Peter Russell Receiver

UPPER-CANADA.

GEORGE the THIRD by the grace of GOD of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth.

To all to whom these Presents shall come,—GREETING:

KNOW YE, that we of our special grace, certain knowledge, and mere motion have given and by these presents DO GIVE and GRANT unto Philip Bender and his heirs and assigns forever, a certain parcel or tract of land situate in the Township of Bertie containing by admeasurement Two hundred and forty Eight acres be the same more or less, being composed of lot number Six in the second range from Lake Erie with the broken front and gore, lying and being in the Township of Bertie aforesaid, in the County of Lincoln and Home District of our Province aforesaid, together with all the Woods and Waters thereon lying and being, under the reservations, limitations and conditions herein after expressed; which said Two hundred and forty Eight Acres of Land, are butted and bounded, or may be otherwise known as follows, (that is to say) Beginning at a Post on front of the first concession marked S.B. from north 18 chains more or less to a line marked A.B. from the S. W. angle of the second lot thence East to Lake Erie opposite thence with 20 chains then South 36 chains more or less to a line marked A.B. then Easterly along the edge of the lake to the place of beginning

AND whereas by an act of the 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 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 declared, that "no grant of lands hereafter made shall be valid or effectual unless the same shall contain a specification of the lands to be allotted and appropriated solely to the endowment of a protestant clergy within the said Province," and a part of the lands to be hereby granted; *Now know Ye*, that we have caused an allotment, or appropriation of Twenty two thousand three hundred & twenty made for a certain Branch in the year of the Township of Bertie with Forty seven Square Opening [illegible] the Township of Bertie for the use for the Township of Bertie with 182 West rods or thereabouts the [illegible] to the Township of Cayuga [illegible] 36 chains South 18 East in the Township boundary of the Township of Bertie [illegible] Township of Bertie [illegible] from Niagara South East [illegible] for a distance of 80 chains more or less to the [illegible] being in the proportion of one to seven of the lands so hereby granted, as and for a reserve, and to and for the sole use, benefit and support of a protestant clergy, being as nearly [illegible] will admit, and the [illegible] in respect of which the same is allotted and appropriated, and as nearly as the same can be allotted equal in value to the proportion reserved for lands so hereby granted as aforesaid.

HAVING AND TO HOLD the said parcel or tract of land to him the said Philip Bender and his heirs and assigns for ever, saving nevertheless to us, our heirs and successors, all mines of gold, silver, copper, tin, lead, iron and coal that shall or may now, or hereafter be found on any part of the said parcel or tract of land hereby given and granted as aforesaid, and having and reserving to us, our heirs and successors, all white pine timber that shall, or may now, or hereafter grow, or be growing on any part of the said parcel or tract of land hereby granted as aforesaid. *Provided always* that no part of the said parcel or tract of land hereby granted to the said Philip Bender [illegible] be within any of the reservations before [illegible] in which case this our grant for such part of the land hereby granted to the said Philip Bender and his heirs or assigns, and which upon [illegible] a survey thereof being made be found within our said reservations, shall be null and void and of no effect, any thing herein contained to the contrary notwithstanding. *Provided* also that the said Philip Bender [illegible] his heirs or assigns shall and do within three years next ensuing build, or cause to be erected and built in and upon some part of the said parcel or tract of land a good and sufficient dwelling-house (he the said Philip Bender or his heirs or assigns being built, or not being in his or their own right lawfully possessed of an house in our said province) and be therein, or cause some person to be therein resident, he and they the space of Six years thence next ensuing the [illegible] of the same. *Provided* also that if at any time or times hereafter the land so hereby given and granted to the said Philip Bender and his heirs shall come into the possession and owners of any person or persons whomsoever, either by virtue of any devise, gift, conveyance, enfeoffment or exchange, or by gift, inheritance, descent, devise or marriage, such person or persons shall within twenty months next after his or their so doing, and in defaults of the same, take the oaths prescribed by law, before some one of the magistrates of our said province, and a certificate of such oaths having been so taken shall be recorded in the Secretary's office of the said province, in default of all or any of the said conditions, limitations and reservations, this said grant, and every thing herein contained, shall be, and we do hereby declare the same to be null and void, to all intents and purposes whatsoever, and the land hereby granted, and every part and parcel thereof, shall revert to, and become vested in us, our heirs and successors in fee simple as if the same had never been granted; any thing herein contained to the contrary in any wise notwithstanding.

GIVEN under the Great Seal of our Province of Upper-Canada: WITNESS the Honorable Peter Russell Receiver Administering the Government of our said Province, the [illegible] day of December in the year of our Lord one thousand seven hundred and ninety Eight and thirty ninth year of our reign.

By Command of the Honor[illegible] in Council

Wm Jarvis Sec

Registered the 1st day of March 1799

Volume [illegible]

Entered in the Auditor's Office this [illegible] day of December 1798

Peter Russell Auditor Gen

Conveyance of Bertie Township to Philip Bender, Provincial Land Patent, Upper Canada, 1798