

Office of Attorney General for Upper Canada.

Lucas 27 April 1855.

In the matter of Charles Lewis
Kulbs fleisch applying for
Patent for S² 22. 10th conces-
sion. Blenheim.

The Petitioner asks for
Patent of this half Lot as the
Assignee of Daniel Miller
the original purchaser who
paid moneys of the purchase
money and the residue has
been paid by Kulbs fleisch
upon looking at the as-
signment executed at Buffa-
lo in the year 1847. It ap-
pears that Miller for valuable
consideration assigned his
interest in the Land to the
present applicant and
the assignment is valid
in point of Law - The affi-
davit of its execution is de-
fective in this particular
that it does not specify
the date of its execution, and
it is stated that Miller is
since deceased, and
that Kulbs fleisch is in
possession as the bona fide
occupant and equitable
owner.

W. Matheson M.A. and

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do covenant with the said Charles Lewis
 Halbfleisch his heirs and assigns that
 I will and my heirs executors and adminis-
 trators shall warrant and defend the same
 to the said Charles Lewis Halbfleisch his
 heirs and assigns forever against the lawful
 claims and demands of all persons claiming by
 through or under me or them and none other

In Witness whereof I the said Daniel
 Miller have hereunto set my hand and
 Seal this fourteenth day of August in
 the year of our Lord one thousand
Eight hundred and Forty Seven
 Signed Sealed and
 delivered in presents of

Daniel Miller

Witness Jacob Kretzner

State of New York
 City of Buffalo: On this 17th day of November 1847.
 came before me Jacob Kretzner to me known and
 he being by me duly sworn deposed and said that he
 knows Daniel Miller to be the person described in
 and who executed the above instrument of writing.
 that he saw him execute the same and that he signed
 his name thereto as witness to the execution thereof
 and that he said Kretzner resides in the City of
 Buffalo in the State of New York.

Christian Lapse
 Com. of Deeds.

State of New York,
ERIE COUNTY CLERK'S OFFICE.

1997-54 2j
ss: I, WILLIAM ANDRE, Clerk of said County, and of the Courts thereof, do hereby certify that *Christian Dapp 8597* whose name is subscribed to the proof or acknowledgment of the annexed instrument in writing, was at the time of taking such proof or acknowledgment, a Commissioner of Deeds for the city of Buffalo in said County, dwelling in said city, duly commissioned, sworn and authorized to take the same; and further, that I am well acquainted with his hand writing, and verily believe that the signature to the said proof or acknowledgment is genuine; and further, that the annexed instrument is executed and acknowledged according to the laws of the State of New York.

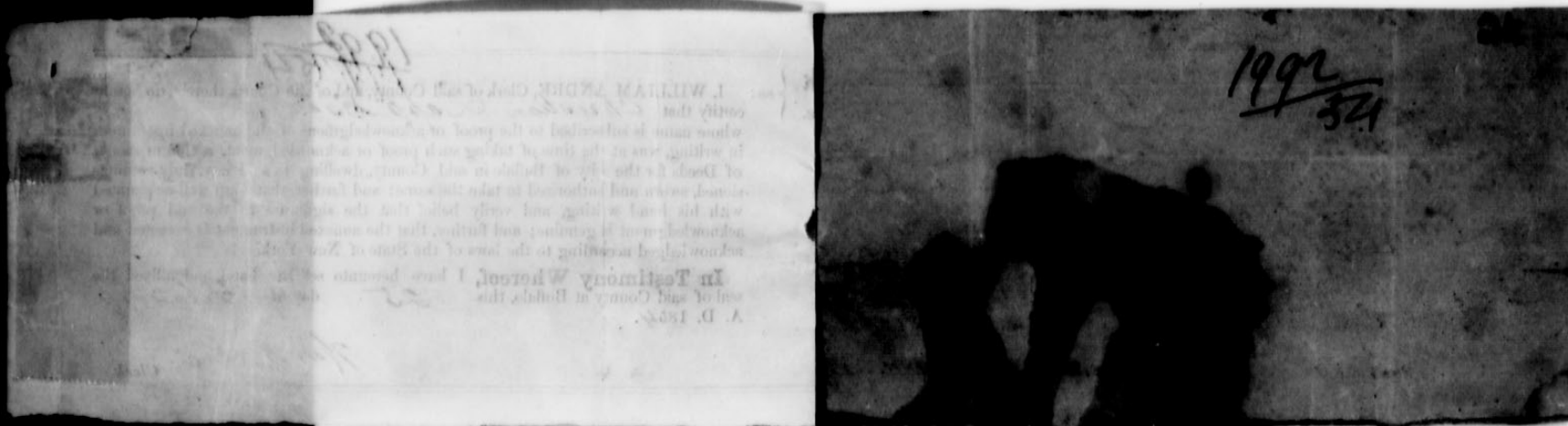
In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County at Buffalo, this *25* day of *February* A. D. 1854.

Wm Andre
Clerk

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5199/53

Quit Claim
Daniel Miller
To
C. L. Kallfleischer

Chy 5090

To go back

72

This assignment is rather informal
but as D. Miller is dead and has left
no heirs or representatives I trust
it will be allowed to pass
for I believe it out of the
question to get in a better shape

J. C.

not being in
any danger of
the requirements of any
to fair adv. of any
to be recorded in
Chy 5090
Dubin Sept 22/53

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Jr 22/100 *Blenheim* 22nd July 1853. 3174
My Dear Sir, C. 5698 2m

When men consent to take upon themselves
the burden of Public affairs, the only sympathy they
meet with from their fellow men (at least as a general
thing) is to multiply questions and enquiries, which
rather increases the burden than otherwise, but your
position as the Representative of our Riding, and the
facilities you enjoy of access to the officers of the Govern-
ment, and knowing your willingness as a gentleman
to oblige and assist, I venture to bring before you the
following subjects; soliciting at the same time your
patience and your assistance. The first is as follows -
A person by the name of Lewis Kalffleisk, (a German)
several years ago, bought the improvements upon
the South 1/2 of Lot number 22 in the 10th Concession of *Blenheim*
a Clergy Reserve, and not being able to speak in English
nor understand such matters, he did not get a Transfer
from the person who held the preemption, (this person was
also a German) who soon after the sale removed to Buffalo.
Mr Kalffleisk was instructed by the Agent to go and
get ~~such~~ a transfer, and went, accordingly, but the
man refused to accompany him to Canada and
they went before the authorities in Buffalo and executed
one according to their forms, which was supposed to
be sufficient until Kalffleisk had paid the purchase
price of his land into the hands of the Local Agent
who transported the same to the proper Government
officer who refused to carry out the sale and send
for Kalffleisk a Patent for his land, as the trans-
fer was informal, Kalffleisk was advised to make

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Letter from J. Wilbur Esq.
Replied to

another effort to get the man to come to Canada and when he enquired after him, ascertained that he was dead, and of course could do no more; in this plight he came to me for advice some months since, and after a little reflection I proposed to him, to Petition the Government, and lay before them the facts and papers in his possession, and he did so accordingly, addressing the same to the Hon. Mr. F. Hincks, who I think at that time was in England since which time Wilbur has heard nothing from his Deed. Now Dear Sir, if you would take the trouble to enquire into this matter and bring it before the proper Authorities, so that the man can get his Deed you will confer a lasting benefit upon a peaceable and industrious German Settler,

The other subject though it may be considered more selfish, is as tedious in the mean time, and is as follows, The Section of County in which I reside being the north part of the Township of Plunkett, to an extent of several miles in any direction say 10 to 15 or 20 miles, has no person authorized to issue Marriage Licenses, at the suggestion of several of my neighbours I have ventured to mention the subject to you, I have not informed myself as to the manner of proceeding in such cases and shall wait your reply with sincere desires for your best interests I try to subscribe

Yours Respectfully
 J. Wilbur Esq. } Jared Wilbur
 M.P. Dubuque }

Legislative Assembly
April 17 1855

20

Hon^{ble} Joseph Cauchon
Commissioner Crown Lands
Quebec

Sir,

Would you please have the
goodness to refer the Assignment of a certain
Clergy Reserve Lot in the Township of Kenbaird
"Mills to Halbflisch" to the Honble the
Attorney General West. for his Report thereupon
and in so doing, you will confer a favour
upon

Sir

Your most Obedient Servant
D. Matheson

P.S. the transfer above referred to, you will
find enclosed. D.M.

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Dble

D. Matheson M^r
Quebec April 17/17
35

Enclosing assents of S^r
22 n 10 of Blenheim for
Atty Gen's advice.

By Sale 5698
Ch Sale

2P

J

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*Daniel Muller
to Lewis Kalbfleisch*

The assignment, to which
reference is had in the accompa-
nying letter of D. Mathewson Esq.
M.P., was, on account of the
informatilities in the affidavit,
held to be inadmissible for
registrations in this office, under
the provisions of the Land Act;
and at the request of Mr Mathewson
this question was referred to
the Attorney General

The view taken by the Depart-
ment is admitted to be correct,
but the Solicitor General ad-
vises that the sale to Daniel
Muller be cancelled and that
Lewis Kalbfleisch should by
an order in Council be permitted
to purchase - that is it may be
presumed, that he be admitted
as the purchaser of the lands in
consequence of having
paid

*St. No. 22-10th Co
Blunkeins
Cly. Jan. No. 5690*

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paid all the purchase money,
excepting the first instalment
thereof?

Which proposition is sub-
mitted for consideration.

J. C. Turbutt

Brown and Sep }
Dubu May 25 1855 }

deposed Kelbow a resident
 magistrate both certify these
 facts to the proper Depart-
 ment.

On a count of the
 defect in the affidavit before
 mentioned the assignments
 can not be registered and
 great injustice would be done
 to the Petitioner if the Patent
 under the circumstances were
 withheld.

The question of date
 becomes important to the
 Crown Lands Department
 where there are conflicting
 assignments both registered but
 in the present case, no such
 difficulty exists.

I have therefore to
 advise that the Sale to Miller
 should be cancelled and that
 Kalfs fleisch should by order
 in Council be permitted to
 purchase not as the assignee
 under the assignment but
 as if he had in fact made
 all the payments. If hereaf-
 ter it should appear that any
 fraud had been perpetrated the
 Patent could be repealed at
 the instance of Miller or his
 heirs

J. Smith
 S.S.

In Committee 2^d Aug^t
1855.

The Assignment being held to be inadmissible for registration in the Crown Land Office, on account of the Affidavit of its execution not specifying the date of such execution, the Committee recommend that the sale to Miller be cancelled, and that Halbfleisch be admitted as the purchaser of the land, and that a Patent therefore be issued in his favor.

Approved in Council 6 Aug^t
1855

Com^r to C. C. L. S. -

Report ~~IK~~
on the application of
Lewis Halbfleisch
for the Patent of the
South $\frac{1}{2}$ of 22-10th Con.
Bluckheim
as the assignee of
Daniel Miller

Received Sep^t
Lumber May 25 1855

Referred to the Committee
of the Hon^{ble} Executive
Council for consideration
and report

By command
Joseph Cameron
Comptroller

3174
Sol: Genl: West
Dated April 27/28
7/55

Opinion on S^r 22 in
10 of Blenheim

3140
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Office of Attorney General for Upper Canada.

June 23rd April 1855

Sir,

You will please send me a statement of the facts connected with 32. 10. th lot near Newheim - for which W. Matheson is applying on behalf of Lewis K. also please the signature of D. Miller. I am not advised of the fact of sale, payments of instalments by whom &c.

I am Sir

Wm. Joseph Cameron
Esq.

Your Obedt Servant
A. Smith Esq
Selling

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3105.

Sol. Genl. West
Quebec April 29/26
55

For Statement no: 32
in Co. of Blenheim -
2866'
55

and 27 apt

2866'
55

As per 5698
Barré Miller
July 12/46
see p 27

8 May 1853
Barré Miller

2d

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317^{1/2}/₅₅

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Canada Land Department
Quebec April 27 1855

Sir

I beg to state in reply to your
enquiry about S^r N^o 22 in the 10th Con-
cession of Plerinheim that the Sale was
made to Mr. Daniel Milder on the 12th
July 1846 when the 1st Instalment (1/10th)
of the purchase money was paid, and the
remainder in August 1853 through the
Resident Agent who sent the Assignment
to which exception has been made

Chy sale n^o 5698

I have the honor to be

Sir

Y^rs Obedient Servant

J. I. Tardieu
for the C^o

Mary Smith Jr. Esq
M.D.P.
Sol. Genl.
n n

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be

Henry Smith from C^o
Vol. Genl. M.D.P.
h h

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2866
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1992/54

31^{11/5} 2h

Know all men by these presents that
A. W. Daniel Miller now now of Buffalo
State of New York formerly of the Township
A. W. Blenheim Brock District, ^{Canada west} in considera-
tion of Ten pounds of Lawful money
of Canada to me paid by Charles
Lewis Kalsfleisch of the Township of
Blenheim in the County of Oxford Brock
District of Canada West. The receipt
whereof is hereby acknowledged do by
these presents grant remise release and for-
ever Quit Claim unto the said Charles
Lewis Kalsfleisch his heirs and assigns
all my right title interest and estate
and to that messuage of the South half of
Lot Number Twenty Two in the tenth
Concession of the Township of Blenheim
in the County of Oxford in the Brock
District

To have and to hold the above granted
premises with all my right title interest and
estate in and to the privileges and appertenance
to the said land and tenements belonging
to him the said Charles Lewis Kalsfleisch
his heirs and assigns forever

And I the said Daniel Miller for myself
and my heir executors and administrators

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