter, that such a plan was in contemplation, and would still be agreeable to His Majesty's Ministers if we shall consider it practicable—

However it is my humble opinion that whatever the determination of the Council may be on this head, nothing ought to transpire respecting it, before our Report should be communicated to the King's Ministers—

I have turned this subject very seriously in my thoughts—and I must confess that it appears to me to involve so many questions of expediency, prudence, and policy that I am at a loss to say which we ought to lean to, or whether they do not all unite in recommending the measure submitted to our consideration.

The present state of this Province unquestionably calls for additional Troops for the purpose of occupying advanced Posts between this Town and the Indians bordering on the Lakes—Attending Surveys—Opening Roads of Communication that the Seat of Government may receive early intelligence of what is passing in other parts of the Province, and be readily supplied with Provisions—of intimidating an Enemy by the respectability of our apparent strength, and ultimately of contributing to the defence of the Province should it be attacked—for it is too well known that the Regular Force in the two Canadas is too small to admit of any addition being made to that trifling portion of it stationed here; and it is equally true that this portion is very inadequate to any purpose of effectual resistance against an Attack in Force, and we may be assured that no other will be attempted—

These data being admitted, no question can arise respecting the Expediency of obtaining if we can an additional Corps of 1000 disciplined men to be attached to the service of this Province for the above mentioned purposes, but the prudence and policy of arming that number of disciplined Foreigners for our defence may require deliberation.

Mr. Windham assures me in his letter that the most unlimited confidence may be placed in the Count de Puisaye, and that his companions in arms consisting of a purer description of French Loyalists than the common mass of French Emigrants may be equally trusted—and moreover that they have all rendered themselves so obnoxious to the present Government of their own Country that they never can return to it—

These are arguments which of course have their due weight with us all; and therefore I do not hesitate to declare that I do not see any danger to this Province from putting Arms into the hands of 1000 men of *that* description, which is the only objection I can perceive to the policy of receiving that number of Mr. de Puisaye's followers, and forming them into Provincial Corps for the purposes before stated—

I judge it my duty to deliver my opinion upon this important subject with the candor which it merits—and I beg leave to request that every Member of the

Board may be pleased to declare *his* with equal freedom that His Majesty's Ministers may have our unreserved thoughts before them, and decide accordingly—

PETER RUSSELL,
President.

York 23d Novr. 1798.

To a Committee of His

Majesty's Council now sitting.

The President then having read to the Board the Duke of Portland's letter to him, dated the 5th of July last, in which he is directed to take such previous steps, and make such a degree of preparation for settling a number of French Loyalists intended to be sent to this Province early in the Spring down upon their lands which shall be designed for them as would render their arrival the least embarrassing to the Province, or, should such a event not take place, such as would put Government to the smallest expence possible, requested the Board to give him their opinion whether the preparations ordered to be made do not extend to the laying in a quantity of Provisions for the support of these Loyalists when they arrive in the Province, least such a number of consumers should occasion a scarcity, and raise the price on His Majesty's Subjects previously settled therein, and least the new comers themselves should be exposed to fatal distress by not finding in the Province on their arrival the means of being fed—And if the Council should be of opinion that this kind of preparation is meant by His Grace—the Board will be pleased to say whether it will not be prudent for the President to direct the Agent of purchases to contract for a certain quantity of Provision for this service and to determine the number that he ought to direct him to provide for, so that the quantity ordered may be so arranged as to be applicable to the supply of His Majesty's Troops within the Province without overcharging the King's Magazines in case the French Loyalists expected should not be sent hither by Government.

PETER RUSSELL.

The President then retired, and the Board formed itself into Committee to consider the question proposed by His Honor.

Adjourned—

FROM JOSEPH DE PUISAYE TO PETER RUSSELL

A Monsieur le President du Gouvernement de la province du haut Canada.

&ca &ca &ca.

Monsieur le President

Les faveurs que vous accordez aux loyalistes francais que le Gouvernement de sa Majesté Britannique a daigné recommander a vos Soins les enhardis a vous en demander une nouvelle.

Depuis nos premiers Connexions avec le Gouvernement Britannique c'est a dire depuis Six ans consecutif nous avons été combles des bienfaits de Sa Majesté sa main genereuse a versé dans le sein de nos compatriotes tous les Secours qu'ils ont reclamés pour les aider a se soustraire a L'horrible Tirannie contre laquelle ils ont si longtemps combatus—C'est elle qui a soustenue les veuves et les enfants de nos nombre officiers et soldats qui ont succombes dans cette lute de la fidelité contre le crime; & apres que la continuation de nos efforts

a cessé d'offrir une apparence raisonnable de succes c'est elle qui daigne recueillir ceux qui n'ayant pas succombés n'auraient pu sans cette marque de sa Bien-faisance Royale trouver pour prix de leur long travaux que le desespoir et le mort pénétrés de la plus profonde gratitude envers L'auguste Souverain qui leur permet de devenir Ses Sujets envers la Nation qui leur permet de devenir Ses Sujets, envers la Nation qui les a adoptés—Ce Sera en leur devouant a leur defence qu'ils s'estimeront heureux de pouvoir leur prouver.

Mais ce sentiment etant inseparable de celui qu'ils eprouvent pour le ministre, par qu'ils ont receus tant de marques de cette puissante protection ils desireroient qu'il leur fut permis de lui en donner un témoignage particulier le nom de Monsieur Windham est devenu cher a tous les Loyalistes Francais d'un bout de la France a L'autre il est repeté avec reconnaissance par ceux qui ont agi sous la direction du Gouvernement Britannique et en Connexion avec les Armées de sa Majesté Nous le considerons tous comme notre ami, Notre pere & Si nous avons le bonheur d'être ici & de jouir d'avance de la perspective heureuse de passer le reste de nos jours au Milieu des Hommes respectable qui ont daigne nous accueillir ces a lui a qui nous le devons.

J'ose donc supplier Monsieur le President & Messieurs les Membres du Conseil de vouloir bien permettre que la ville ou nous devons former notre premier etablissement porte le nom de l'homme qui nous est aussi chere; et Si cette petition est agréée d'avoir la bontée de la Sanctionner par un Act de L'authorité publique—

J'ai l'honneur detre avec un profond respect Monsieur le President

Votre tres humble &ca—

(Signé) LE CTE JOSEPH DE PUISAYE

YORK 24me 9 bre 1798.

Endorsed.—No. 3

In Mr. Prest. Russell's

(No. 46) of 25th November 1798.

No. 4.

(Q 286-1, p. 51.)

FROM JOSEPH DE PUISAYE TO PETER RUSSELL

A Monsieut Le President du Gouvernement de la Province du haut Canada.
&ca &ca &ca

Monsieur Le President

Le Gouvernement Britannique en accordant un azile a mes compagnons d'armes & a moi dans la province du haut Canada s'etant reservé de faire participer a cette faveur plusieurs de mes compatriotes qui n'ayant pas portés les armes dans le cours de cette guerre pourront cependant etre jugés dignes des bienfaits de sa Majesté; et le dessein des Ministres Britannique n'ayant paru etre d'envoyer ici dans le cours de cette année quelques une de ces familles nobles au sort des quelles ils ont bien voulu prendre quelque interest Je prends la liberté de soumettre a votre decision S'il ne serait pas avantageux que vous voulussiez bien determiner dans vos depeches au Gouvernement la quantité de terre que vous jugerez a propos d'accorder aux personnes de cette designation.

Il est aussi maintenant en Angleterre un nombre considerable d'officiers qui ont faits toute la guerre du Continent dans les Regiments a la Solde de S. M. Britannique et qui ont été honorés des Brevets de differents Grades.

Votre Intention peut etre, Monsieur Le President sera que ces derniers recoivent le meme traitement que nous.

Mais a l'egard des premiers comme il n'existe aucune regle dont on puisse leur faire d'application j'ose vous proposer de juger S'il ne Serait pas utile de decider que chacun Individu de cette qualification pourra recevoir depuis 300 jusqua 1200 Acres de Terre Suivant qu'il plaira a vous et un Conseil de decider apres leur arrivée dans ce pays, ainsi que les Vivres et Rations—premieres Semences &ca.—tels que le Gouvernement Britannique a bien voulu me promettre; Sur quoi il me paroît necessaire qu'ils veuillent bien prononcer plus explicitement pour l'avenir—

Cet Objet une fois déterminé je ferai choix parmi ces familles Nobles & Malheureuses & de celles qui me paraitront le plus convenir a ce pays et les plus dignes de partager avec nous les bontés dont vous voulez bien nous donner tant de preuves—

J'ai l'honneur d'etre avec un Respect inalterable—

Monsieur Le President

Votre tres humble &ca

(Signé) LE CTE JOSEPH DE PUISAYE

YORK 24me 9bre

1798

Endorsed.—Mr. Prest. Russell's

(No. 46) of 25th November 1798.

No. 3.

(Q 286-1, p. 49.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

No. 46.

UPPER CANADA, YORK, 25th November, 1798.

My Lord Duke,

The Vessel by which I had sent my last Dispatch having been detained I now embrace the same opportunity to transmit for your Grace's Information Copies of the Proceedings of a Committee of the Executive Council which I had ordered upon Mr. de Puisaye's Subject, and of three Memoirs or Notes which I have received from that Gentleman thereon.

By these your Grace may observe that some of the Members of the Council are unwilling to sanction the putting arms into the Hands of Foreigners with whom they are so little acquainted; and that Mr. de Puisaye solicits it strongly as a Measure already approved by His Majesty's Ministers.

Therefore as I shall be ever inclined to forward the Measures of Government, and enter into all its Views with every exertion within the Compass of my Ability, I have judged it my Duty to revolve Mr. De Puisayes Memoir as well as Mr. Windhams letter very seriously in my Thoughts; and so far from apprehending any Prospect of danger from putting arms into the Hands of 1000 of his followers, principled as he & Mr. Windham represent them to be, I am clearly of Opinion that much advantage may be derived to the Province by employing them in a Military Capacity.

I therefore beg leave with humble deference to submit my Reasons for this opinion to your Grace's consideration.

The only regular Force in this Province consists of the Queens Rangers and one Battalion of the Royal Canadian Volunteers—which together do not exceed 600 men;—and these being distributed in Detachments over a large Extent of Country, not more than 300 could possibly be collected on an emergency to meet any one Point of Attack. And I am afraid that even the Detachments themselves are each respectively too weak to defend the Posts they occupy should an Enemy present itself in any force. The Expediency therefore of some addition being made to the Military Establishment of this Province, (should the War continue much longer) is too obvious to need further Elucidation.

The Transport Service is at present carried on by five or six armed vessels on the lakes, which are manned at great Expence to Government from the difficulty of procuring Sailors.—and in the Rivers by the Garrisons of Forts George, Chippawa & Erie, each of which annually lose several men by desertion in consequence of the severity of this service & the smallness of the extra allowance which they receive for it.

The Roads of the Province (particularly thro' the new Settlements) are in such a deplorable state of neglect, that the farmers cannot bring their produce to Market; and the communication between the different Parts of the Province is in consequence scarcely attainable excepting by Water.

The four Provincial & five extra Surveyors, which the service of that Department keeps almost constantly in employ, require at least two chain bearers and eight axemen to each; the first at 2/ the last at 1/6 per day each—and 1/3 per day in lieu of Provisions to each of them both.

To augment therefore the Military Establishment—I presume to suggest that 200 Men from these French Royalists may be added to the Posts in the following Proportions—Vizt.

To Kingston 30—to York 50—Fort George 20—Chippewa 10—Fort Erie 40—Amherstburg 39 and St. Josephs 20—Total 209—

And to ease the Expence of the Surveying and Transport Services it is proposed that the Kings Vessels & the Surveyors may be supplied from the same Service, the latter with ten axemen—& the former with ten Seamen each—And that sixty of them may be employed where wanted in clearing Roads & constructing Bridges & Causeways—Besides these Services if one hundred more were attached to the Engineer Department a Battalion of French Royalists might be thus usefully employed in a manner which if properly conducted might unquestionably save something considerable in the Surveying & Transport Service; as both Chain bearers & Sailors might be obtained on much cheaper Terms in this way than they are at present, and one principal cause of Desertion among the Troops removed. The other Battalion might be attached to the cultivation of the Ground assigned them for the mutual support of the whole—The allotted portions of land might afterwards be confirmed to each Soldier by His Majesty's Deeds at the Expiration of Seven years upon their producing Certificates of their good Behaviour countersigned by their Chief.

I humbly request that your Grace may have the goodness to pardon the zeal which has emboldened me to offer these crude Ideas to your Grace's Perusal; as I only aspire to be usefull and shall be exceedingly happy if they shall be found

of the smallest utility in forwarding the Measures you have done me the honor of communicating to me.

I have the Honor to be &c.,
PETER RUSSELL.

His Grace the Duke
of Portland, &c., &c., &c.

(Q 286-I, p. 45.)

FROM PETER RUSSELL TO THE DUKE OF PORTLAND.

No. 47.

UPPER CANADA, YORK 25th NOVEMBER 1798.

My Lord Duke

I had the Honor on the 23rd Instant to receive your Grace's Letter No. 11 dated the 22d of July, and a duplicate of your letter dated the 10th of last February covering an Order of Council for the Confirmation of the Marriage Act, passed in the first Session of the present provincial Parliament.

I cannot my Lord, account for the Miscarriage of the other Acts of that Session as they were carefully packed up in a Box addressed to your Grace and forwarded to England in October 1797 by the Everetta Merchant Vessel which arrived there safe; I have now however the Honor of transmitting to your Grace by this Opportunity printed Copies of the Acts of the five Sessions of the first and those of the Second Session of the Second Parliament of this Province; and I shall in future obey your Grace's commands in transmitting the Acts of the Province to the Secretary of State's Office as soon as they are printed.

I had yesterday also the Honor to receive your Grace's private letter of the 6th of June by Mr. Alcock and I shall not fail to pay attention to your Grace's Commands respecting that Gentleman whenever a Vacancy shall happen—

I have the Honor to be &c.,
PETER RUSSELL

*Endorsed:—Upper Canada
York 25th Novr. 1798
Mr. President Russell
No. 47.
R./ 15th April 1799
Ansd. 11 June
One Inclosure
voluminous.*

(Q 286-I, p. 54.)

MINUTES OF THE EXECUTIVE COUNCIL.

COUNCIL CHAMBER AT YORK 25th NOVEMBER 1798.

Present

The Hon. John Elmsley Chief Justice
The Hon. John McGill
The Hon. David William Smith Speaker of the lower house.
The Chief Justice wrote the following letter to His Honor.

Council Chamber, 25th November 1798.

Sir/

I have the honor to inform you that the Executive Council has considered with all the attention which the shortness of the time will allow the Memorial of Mr. de Puisaye—the letters of his Grace the Duke of Portland, and the Secretary at War, and the questions submitted to us by your Honor—The whole subject seems to reduce itself to the three following heads, on each of which I have the honor to subjoin the opinion of the Board—

1st. “In what situation, in what manner, under what terms and circumstances, and for what numbers can lands be allotted so as to admit of their being occupied by Mr. de Puisaye and his adherents in the course of the ensuing year.”

The Board is of opinion that the Resolutions of your Honor in Council on the 22d Instant have answered this question as fully as our present information enables us.

2nd. With respect to the propriety of giving to the proposed Colony a Military Form, either as a Regiment, or as Militia, the Board is equally divided: two of us inclining the one way and two the other—

3rd. In answer to your Honor’s question, whether the preparation, which the Duke of Portland’s letter directs us to make for the Emigrants who may eventually be sent to this Country, does not extend to laying in a quantity of Provisions for their support when they arrive in the Province—The Board is of opinion that His Grace’s letter does extend to the purpose mentioned. But even if it did not, the Board is of opinion that in the helpless and unprotected situation of this part of the Province a Depot of Provision to the extent of a sufficiency for the support of fifteen hundred men for twelve months would not only be highly expedient, but in fact absolutely and indispensably necessary: His Grace’s letters having prepared us to expect an attack, and this part of the Province being wholly insufficient to feed itself, much less to supply those, whom in case of attack it would be necessary to call in for our defence.

I have the honor to be &c.

J. ELMSLEY C.J.

His Honor
The President.

Adjourned.

COUNCIL CHAMBER AT YORK 26TH NOVEMBER 1798.

Present

The Hon. John Elmsley Chief Justice

The Hon. Æneas Shaw

The Hon. John McGill.

The Attorney General and Solicitor General also present.

Read the Memorial of the Hon. David William Smith offering his house for a Grammar School in the Town of Newark.

The Board unanimously Recommend to His Honor the President, that the house and lands herein mentioned be purchased, the former as the School house, the latter as part of the endowments of the Free Grammar School of the Home District—and that some competent person or persons be employed to value them.

Adjourned.

FROM PETER RUSSELL TO ROBERT PRESCOTT.

No. 72.

UPPER CANADA, 26 NOV. 1798.

Sir,

Having been directed by His Grace the Duke of Portland to take such Previous steps and make such a degree of preparation for settling in this Province a number of French Loyalists whom Government has it in Contemplation to send out to me in the Spring, so as to render their Arrival the least embarrassing to the Province and (if such an Event should not take place) as might put Government to the smallest expence possible, I judged proper to lay His Grace's letter before the Executive Council & to request its Opinion respecting the numbers that might be accomodated with land & the provision necessary to be made for their Reception. I take the Liberty therefore of troubling your Excellency with the Result of its Deliberations, and of submitting to you the Expediency of giving Instructions to the Agent of Purchases to Contract for such Quantities of Provisions of all Species as may Answer this expected extraordinary demand, and at the same time not overload the Magazines should anything intervene to divert His Majesty's Ministers from their present Intention.

The Count de Puisaye informs me that he was given to understand by Mr. Windham that the Colony under his Direction was not only to be supplied with Rations out of the King's Magazines, but that the Provision and all other Stores wanted for them were to be delivered by Government at the place of their settlement, should this be actually the Case, it may be well worth the Commissary General's consideration how means may be devised for lessening the enormous Expence of Inland transport to which we are at present exposed in this part of the Province from the very high prices of all sorts of labor; of which your Excellency may form some Estimate when I mention that I cannot at present procure a Man to cut Wood for my Fires under Six Shillings & three pence Quebec Currency a day—and that three dollars a day is the least demand for One Yoke of Oxen and a Driver.

I have the honor to be &c.,

PETER RUSSELL.

His Excellency Genl. Prescott, &c., &c., &c.

(C 1206, pp. 327-8.)

PROCLAMATION ANNOUNCING CONFIRMATION OF THE
MARRIAGE ACT.

WHEREAS by an act of the parliament of Great Britain, passed in the thirty-first year of His Majesty's reign, intituled, "An act for making more effectual provision for the government of the province of Quebec in North America, and to make further provision for the government of the said province." it is among other things provided, that whenever any bill which has been passed by the Legislative Council and by the House of Assembly, in either of the said provinces respectively, shall be presented for His Majesty's assent to the Governor, or Lieutenant Governor, or to the person administering the government, he shall, and he is hereby authorized and required to declare, according to his discretion,

but subject, nevertheless, to the provision contained in the said act, and to such instructions as may be given in that behalf by His Majesty, his heirs or successors, that he assents to such bill in His Majesty's name, or that he withholds His Majesty's assent from such bill, or that he reserves such bill for the signification of His Majesty's pleasure thereon.

And whereas a certain act intituled "an act to extend the provisions of an act passed in the second session of the first provincial Parliament of Upper Canada, intituled "An act to confirm and make valid certain Marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of Marriage within the same," was passed by the Legislative Council and House of Assembly in the first session of the present Parliament of the said Province, and was presented to me, PETER RUSSELL, President, administering the government as aforesaid, for His Majesty's assent thereto, and was by me reserved for the signification of His Majesty's pleasure thereon; and transmitted to His Majesty's Secretary of State for the signification of His Majesty's pleasure thereon accordingly.

NOW THEREFORE KNOW YE, that the said act having been referred to a Committee of the Lords of His Majesty's most honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee on the twenty-seventh day of December, in the year of our Lord one thousand seven hundred and ninety-seven, reported as their opinion to His Majesty, that the said act was proper to be approved, His Majesty was thereupon pleased, with the advice of his Privy Council, to declare his approbation of the said act. And pursuant to His Majesty's Royal Pleasure thereon expressed, the said act is hereby confirmed, finally enacted and ratified accordingly; whereof the Governor, Lieutenant Governor, or Commander in Chief of this His Majesty's said province of Upper Canada, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

GIVEN under my hand and seal at arms at York, this twenty-ninth day of November in the year of our Lord one thousand seven hundred and ninety-eight, and in the thirty-ninth year of His Majesty's reign.

PETER RUSSELL,

By command of his Honor,

Wm. Jarvis, Sec'y.

(Cf. Fourth Report of the Ontario Bureau of Archives, pp. 195-196.)

FROM JAMES GREEN TO SIR JOHN JOHNSON.

Sir John Johnson.

QUEBEC, 29TH NOVEMBER 1798.

Sir,

I have the honor to acknowledge the receipt of your letter of the 26th Instant, which was laid before the Commander in Chief.

His Excellency requests you will give directions to call in the Party of Indians from the Lines, there being no occasion to continue them out any longer.

It is very unfortunate that the Frenchmen you mention to have been at Caghnawaga lately, were not discovered; If possible, the General hopes you will find means to discover their errand among the Indians—perhaps they belonged

to the Emigrés under Comte de Puisaye who left La Chine for Upper Canada about the 18th or 20th October, if this circumstance could be traced to a certainty, it would be very desirable at present.

His Excellency hopes to hear from you as soon as possible, respecting the success of those Persons employed on the subject stated in my letter of the 22d Instant.

I am &c.,
JAMES GREEN, M.S.

(C 1207, pp. 217-8.)

FROM JOHN FERGUSON TO WILLIAM BELL (?).

To.

(Torn) [You are authori]sed to give notice to the Inhabitants of the County of Hastings that they are required to attend at a meeting of the Lieutenancy on Saturday the eighth day of December next at ten o'Clock in the forenoon at the house occupied by David Harris on Lot No. 34 in the first Concession of the Township of Sydney for the purpose of Enrollment in that behalf according to the Act in that case made and Provided. Given under my hand at Kingston this 29th day of November, 1798.

JOHN FERGUSON,
Lieutenant
of the County of
Hastings.

(Canniff Collection, Lennox and Addington Historical Society.)

INDEX

- Account for purchase of lands from Indians at Strait of St. Mary, 249.
- Act amending act respecting district courts, &c., 241.
- Act barring dower, 31, 45.
- Act establishing boundary lines of townships, 238.
- Act for apprehension of felons, 32.
- Act for enrollment of deeds of bargain and sale, 31.
- Act for holding sittings of courts in the Home District, 32.
- Act for securing titles to land, 23, 24, 25, 26, 27, 28, 45.
- Act for the better division of the province, 239.
- Act for better security of the province, 23.
- Act regulating the practice of the court of King's Bench, 28, 29, 30, 31.
- Act repealing act respecting advocates, &c., 239.
- Act respecting Clergy reserves, 4.
- Act respecting courts of appeal, 241.
- Act to amend a clerical error, 32.
- Act to confirm marriages, 3, 4, 49, 50.
- Act to validate marriages, 32, 33, 49, 50.
- Adams, President, John, letter to James Wilkinson, 75-6; letter to William Seba Smith, 82-3; mentioned, 286.
- Addington county, 54.
- Addison, Reverend Robert, 58, 98, 99, 148, 180, 181.
- Address of House of Assembly, 4, 197, 301.
- Address of Legislative Council, 4, 197, 301.
- Adet, French envoy to the United States, 20, 134, 136, 168, 169.
- Administration of justice, 28.
- Adolphustown, 58, 240.
- Advocates, act concerning, 239.
- Agents for Indian affairs, 3, 90, 90, 184.
- Agent for purchases, 1, 36, 72, 82.
- Agreement with Lower Canada, 44, 45, 83, 84.
- Ainse, Sarah, 137.
- Albany, N.Y., 93, 168, 266, 267.
- Albany *Gazette*, 1, 136.
- Alcock, Judge Henry, 167, 328.
- Alien Bill, 23.
- Allan, William, 118.
- Allegre, M. D., 276, 277, 285, 317.
- Allen, Ebenezer, 114, 115, 116, 212.
- Allison, Captain, 114.
- Amelie, Augustin, 51.
- American Oracle*, newspaper, 144.
- Amherstburg, 5, 9, 10, 12, 18, 42, 43, 48, 65, 66, 72, 79, 91, 100, 102, 126, 147, 157, 164, 166, 191, 228, 229, 231, 245, 251, 252, 284, 285, 309, 327.
- Amherst fort, 175, 228, 248.
- Amherst island, 240.
- Ancaster township, 155.
- Anderson, James, 52.
- Anderson, John, 52.
- Andromache frigate, 310.
- Andrews, Miss, married to James Givens, 102.
- Annette, sloop, wreck of, 287.
- Artificers, 159.
- Artillery corps at Niagara, 316.
- Arnold, General Benedict, 127, 128, 322; grant of land to, 322.
- Askin, John, Sr., 52, 287; letter to Richard Cartwright, 63; reply from Cartwright, 246.
- Askin, John, Jr., 52.
- Askin, Mrs. John, 246.
- Askin Papers in Canadian Archives, 65, 246.
- Assembly, address of, 4, 301.
- Assembly, House of, 184, 188, 189, 191, 197, 199, 205, 221, 222, 243, 260, 310.
- Assembly, petition of, 4.
- Assessment act, 221.
- Atchichank, an Indian chief, 187.
- Atholl, Duke of, 49.
- Atlantic duties, 267.

- Attorney General, (John White), 2, 24, 32, 45, 57, 65, 80, 86, 87, 88, 90, 134, 223, 302.
 Auge, Mehr, 237.
 Auguste, a French immigrant, 275.
- Baby, Colonel the Honourable James, 33, 193, 200, 207, 208, 211, 219, 295, 299; attends Executive Council, 193, 195, 206, 207, 209, 211, 212.
 Baker, Captain William, 51, 280.
 Backhouse, John, a magistrate, 287.
 Bagot, a French immigrant, 275.
 Bail, law of, 244.
 Ball, Peter, 120.
 Barnes, Lieut.-Colonel John, 112.
 Barrackmaster at York, 12, 13.
 Barthe, J. B., 52.
 Barthe, J. B., Jr., 52.
 Barthe, Louis, 51.
 Barton township, 214.
 Basinghall street, 2, 101.
 Bay of Quinte, 58, 148, 162, 240, 241.
 Bayoutigost Oininie, a tribe of Chipewas, 236.
 Bears and Wolves, reward for destroying, 188.
 Beasley, Richard, 77, 80, 116, 187, 193, 195.
 Beasley, Thomas, 80.
 Beaupoil, Hippolite de, 276.
 Beaupoil, Marquis de, 276, 277.
 Beaupoil, Marquise de, 276.
 Bejean, a master mariner, 288.
 Belanger, Philip, 52.
 Bell, Lieut.-Colonel William, letter to, 332.
 Belle Isle, 255, 258.
 Benac, J. B., 51.
 Bennet, John, 237.
 Berczy, William, 20, 274, 292; narrative of, 128; petition of, 130.
 Bender, Philip, 120.
 Bernard, Mr., 176.
 Bernard, J. B., 52.
 Bernard, Joseph, 51.
 Berniere, Lieut.-Colonel de, 151.
 Bertrand, Francis, 51.
 Black Belt, emblem of war, 168, 270, 274.
 Black Swamp near Niagara, 84, 120.
 Blacksmith for Indians at Detroit, 38, 228, 229, 248, 249, 281.
 Blanche, Peter, 52.
 Block No., Grand River, description of, 75-6.
 Block No. 2, Grand River, description of, 76.
 Block No. 3, Grand River, description of, 76-7.
 Block No. 4, Grand River, description of, 78, 193.
 Blockhouse at York, 70, 102, 278.
 Blythe House, 276.
 Bois-blanc island, 150.
 Boete, Batiste, 51.
 Boiton, Captain, 275.
 Bold, an Indian chief, 66.
 Bond, Stephen, 211.
 Bordeaux in France, 138, 175, 176.
 Bordwine, Ensign Joseph, 73, 304.
 Borrell, Alexis, 51.
 Borrell, Joseph, 51.
 Borelle, Hoseph, Sr., 52.
 Boston, Mass., yellow fever at, 283.
 Bouchette, Lieut. (Captain), J. B., 13, 18, 75, 80, 112, 158, 252.
 Boundaries of townships, act respecting, 238, 239.
 Boyce, agreement to build barn, 258-9.
 Boyer, Nicholas, 52.
 Brackenridge, James, Lieutenant of Leeds county, 54.
 Brant, Isaac, 206.
 Brant, Joseph, 3, 20, 21, 61, 62, 83, 87, 89, 90, 91, 98, 99, 110, 121, 122, 123, 124, 127, 133, 134, 138, 139, 166, 167, 168, 169, 171, 181, 184, 185, 186, 187, 188, 193, 199, 200, 206, 227, 229, 232, 246, 247, 248, 251, 252, 253, 259, 260, 261, 263, 270, 271, 278, 279, 280, 281, 282, 295, 303, 304, 306, 307, 309, 311; letter to Joseph Chew, 249; letters to William Claus, 135, 162, 187; letters to James Givens, 199, 233, 235; letter to James Green, 39; letter to Robert Liston, 169; letters to Peter Russell, 86, 87, 89, 92, 104, 148, 262, 306; letters to D. W. Smith,

- 41, 50, 155; describes blocks of land on Grand River, 76, 77, 78; his interference with plans of government has a dangerous tendency, 3; his pretensions to sell lands, 19-20; his complaints to Liston extorts Russell's consent to sale by display of warriors, 21; Prescott transmits copies of his letters to Russell, 61; nominates trustees, 86; rise in water has prevented him going to York, 87; substitutes Claus for Ferguson as trustee, 88; will accompany Claus to York, 89; states that difficulties have arisen, 89; thinks the claims of Caughnawagas will make trouble, 90; sends men to make arrests, 92-3; applies for a resurvey, 116; his influence over the Mississaugas, 122; may have to go to war against Indians of Lower Canada, 124; sends alarming message, 127; his discontent with government, 133-4; invited to a council by the Caughnawagas, 138-9; wishes to visit England, 167; Liston reports his discontent, 168; agrees to sell Block 4 to James Wilson, 193; criticises Givens, 199-200; meets Mississaugas, 227; objects to purchase of land from Mississaugas, 233; censures Givens, 235; his complaints against Givens and Lorimier, 249-250; reports arrival of Shawanese, 262; his speech at Fort George, 26th August, 1798, 262-5; seems perfectly satisfied with explanations, 278; assures Russell of fidelity of Indians on Grand River, 295.
- Brant, Molly, 42.
 Brant, Young, 152.
 Brauer, Charles Lewis, 129, 130.
 Brauer, Dederic Conrad, 128, 129, 130.
 Bremen, 129, 130.
 Brett, John-apple, 73.
 Brittany, 276.
 Brickwood, John, 245.
 Brooking, Lieut., 71, 160.
 Broome, an American speculator in land, 75, 103, 155.
 Brunsdon, Charles, 73, 101.
 Buffalo Creek, 136, 152, 153, 192, 198, 202, 214, 247, 262.
 Bunbury, Captain Joseph, 53.
 Burch, John, 214.
 Burford township, 117.
 Burlington Beach, 155, 303.
 Burn, John, 237.
 Burns, Alexander, Russell's secretary, 164, 269, 316.
 Burns, David, clerk of court of Common Pleas, 146.
 Burtch, Jonathon, 211.
 Burtch, Strong, 211.
 Burying grounds of the Mississaugas, proclamation to protect, 41.
 Butler, Lieut.-Colonel John, 89, 161, 214, 305, 306.
 Cadot, J. B., 237.
 Cain, Barnabas, 53.
 Cain, John, 51.
 Caldwell, Mrs. Henry, 274.
 Caldwell's Manor, 151.
 Caliloo, 153.
 Calkins, Cyrus, 211.
 Calvinists, 33.
 Canada Act, 4, 5, 223.
 Canal at York, 102.
 Canal planned at Niagara Falls, 214.
 Canby, Benjamin, 193, 311, 312.
 Canby & McGill, 82, 311, 312.
 Canniff Collection of MSS., 332.
 Canteens at Amherstburg, 7.
 Cape Breton, 297.
 Cape Girardeau, 12.
 Capron, Alpheus, 211.
 Carman & Perrigo, 133.
 Carondelet, Baron de, 273.
 Carter, a member of the House of Commons and private secretary to the Duke of Portland, 103, 106.
 Cartwright, James, 52.
 Cartwright, Hon. Richard, 44, 54, 145, 212.

- Cass, Josiah, (Case), 208, 209.
 Castle Frank, 1, 2, 102, 173.
 Castor sloop, 288.
 Catfish, a Mississauga, 278.
 Catiche, a river boat, 288.
 Catherine gunboat, 80.
 Caughnawaga, 233, 247, 331.
 Caughnawaga Indians, 93, 120, 124,
 127, 135, 136, 152, 153, 156, 166,
 200, 249, 272, 282, 295, 304, 320.
 Cazinove, Mr., 215.
 Chalen, F., 238.
 Chalus, Comte de, 276, 277.
 Chalus, Vicomtesse de, 276.
 Chambly, 151, 155, 192, 283.
 Champagne, a French immigrant,
 275.
 Champlain, lake, 151, 152.
 Chapman, Matthew, 196.
 Chapoton, Benoit, 52.
 Charlotteville, 241, 287.
 Chauvin, Antoine, 52.
 Chauvin, Charles, 51.
 Chatham, 125, 241.
 Chateauguay river, 151.
 Chazy river, 151.
 Chenail Ecarte, 11, 14, 43, 55, 66, 72,
 91, 163.
 Chew, John, 53, 202.
 Chew, Joseph, 53, 121; letter to
 Alexander McKee, 269.
 Chew, William Johnson, 53, 202, 249,
 265, 270, 304.
 Chewett, William, 51, 83.
 Chewett & Ridout, 83.
 Chippawa, 48, 71, 162.
 Chippawa bridge, 313.
 Chippawa, fort, 279, 309, 327.
 Chippawa river, 312.
 Chippewa (Ojibwa) Indians, 90, 122,
 123, 137, 160, 161, 192, 236, 237,
 310.
 Chisholm, George, 80.
 Choat, 175.
 Christian's Creek, 77.
 Church, Ameriah, 211.
 Church, Mohawk at Grand River
 injured by lightning, 307.
 Church of Scotland, 33.
 Church of England, 33, 133.
 Churches, building of, 38, 59, 93, 96,
 97, 117, 178, 200.
 Clapham, Mr. 14.
 Clark, Benjamin, 195.
 Clark, General George Rogers, 273.
 Clark, Hezekiah, 211.
 Clark, James, 83.
 Clark, John, 51.
 Clark, Samuel, 40; letter to Simcoe,
 32.
 Clarke, Isaac Winslow, 18, 269; let-
 ters to James Green, 283, 288,
 289.
 Clarke, Thomas Alexander, inter-
 preter, 53.
 Claus, Mrs. Ann, 140, 201.
 Claus, Colonel Daniel, 140.
 Claus, Captain William, 51, 53, 55,
 88, 89, 97, 122, 140, 161, 166,
 185, 186, 187, 198, 199, 201, 227,
 229, 232, 233, 234, 247, 259, 262,
 271; letters to Russell, 303, 304,
 306, 307, 310, 311; biographical
 note, 126.
 Claus Papers, 14, 270.
 Clear Creek, 78.
 Clench, Ralfe, 214.
 Clergy Reserves, 4, 5, 60, 61, 97, 141,
 142, 143, 144, 154, 179, 180, 184,
 197.
 Clerk (Clark), General Isaac, 297.
 Clifton township, 151.
 Clinton, Colonel W. H., 114.
 Cockerel, Richard, 116.
 Coffin, James, 100.
 Cole, Sergeant, Levy P., 9.
 Colerick, Peter, 158.
 College, site for, 85, 103.
 Collins, Hon. John, 69.
 Collot, General Victor, 273.
 Colquhoun, Mr., 196.
 Commissary General, 289, 309.
 Condon, James, 51.
 Condon, Redmond, 51.
 Congress, law of respecting duties on
 imports, 266.
 Connecticut, 298.
 Connolloy, Lieut. John, 158.
 Constance, J. B. (alias George
 Cowan), interpreter, 53, 61.
 Coon, John, 74, 196, 261.

- Cooper, Lieut., 67.
 Cooper, James, 158.
 Cooper, Nathan, 211.
 Cooper, Thomas, 158.
 Cooper, William, schoolmaster at York, 43, 50.
 Cork in Ireland, 108, 176.
 Cornwall town, 58, 93, 96, 97, 200, 240.
 Cornwallis, Marquis, 274.
 Coteau du Lac, 266, 268.
 Cottrell, Stephen, clerk of the Privy Council, 50.
 Court House at York, 37.
 Court House and Jail, at Sandwich, burning of, 45, 46, 97, 113, 125, 300.
 Courtwright's Landing, John, 287.
 Coutre, Louis, 52.
 Cowan, George (alias J. B. Constance), interpreter, 53, 161.
 Cowell, Lieut., 234.
 Cozens, Joshua G., 34.
 Craigie, John, Commissary General, 289, 309; letter to Prescott, 34.
 Crait, Alexis, 51.
 Crawford (Crawford), Captain W. R., 69.
 Credit River, 122, 135, 186, 230, 261, 270, 272, 278, 304, 305, 306, 307, 308, 310.
 Crookshank, Miss, 2, 102, 285.
 Crown Lands, 170, 172, 187, 197, 210, 219, 237; proclamation respecting grants, 293.
 Cruikshank (Crookshank), George, 91, 139, 232; biographical note 139.

 Daine, John, 51.
 Daley, William, 287.
 D'Allegre, M., 276, 277, 288, 317.
 Dame, Captain George, 158.
 Darlington township, 80, 118, 119.
 Davidson, Dr. James, 75.
 Davis, Simeon, 211.
 Davis, Theodore, 211.
 Davison, Alexander, 282, 284.
 Day, James, interpreter, 269.
 Dayton, Abraham, 104.

 Debandan, Indian chief, 187.
 Dechambault, Fleury, superintendent of Indian affairs, 53.
 Delaware township, 116, 117, 212.
 Delisle, Niel, 51.
 Delorme, Pierre, 51.
 Dennison, John, 2, 50, 101.
 Department of Public Records and Archives, Toronto, 44, 109, 114, 115, 117, 133, 134, 145, 146, 149, 165, 176, 203, 225, 237, 246, 251, 259, 265, 275, 288, 289, 296, 316.
 Deserters, 97, 111, 125.
 Detroit, 7, 48, 51, 52, 82, 93, 101, 102, 120, 125, 126, 137, 150, 154, 157, 165, 191, 202, 223, 230, 266, 280, 281, 287.
 Detroit Road, 92.
 Devon, England, 165.
 Dexter, John, 196.
 Dickason, Mr., 283.
 Dickendow Creek, 76, 77.
 Dickson, Robert, 267.
 Dickson, William, 55, 57.
 Dolson, Mathew, 52.
 Donaldson, James, 51.
 Don River, 65, 68, 106, 295.
 Donovan, Catherine, 275.
 Donovan, Marie, 276.
 Donovan, Richard, 52.
 Dorchester, Lord, 13, 16, 48, 69, 185, 201.
 Dower, Act for barring, 25, 26, 27, 28, 31, 45.
 Druillard, Baptiste, 52.
 Druillard, Dominique, 52.
 Druillard, Simon, 51.
 Drummond, Captain Peter, 54.
 Duggan, Thomas storekeeper, 53.
 Duff, Alexander, 51.
 Duncan, Admiral Adam, 73, 102.
 Duncan, Hon. Richard, 54, 239.
 Dundas, Hon. Henry, 49.
 Duke Street, York, 43, 44.
 Dundas, county, 54, 241.
 Durham county, 54, 241.
 Durocher, Basile, 51.
 Dutch settlement, 173.
 Dutch, victory over by Admiral Duncan, 270.
 Dutchess street, York, 43, 96.

- Duties on imports into United States, 266.
- Ear Bobs, 202.
- Earl, Lieut. Hugh, 253.
- Earl of Moira brig, 274.
- Eastern District, 26, 33, 100, 177, 200, 206, 240, 268, 296.
- East Indies, produce of, 217.
- Edward, Duke of Kent, accident to, 274.
- Eddy, Samuel, 52.
- Edge, Samuel, 51.
- Edinburgh, ship, loss of 84.
- Eighty-first Regiment, appointment of Simcoe as colonel, 173.
- Ellicott, Joseph, 215, 216, 226; letter to Hamilton and Street, 214.
- Elliott, Captain Mathew, 6, 9, 10, 12, 19, 43, 48, 53, 55, 66, 72, 79, 81, 92, 122, 123, 195, 218, 222, 223, 224, 245, 252, 269, 300; letters to McKee, 7, 8, 10, 11.
- Elmsley, Chief Justice John, 1, 16, 17, 18, 21, 28, 31, 35, 38, 44, 55, 56, 67, 102, 136, 140, 141, 144, 173, 176, 181, 184, 185, 188, 193, 194, 195, 218, 222, 223, 224, 230, 239, 241, 246, 290, 291, 292, 302, 303, 313, 321, 322, 328; letters to Russell, 15, 22-33, 183, 238-245; letters to D. W. Smith, 35, 72, 74, 83, 100, 103, 106, 120, 135, 153, 154, 156, 188.
- Emigrants, French royalist, 275, 276, 277, 283, 288, 291, 292, 294, 310, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330.
- England, Colonel (General), Richard, 12, 274.
- Episcopal church, 200.
- Erie Fort, 71, 84, 100, 109, 162, 163, 183, 214, 279, 297, 309, 327.
- Erie Lake, 14, 76, 78, 81.
- Essex county, 54, 69.
- Etobicoke river or township, 69, 118, 119, 219, 230, 234, 300.
- Eure, department of, 276.
- Everetta ship, 254, 328.
- Evreux, 276.
- Executive Council of Lower Canada, 274.
- Executive Council of Upper Canada, 15, 20, 21, 61, 68, 73, 85, 95, 97, 101, 106, 117, 170, 225, 260, 261, 284, 290, 301.
- Executive councillors, increased grants of land to, authorized, 301.
- Extracts from Minutes of Executive Council, 55, 56, 105, 114, 136, 140, 141, 144, 158, 174, 176, 177, 181, 193, 194, 195, 206, 207, 208, 209, 210, 212, 230, 290, 291, 292, 302, 303, 313, 321, 322, 329.
- Fair View on Thames, 13, 14.
- Falls of Niagara, 71, 171, 214, 215, 216, 226, 250, 297.
- Falls of St. Mary, 237, 257, 258, 308.
- Farcey, Captain de, 275.
- Farmar, Hugh Hood, letters to Russell, 107, 175.
- Farmar, Mrs., 107, 108, 176.
- Farmar, Jasper, 108, 176.
- Farmar, Richard, 107, 108, 176.
- Farmer's Brother, Indian chief, 262.
- Farquharson, Commissary James, 13.
- Fearson, John, 52.
- Fees, distribution of, 59, 60, 172, 314, 315.
- Fees, table of, 223, 224, 225, 294.
- Ferguson, John, 86, 88.
- Ferrand, Jacob, petition from, 56, 57, 212.
- Ferries, act for the regulation of, 45.
- Fiats, suspension of, 57.
- Fifth Regiment, 119.
- Fighting Island, 14.
- Fisher, Alexander, 145.
- Fisher, Frederick, interpreter, 14, 92, 269.
- Fisher, Jacob, 196.
- Fisher, John, 196.
- Fishing places of the Mississaugas, proclamation protecting, 41.
- Five Nations, 15, 34, 41, 42, 46, 47, 51, 61, 62, 85, 86, 87, 90, 93, 94, 99, 122, 124, 153, 169, 170, 176, 186, 187, 188, 198, 199, 247, 251,

- 259, 260, 262, 263, 264, 270, 272, 304, 305, 306.
- Flamborough township, 55.
- Fleming, William, 51.
- Florida, sale of, 134, 167.
- Flour purchase of, 36, 72, 100, 101, 126, 147, 148, 157, 184, 186, 191, 192.
- Forbes, Lieut. J., 72, 130, 132, 281.
- Forsyth, George, 72.
- Forsyth, Joseph, 192.
- Forsyth, Robert, 52.
- Forsyth, William, 51.
- Forsyth & Richardson, 94.
- Fort Amherst, 175.
- Fort Erie, 71, 83, 100, 109, 162, 163, 183, 214, 279, 297, 309, 327.
- Fort George, 11, 36, 37, 45, 47, 48, 65, 79, 80, 81, 100, 138, 148, 149, 157, 191, 192, 250, 252, 259, 262, 269, 270, 297, 303, 309, 327.
- Fort Miamis, 67, 69.
- Fort Schuyler, 214.
- Fortier, Lieut., 36.
- Fortune, William, petitions from, 206, 207, 211.
- Fouchard, a French immigrant, 275.
- Fourneau, a French immigrant, 275.
- Fourneau, Frances, a French immigrant, 275.
- Foxes River, 167, 272, 278, 281.
- Franklin, a servant, 78, 275.
- Fraser, Major, 18, 43, 49, 124.
- Fraser, James, 51.
- Free Grammar School in Home District, house offered for, 329.
- French emissaries, 127, 134, 150, 154, 214, 273, 280, 282, 295, 301.
- French law, 27.
- French privateers interrupt correspondence, 220.
- Frobisher, Joseph, 236, 237, 259.
- Frontenac county, 54, 241.
- Fund for establishing free Grammar schools, 5, 197, 198, 299, 302, 313, 314.
- Gabarne, Pierre, 51.
- Gamble, Dr. John, 118, 119, 121, 122.
- Gananoqui, 241.
- Ganize, Isaac, 52.
- Garrison at York, 38, 187, 230.
- Garrison Creek at York, 38.
- Gaucher, Mr., 36.
- Genesee River, 20, 136, 214.
- Genet, M., 273.
- Geneva newspaper, 149.
- Genevay, Captain Lewis, 279.
- German immigrants, 20, 128, 129, 131.
- Gerry, Elbridge, 283.
- Gibraltar Point, 102.
- Girondin army, 276.
- Girty, Simon, interpreter, 53.
- Givens, Lieut. James, 90, 121, 122, 188, 189, 198, 199, 229, 232, 233, 235, 248, 250, 251, 253, 259, 260, 261, 264, 270, 271, 279, 304, 305, 306, 307, 308, 309, 310; his marriage, 102; letter to Brant, 234.
- Glebes, leasing of, 143.
- Glengarry county, 64, 240.
- Gomer, Jacob, 195.
- Gouin, Robert, 52.
- Government House at York, construction of, 1, 37, 38.
- Governor Simcoe schooner, 36.
- Gagnier, Isaac, 52.
- Graham, Lieut. Colonel, 101; letter to John King, 297.
- Graham, Captain William, 38, 132.
- Grammar schools, establishment of, 4, 5, 59, 98, 103, 197, 198, 213, 297, 299.
- Grand River, lands and Indians, 20, 34, 39, 40, 41, 51, 61, 75, 76, 77, 85, 87, 88, 89, 90, 94, 97, 104, 116, 148, 152, 154, 155, 169, 184, 186, 187, 199, 200, 227, 233, 241, 246, 260, 262, 264, 270, 271, 272, 284, 304.
- Grand River (Ottawa), 206, 207, 268.
- Grant, Commodore Alexander, 84, 299; attends Executive Council, 193, 206, 208, 210, 211.
- Grant, John, 51.
- Grant, Robert, 51.
- Grass Points, 236.
- Gray, Mrs. James, 185, 226, 253, 276.
- Gray, Lieut. Colonel James, 185, 226, 253.
- Gray, Jonathan Abraham, notary, 204.

- Gray, R. I. D., Solicitor General, 56, 212, 222; observations on acts, 221-2.
- Great Seal, fees on, 59, 312, 313.
- Green, Captain James, 80, 81, 104, 191, 192, 230; letter to Brant, 62; to Lieut. Colonel de Berniere, 152; to Hector Maclean, 67; to John Macdonnell, 48, 66; to Sir Johnson, 62, 118, 121, 122, 140, 152, 156, 193, 250, 259, 320, 331; to Hazelton Spencer, 80, 113, 250, 275.
- Green Thomas, 51.
- Gregory, John, 236, 237, 257.
- Grenier, Joseph, 52.
- Grenville, Lord, 166, 170.
- Grenville county, 33, 241.
- Grey (Gray), John, 2, 79, 203.
- Gros Cap, 256.
- Grossman, a servant, 275.
- Guadeloupe, 273.
- Gunboats, construction of, 79, 80.
- Guillimbury township, 321.
- Guthrie, James, 51.
- Habitants, 247.
- Haldimand, Sir Frederick, 18, 39, 40, 85, 257, 262.
- Haldimand county, 241.
- Hale, Mr., 274.
- Halifax, N. S., 179, 310.
- Hallowell, Benjamin, 121, 156.
- Hamilton, Lieut.-Governor Henry, 64.
- Hamilton, Hon. Robert, 54, 64, 109, 146, 214, 216, 267; letters to Russell, 44, 115, 149, 164, 215, 316; memorandum on trade, 266-7.
- Hamilton, Mrs. Robert, 115, 164.
- Hamilton & Street, 215.
- Hammond, Hon. George, British envoy to the United States, 129.
- Hands, William, 51.
- Hare, Peter, 74.
- Harffy, Dr. William, 51.
- Harriman, Joseph, 211.
- Harris, David, house of, 332.
- Harry, a servant, 275.
- Harrison, Alexander, 52.
- Hastings county, 64, 332.
- Hawkesbury township, 20, 208, 212.
- Head of Lake Ontario, 51, 54, 88, 90, 234, 300, 308, 311.
- Hereford township, 151.
- Heward, Hugh, 51.
- Hewes, Gabriel, 52.
- Hewitt's lot, 35.
- Highways, labour on, 222.
- Hill, Thomas, 196.
- Hoen, Frederick, Baron de, 195.
- Holland Land Company, 214, 215, 226.
- Holland River, 70, 161.
- Home District, 32, 93, 113, 158, 226, 240, 241, 329.
- Hoops, Adam, Jr., 215.
- Hope Mills, 241.
- Hope township, 82, 119.
- Hospital at Fort George, 48.
- Houdrecouve, M., 214, 215, 226.
- Humber River, 230, 295.
- Humbert, General, 310.
- Hyde's lot, 111.
- Illinois, 266.
- Importations, duties on 145, 146, 181, 182, 217, 218.
- Indian corn, purchase of, 68, 82, 100, 125, 147, 157.
- Indian department, 5, 6, 7, 8, 11, 13, 48, 55, 61, 66, 67, 71, 79, 81, 84, 90, 91, 252, 262, 265, 271; list of officers in, 52.
- Indian lands, sale of, 39, 40, 41, 42, 46, 47, 50, 51, 61, 69, 85, 86, 87, 88, 90, 93, 104, 105, 110, 116, 123, 127, 134, 135, 136, 137, 138, 139, 141, 147, 159, 160, 161, 168, 169, 170, 171, 185, 186, 187, 192, 193.
- Indian presents, 36, 121, 122, 129, 140.
- Indians, 3, 5, 6, 7, 8, 10, 11, 12, 14, 18, 19, 20, 21, 34, 41, 43, 49, 55, 59, 61, 62, 63, 66, 67, 70, 75, 79, 86, 87, 88, 89, 91, 92, 93, 98, 99, 116, 120, 121, 122, 124, 127, 133, 134, 135, 137, 139, 140, 147, 150, 152, 153, 155, 159, 160, 168, 169, 170, 180, 184, 185, 186, 187, 192, 193,

- 199, 200, 227, 228, 232, 235, 236,
244, 248, 249, 252, 253, 259, 260,
261, 262, 263, 265, 269, 270, 271,
272, 273, 278, 279, 280, 281, 282,
285, 290, 291, 292, 295, 300, 303,
304, 305, 306, 307, 308, 309, 311,
318, 320, 323, 331.
Ingersoll, Thomas, 105, 106.
Innis, Robert, 51, 104.
Iredell, Abraham, land surveyor, 51,
64, 288.
Irish state prisoners, protest against
sending them to United States,
286.
Iron Ore, 312.
Ironsides, George, 9, 18, 52.
Iron works planned by Randall, 312.
Islands in Niagara River, 312.
Isle of Tonti, 240.

Jacobs, Jonathan, 211.
Jail burned at Sandwich, 45, 46, 97,
113, 125, 300.
Jarvis, William, 16, 37, 73, 75, 103,
105, 120, 130, 193, 282.
Jenese (Genesee) River, 214.
Jicatjioisay, Chippewa chief, 237.
Johnson, Abraham, 196.
Johnson, Elizabeth, 22.
Johnson, Colonel Guy, family of, 201.
Johnson, Sir John, 53, 61, 62, 69, 93,
98, 105, 138, 139, 148, 151, 152,
159, 161, 166, 181, 246, 247, 249,
255, 259, 263, 264, 320, 331;
letter to Claus, 201.
Johnson, Joseph, 196.
Johnson, Lawrence, 195.
Johnson, Miss, 111.
Johnson, Moses, 195.
Johnson, Nicholas, 195.
Johnson, Thomas, 195.
Johnson, William, lieutenant of Ad-
dington, 54.
Johnstown, 240.
Jones, Augustus, land surveyor, 120,
187, 229, 230, 233, 234, 261, 262,
271.
Jones, a servant, 275.
Judge of Assize, 32.
Judge, puisne, appointment of, 17,
66, 67.
Juries, 32.
Justices of the Peace, 32, 71, 125.

Kakonse, Chippewa chief, 237.
Keeler, Joseph, 297.
Kenderick, Hiram, 195.
Kenderick, John, 195.
Kenderick, Duke William, 195.
Kent county, 54.
Kerr, Dr. Robert, 53, 109, 215, 304.
Kilbourn, Mr., 115, 212.
King, John, Under Secretary of
State, 34, 103, 154, 196, 297, 298,
299; letter to Simcoe, 314; letters
to Russell, 117, 317.
King, Rufus, envoy of the United
States in London, letter to the
Duke of Portland, 286.
King's Bench, court of, 15, 28, 32, 83,
241.
King's College, Nova Scotia, 179.
King's Mills at Kingston, 213.
King's Posts, 9.
King's Printer, 144.
Kingston, 36, 37, 39, 80, 81, 98, 112,
126, 147, 148, 149, 183, 191, 192,
213, 228, 230, 240, 246, 251, 252,
267, 275, 277, 279, 280, 284, 294,
316, 322.
King's Stores, 126.
Kinty, Bay of, 240.
Kirby, John, 158.
Kitley township, 240, 241.
Knight, George Thomas, a butler en-
gaged by Russell, 202, 203.
Kotte, Lewis, land surveyor, 158.

La Chine, 148, 201, 288, 289, 332.
Lagard, John, 52.
Lake, Lieut.-General, 323.
Lake Champlain, 151, 152, 158.
Lake Erie, 14, 76, 81.
Lake George, 251.
Lake Huron, 160, 163, 199, 257, 310.
Lake Indians, 295, 323.
Lake Marine, 279, 280, 309.
Lake La Claire, 70, 140.
Lake of the Two Mountains, 136.
Lake of the Woods, 257.
Lake Ontario, 17, 122, 123, 132, 185,
186, 230, 300, 309.

- Lake Simcoe, 56, 70, 123, 140, 159, 160, 161.
 Lake Superior, 70, 236, 237.
 La Mothe, Captain Guillaume, 53.
 Lambert, a French Immigrant, 275.
 Land Board certificates, 24, 63, 64, 65.
 Lands, appropriation of, 5.
 Lands, speculation in, 16, 75, 84, 105, 155.
 Lane, Roger, 211.
 Langlis, John, 51.
 Lanoux, Pierre, 51.
 Latour, Amable, 52.
 La Tranche River, 136, 304, 305.
 Lawe, Captain George, 75.
 Lawrence, John, 173; death of, 285.
 Lawrence, Richard, 195.
 Leake, Mrs., 201.
 Leake, Mrs. 201.
 Leasing of Crown and Clergy Reserves, 142, 143, 154, 179, 180.
 Le Bugle, a French immigrant, 275.
 Le Coulteulx, Louis, 168, 169.
 Lee, Major, 297.
 Leeds county, 54, 240.
 Lees, John, 53, 202.
 Le Fer, Jules, a secret agent, 250.
 Leferty, Dr. John Johnson, 202.
 Legislative Council, 4, 197, 198.
 Legislature of Lower Canada, 18, 144, 145, 146, 217.
 Legislature of Upper Canada, 19, 22, 101, 126.
 Leicester, England, 83, 114.
 Leicestershire, emigrants from, 20.
 Leith, George, 101.
 Lemaire, Francois, 52.
 Le Marchand, a French immigrant, 275.
 Lenox county, 54.
 Le Poret, Major, 275.
 Lewis, Indian chief, 251, 263.
 Liancourt, Duc de, 71.
 Licenses for stills and taverns, 146.
 Lieutenants of counteis, 24, 125; list of, 54.
 Lincoln county, 28, 32, 54, 107, 240, 241, 295, 313, 316.
 Lincoln militia, 295, 316.
 Lines, Nathaniel, 53, 69.
 Liston, Robert, British envoy to the United States, 21, 150, 152, 166, 167, 250, 270; letter to Russell, 133; letter to Lord Grenville, 168; letter to Brant, 171.
 Little, John, 52.
 Littlehales, Major E. B., 114, 281.
 Little Turtle, Indian chief, 75.
 Livingston, Brockolst, 82.
 Loder, Job, 132.
 Long Point settlement, 22, 74, 78, 240, 241, 287, 296.
 London, site of, 241.
 Longueuil, M. de, 208.
 Longueuil, Madame de, 208.
 Lord Chamberlain, 49.
 Lord Chancellor, 49.
 Lords of Trade, 50.
 Lords of the Treasury, 189.
 Lorimier, Louis, letter to McKee, 12.
 Lorimer, Chevalier de, 53, 249, 259, 264, 320.
 L'Orignal, seignior of, 208.
 Louisiana, cession of, 134, 168, 253.
 Lovekin, Richard, 107, 108, 175, 176.
 Loveless, a blacksmith, 252.
 Lower Canada, 18, 23, 44, 83, 88, 95, 128, 129, 132, 182, 198, 202, 203, 222, 247, 248, 251, 296, 313, 320.
 Loyalists, 23, 33, 158, 159, 189, 204, 217, 220, 223, 224, 225, 248, 290, 317, 318.
 Lyon, Colonel Matthew, 297.
 Lyons, John, 196.
 Lyons, Thomas, 196.
 Mackinac (Michilimackinac), 100, 136, 163, 267, 268, 270.
 Mackinac Indians, 136.
 Maisonville, Alexis, Jr., 52.
 Madeira wine, importation of, 183.
 Malden township, 7, 175.
 Maguatesonaganis, 236.
 Magazines, 48, 126, 147, 148, 149, 157, 164, 166, 197, 231, 251, 256, 297, 330.
 Magistrates, 46, 64, 71, 125, 215, 287.
 Mallory, Benajah, 117.
 Mann, Colonel Gother, 48, 67.
 Maple sugar, price of, 115.
 Marine department, 80, 279, 280, 309.

- Markham township, 196, 318.
 Marriage act, 27, 32, 223, 330, 331.
 Marsh at Long Point, survey of, 287.
 Marseul, Lieut.-Colonel, 275.
 Martin, John, 51.
 Mason, Joseph, 52.
 Masson, Francis, botanist, 245.
 Matchedash, 69, 121, 256, 269.
 Mathews, Amer, 211.
 Mathews & McDonell, 212.
 Maure, Laurent, 51.
 Mayne, Captain William, 7, 49.
 Meldrum, George, 52.
 Melosakie, Indian chief, 237.
 Merritt, Thomas, 85, 101, 111.
 Mesnille, 276.
 Miamis, Fort, 64, 67, 274.
 Miamis chief, Little Turtle, 75.
 Miamis river, 130.
 Miamis, schooner, 67.
 Mickle, William, 51.
 Midland District, 23, 26, 100, 145, 158, 213, 240.
 Mileage allowance of, 241, 244.
 Miles, Mr., 111, 230.
 Militia, 1, 99, 125, 205, 248, 295, 296, 300, 316; annual report of, 54.
 Millard, Daniel, J. P., 287.
 Miller, Nicholas, 196.
 Mills, Captain William, 52.
 Mills, construction of, 15, 72, 74, 82, 115.
 Missionary to Indians, 8, 99, 153, 180, 181, 200, 201.
 Mississauga Indians, 18, 19, 21, 41, 69, 118, 122, 123, 135, 138, 139, 159, 186, 165, 185, 186, 187, 199, 227, 229, 232, 233, 234, 235, 247, 250, 251, 259, 261, 264, 271, 272, 273, 300, 303, 304, 305, 306, 307, 310, 311.
 Mississippi River, 75, 167, 266, 278.
 Mississkoi Bay, 152.
 Mitamigue Oshink, 236.
 Moasse, a French immigrant, 275.
 Modford, Mr., 310.
 Mohawk Indians, 21, 39, 40, 87, 139, 168, 192, 247, 261, 272.
 Mohawk village, 186, 187.
 Mohawk, ship, 35, 36, 48, 81, 82, 112, 218, 252, 258, 259, 279.
 Mohawk River, 289.
 Molloy, Conductor James, 53.
 Money, Richard, 51.
 Monmorell, Baptiste, 52.
 Monshier, Balser, 196.
 Montigny, Captain, 64.
 Montreal, 45, 150, 151, 179, 189, 228, 233, 236, 247, 251, 255, 259, 265, 267, 269, 283, 288, 289, 310.
 Montreal *Gazette*, 247.
 Montroi, Jean B., 51.
 Moody, Walter, 169.
 Moore, Louis, 51.
 Moravian Society, 176, 288.
 Morris, Robert, 21.
 Morse, Lieut. Humphrey, 211.
 Mortagne, 276.
 Munro, Hon. John, 32, 144, 145.
 Murphy, Timothy, blacksmith, 53, 158, 248, 252.
 Muscovado sugar, price of, 115.
 Muskinghum, 289.
 McArthur, Daniel, 211.
 McArthur, Peter, 211.
 Macaulay, Dr. James, family of, 102.
 McBride, Mrs., 285.
 McDonell, Sheriff Alexander, 58, 79, 83, 96, 254; letter to James Green, 146; letter to Simon McTavish, 147; letter to Russell, 225.
 McDonell, Lieut.-Colonel John, 5, 45, 47, 81, 84, 107, 202, 250, 262, 278.
 McDonell, Captain Miles, marriage of, 101.
 McDonell, Mrs. Miles, 111.
 McDonell, Miss, 101.
 McDonell, Reverend Roderick, 177.
 McDonell, William, 158.
 McDonell, Mr., 202.
 McDonnell, John, 51.
 McDonell, Ronald, 51.
 McDougall, Robert, 52.
 McEwan, John, ship belonging to, 115.
 McGill, Andrew, 65.
 McGill, James, 63, 64, 65.
 McGill, Hon. John, 37, 55, 56, 68, 91, 95, 105, 114, 137, 140, 141, 156,

- 158, 174, 176, 181, 183, 189, 193, 194, 195, 211, 218, 230, 232, 251, 282, 312; letter to James Green, 99, 126, 147, 149, 157, 163, 191, 230; attends the Executive Council, 55, 56, 105, 114, 137, 141, 158, 174, 181, 193, 194, 209, 211, 230.
- McGill, Mrs. John, 2, 102, 285.
- McGill, Adjutant John, 12, 190; petition from, 13.
- McGill & Canby, 311, 312.
- McGillivray, William, 236, 237, 257.
- McGregor, John, 52, 104.
- McIntosh, Angus, 52.
- McIntosh, James, 51.
- McKay, John, a merchant, 84.
- McKay, Lieut. William, 158.
- McKee, Alexander, 5, 18, 43, 53, 54, 55, 66, 69, 72, 80, 81, 90, 121, 124, 137, 232, 256; letters to Russell, 6, 10, 91; letters to Selby, 13, 14.
- McKee, Thomas, 43, 54, 79.
- McKenzie, Alexander, 8, 236, 237, 249, 255, 256, 257.
- McKirgan, John, 52.
- McLaughlin, James, 211.
- McLaughlin, John, 211.
- McLean, Lieut. Allan, 158.
- McLean, Captain Hector, 5, 6, 7, 8, 9, 10, 14, 18, 42, 43, 48, 66, 80, 158, 202, 228, 252, 280, 309.
- McLean, Neil, 158.
- McLean & Lang, printers in New York, 120.
- MacLellan, an American officer, 83.
- McMichael, Edward, 257.
- McMullen's vessel, 254.
- McNabb, Alexander, 140, 259.
- McNabb, Colin, naval officer at Niagara, 83, 181, 183, 194.
- McNabb, John, 109.
- McRae, David, 51.
- McTavish, Simon, 141, 236, 237, 256, 259.
- McTavish, Frobisher & Co., 254.
- Nassau Land Board, 116.
- Naval Department, 36, 252.
- Navigation on the Lakes, opening of, 16, 81, 181, 182.
- Navy Hall, 35, 65, 129.
- Navy on the Lakes, 279.
- Neilson & Co., 108.
- Nekuguar, an Indian chief, 187.
- Nelson, Admiral, 254.
- Nelson, Jonathan, 52.
- Nemesis* frigate, 124, 125, 126, 197.
- Nepean, Evan, 314, 315.
- Netashquoansicque, an Indian chief, 237.
- Newark town, 28, 32, 38, 62, 84, 86, 93, 97, 111, 218, 240, 260, 289.
- New Brunswick, 127.
- Newcastle District, 183.
- New Johnstown, 38, 58, 94, 99, 200.
- New York, 39, 93, 108, 128, 130, 136, 206, 254.
- New York Company, 20.
- New York *Gazette and General Advertiser*, 120.
- New York State, commissioners for, 263.
- Niagara, 5, 37, 38, 72, 74, 84, 88, 94, 102, 109, 127, 130, 154, 160, 181, 183, 236, 247, 307, 329.
- Niagara District, 122, 310.
- Niagara Falls, 71, 120, 171, 214, 215, 226, 250, 257.
- Niagara, Fort, 75.
- Niagara portage, 267, 268.
- Niagara River, 279, 311, 312, 313.
- Nichol, Robert, 52.
- Nichols, Israel, 211.
- Nipigon, 257.
- Nisi prius, 31, 32.
- Nolin, J. B., 237.
- Nooth, Dr. T. Mervin, 274.
- Norfolk county, 38, 54, 127, 240.
- Northumberland county, 54, 241.
- Norton, John, interpreter, 53, 233, 262, 304.
- North West Company, 70, 141, 147, 249, 255, 256, 308.
- North Western District, 43, 79.
- Norwich township, 108.
- Notaries, appointment of, 239.
- Nova Scotia, 179.
- Oates, Edward, 175, 176.
- Oats, price of, 115.
- O'Carr, Peter, 168.

- Ochipse Indians (Ojibwas or Chipewas), 137.
 Officers of customs, 182, 183.
 Ohio River, 278.
 Oldham, Mr., 202.
 Oneida Indians, 136, 263.
 Onondaga Indians, 153.
 Onondaga schooner, 13, 36, 80, 82, 112, 252.
 Ontario county, 54, 240.
 Ontario lake, 17, 50, 87, 122, 123, 132, 135, 162, 230.
 Orford township, survey of, 177.
 Orleans, Duke of, visits Niagara Falls, 71.
 Osgoode, Chief Justice William, 38, 129, 242, 243; letter to Russell, 273.
 Oswego, 215, 267, 268.
 Oswego River, 266.
 Ottawa chief, 136.
 Ottawa Indians, 13, 14, 121.
 Ottawa (Grand) River, 136, 206, 207, 240, 268.
 Ouisconsin River, 167, 278, 281.
 Outlet, 307; bridge at, 230.
 Oxford town, 241.
 Oxford township, survey of, 105, 106.
 Oyer and terminer, commission of, 31, 254.
 Pacy-sur-Eure, battle at, 276.
 Padiou, a French immigrant, 275.
 Paine, Thomas, 206, 207.
 Palace street, York, 146.
 Paqua, a Mississauga chief, 279.
 Park, William, 52, 113.
 Parker, Amos Mathews, 211.
 Parliament of Great Britain, 4, 228.
 Pattinson, Richard, 51, 104.
 Pawling, Mr., 109.
 Paxton, Lieut. (Captain), Thomas, 35, 37, 75, 252, 279.
 Pearce, Ensign, 219.
 Pearson, John, 287.
 Pearson, Silas, master builder, 112, 252.
 Pease, purchase of, 56, 72, 100, 102, 148, 149.
 Penetanguishene, 70, 160, 234.
 Pere, Jean B., 51.
 Perrin & Blake, case of cited, 30.
 Petre, Charles, 51.
 Pew, Samuel, 158.
 Phelps, Davenport, 63, 98, 99, 148, 153, 180.
 Phelps, Elijah, 297.
 Phelps, Josiah, petition of, 56.
 Phelps, Oliver, 136.
 Philadelphia, 20, 83, 120, 129, 136, 168, 219, 247, 250.
 Pichea Kea, an Indian chief, 187.
 Pickering township, 84, 103, 111, 156, 318.
 Pickering, Timothy, 149.
 Pilkington, Lieut. (Captain), Robert, 11, 22, 65, 71, 75, 162, 226, 278.
 Pierce, Andrew, 128, 129.
 Pine Point, 236.
 Pine Ridge at York, 74, 106.
 Pipet, a French immigrant, 275.
 Platsborough, N.Y., 26.
 Playter's lot, 35, 74.
 Point a L'original, seigniory of, 208.
 Point au Fer, 151.
 Point au Pin, 255.
 Point Frederick at Kingston, 80, 112.
 Polagawa, an Indian Chief, 305.
 Polard, a French immigrant, 275.
 Polequan, an Indian chief, 187.
 Pollard, Richard, sheriff of the Western District, 104, 120, 164, 226.
 Porter, lands of Captain, 83, 100, 101, 106.
 Portland, Duke of, 15, 16, 17, 41, 43, 44, 58, 67, 70, 71, 90, 93, 94, 95, 98, 103, 113, 117, 122, 123, 124, 127, 128, 139, 159, 178, 179, 184, 186, 194, 197, 200, 210, 213, 216, 232, 252, 253, 274, 275, 276, 278, 279, 280, 281, 296, 297, 298, 302, 314, 315, 317, 319, 321, 324, 326, 328, 329, 330; letters to Russell, 3, 59, 166, 172, 204, 222, 300.
 Ports of entry, 183.
 Potash kettles, importance of, 312.
 Poupard, Charles, 52.
 Powell, Colonel John, 71.
 Powell, John, 74.
 Powell, Justice William Dummer, 15, 17, 67, 68, 70, 196, 201, 242, 302;

- letter to John King, 18; memoir by, 19.
- Prescott, General Robert, 16, 18, 36, 48, 49, 66, 68, 70, 73, 79, 80, 83, 85, 90, 95, 99, 117, 118, 124, 126, 139, 146, 151, 155, 157, 159, 162, 163, 164, 167, 168, 172, 173, 185, 188, 192, 210, 216, 217, 224, 228, 250, 274, 280, 282, 288, 299, 306, 309, 330, 331; letter to Liston, 150; letter to Portland, 48, 246; letters to Russell, 42, 45, 55, 61, 137, 166, 226, 232, 248, 251, 272, 308; letter to Windham, 277.
- Presque Isle, Pa., 278, 287.
- Presque Isle, U.C., 241.
- Price, David, interpreter, 53, 78.
- Price of flour, 100, 126, 148, 149, 157, 164, 166, 191, 231.
- Price of Indian corn, 10, 126, 147, 157.
- Price of maple sugar, 115.
- Price of oats, 115.
- Price of peas, 100.
- Primo, Francis, 51.
- Prince Edward county, 54.
- Protestant clergy, 4, 5, 141, 177, 184.
- Protestant dissenters, 33.
- Provincial parliament, 2, 4, 18, 22, 32, 33, 37, 145, 146, 173, 182, 184, 197, 204, 205, 213, 217.
- Provisions supplied to Indians, 11, 14, 80, 228.
- Puisaye, Comte Joseph de, 204, 219, 275, 276, 277, 278, 288, 289, 290, 294, 298, 299, 317, 318, 321, 322, 323, 324, 326, 329, 330, 332; biographical note, 276; letters to Russell, 319, 324, 325.
- Puisne judge, appointment of, 15, 17, 67, 68, 172, 197.
- Pulteney, Sir William, 20.
- Quebec, 45, 47, 48, 55, 57, 61, 65, 66, 79, 90, 117, 120, 121, 124, 129, 137, 139, 151, 155, 166, 172, 178, 180, 192, 217, 248, 250, 251, 273, 275, 282, 308, 320.
- Quebec, Bishop of, 93, 96, 97, 98, 99, 148, 153, 185, 200, 213, 220, 269; letters to Russell, 57, 162, 178, 180.
- Quebec Diocesan Archives, 59, 97, 180, 181.
- Quebec Council Book, 140.
- Quebec *Gazette*, 129.
- Quebec, laws of, 27.
- Quebec province, 23, 69, 140, 213, 309, 320.
- Quegoitte taguamiguiscam, an Indian chief, 237.
- Queen's Rangers, 2, 12, 13, 70, 103, 122, 140, 162, 165, 199, 260, 227, 274, 279, 309.
- Queneponen, an Indian chief, 306.
- Queenston, 73, 115, 165, 215, 216, 245, 254, 316.
- Quiberon, 276.
- Quinte, bay of, 58, 148, 162, 240, 241.
- Quitoainse, an Indian chief, 237.
- Quorum of the Executive Council, 60.
- Raddish (Reddish), Reverend Thomas, 2, 38, 74, 154, 178, 200.
- Rainham township, 80.
- Randall, Robert, letter to Russell, 311; biographical note, 312.
- Rankin, James, land surveyor, 201.
- Rassette, Francis, 51.
- Reaume, Charles interpreter, 53.
- Receiver General, 1, 71, 73, 213, 217, 284, 293, 303.
- Recruiting for Royal Canadian Volunteers, 73.
- Rector of York 155.
- Red Jacket, Indian chief, 262.
- Reese, Peter, 211.
- Regiment, Fifth, 119.
- Regiment, Sixtieth, 84.
- Regiment, Eighty-first, 173.
- Reilly, John, 154.
- Renoax, a French immigrant, 275.
- Rent to be regulated by the price of corn, 301.
- Requests, Court of, 241.
- Requisitions for civil expenditure, 73, 162, 231, 303.
- Requisition for Indian presents, 139.
- Reynolds, Thomas, commissary, 7, 9, 56, 175, 231.
- Reul, John, 51.
- Rice Lake, 69.

- Richardson, Levi, 297.
 Richardson, Thomas, 158.
 Richardson's vessel, 215.
 Ridout, Thomas, 4, 35, 74.
 Rivardi, Major, 73, 75, 149, 214.
 Roads, construction of, 84, 107, 120, 162, 327.
 Robinson, Christopher, 207, 208.
 Robital, In., 52.
 Rochambeau, Comte de, 273.
 Rocque, Charles, 52.
 Roe, Walter, 64.
 Rose, Hon. George, 174, 189.
 Rosengarten quoted, 273.
 Ross, William, commissary at Kingston, 283.
 Rousseau, Baptiste, 52.
 Rousseau, J. B. (St. John), interpreter, 53, 77, 187, 262, 272, 304, 311.
 Royal Artillery, 92.
 Royal Canadian Volunteers, 49, 68, 73, 75, 84, 85, 114, 247, 248, 327.
 Royalists, French, 318, 319, 320, 321, 322, 323, 324, 325, 327.
 Rudhart, George Jacob, 51.
 Ruggles, James, 195.
 Rum supplied to Indians, 11, 13, 309.
 Russell, Miss Elizabeth, 39, 165, 274, 283.
 Russell, Hon. Peter, 2, 3, 7, 8, 10, 11, 21, 22, 41, 42, 43, 44, 45, 46, 47, 48, 51, 55, 56, 57, 59, 60, 61, 62, 65, 66, 69, 70, 74, 83, 84, 87, 89, 91, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 114, 115, 118, 121, 133, 135, 137, 140, 141, 142, 143, 144, 148, 149, 154, 155, 156, 157, 160, 161, 164, 166, 167, 170, 171, 173, 174, 175, 176, 177, 178, 180, 181, 182, 191, 192, 193, 195, 204, 219, 220, 221, 225, 226, 230, 272, 273, 275, 277, 284, 285, 288, 292, 293, 294, 296, 300, 302, 303, 304, 307, 308, 310, 314, 315, 316, 317, 319, 320, 321, 322, 324, 325, 329, 331; letter to Berczy, 132; letters to the Bishop of Quebec, 96, 98, 220; letters to Brant, 86, 88, 153, 233, 270; letter to Cartwright, 145; letters to Claus, 87, 89, 127; letters to Elmsley, 15, 88, 183; letter to McGill, 157; letter to Givens, 271; letter to Simon McTavish, 254; letter to McKee, 280; letter to John Munro, 144; letters to the Duke of Portland, 15, 17, 44, 67, 93, 94, 95, 122, 123, 125, 184, 196, 197, 200, 204, 216, 217, 237, 260, 260, 276, 298, 310, 317, 326, 328; letters to Prescott, 5, 11, 12, 18, 68, 70, 71, 73, 79, 80, 85, 90, 124, 159, 162, 163, 185, 188, 198, 224, 228, 231, 232, 245, 253, 255, 260, 269, 278, 280, 294, 303, 317, 330; letter to Selby, 113; letters to Simcoe, 37, 280; letters to D. W. Smith, 50, 57, 63, 74, 78, 82, 96, 116, 119, 121, 164, 212, 218, 219; letter to Timothy Thompson, 145.
 Russell's Creek, 83, 173.
 Rutland county, Vermont, 297.
 Ryland, Herman W., 220.
 St. Aulaire, M. de, 277.
 St. Clair, Jonathan, 196.
 St. Clair river, 163.
 St. Domingo, 1, 2, 101, 114, 281.
 St. George, Major Quetton, 275.
 St. John Rousseau, 53, 77, 187, 262, 272, 304, 311.
 St. John's fort, 150, 152.
 St. Joseph's island and fort, 70, 163, 256, 270, 327.
 St. Lawrence river, 136, 239, 240, 266, 311.
 St. Louis, M., 52.
 St. Mary's Falls, 236, 237, 255, 257, 258, 308.
 St. Mary's Strait, 236, 255, 257, 258.
 St. Olert, Captain Guide de, 275.
 St. Regis, 282.
 St. Regis chiefs, 233, 249.
 St. Therese, 151, 155.
 St. Vincent, Lord, 121, 254.
 St. Victor, M., 276.
 Saguenaw Indians, 10.
 Sandwich town, 38, 58, 93, 97, 113, 120, 183, 200, 240, 241, 285.
 Sans Culottes, 274.

- Sargeant, Mr., 12.
 Scadding, John, 281.
 Schenectady, 266, 268.
 Schifflin, Jonathan, 51.
 Schoolmasters, 5, 9, 43, 53, 59, 98, 179, 302.
 Seacord, James, 115.
 Secretary of the Province, 85, 87.
 Sejeant, a French immigrant, 275.
 Seminaries, establishment of, 4, 302.
 Selby, Prideaux, 8, 13, 14, 113, 269; letter to Russell, 45.
 Senecas, 21.
 Senseman, Gottlob, 177.
 Seth, Captain, an Indian chief, 42, 87, 88.
 Seven Nations of Canada, 90, 192, 202, 210, 241, 263, 264, 271, 320.
 Shank, Major (Colonel), David, 155, 160, 162, 165, 186, 187, 211, 284, 285, 303; his promotion, 155.
 Sharp, George, 51.
 Shaw, Hon. Æneas, 54, 55, 56, 105, 114, 137, 140, 141, 154, 155, 174, 176, 177, 181, 183, 194, 295, 299; promoted, 155; attends Executive Council, 55, 56, 114, 137, 140, 158, 174, 176, 181, 193, 194, 195, 209, 290, 291, 292, 302, 303, 319, 322, 329; presides, 105.
 Shawanese (Chaounese), 12, 137, 260, 262, 279, 281, 305.
 Sheffield, Lord, 114.
 Shepherd, Joseph, 196.
 Sheron, Lord, 165.
 Showler, Conrad, 52.
 Skinner's mill near York, 106.
 Simcoe, J. G., 1, 2, 11, 13, 17, 20, 34, 37, 39, 40, 69, 74, 84, 98, 101, 102, 104, 116, 118, 122, 129, 130, 135, 154, 163, 173, 179, 189, 213, 257, 284, 297, 315; letters to John King, 40, 127; letters to Russell, 185, 219.
 Simcoe, Mrs. J. G., 2, 39, 101, 274, 285.
 Simcoe, Francis, 102, 285.
 Simcoe, Lake, 56, 70, 121, 123, 161, 192, 234, 271.
 Simcoe Papers, 2, 102, 174, 283, 285.
 Simcoe Place, 173.
 Simcoe schooner, 36.
 Simcoe, Sophia, 102, 285.
 Simons, Titus Geer, 104, 144.
 Sizain, an Indian chief, 237.
 Six Nations, 3, 19, 20, 21, 86, 87, 89, 90, 116, 135, 166, 168, 304.
 Sixtieth Regiment, 84.
 Sligo, 310.
 Small, John, clerk of the Executive Council, 16, 50, 72, 101, 141, 189.
 Smith, Hon. D. W., 35, 46, 50, 55, 56, 64, 72, 74, 78, 80, 82, 83, 89, 96, 100, 101, 103, 106, 109, 114, 115, 116, 117, 118, 119, 120, 121, 130, 133, 135, 137, 140, 141, 142, 144, 146, 154, 155, 156, 164, 177, 188, 189, 193, 194, 195, 198, 205, 207, 212, 218, 219, 230, 285, 300, 329; letter to Brant, 47; letters to Russell, 265, 288, 296; certificates, 140, 146, 154; attends Executive Council, 55, 56, 105, 114, 137, 141, 144, 158, 178, 194, 195, 206, 207, 209, 211, 212, 230, 313, 321, 322, 328.
 Smith, D. W., MSS of, 22, 42, 44, 46, 47, 50, 51, 57, 65, 73, 75, 76, 77, 78, 79, 81, 85, 86, 101, 104, 105, 107, 113, 116, 117, 119, 121, 122, 124, 135, 140, 146, 154, 155, 156, 164, 188, 189, 191, 212, 214, 219, 225, 234, 237.
 Smith, Mrs. D. W., 73, 74, 111, 121, 135, 153, 218, 285.
 Smith, D. W., Jr., 75, 106, 111, 121, 135, 153, 156.
 Smith, Elias, 82.
 Smith, James, 52.
 Smith, Mrs. John, 75, 106, 111, 121, 135, 153.
 Smith, Thomas, 52.
 Smith, William, 52.
 Smith, William Seba, 82; biographical note, 82.
 Smith, Mr., 74.
 Smith, Major Samuel, 155, 160, 219; promoted, 154.
 Smithers, Susanne, 276.
 Smithers, William, 276.
 Solicitor General of England, 4.

- Solicitor General of Upper Canada,
R. I. D. Gray, 56, 212, 238, 329.
Southbury, Conn., 128.
South River, 152.
Sophia gunboat, 80.
Spanish dominions, 20.
Speculation in land, 57, 75, 82, 83, 84,
103.
Speedy gunboat, 79, 252, 280.
Spencer, Major Hazelton (Hugh), 54,
79, 112, 275; letters to James
Green, 36, 252, 294.
Springer, Mr., 173.
Springfield (Russell's house at Niag-
ara), sale of, 11, 45, 102.
Stedman, Phillip, 140, 193.
Stegman, John, land surveyor, 116.
Stevenson, Lieut.-Colonel Charles,
103, 281; letter to Russell, 114.
Stewart, Alexander, 42, 86, 87, 88, 89,
90, 94, 105, 187.
Stopford, Viscount, 49.
Stormont county, 54, 240.
Story, Stephen, 211.
Street, Samuel, 44, 146, 213, 215.
Stuart, Reverend John, 59, 98, 148,
179, 213, 220.
Stuart, Reverend George Okill, 59,
98, 148, 179, 213, 220.
Suffolk county, 54.
Superior, Lake, 70, 236, 257.
Surveying fees, table of, 293, 294, 298.
Surveyor General, 16, 64, 88, 95, 119,
122, 137, 142, 193, 208, 237, 238,
278.
Susquehanna River, 214.
Swayze, Simcoe's horse, 173, 285.
Sydney township, 332.
Symington, John, 121.
Swift gunboat, 79, 279, 280.
- Table of fees for surveys, 222, 293,
294, 298.
Table Rock, 313.
Tacoacanaïs, Indian chief, 237.
Talbot, Lieut.-Colonel Thomas, taken
prisoner, 114.
Talleyrand, M. de, 134.
Taphouses at Amherstburg, 10.
Taylor, Captain, 310.
- Taylor, Nathaniel, commissary at
Kingston, 36.
Tenbrook, Peter, 109.
Telemain, Baptiste, 52.
Thames river, 13, 14, 91, 137, 173,
288, 289, 304, 305.
Thayendanegeden, (Joseph Brant),
186.
Thisereld, a French immigrant, 275.
Thomas, Otis, 211.
Thompson, Timothy, 145, 146; bio-
graphical note, 145.
Thompson, Mr., 132.
Thompson, Mrs., 111.
Thompsons, servants with French
royalists, 275.
Thorn, William, 52.
Three Rivers, near York, 271.
Thurlow, Lord Chancellor, 243.
Tice, Mr., 115.
Tiffany, Messrs., printers, 104, 111.
Tobico (Etobicoke), 73.
Todd, Isaac, 63, 65.
Toronto Public Library, MSS. of
D. W. Smith, 22, 42, 44, 46, 47,
50, 51, 57, 65, 73, 75, 76, 77, 78,
79, 81, 85, 86, 101, 105, 107, 113,
116, 117, 119, 121, 122, 134, 135,
140, 146, 154, 155, 156, 164, 166,
169, 191, 212, 214, 219, 225, 234,
237.
Toronto purchase of land from In-
dians, 68, 69, 70, 118, 137, 138,
139.
Toronto Street in York, 146.
Trade with the United States, 266,
267, 268, 273, 274, 315.
Treasury, Lords of, 233.
Treasury, regulations of Commis-
sioners of, 226, 227, 228, 253.
Transport of provisions, 35, 36, 81,
112, 231, 268, 327.
Tredwell, Nathaniel, 206, 207, 208.
Tribune, ship, loss of, 84.
Twelve Mile Creek, 135.
- United Empire Loyalists, 158, 159,
225, 293, 318.
United States, German emigrants set-
tled in, 20; common post in, 39;
deserters from coming into West-

- ern District, 125; war with France reported, 149; change of political opinion in, 150; importation of dutiable goods from, 181, 182, 183, 194, 217, 218, 273; trade with, 266, 267, 268, 273, 274, 315.
- United States Gazettes, 102.
- University, establishment of, 4, 103, 179.
- Upper Canada, 5, 31, 34, 40, 48, 49, 58, 61, 62, 83, 112, 128, 129, 130, 131, 139, 168, 172, 173, 174, 185, 191, 192, 195, 197, 198, 200, 203, 205, 215, 217, 220, 221, 222, 224, 227, 228, 230, 231, 232, 237, 239, 245, 253, 254, 255, 256, 266, 274, 275, 277, 280, 281, 283, 294, 297, 298, 299, 300, 302, 303, 304, 309, 310, 313, 314, 317, 318, 319, 320, 325, 326, 330, 331, 332.
- Upper Canada Gazette or American Oracle, 144.
- Upper House, 33, 144.
- Uxbridge township, 321.
- Valle, Pierre, 52.
- VanAlstine, Major Peter, 54.
- Vermont militia, 297.
- Vessel for civil government on Lake Ontario, 279, 280, 309.
- Vincent, James, 51.
- Wabakenyne, Indian chief, 123, 135, 186, 187, 227, 279.
- Wabenip, Indian chief, 185, 186, 187.
- Wabenose, Indian chief, 187, 305.
- Wallace, William, 193.
- Walpole township, 80.
- Walsingham township, 57, 212.
- Walton, Captain Jonathan, 82, 103.
- Wampum, 281, 304, 305, 306.
- Warin, adjutant to General Collet, 273.
- Warren, Henry, 158.
- Warren, John, 109.
- Warren, John, Jr., 158.
- Washington, ship, loss of, 107, 108, 175, 176.
- Waste lands of the Crown, future disposal of, 60, 225.
- Water Communication, 274.
- Waters & Simons, printers, 144.
- Wayne, General Anthony, 64.
- Western Country, 273.
- Western District, 25, 46, 93, 104, 113, 126, 200, 228, 241, 245, 287, 295, 300.
- Western Indians, 260, 262, 280, 281, 282, 295.
- West Indies, produce of, 217, 266.
- Westminster Hall, custom of, 29, 242.
- West Niagara, 9.
- Welch, Thomas, 296; letter to D. W. Smith, 287.
- Wheat, crop of, 126, 157, 297.
- Wheaton, John, 52.
- Whitby township, 318.
- Whitchurch township, 321.
- White, Attorney General John, 2, 24, 32, 45, 57, 65, 80, 86, 87, 88, 90, 131, 223, 302.
- White, Miss, 65.
- White, Mrs. John, 96.
- Whitehead, John, 52.
- Whitlock, Captain John, 26.
- Wickham, William, letter to Lord Castlereagh, 286.
- Widow's right of dower, 25, 26.
- Wilkinson, General James, 71, 75, 82, 134.
- Willcocks, Charles, 107, 108, 175, 176.
- Willcott, Paul, 196.
- Willcox, Mr., 108.
- Williams, Jenkin, Clerk of the Executive Council of Lower Canada, 129.
- Wilkins, Robert, 158.
- Wilmot, S. S., land surveyor, 72.
- Wilson, James, 77, 193.
- Wilson, John, Jr., 196.
- Wimpfen, General, 276.
- Windham, Hon. William, Secretary at War, 276, 277, 317, 319, 321, 323, 325, 326, 329, 330.
- Winterbottom, Thomas, 158.
- Winter Express, 61, 103, 109, 145.
- Winters, James J., 211.
- Winters, Obadiah, 211.
- Wolford Lodge, 3, 41, 165, 219.
- Wolford Simcoe Papers, 2, 102, 174, 283, 285.

- | | |
|--|---|
| Wolves, reward for killing, 188.
Wood Creek, 266.
Wood, Frank, 109.
Wood Yard at Fort George, 48.
Worrin, David Bishop, 211.
Wowsky, 104.
Writ of Enquiry, 31.
Yankee speculators, 75.
Yellow fever, 274, 283.
Yellowhead, chief of the Chippewas
from Lake la Claie, 159, 160, 161,
192.
Yonge Street, 50, 70, 189, 195.
York county, 32, 54.
York, district of, 189.
Yorkists, 73.
York town, 5, 11, 12, 13, 15, 17, 18, 19,
32, 35, 37, 41, 42, 43, 44, 46, 50,
55, 56, 58, 65, 67, 68, 70, 73, 78,
79, 80, 81, 82, 85, 93, 96, 98, 101, | 102, 104, 105, 109, 111, 113, 114,
115, 116, 118, 119, 121, 122, 124,
126, 127, 130, 131, 132, 136, 140,
141, 144, 145, 146, 147, 148, 153,
154, 155, 157, 159, 160, 161, 162,
163, 173, 174, 176, 177, 181, 183,
184, 185, 187, 188, 189, 191, 193,
194, 195, 196, 197, 198, 200, 204,
205, 206, 207, 208, 210, 212, 216,
217, 219, 220, 221, 224, 226, 227,
227, 228, 229, 233, 234, 237, 240,
250, 253, 254, 255, 259, 260, 261,
264, 270, 276, 277, 278, 280, 281,
284, 290, 291, 292, 294, 298, 302,
303, 309, 310, 311, 313, 315, 316,
317, 320, 321, 322, 324, 325, 326,
327, 328, 329, 331.
York township, 22, 50.
Young Brant, 152.
Young, John, 214. |
|--|---|