

117

Unto the Right Honorable His Excellency  
the Earl of Elyin & Kincardine K. T. G. B. G. B.

The Petition of Edward Topping,

Humbly sheweth that he is the present owner of Lot  
Letter A in the Gore between the Eastern and Western  
divisions of Oxford as shown in the accompanying  
Diagram, which said lot of land is described in  
the Patent issued by the Crown in the month of  
May A. D. 1805 as containing two hundred acres  
but is now found to contain, by an examination of  
the original survey only the quantity of land shown  
in the Diagram, and that your petitioner made the  
improvements certified by Willious Smiley P. L. S.  
and has his buildings and lines upon Lot No 22  
in the third concession of East Oxford, supposing  
where he made these improvements that they were  
upon the said lot letter A. according to a  
recent survey made by Mr Malcolm; and that  
both the above lots of Land will not be sufficient  
to make up the quantity called for by the Patent  
for Lot Letter A.

Your petitioner therefore prays  
that your excellency will be pleased to grant  
him the said lot No 22. in the third con-  
cession of East Oxford to make up the  
deficiency of lot letter A.

And your petitioner as in duty bound will  
ever pray

Edward Topping.

PUBLIC ARCHIVES  
ARCHIVES PUBLIQUES  
CANADA

Canada Land Petitions "P" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

TORONTO  
AU 5  
1848

*Montreal*

*Commissioner & Mrs. Lewis*

*The Honorable J. A. Poirer*

*[Signature]*

*329  
S. B. Read  
for  
John Howden  
Toronto 5/7 Sept 48*

*Documents in  
support of his petition  
1847/48.*

*Ref 10(2)  
No 205. H.  
201. H. + 8/83. H.*

MONTREAL  
AU 7  
1848

*114*



11c

Woodstock Canada 18th June 1848

Sir,

I have the honor to acknowledge the receipt yesterday, of your Letter of the 7<sup>th</sup> instant, requiring certain evidence to support the prayer of the Petition of Mr John Howden for Lands within of Letter B in the line of Grand in the District of Brock. and to inform you that no unnecessary delay shall take place in furnishing you with such evidence as will fully bear out the statement made in Mr Howden's application.

I have the honor to be

Sir

Your obedient servant

W. Lapointe

Am: J. A. Price MPP

Amical.

Canada Land Petitions "T" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**

119

2664  
John Morrison  
St. Laurent  
Woodstock 14/17 June 1850

Will furnish  
information called  
for by letter of 7th Inst.  
\$ 15.67

Montreal  
J. H. Brown  
Ref: B: 2  
No 20186  
ca 183<sup>A</sup> 26

MONTREAL  
JUL 17  
1850

HAMILTON

W.D. COOPER  
JUN 14  
1850

Canada Land Petitions "M" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

PUBLIC ARCHIVES  
ARCHIVES PUBLIQUES  
CANADA



Woodstock Canada West 11<sup>th</sup> May 1848.

111

On the tenth of this month I took the liberty of enclosing to you a Petition from John Howden praying His Excellency the Governor General to grant to him 75 acres of Lot Number twenty two in the third concession of the Township of East Oxford, which of that number of acres granted to him by the Crown under the denomination of Section B between East & West Oxford, but which by the decision of Mr Justice Draper at the Assizes for this District just terminated appear to have no existence. Mr Howden was anxious that his Petition should be in the possession of His Excellency with as little delay as possible, and I had no time on that day to write you on the subject with the Petition. I now however take the liberty of doing so at the request and on behalf of Mr Howden, and beg to offer to you a few observations in explanation of the Petitioner's claim on the Government, to be placed in the position in which he supposed he was under the Act of B.

It appears that Augustus Jones who was well known as a Government Surveyor, surveyed and laid out East Oxford into lots, and that East Oxford under the 3<sup>d</sup> concession was subdivided into 22 lots as appears from his field notes now filed in the Court as one of the documents to prove the original Survey which took place in 1818. In 1805 Elizabeth Crisler had a piece of land in the 1/2<sup>nd</sup> of West Oxford granted to her by the name of Section A and through various transfers it has come into the possession of Edward Topping and now in the possession of the present petitioner who married the mother of E. Topping but this land A was supposed to be the 22<sup>nd</sup> of Jones's, and on 22, as it now turns out to be, and Section A, Topping lives, and up to the trial of this cause called Section A: The result of the Ejectment suit which was brought for Section B, shows Section A to commence west of 22 and therefore covers the piece of land intended to be conveyed to Howden as Section B, thereby showing that there is not land left West of East Oxford to correspond with B or indeed to make good either the number of acres supposed to be conveyed to Elizabeth Crisler or to make the same shaped lot as A is

Canada Land Petitions "T" Bundle 5, 1848-1850  
 (RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**

described in the Petition. Mr Howden informs me that at the time the lot della B was granted to him you held the appointment of Commissioner of Crown Lands. I enclose a sketch of the land in dispute: the piece marked A seems out to be lot 22 and A commences at the "original Beech tree" as marked on the plan and also lot B

As was stated in the Petition to His Excellency Howden is an old man the loss of the Ejectment will deprive him I believe of all the money he has saved and he trusts His Excellency will view his case favourably and grant to him 75 acres of lot 22 in lieu of lot B. I asked Mr Draper if he would permit me to take a copy of the notes taken by him, but he informed me it was unusual to give copies and therefore declined doing so. I therefore take the liberty of referring you to him for his view of the case. And also to Mr Harrison who conducted the Ejectment on behalf of the lessor of the Plaintiff. who I am certain will see proper to see as he did to me the extreme hardship of the case as to Howden.

Have the Honour to be  
Sir

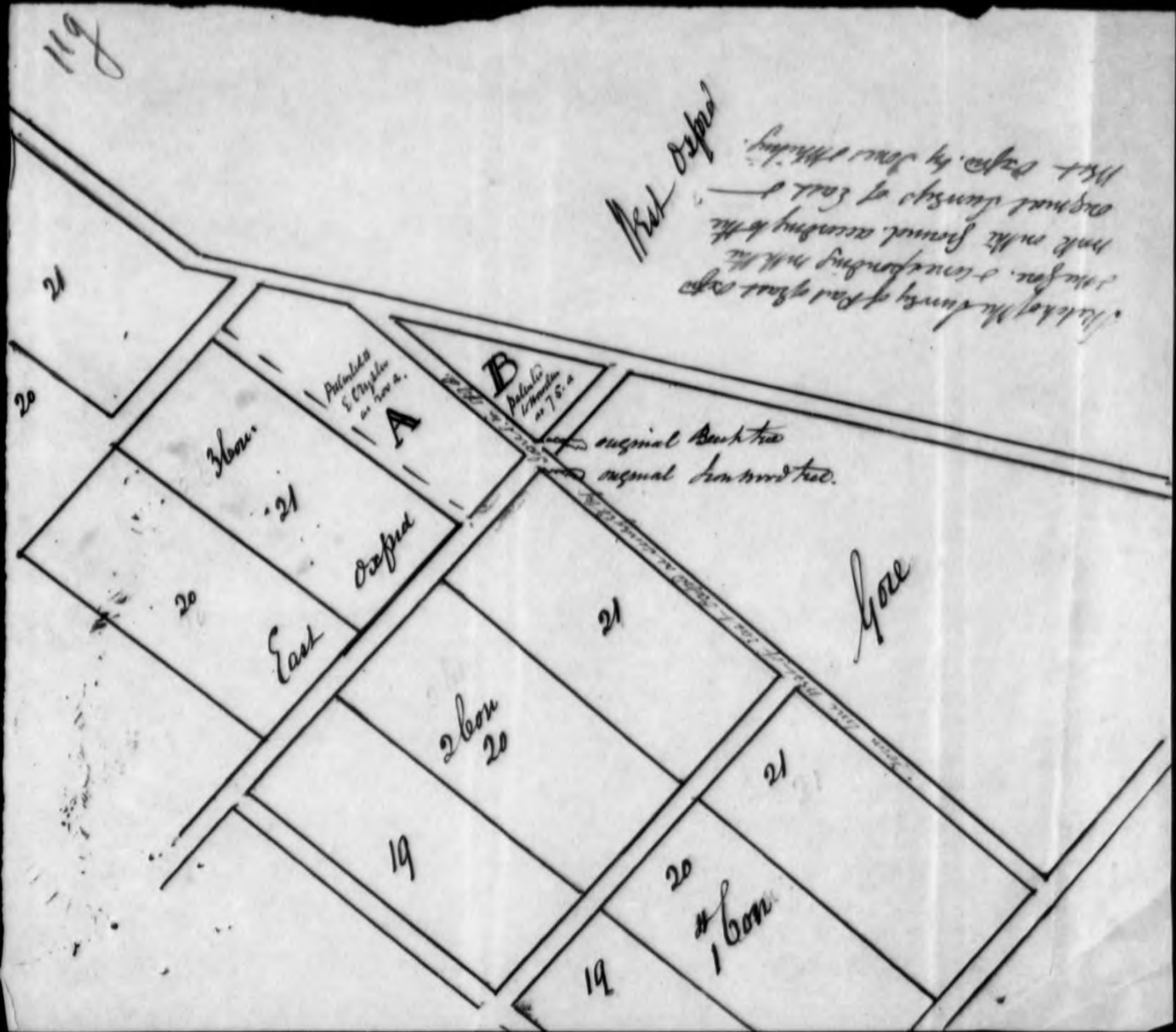
Your most obedient humble servant,  
W. Laprotte

Am: R. B. Sullivan  
Assistant Secretary  
Montreal

Canada Land Petitions "T" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**





Canada Land Petitions "T" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**

118

2273

10.025.  
John Woodson &  
W. Laprotiere.

11<sup>th</sup> May 1848  
15<sup>th</sup> —

In support of the  
Petition of John  
Woodson, for a Grant  
of 75 Acres of L.L. No. 22 -  
3<sup>rd</sup> Con. East Oxford D.

P. 1567/48

Secretary Office  
15<sup>th</sup> May 1848

Transferred to the  
Hon. Commissioner of  
Crown Lands to whom  
the above Petition was  
transmitted on the 13<sup>th</sup> Inst.

By command

J. Mendels  
Secretary

10/11  
15/5/48

Canada Land Petitions "T" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**



John Stowden

11i

To His Excellency the Right Honorable the  
Earl of Elgin and St. Clair Governor  
General of the Province of Canada & F. & C.

The Petition of John Stowden the Elder  
of the Township of East Oxford in the  
District of Brock, Yoman.

Sheweth

That Your Petitioner was a private in  
the Somerset Fusiliers in England, and as such served  
in England and in Ireland during the rebellion in the  
year 1798, and served there three years, and altogether  
served eight years. That Your Petitioner in the year  
1819 came to the Province of Upper Canada and settled  
in this District in the year 1820. That Your Petitioner  
applied for and obtained a grant of <sup>Lot</sup> Letter B, in the  
Line between East and West Oxford in the said District,  
which Grant is dated the 13<sup>th</sup> day of February 1836,  
that from that period up to the year 1845 he continued  
in the quiet and peaceable possession of the said Lot Letter B  
when he was forcibly ejected therefrom by one Edward Topping  
who claimed to be the Owner of Lot Letter A. which was at  
that time supposed to be what was laid out in the original  
Survey of East Oxford as Lot 22. That Edward Topping  
as the supposed Owner of Lot Letter A occupied Lot 22,  
and supposed it to be Lot Letter A. That the piece of  
ground so occupied, and which he still continues to oc-  
cupy is now decided to be Lot 22, the last lot in the  
3<sup>d</sup> Con. of East Oxford, and as the Lot A is in the  
Patent described to commence west of the allowance for  
Road or boundary of East Oxford, the land so described  
covers the whole of what was originally granted to  
Your Petitioner, by which he is deprived of Lot Letter B.  
altogether



112

altogether, there not being enough left west of Lot 22  
on the West Town line of East Oxford to make up  
the lot Letter A. That Your Petitioner on the advice of  
a Provincial Land Surveyor brought an Action of  
Ejectment against Edward Topping aforesaid, which was this  
day tried and the fact established that Lot Letter A  
commences west of Lot 22, thereby leaving that Lot  
still in the Crown. Your Petitioner therefore prays that  
75 Acres of Lot No 22 maybe granted to him to supply  
the loss he has sustained in being deprived of the Lot  
granted to him by the Patent of the 13<sup>th</sup> February 1836.

Your Petitioner is now 69 years of age and unable  
to work, and by the result of the Ejectment tried this  
day he is deprived of all means of independent Subsistence  
and completely thrown on his Son for the means of a  
livelihood, and by a person too, who from the age of  
12 years was by Your Petitioner brought up fed, clothed  
and educated - namely Edward Topping, who together  
with his Brothers and Sisters, numbering in the whole ten  
children, was brought up by Your Petitioner being taken  
under his charge now 23 years since.

Your Petitioner only asks for 75 Acres of the lot  
No 22 that being the number of Acres which was  
contained or rather supposed to be contained in Lot B  
And he trusts Your Excellency will be pleased to accede  
to the Prayer of Your Petitioner

And Your Petitioner as in duty bound  
Will Ever pray

Woodstock 10<sup>th</sup> May 1848.

John Hudson  
his X. Mark

Adm<sup>o</sup> to the March of John Hudson

W. Topping



11K

The Petitioner prays that he may be granted the  
number thirty two in the Field Commission of the Township  
of Oxford East District of Brock in lieu of Lot B in the  
Town between East & West Oxford

The last named lot was described in Patent 12<sup>th</sup>  
July 1836 in the name of John Howden under  
an Act in Council of 27<sup>th</sup> Novemb 1834

The case of the Petitioner is connected with that of Edward  
Topping reference to the Report, upon whose application,  
dated this day is requested - Should Lot A  
which covers the land intended to have been granted  
to the Petitioner, according to evidence given in the Court  
of Queen's Bench, be discovered to be the same the Petitioner can  
reimburse new Patent for <sup>nearly an</sup> equal quantity with

that granted to him in the year 1836 namely  
thirty two Acre on executing a Surrender of his  
Patent for Lot B and proving at the same time  
that whatever Fifth of Confirmed Remain is vested  
still in him

Crown Lands Department.  
Montreal, 18<sup>th</sup> August 1845.

J.P.M.



11K

The Petitioner prays that he may be granted the  
number Forty two in the third session of the fourth  
of Oxford East District of Brock in lieu of Lot B in the  
Town between East & West Oxford

The last named lot was described in Patent 12<sup>th</sup>  
July 1836 in the name of John Howden under  
an Act in Council of 27<sup>th</sup> Nov 1834

The case of the Petitioner is connected with that of Edward  
Lapping reference to the Report, upon whose application,  
dated this day is requested - That the Lot A  
which covers the land intended to have been granted  
to the Petitioner, according to evidence given in the Court  
of Queen Bench, be discovered to the same the Petitioner can  
reimburse new Patent for <sup>nearly an</sup> equal quantity with

that granted to him in the year 1836 namely  
thirty two Acre on executing a Surrender of his  
Patent for Lot B and proving at the same time  
that whatever Lot A conferred remains vested  
still in him

J.P.W.

Crown Lands Department.  
Montreal, 18<sup>th</sup> August 1848.



1507  
 1530  
 20 020  
 John Howden  
 10<sup>th</sup> May 48  
 13  
 For a part of Lot 12  
 22 East Oxford  
 Recd 15 May 48  
 L. 2273 48  
 Secretary's Office  
 13 May 48  
 Transferred to the  
 Hon. Comm. Secy  
 of the  
 By command  
 J. Mendell  
 J. H. H. H.  
 10819 570  
 141 133  
 Ref No. 183. D.  
 W. H. H. H.

Canada Land Petitions "T" Bundle 5, 1848-1850  
 (RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**



The Petitioner represents that his present owner of Lot A in  
one of the Townships of West Oxford situated adjoining Lot B  
22 in the 3<sup>d</sup> Concession of the Township of Oxford East in the District  
of Brock and he states that his buildings & improvements were  
erected & made upon the said Lot A & 22 with the understanding that it  
was in part Lot A in the Town - and he prays that as the actual  
Lot A contained but 52 Acres instead of 200 Acres for which it was  
granted that the deficiency may be made good by a Grant  
of the said Lot A & 22 in the 3<sup>d</sup> Concession of West Oxford  
East in Subdivisions and parts & Concessions attached dated 11<sup>th</sup> May  
1848 by Deputy Surveyor William Smiley exhibiting the  
positions of the Lots and their contents -

"Lot A in the Town of the Township of Oxford Western Division"  
was described in Patent 21<sup>st</sup> May 1805 in the name of Elizabeth  
Cryder of Harold Wife of Adam Cryder as containing 200 Acres  
The original Map presented as Lot A & 22 in the 3<sup>d</sup> Concession  
of Oxford East but many years since an entry was made  
on the numbers 22 "to such lots" and the Grant of Lot A  
by Elizabeth Cryder was intended to be of land adjoining Lot  
A & 1 - No mention has been made of Lot A numbered as 22 -  
From a letter received by the Provincial Secretary dated 11<sup>th</sup> May 1848  
from Mr. H. S. Supervisor of Woodstock & transmitted to the Office  
it appears that at a recent Trial at the Office of the District  
of Brock it was proved that Deputy Surveyor Angus Jones had  
surveyed a Lot A & 22 in the 3<sup>d</sup> Concession which it appears by  
Mr. Smiley's Sketch occupies the position which the Petitioner  
has improved upon as Lot A in the Town -

The Crown Land Act forbids the admission of any claim  
for deficiency made after the expiration of five years after  
the issue of the Patent, and the Grant to Elizabeth Cryder  
having been made in the year 1805 which cannot be affected  
by the Petitioner in the manner which he desires - It is however  
suggested that he be allowed to convert in the Crown the title  
to Lot A and on doing so that a Patent issue to him for  
Twenty-two in the 3<sup>d</sup> Concession of Oxford East  
upon which he has made his improvements. The amount



The Petitioner represents that his present owner of Lot A in  
Corner of the Township of West Oxford, situated adjoining Lot B  
22 in the 3<sup>d</sup> Concession of the Township of Oxford East, in the District  
of Brock and he states that his buildings & improvements were  
erected & made upon the said Lot #22 with the understanding that it  
was in fact Lot A in the Town - and he prays that as the actual  
Lot A contains but 62 Acs instead of 200 Acs for which it was  
granted that the deficiency may be made good by a Grant  
of the said Lot #22 in the 3<sup>d</sup> Concession of West Oxford  
East in subverts and parts & transfers attached dated 11<sup>th</sup> May  
1848 by Deputy Surveyor William Smiley exhibiting the  
positions of the Lots and their contents -

"Lot A in the Town of the Township of Oxford Western Division  
was described in Patent 21<sup>st</sup> May 1805 in the name of Elizabeth  
Cryder of Harold Wife of Adam Cryder as containing 200 Acs  
The original Map presented as Lot #22 in the 3<sup>d</sup> Concession  
of Oxford East but many years since an entry was made  
on the numbers 22 "to each lot" and the Grant of Lot A  
by Elizabeth Cryder was intended to be of land adjoining Lot  
No 21 - No mention has been made of Lot A numbered as #22 -

From a letter received by the Provincial Secretary dated 11<sup>th</sup> May 1848  
from Mr. H. S. Supervisors of Woodstock & transferred to this Office  
it appears that at a recent trial at the Office of the District  
of Brock it was proved that Deputy Surveyor Angus Jones had  
surveyed a Lot #22 in the 3<sup>d</sup> Concession which it appears by  
Mr. Smiley's Sketch occupies the position which the Petitioner  
has improved upon as Lot A in the Town -

The Crown Land Act forbids the admission of any claim  
for deficiency made after five years after  
the issue of the Patent, and the Grant to Elizabeth Cryder  
having been made in the year 1805 - which cannot be averted  
to the Petitioner in the manner which he desires - It is however  
suggested that he be allowed to convert in the Crown the title  
to Lot A and on doing so that a Patent issue to him for  
Number Twenty Two in the 3<sup>d</sup> Concession of Oxford East  
upon which he has made his improvements. This arrangement



No 21 - No objection has been made of title numbered as No 22 -  
From a letter received by the Provincial Secretary dated 11th May 1848  
from Mr. H. Lapworth of Woodstock & transmitted to this Office  
it appears that at a recent trial at the Office of the District  
of Brock it was proved that Deputy Surveyor Angus Jones had  
surveyed a Lot No 22 in the 3<sup>d</sup> Concession which it appears by  
Mr. Simile's sketch occupies the position which the Patent  
has improved upon as Lot A in the Plan -

The Crown Land Act forbids the admission of any claim  
for defective work if it is preferred within five years after  
the issue of the Patent, and the Grant to Elizabeth Rydler  
having been made in the year 1805 - which cannot be affected  
by the Patent in the manner which he desires - It is however  
suggested that he be allowed to convert in the Crown the title  
to Lot A and on doing so that a Patent issue to him for  
the same tract of land in the 3<sup>d</sup> Concession of Oxford East  
upon which he has made his improvements. This arrangement  
would enable the Government to effect another desirable object.

Upon comparing the Grants which have been made in the  
locality referred to it is found that one made as Lot B in the  
year 1836 to John Howden based upon surveys  
& Reports by Deputy Surveyors Thacker & Malcom & Lewis  
Burwell is covered by the Patent which passed out in the  
year 1851 for Lot A to Elizabeth Rydler - The operations of  
these two Surveyors were predicated upon the supposition  
that there was no <sup>Lot No</sup> 22 in the Original survey of East Oxford  
but the decision of the Court of Queen's Bench conveys a  
different impression - The course which is now recommended  
will have the advantage of providing compensation to Edward Lapworth  
& his heirs for John Howden upon the latter recognizing the Crown  
the Grants made to him in the year 1836 - Reference is requested to  
his Patent which accompanies this Application.

Crown Lands Department, 3<sup>d</sup> St. George Street,  
18th August 1848.

J. P. H.



1769  
Petition T 5

HN

No 11  
Edward Topping

No. 22 in 3<sup>rd</sup> Conch.

East Oxford

Rec. 21<sup>st</sup> July 48

Ref: B:2  
No. 167 T.

In Committee 13<sup>th</sup> Dec. 1848

The Committee  
recommended that the Report of  
the Commissioner of Crown  
Lands be carried into effect.

Approved in Council same day  
Coun. to C. C. L. 14<sup>th</sup> Dec. 1848

Canada Land Petitions "T" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**

Q1507/88

Monte August 5<sup>th</sup> 1848

To Hon. J. P. Price  
Cm. Cm. Law

Sir

At request of Mr. Lyman Burroughs  
and also of Mr. Hodder, petitioners in law in Oxford  
I enclose the report and appendix of Mr. Lyman as required

by your letter to him - I have the honor  
to remain

Yours to S. M. Adams

Canada Land Petitions "T" Bundle 5, 1848-1850  
(RG 1, L 3, Vol. 508)

**PUBLIC ARCHIVES**  
**ARCHIVES PUBLIQUES**  
**CANADA**