

Ch^r Sartwell

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To His Excellency the Right Honourable

The Earl of Elgin & Kincardine

G^o. G^o. G^o.

Gouverneur General de la British North America
In Council.

The respectful Memorial of Henry Vandertart
of Eastwood near Woodstock, in the County of
Oxford, Brock District,
Sheweth

That your Memorialist having, according
to prescribed form, applied to John Carroll Esq^r
Agent for Crown Lands for the purchase of the
undermentioned Lots, received the following answer,

"Brock District Agency
Toronto 12 June 1847

"Sir "I have to inform you that I am prepared
"to sell you the following Lot, viz, Number one
"in the 4th Concession of Blandford at 10/- per
"acre; - Number two in the 4th Concession at
"9/- per acre, - and the 1/2 of Number one in
"the 5th Concession at 8/- per acre.

OC 3128
Oxford land

"Also Clergy Reserve Lot Number two
"in the 5th Concession at 11/- per acre. - One
"tenth is required down which amounts on the
"above Lots to £34 - Payment is required to
"be made within 30 days after this Notice

Mr Carroll was instructed
to offer the undermentioned lot
for sale. notice was given
about 30 days before

"Henry Vandertart Esq^r Yours faithfully
"Woodstock (Signed) John Carroll
"C. L. Agent

That your Memorialist regarded the Sale

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With this doubt in your mind you should have hesitated in communicating with Vausittart, and selling land at from \$7 to \$10, which you considered worth from \$20 to \$25.

You now certify that the facts stated by Mr. Vausittart in his memorials are "true and correct" one of which assertions is, that the rectification of the error will be to his detriment. I wish therefore to be informed in what manner, and to what extent (excepting of course the increased price to be paid) he would suffer if the sale be not confirmed in accordance with the tenor of your letter of the 12th June to him. Under any circumstances however I do not see why the School Fund should suffer thro' the mistake which has occurred; and more particularly so as Mr. Vausittart could not be considered as a purchaser until the sale had been recorded by you, which it appears has not been done.

Signed,

A. D. Outbittier

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Brook District Agency
Yonka 10th March 1847

Sir,

I have the honor to report that I have examined the accompanying Certificate from Deputy Surveyor W^m Smiley and believe it to be correct. Mr. Vansittart informs me that it is his intention to Erect a Saw Mill on those Lots if he should obtain them. It will ~~be~~ no doubt have to be drove by Steam as there is not water sufficient for the purpose.

I should Consider those Lots well worth the price the Surveyor has placed upon them.

John Carroll
District Agent

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This is to certify that I have examined the following Lots of Land in the Township of Blandford in the District of Brock & Province of Canada, being School Reserves and that the following Statement in reference to the said Lot is correct to the best of my knowledge & belief.

Lot No. 1 in the 4th Con^{ty} is all a valuable growth of Pine timber except about 25 acres on the South end of said Lot, which is a mixture of Hemlock, Beach B. Ash Elm & oak. Land is low, there is not much ^{Swamp} upon it except about the Edge of ^{the} creek which cuts the N. E. corner of said Lot. No. 2 in the 4th Con^{ty} is all a valuable Pinery, except a Pond of water of about 40 acres, situated upon the North part of this Lot, not much Swamp upon it except about the said Pond, which is a valuable cedar Swamp. Also the South half of Lot No. 1 in the 5th Con^{ty}. There are about 20 acres of Swamp & flats of the above mentioned creek, which I believe is a durable stream. The remainder of said ^{Lot} is a valuable Pinery. I consider these Lots are worth nothing except for the timber. Soil a light yellow Sand. Lots by long lead.

There is no Con^{ty} Roads nor Side Roads opened as yet to these

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These sets, settled about mile ~~is~~
about 10 miles to west of ~~the~~
between 3 & 4 ^{1/2} to the Governor's Road,
about 10 miles to first mill & about
2 miles to ^{the} mill,

Henry Bensitach is ^{the} desir
of purchasing land offers for the said
sets as follows,

Set No 1 in the 4th Con^{ty} 10th of 100 acres
" " 2 " " " 91 " "
Set No 1 " 5 " " 81 " "

Then above sets are wild and
I value them as follows,

No 1 & 2 in the 4th Con^{ty} 25th of 100
acres Set 1 in 5th Con^{ty} 20th of 100

Then are no adverse claims
for the said sets that I am aware of

Blauyford
19th Feb 1847

J^r Smiley
P. J. Seargeant

To His Excellency the Right Honorable
The Earl of Elgin Governor General of Canada &c &c
In Council

The Petition of Henry Vansittart of the Town-
-ship of Blandford in in the District of Brock
and Province of Canada Esquire Humbly
Sheweth That your Petitioner is
desirous of purchasing the following Lots
No. 1, Lot No. 1 in the 4th Con. and Lot No. 2 also
in the 4th Con. and the South half of Lot No. 1 in
the 5th Con. of the Township of Blandford
School Reserves and has had said Lots
Inspected and Valued by Wm. H. H. H. H.
a licensed Surveyor Whose Certificate
your Petitioner Humbly begs leave to submit
your Petitioner therefore
prays your Excellency will Cause the
said Lots to be sold to him and your
Petitioner as on duty bound will

Ever pray
Blandford 10th March 1847 }
Henry Vansittart

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Petition P. 307
V. 4

Henry Van Dusen
Blandford

N. 1 and 2 in 4th and
South 1/2 N. 1 in 5th Cones
Blandford
School Reserves

Rec. 4th March 47
R. 918 20 May 47
to D. Dept. 5th June
See letter to H. of 5 July 47

Crown Land Department
Montreal 28 August 1847
Referred to the Committee
of the Hon^{ble} Executive Council
By Command
G. D. Sullivan

On the Memorial of Henry Van Dusen, of the Town of Blandford
proving that lots N. 1 and 2 in the 4th Concession and the
South half of lot N. 1 in the 5th Concession the Townships of
Thames and School Reserves purchased by him from the
District may be secured to him at the prices
proposed in the Report, viz. 10/9/ and 1/6 per acre.
That committee do not recommend the prayer of the
Petition, but that the Lots be open for sale at the higher
valuation the two first at 25/ and the latter at 20/ per
acre.

In Committee 31st August 1847

The Committee do not
recommend the prayer of
the Petition, but that the
Lots be open for sale at the
higher valuation the two
first at 25/ and the latter
at 20/ per acre -

Approved in Council 1st Sept. 1847
Comm^d to the Com^d of C. L. 4 Sept. 1847

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as perfected, and, in consequence, within the given time, your Memorialist did send the Instrument required, which Mr Farroll declined accepting as the first Instrument, alleging that an error had been committed in the price of the land, which he communicated in the following Letter:

"Brock District Agency
"Toronto 10th July 1847

"Sir
"I have received information to day from
"the Comm^r of Crown Lands that an error had
"occurred in the communication to me of the
"order in Council of the 31st May with reference
"to the School Reserves in Blainville.

"The prices of No 1 & 2 in the 4th Conc:
"should be 25/-, - and the S² of No 1 in the
"5th Concⁿ 20/-"

OC 3/28
see letter to S. O. 2 Feb 5/47

"I am Sir
"Yours with respect
"Henry Nairn Esq
"Woodville (signed) John Farroll
"C. L. Agent

That your Memorialist, having made the above (with other considerable) purchases proceeded, at some expense, in his arrangements for the erection of Steam Saw & Grist Mills, which must be very beneficial to the public, and, as he trusts, to himself also, conceives that the error of an office ought not to be used to the detriment of a bona fide purchaser.

That your Memorialist therefore respectfully requests that the lands,

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so purchased by him, may be secured to him
at the price originally stipulated.

And your Memorialist as in duty
bound, will ever pray.

Woodstock 19th July 1847

Henry Vansittart.

Yorke 22nd July 1847

I hereby certify that the facts
as stated in the above Memorial
by Mr. Henry Vansittart
are true and correct

John Carroll
District Agent

view of the party entitled to the proceeds

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1065.

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Crown Lands Department
Montreal August 27th 1847.

herewith.

N^o. 102 in 11th vol
in 1 in 5th in
Blairford.

Mr Henry Vausittat applied by
Petition to purchase the School
lots in question offering 10[¢] 9[¢] and
8[¢] per acre for the lots respectively,
while the price recommended by
the District Agent and intended to
be adopted by the department was
25[¢] for the two first and 20[¢] per acre
for the last lot. In taking action
however there was the eye caught
the former figures and communi-
cated accordingly to the District Agent;
but immediately the error was
detected Mr Carroll was written to;
in consequence of which he declined
concluding the sale with Mr Vausittat.

Mr Vausittat now remonstrates
against the increase of price de-
manded, wishing to take advan-
tage of the error in retaining the
lots at a price far below what
is considered their real value;
which I conceive should not be
allowed; and would therefore

recommend

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recommend, that the lands be con- sidered as open for sale at the higher valuation.

30th July
13th Instant

In explanation, reference is re- quired to the copy herewith of a letter addressed to Mr. Carrall, and his answer thereto

G. P. Sullivan

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Submitt

Prock District Agency
3 or 13th August 1847

Sir,
In reply to your letter of the 30th ult - first
The reason of my writing to Mr. Vansett on the
12th June last giving him a period of 30 days to make
his purchase of those Lots in Blandford, was from
the fact that in all similar Cases I had been
Instructed to do so

but upon further Consideration of the Instructions I concluded I might
be in Error and accordingly on the 21st of the same
Month I wrote you for further information on the subject

As to the Error in the price of those Lots my
Supposition was that as Mr. Vansett was
about to erect a steam saw mill on or near those Lots
which might be considered a benefit to that vicinity
and this being made known to the Government they
might be inclined to sell him those Lots at the price stated

I mentioned the Circumstance to Peter Carroll
and I might have said to him as you will be in
Montreal soon and at the Law Office, you may
if convenient make some enquiry respecting those Lots

And as to the Certificate respecting Mr. Vansett's
Promissory being true and correct I must
state nothing more than the Copy of my letter taken was correct

and as to rectifying the price of those
Lots I am of the opinion it could be of little detrimen-
-ent to Mr. Vansett (except the increase of price
I have the honor to be

Sir, your obedient
humble servant
John Carroll
District Agent

The Hon^{ble}
The Com^{rs} of Crown Lands
Montreal

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John Carroll
Torra 13/18 Aug: '47

In ans. to letter of
30. Ultio, respecting
Lots to be sold to
Vansittart

P. 1194

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(Copy)

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Crown Land Department,
Montreal 30th July 1847.

Sir,

Mr Henry Vansittart having, as you are aware applied to the Governor General with reference to the prices required for the School Lots at S. 1 & 2 in 4th Con., and S. 1 & 2 in 5th Con. Blandford, the subject of my letter of the 2nd July, I cannot allow the manner in which you have acted in this instance to pass without comment. — Your instructions were to offer the unoccupied lands (and such were those for which Mr Vansittart applied) at sale; yet by your letter to that gentleman (12th June) you give him a preemptive claim for the period of 30 days, and further after you have done that you write (on the 21st of the month) for explanation with regard to that very point. — The error in communicating the prices was occasioned by the eye catching the price Mr Vansittart offered instead of that recommended by the Surveyor, and approved by you. — That an error had occurred must at any rate have been suspected by you, and that you did so is evident from the fact of Mr Peter Carrall having (while in Montreal) at your request as he stated, drawn the attention of the Department to the subject, which was the occasion of writing to you on the 5th Inst. —

J. Carrall Esq: }
 Zorra }

Wills

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