

In Council 26<sup>th</sup> October 1837.

1. Honor Original Patent  
to Elizabeth Copley  
2. Transfer Right Copley  
to Edward Topham.  
3. Transfer Edward Topham  
to Miss Berry, South  
west 100 acres.  
4. Transfer Miss Berry  
to Philip Aldrich.  
5. Philip Aldrich to  
John & Hannah Hadden.

No evidence is produced of the petitioner's title to the <sup>Lot No. 1</sup> Lot A. or though it appears clearly made out that Edward Topham under whom he claims and who is stated to claim under the grantee of the Crown took possession of the Lot No. 1. in the second conveyance, instead of the Lot A. through a mistake of the Honour a deputy surveyor who was employed to point out the same. and it also appears that such mistake was occasioned by a clashing of <sup>the</sup> lines of two surveys.

A Man named Samuel Whiting appears - to have been located previously to the year - 1800. for Lot No. 1. aforesaid, of which however it does not appear that he ever took any possession. but on the contrary that many years since (the exact time is not stated) he returned to the United States.

In consequence of an advertisement in - the Upper Canada Gazette, a claim is made by Mr. Ingersoll on behalf of one Samuel Whiting residing in the State of Massachusetts, stated - to be the son of Samuel Whiting late of New York this claim is unsupported by any proof to show the identity of the party claiming - or of his father with the locator. or to show that he is in a situation to hold land in the Province.

The Council feel that it would be highly unjust. to deprive the Petitioner of his improvements, and long possession -

for

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(R.G.1, L3, Vol. 239 (a))

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*A. M. Briggs*

*Land Agent  
King Street  
Toronto*

*M. Canada*

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30 London District

To wit | Archibald Burtch of Oxford East in said  
District Geoman maketh oath and saith that he was chainman  
to Thomas Horner Esq<sup>d</sup> when in the year 1812 with the patent  
in his hand he surveyed the lot lettered **A** in the Gore in the  
new of the Reserve for town plots in <sup>the</sup> Township of Oxford western  
division for the purpose of pointing it out to Edward Topping the  
owner thereof that the improvements made by said Topping was  
upon the land so pointed out but now by the recent survey  
of Mr Deputy surveyor Mabelm are found to be the greater  
part with House Run or thereabouts upon the lot of a size in  
the second Conception of Oxford west immediately adjoining  
to the said lot lettered **A** and he further saith that they  
commenced at the North West corner of the Township of Oxford East  
where a stake was then standing marked with a marking iron  
and traced the line to the second Conception and found a second  
stake marked before they came to lot lettered **A**

Made oath before me  
this 19 Day of April 1837  
John Hatch G.P.  
for London District

A Burtch

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**CANADA**

PAID

P.S. 79

Mr J B Spragg Land Agency

Chewitt Building Kings Street

13  
Opp  
"39 Toronto

J. B. Spragg

Land Agency

30j

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**CANADA**

30<sup>h</sup>

Personally appeared before Me John Hatch Esq one of His  
Majesties Justices of the peace for the London District Archibald  
Burtch and Daniel Burtch Both of the Township of Arfare  
in said District who being duly sworn Depose and say  
that they and each of them were present and assisted Thomas  
Hornor Esq (Deceased) as Chain Men in order to ascertain  
the exact situation of Lot Letter A lying between the Eastern  
and Western Divisions of the Township of Arfare in the London  
District which survey was taken by request of Edward Juppens in  
the year of our Lord one thousand eight hundred and twelve  
That agreeable to said Survey as done by Hornor would  
place all the Improvements then made on the southerly part  
of Lot letter A the same being Claimed by the said Edward  
Juppens at that time which said Improvement and premises  
have been in possession of the Juppens Family under the direction  
of John Hadden who is married to the Widow of the late Edward  
Juppens since that time - Agreeable to a recent Survey made  
in the year 1854 by Survey Nelson by order of the Surveyor  
General the said Improvement wholly is situated on Lot number  
one in the 2<sup>d</sup> Concession of Arfare Dist. which said Lot is  
in the possession of the said John Hadden and further Depose  
say not

Sworn oath before me  
at Oxford East May 23. 1857  
John Hatch J.P.

Daniel Burtch  
Archibald Burtch

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Alford March 16<sup>th</sup> 1834

We the undersigned inhabitants of the Township of  
Alford are known to Edward Toppings (Deceased) first settler  
in the Township of Alford in the year 1812 when he  
settled on the lot upon which his family now live suppo-  
sing it to be lot letter A and that he and his family  
have been in possession of the same ever since  
which now appears to be lot number one in the  
second Concession of Alford west

Calvin Martyn  
David Jack  
John Haver  
Christopher Reese  
John Youngs  
David Curtis  
Henry Conall  
Luther Haskin

This is to Certify that I have well acquainted with the  
above signers to this paper and they are all respectable  
farmers and old settlers in the Township of Alford

John Hatch J.P.

The Magistrates who sign this will please say that  
they are acquainted with the others and testify to  
their credibility

Peter Tople J.P.

30m

Cont<sup>g</sup> with call  
of lot letter A  
in Oxford

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<sup>30.00</sup>  
London District } Daniel Burtch of Oxford in said District  
do wit — }  
do hereby certify that he was Chainbearer  
to Thomas Horner Esq: when in the Year 1812 with  
the Patent in his hand he surveyed the Lot lettered  
A in the Town in the year of the return for Town Lots  
in the Township of Oxford location division for the  
purpose of pointing it out to Edward Topping the  
owner thereof that the improvements made by  
Topping were upon the land so pointed out, but  
now by the recent survey of Mr Deputy Surveyor  
Malcolm are found to be, the greater part, with the  
House, barn, orchard &c upon the Lot No 811 in  
the second Concession immediately adjoining to the  
said Lot lettered A. — and he further saith that they  
commenced at the North West corner of the township of  
Oxford East where a stake was then standing marked  
with a marking Iron and traced the line to the second  
Concession and found a second stake marked before  
they came to the Lot letter A

Maid oath before me this }  
13 Day of April 1839 — }  
John Hatch J.P. }  
for London District }

Daniel Burtch

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*Certificate of Land*

*Burtek*

PAID

*9 1/2*

*Mr J B Spragg Land Agency  
Office Chalmers Building King Street  
13  
1859*

*Toronto*

*BOOK*

*308*

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The Petition <sup>H</sup> 21  
of No 30  
John Hodson  
Applying to purchase  
Lot No 1 in the  
second concession of  
Oxford.

Wm. H. H. H.  
6 June 1837

Referred to the  
Surveyor General  
and the Comr of  
Crown Land to  
report hereon for the  
information of the  
Hon<sup>ble</sup> the Executive  
Council.

By Command

15<sup>th</sup> June 1837

Lot No 1 in the second Concession of the  
Township of Oxford West is located under  
the Township Report <sup>1830</sup> in the Name of  
Samuel Whiting for which no description  
has issued, I respectfully beg reference  
to the Petition of Carver Reynell reported  
on the 15<sup>th</sup> December last also to the  
Petition of William Whiting reported  
on the 25<sup>th</sup> April 1835  
19<sup>th</sup> June 1837

W. Macaulay  
Surveyor Genl

Crown Lands Office  
Toronto 16<sup>th</sup> June 1837

This department is not in possession of  
any information on the subject of the  
within petition.

W. H. H.  
W. H. H.

Read in Council 26<sup>th</sup> October 1837.

See within.

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300  
for the purpose of recognizing the claim of a stranger  
who claims under a locatio who abandoned the country  
many years since. had the land been granted -  
the Statute of limitations would long since have  
established the right of the Petitioner. and the  
Council do not see the propriety of using the  
prerogative of the Crown to the great injury  
of an individual. in favor of one who  
apparently has so little claim.

The Council would therefore respectfully  
recommend that the Petitioner on producing  
proof of his title to the S. 1/2 of Section A. be  
permitted to purchase the South half of Lot  
No 1. in the 2<sup>d</sup> Concession. at the value  
of the Commission of Crown Lands. and that  
the location of Samuel Whiting to the said Lot  
No 1. 2<sup>d</sup> Concession be rescinded.

J. W. N.

W. H. H. H.

Q

Communicated to Petitioner & to James Ingersoll by 31<sup>st</sup> October 1837.

Orders issued to Commissioners of Crown  
Lands and Surveyors General 31<sup>st</sup> October 1837.

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To His Excellency Sir Francis Bond Head  
Knight of the Royal Harrovia Guelphic  
Order and of the Prussian Military Order of  
Merit. Lieutenant Governor of the Province of  
Upper Canada.

The Petition of John Morison of Oxford; Yeoman  
Member of the House of Assembly

That the Lot letter A in the Gore of  
Oxford, Western Division, was granted in  
Patent to Elizabeth Cyster in the Year 1805.  
by her transferred in 1807 to Edward Topham  
to whose Representatives the North half still  
belongs and your Petitioner is the proprietor  
of the Southern half that from the clashing of  
the boundary line between East and West Oxford  
the various conflicting lines that have been  
seen, some partially only, one showing twenty two  
lots in East Oxford, then another twenty one only,  
line projected and then discontinued - The  
said Topham when he settled there in the  
Month of June 1813 procured the assistance  
of Mr Deputy Surveyor Horner to print out  
to <sup>him</sup> the said Lot letter A, which he did as  
shown by the annexed Affidavit, and the  
said Topham made his improvements accordingly

Original Patent  
of transfers produced  
at the E. C. Office

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300  
but which Land so pointed <sup>out</sup>, is found by recent  
Survey, under the Authority of Gov<sup>t</sup>, with the  
improvements thereof in the occupation of, and  
principally made by Your Petitioner consisting  
of about Eighty Acres of cleared Land, a very fine  
orchard with a frame house and barn, to be  
upon the Lot No 011 in the second Concession  
of Oxford western division, as appears by the  
aforesaid Affidavit, Lot No 011, and of which is  
before that Your Petitioner is the occupant  
and proprietor - The said Lot No 011 in the  
second Concession of Oxford, western division  
was entered in the Name of Samuel Whiting  
and under an Order in Council the same was  
advertized in the Gazette in the usual form

Your Petitioner therefore humbly prays  
Your Excellency may be pleased to order that  
he be permitted to purchase the said Lot No  
011 in second Concession of Oxford western  
division at a valuation in order that he be  
not deprived of his large and valuable im-  
provements said thereof.

And as in duty bound

Your Petitioner will ever pray

Toronto

5<sup>th</sup> June 1837.

his  
John L. Howden

marks

James Ingersoll  
on behalf of the Heirs  
intends to claim  
next July

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By Paul A. July 1837.

Sir,  
 Your letter since, I received a  
 letter from Mr John Whiting of the Town of  
 Newburyton Massachusetts, United States  
 in which he informs, enclosing a power of  
 attorney, from Samuel Whiting Sr. son of  
 the late Samuel Whiting of Newburyton in  
 Massachusetts authorizing me to receive from the  
 proper officer, or to make a return of  
 the same, in the name of the said  
 Mr Whiting.

This Mr Whiting is the same  
 the proper heir to the land, his father's  
 name has been located on this lot in  
 an early map, by my late father, who  
 had a grant of this town, all things  
 I am in proof of this affair just now  
 to offer, as the only person who can have  
 any

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any thing respecting the transaction that  
man of Mr. [unclear], is Mr John [unclear] &  
John [unclear]

I have been given the [unclear]  
[unclear] of the [unclear] office  
for the [unclear], a [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]

I am [unclear] in any [unclear]  
[unclear] in the [unclear] of this [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear] [unclear]

I am

Sir  
Yours truly  
James [unclear]

John Buller Esq  
[unclear] [unclear] [unclear] &  
[unclear]

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*See*

12  
July  
1837

*John William Esq  
Chas Escentinford*

*Samuel Escentinford*

*Wm Escentinford*



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This may certify that an Lot n<sup>o</sup>. 1  
in the 2<sup>d</sup> concession before West  
London District then an about eighty  
acres improved and under fence hav-  
-ing a beautiful young orchard  
of Straw Apples and a Barn  
on the same \_\_\_\_\_ March 17<sup>th</sup> 1837

John H. Country  
Charles Saunders

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30h

This may Certify that the undersigned Subjects of the  
Majesty resident in the County of Oxford are personally  
acquainted with John Hadden and family that we are  
also acquainted with the situation of his Improvements  
and farm "that is to say" we certify there is an Improvement  
of about 80 acres (having a grass from Haver and Barn also  
One hundred bearing Fruit Trees the said improvements  
having been made in full faith of being an Lot letter A  
lying and being between the Eastern and Western Divisions of  
the Township of Oxford But a recent survey would place  
said Improvement on Lot 51 in the 2<sup>d</sup> Concession of Oxford  
West

Dated Oxford May 25. 1834

John H. Coventry  
Daniel Goodwin  
Luther Baskin

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