

Crown Grant to Charles Selleck at Newcastle December 3 1803 Analysis

Text from Crown Grant	Analysis
P. Hunter, Lt. Gov.	Peter Hunter was Lieutenant Governor of Upper Canada and Lieutenant General Commanding the British forces in Upper and Lower Canada. He had been appointed in 1799 to replace John Graves Simcoe although Peter Russell had been Administrator since Simcoe left Upper Canada in 1796.
Province of Upper Canada	The Province of Upper Canada – in simple terms, the southern portion of what we know of as Ontario today, mostly the land along the St. Lawrence and Lakes Ontario and Erie.
George the third by Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all to whom these presents shall come Greetings	George III was king at this time; became King in 1760. Longest reigning monarch of UK before Queen Victoria and Elizabeth.
and Grant unto Charles Selleck of the Township of Niagara in the County of Lincoln in the District of Niagara, Mariner	Most info shows that Charles Selleck was actually living in Newcastle from 1802 when the new court house was built. This is the first indication he had land in the Niagara District, although it was normal for ship captains (mariner as it says here) to work in different places and buy land near major ports they frequented. Land records are needed to support this.
all that parcel or tract of land, the greater part whereof is covered with water, situate in the Town of Newcastle in the County of Northumberland in the District of Newcastle, containing by admeasurement, one acre more or less	The land grant is for one acre of land that is mostly under water, at Newcastle, the new town where a court house had been built.
being the water Lot Number Four in front of town Lot Number four in the said town of Newcastle, which said Lot is Butted and Bounded or may be otherwise known as follows, that is to say, Commencing at the water's edge in Presque Isle Harbour, under and at the foot of the Bank bearing north thirteen degrees east from the North East Angle of Town Lot Number Four, then north thirteen degrees east three chains seventeen links, then north seventy seven degrees west three chains seventeen links, then south thirteen degrees west to the waters edge at the foot of the said banks, then northerly along the waters edge to the place of beginning,	Anyone who wishes to follow this info and identify the exact location of this lot, be my guest. For general purposes, I will assume it is on the bay shore of Presqu'ile Point, to the west of Salt Point, near where the court house had been built. We can see the general location of the wharf on the 1797 Plan Map for Newcastle.
Provided always that no part of the Premises hereby given and granted to the said Charles Selleck and his heirs be within any Reservation hereupon made and marked for us our heirs and successors by our Surveyor General of Woods or his Lawful Deputy, in which case this our Grant for such part of the land hereby given and granted to the said Charles Selleck and his heirs for ever aforesaid and which shall upon a Survey thereof being made be found within any such Reservation, shall be Null and Void and of none effect, anything herein contained to the contrary notwithstanding.	This means that the government can supersede this document if it needs to do something related to settlement or navigation later on.
Provided also that the said Charles Selleck his heirs or assigns shall and do, within three years, erect and build or cause to be erected and built in some	This presents the most interesting part of the document. Charles Selleck is required, within three years, to build a wharf on this acre of land for the use

<p>part of the Demised premises, a good and sufficient wharf, fit and proper for the landing of goods, wares and merchandise and do not by any erection by him or them to be made, obstruct or impede the navigation of vessels or craft of any kind in or upon the said Harbour of Presque Isle.</p>	<p>of vessels bringing goods into Presqu'île Bay. We know that there was a dock built there west of Salt Point, so now we know that Charles Selleck was required to build it as part of this Land Grant.</p>
<p>Provided also that if at any time or times hereafter the premises so hereby given and granted to the said Charles Selleck and his heirs, shall come into the possession and ?tenun? of any person or persons whomsoever either by virtue of any Deed of Sale, Conveyance, Enforcement or exchange, or by Gift, Inheritance, Descent, Devise or Marriage, such person or persons shall within twelve months next after his, her or their entry into and possession of the same, take the oaths prescribed by law before some one of the magistrates of our said Province and a Certificate of such oath having been so taken shall cause to be recorded in the Secretary's Office of our said Province.</p>	<p>This ensures that if the land changes hands, an oath will be sworn by the new owners to maintain the integrity of this Land Grant and its provisions.</p>
<p>In default of all of any of which Conditions, Limitations and Restrictions this said grant and everything herein contained shall be and we hereby declare the same to be Null and Void to all intents and purposes whatsoever and the premises hereby granted and every part and parcel thereof shall revert to and become vested in us our heirs and successors in the like manner as if the same had never been granted, anything herein contained to the contrary is anywise notwithstanding.</p>	<p>This looks like a boilerplate paragraph indicating that if the grantee does not live up to the provisions so stated, the Land Grant would be declared Null and Void and the land would revert to the Crown.</p>
<p>And whereas by an Act of Parliament of Great Britain passed in the thirty first year of His Majesty's Reign, entitled "An Act to Repeal Certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign entitled "An Act for making more effective provision for the Government of the Province of Quebec in North America and to make further provisions for the Government of the said Province, it is declared that no grant of land hereafter made shall be valid or effective unless the same shall contain a Specification of the Lands to be affected and appropriated.</p>	<p>This confusing bit is common in documents of the time as they had to cover the legal base of recognising the underlying Acts of Parliament that created Upper Canada and then modified the districts at various steps along the way. It is interesting to note that the method of dating the Acts was the number of years into the reign of the current sovereign. This, also was very common practice at the time.</p>
<p>Solely to the maintenance of a Protestant Clergy within the said Province in respect to the lands to be thereby granted, Now know ye that we have caused an allotment or appropriation of the one seventh of an acre to be made in a certain Block of Land adjoining the said Town of Newcastle.</p>	<p>It is a bit confusing what belongs to what, but I believe this bit starting with "Solely" refers only to the issue of clergy reserves. Here it mentions that one seventh of one acre has been set aside for Protestant Clergy in the Town of Newcastle. Not sure what that has to do with Charles Selleck and the land grant for the wharf, but there it is.</p>
<p>F Fen? Paid to Receiver General under No.? Regulations. P. R.</p>	<p>There is a small note to the lower left, just under the text, which appears to be confirmation that a fee was paid to the Receiver General to register this Land Grant. The initials on it are P. R. which probably means Peter Russell, who was Receiver General of Upper Canada at this time.</p>

<p>Given under the Great Seal of our Province of Upper Canada, Witness our trusty and all beloved Peter Hunter, Esquire, our Lieutenant Governor of our said Province, and Lieutenant General Commanding our Forces in our Provinces of Upper and Lower Canada,</p>	<p>Formal statement that Peter Hunter, Lt. Gov. of Upper Canada, has witnessed the Land Grant and affixed the Great Seal of the Province of Upper Canada.</p>
<p>this third day of December in the year of our Lord One Thousand Eight hundred and three and forty fourth of our Reign.</p>	<p>The date of this document, when it was witnessed and the Seal applied, is shown as December 3, 1803. We also see again the point that this was the forty fourth year of the reign of George III.</p>
<p>Entered with the Auditor 29th October 1804 Peter Russell ?AT Gen?</p>	<p>As a matter of housekeeping, this Land Gant was entered by the Auditor on October 29, 1804. Let's remember that the Speedy was lost October 8 1804 – something completely separate.</p>
<p>?Thos Scott AG?</p>	<p>There is a small item to the far left just below the text, which looks like the signature of Thomas Scott, the Attorney General at this time.</p>
<p>By Command of His Excellency in Council ... ?? anishey?</p>	<p>This is a common phrase and would be signed by a member of the Executive Council. I have no idea what this signature is but the last few letters are clearly "shey". Will have to look at Council at that time to see who it would be.</p>
<p>The words "the greater part whereof is" underlined before the Seal of the Province affixed. Thos Scott AG</p>	<p>This small note was written in small hand writing, located just below the text and to the left side. It confirms and certifies the text that was inserted early in the document – "the greater part whereof is" which appears to be mere housekeeping for consistency.</p>