

L-Bundle 22
No. 50

Upper Canada Land Petitions "L" Bundle 22, 1839-1840
(RG 1, L 3, Vol. 296 (a))

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To His Excellency Sir George Arthur K. C. H. 50
Lieutenant Governor of the Province of Upper Canada
Major General commanding Her Majesty's Forces therein
J. G. P.

The humble petition of James Latta of the Township
of Mountford in the Gore District, German

Most humbly sheweth

That on the twenty ninth day of September, 1835, petitioner
purchased Lot number twelve on the fifth concession of the
Township of Mountford aforesaid at a public sale held in said
Township. That on accordance with the terms of said sale,
as publicly advertised previous to the appointed day of sale,
petitioner admitted the validity of a claim made by a person
named John Reid for compensation for improvements made
by him (the said Reid) on said Lot and handed in to the Auctioneer
on the day of sale. That said claim was subsequently referred
to legal arbitration by petitioner and said Reid, and the
conditions of the award given at said arbitration were strictly
complied with by petitioner, who obtained said Reid's acknowl-
edgment of the receipt of the full sum awarded him as the estimated
value of said improvements. That this was the only claim on said
Lot which was submitted to the Auctioneer on the day of sale, which
fact is sufficiently borne out by said Auctioneer's affidavit.
Nevertheless, now was petitioner then aware that any other claims on
the Lot purchased by him as aforesaid, was in existence.

That some time after the day of sale as aforesaid, one
William Sheffield, who holds a farm adjoining the Lot
purchased by petitioner, preferred a claim for improvements
on said Lot, which petitioner considered fraudulent and unjust
inasmuch as the arbitrators above admitted to embrace the
value of all the improvements made on said Lot. That said
Sheffield continued to hold forcible possession of a part of
said Lot, and after various dissatisfactions with said Sheffield,
petitioner, with a view to put an end to the annoyance and
injury he had from time to time suffered from the de-
bauched conduct of said Sheffield, was induced to agree to abide
by the decision of two disinterested men, insufficiently chosen

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Indian Office

Toronto June 18th 1840

The Petition should be considered at the same time with that of William Gould who claims to be remunerated for certain improvements made by him on the same land previously to the sale of the same to James later in 1835.

Mr Matthews who at present was employed by the Government of Canada to deal with certain portions of the Indian land, states that one of the conditions of the sale was that all persons claiming compensation for improvements on any of the lands sold, should hand their claims in writing to the Commissioner on or before the day of sale or forfeit all right to the same.

On reference to the printed advertisement of the particular lot to be sold on the occasion, to which is annexed the conditions that were to govern the sale, I do not find any such as have been stated by Mr Matthews and therefore infer that it is not yet too late to seek for compensation for improvements from the new purchaser - But as the statement of the parties are conflicting, if the Government should be of opinion that Mr Gould is entitled to compensation, I should recommend that Mr Blair the Government Agent, resident at Hamilton be instructed to investigate the claim and ascertain whether the demand of the arbitrators transmitted with Mr Gould's Petition be just and equitable before the Patent issues to Mr Laid.

Wm. Jarvis

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Waukegan, 15 Oct 1839-
Saml. W. Harrison Esq.

Sir

I have to request you will have
the goodness to lay the enclosed petitions to
His Excellency, the Lieutenant Governor,
before His Excellency in Council at the
earliest opportunity, together with the
accompanying documents confirmatory
of the allegations set forth in said petition.

I have the honor to be

Sir

Your Most Obedient

Wm. W. Harrison Esq.
James Lake

Government House
Toronto

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Mr Lake senior having called upon me
to ascertain whether I had drawn up or had
been a party to the drawing up of a writing
stated by Mr Schoonbe to have been my
award as one of the arbitrators in a case
submitted to me by the said Mr Schoonbe
and Mr Lake; I beg to state that I was
in no way concerned in the drawing up of
that or any other writing between the said
parties directly or indirectly, and that I
never saw any writing previous to being
called upon by Mr Schoonbe to sign it.

William D'Arbigny.

Beaufort 15th Feb. 1839.

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Jose District
To His

William Mathews of the
Town of Brantford in the
said Jose District, Gentle-
man, maketh oath and saith - that
sometime in September or October 1835
this deponent was employed by the
Honorable Peter Robinson - late deceased
then the Commissioner of Crown Lands - to
sell by auction certain Farm Lots of
purchased Indian Lands in the town-
ship of Brantford - for the Crown - that
the terms and conditions of sale were
publicly advertised previously to the appointed
day of sale - that one of these terms or
conditions was, that all persons claiming
compensation for improvements on the
lands to be sold - should send their
claims in writing to the Auctioneer on
or before the day of sale - on forfeit all
right to the same - And this deponent
further saith, that Lot number twelve
in the fifth concession of said Township
of Brantford, was purchased at the said sale
by James Lake of the same township Geo-
gran - and that there was handed to this
deponent at such sale but one claim for
compensation for improvements on the land
so purchased - and that no other claim
for compensation for improvements on
said purchased land, nor any paper pur-
porting to be such claims except as afore-
said, was either on or before said day of
when the said land was purchased -
tendered to this deponent, or left in this

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Deponent's office or salesroom; nor was this deponent at any time before or at such sale, made aware of the existence of any such claim - This deponent further saith, that the claim so handed to this deponent as above mentioned, was that of Isaac Meigs, and was afterwards, as this deponent is credibly informed and verily believes, referred by James Lake the purchaser, and said Meigs, to Thomas Perrin and Henry Labitz, for determination - who appointed one Henry Merwin to be umpire - And this deponent further saith, that the award of said umpire was afterwards shown to this deponent by said James Lake, bearing an endorsement under the hand of said Isaac Meigs acknowledging the receipt of the money awarded - in full - and that this deponent thereupon gave to said Lake a certificate of sale accordingly - And this deponent further saith, that some time after the day of purchase - one Eliam Schofield, who is in possession of lands adjoining Lake's purchase, told this deponent that he had a claim for improvements on said Lot Number Twelve with force of law but that he, said Schofield, had neglected to prepare the necessary document in time for the sale -

This deponent William Matthews lastly saith, that he this deponent has no manner of interest in any question or cause now depending, which the

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matters set forth in this affidavit, can
affect. that he is not in the slightest
degree or in any manner connected
by interest or affection with any of the
parties therein mentioned. and that
his sole design in making this affidavit
is to testify the truth respecting the
matters of fact therein disclosed.

Sworn at said Brantford
this 22nd day of December 1838 } William Matthews
Before me }
William Muskeea J.P.

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Ex parte
James Lake

Affidavit of W. Matthews
Grown Auctioneer
Indian Lands
Brentford

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District of ⁵⁰⁸ ~~Yam~~ By Me of His Majesty's ⁵⁰⁸ ~~Yam~~
to last } of the peace for said District.

Arrest Mijgar of the Township of Manulaska
in said District, however, voluntarily appeared
before me and made oath that some time in
June or the beginning of July, 1888, he was called
on to arbitrate on a matter in dispute between
Saml and Abram Sathier, both of the aforesaid
Township of Manulaska, the subject matter of which
respected a claim advanced by the said Abram Sathier
to the occupancy of part of Lot number twelve in the
fifth concession of said Township, he avowing that
he had a claim to said part of the aforementioned
Lot prior to that of the said Abram Sathier, who
as deponent had heard, and verily believed, had
purchased said Lot at a public Government
sale in the year 1885. The said Sathier had
occupied part of said Lot some time previous to
the aforesaid sale, and avowed that he had cleared
and cultivated about thirty acres of it ^{and} said Lot.
The said Abram Sathier has, in accordance ~~with~~ the terms
of

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50th said sale, taking possession of said Lot, and
 had been a part of the portion in dispute with
 Bats, and the ~~terms~~ ^{terms} of the award to which
 Deponent was a party, as aforesaid, since that the
 said James Lake should hold undisturbed pos-
 session of the tract he had been as aforesaid
 that the said Deponent should have the privilege
 of taking and gathering the produce of the
 crop of the remaining portion in dispute, that
 he should be permitted to remove the said fence
 he had erected thereon so soon as he had taken off
 the produce of the crop which he intended to have
 from the ensuing fall, and that the said James
 Lake was immediately thereafter to pay to the
 said Deponent the sum of twenty five pounds
 of lawful Money in lieu of said Deponent's
 improvements on said Lot. That the said
 parties were not holding each to the other, in any
 bond or other writings at the time the above
 agreement was made. and further that
 Deponent said that he
 was before me at Montreal
 this 10th day 1849.
 William R. Gordon
 as Com. for taking affidavits for Deponent

Robert Nigge

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*Ex parte
James Lusk.*

*Affidavit of
Robert Lippard.
Maurice.*

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District of ~~Lower~~ ^{59th} By On of Mr. Augustus ^{59th} ~~to~~ ^{to} ~~the~~ ^{the} ~~place~~ ^{place} for said District
 James Lake Senr. of the Township of
 Manford in said District ~~and~~ ^{as} ~~voluntarily~~
 Wrote oath that James Lake Senr. some time
 September, 1845 purchased, at public sale, Lot
 Number twelve in the fifth concession of said
 Township. That Meram Seefeld of the
 said Township of Manford had occupied
 a part of the South end of said Lot some
 time previous to the time of sale. That a point
 was present at a verbal agreement made between
 the said James Lake Senr. and the said
 Meram Seefeld, the terms of which were that
 the said James Lake Senr. was to retain free
 -able possession of a portion of said Lot which
 had been in the occupancy of the said Seefeld
 but which was then titled by the said James
 Lake Senr. and sold with title by him; that
 the latter should be allowed to sow wheat in
 the tract occupied by him as aforesaid in
 immediately on the removal of this date & that he

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 He should be permitted peacefully to reap the
 produce of the aforesaid wheat preparatory to
 a formal adjustment of the right of tenure of the
 land in dispute. That Deformant was also
~~was~~ present at a formal arbitration of Henry
 Walter in dispute relating to said tract of land
 in the month of June or the beginning of July
 1886, when the above stipulations were ratified by
 the parties and confirmed by the verbal decision
 of the arbitrator, that the said Deformant refused
 to abide by the said decision, and that in a
 very short time after, said Deformant in pursuance
 of a threat made by him at the time of said
 arbitration, entered on the tract occupied by
 said James Lake and, in direct oppo-
 sition of the terms of the verbal agreement
 made between the parties, aforesaid, ~~that~~
 forcible possession of said tract and
 ploughed up the oats, then in a growing
 state, which have been sown by the said
 James Lake and further that Deformant
 hath not
 sworn before me that *James Lake*
 19th Sept 1886
 John R. Davidson a Clerk of the Peace for the District

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*Ex parte
James Laker -*

*Applicant of James
Lake Land Township
of Manitowish*

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To His Excellency Sir George Arthur K.C.H. Esq. Lieutenant
Governor of the Province of Upper Canada &c &c &c

The petition of Abram Scovell of the Township
of Brantford by counsel
Shawate

That at the last Sale of Indian lands at Brantford
in 1835 Mr James Lake purchased at the upset price
Lot No 12 on the South side of the road leading from Brantford
to Burford containing 100 acres more or less Subject to
the conditions of Sale one of which was that the purchaser
should pay for any improvements on the lot to be
ascertained by valuation.

That your petitioner at the time of the Sale was in
possession of the lot and had an improvement thereon
of about 30 acres which he has always been willing to
surrender to the said James Lake upon being paid
for the same at a fair valuation according to the condition
of Sale.

That in the month of June last the improvements
were valued by Arbitrators Mr Bradley on the part of
petitioner and Mr Siggon on the part of James Lake
the purpose Mr Bradley being appointed by the
arbitrators.

That the said arbitrators all agreed that your petitioner
should be paid 100\$ for his said improvements and he
allowed the use of the land for another crop, and to take away
his fences, as will appear by the annexed Certificate of
the arbitrators.

That your petitioner has put another crop in according
to the award of the arbitrators but the said James Lake refuses
to comply with the terms of the award.

Your petitioner therefore humbly prays that the said
James Lake may be required to comply with the award
before the patent is issued to him for the lot
and your petitioner will give pay
Abram Scovell

50 p.

References

- No 1. Conditions of Sale
2. Award

Indian Office
Toronto 11 June 1848

I respectfully recommend that
no Patent be completed in the name
of James Lake for the lot of land
mentioned in the within Petition
until the Conditions of the Sale are
fully complied with

Wm. H. Harris
Ch. Secy.

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Sale of Indian Lands ON THE GRAND RIVER.

THE FOLLOWING LOTS

Remaining unsold, or which have been forfeited at former Sales, will be sold by

PUBLIC AUCTION,

By Mr. Wm. MATHEWS, in the TOWN OF BRANTFORD,

On Tuesday, 25th August, 1835.

UPSET PRICES.

Town Lots in Brantford
Farm Lots with a River frontage,
The like not having such frontage,
Town Lots in Cayuga,
Farm Lots in Cayuga and Dunn,

£15 0 0 per acre
1 5 0 per acre
1 0 0 do.
10 0 0 per acre
0 15 0 per acre.

Schedule of Lots for sale in the Town of Brantford.

Lots Nos. 51 52 53 54 55 56 57 58 59 60 61 62 63 64
on the South side of Colborne street.

Lots Nos. 38 39 41 42 44 45 46 47 48 49 50 51
on the North side of Colborne street.

Lots Nos. 7 8 9 10 11 12 13 14 15 16 17 18
North side of Northumberland street.

Lots Nos. 21 22 23 24 25 26 27 28 29 30 31 32
on the South side of Colborne street.

Lots Nos. 61 62 63 64 65 66 67 68 69 70 71 72
on the North side of Colborne street.

Lots Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
on the North side of Colborne street.

Lots Nos. 11 12 13 South side of Wellington
street.

Lots Nos. 12 13 14 15 16 17 18 North side of Wal-
terton street.

Lots Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
on the North side of Colborne street.

Lots Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14
on the North side of Colborne street.

Lots Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14
on the North side of Colborne street.

Lots Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14
on the North side of Colborne street.

Schedule of Farm Lots for sale in Township of Brantford, E. side Grand River.

The Gore Lots Nos. 1 2 3 4 11 12 13 14 17 18
North side of the Governor's Road or Dundas
street.

North part of Lots Nos. 25 27 28 31 32 33 34 35
36 37 41 44 45 47 49, in the first concession.

South do of do 26 27 28 30 32 33 34 35 36 37
40 41 44 45 47 49 50 51, in the first conces-
sion.

North do of do 22 23 24 25 26 27 28 29 30, in
the second concession.

South do of do 15 16 17 18 19 20 21 22 23 24
25 26 27 28 29 30, in the second concession.

North do of do 15 16 17 18 19 20 21 22 23 24
25 26 27 28 29 30, in the third concession.

South do of do 25 26 27 28 29 30, in the third
concession.

The broken Lots Nos. 23 24 25 26 27 28, in the
fourth concession.

Schedule of Lots for sale in Township of Brantford, West side of Grand River.

Arnold Burrows, Esquire's possession—being part of
Lots Nos. 12 13 14 15, in the second concession,
and part of Lots Nos. 12 13 14 15 16 17 18, in the third concession—containing 650
acres.

James Charles Wyle's possession—being part of
Lots Nos. 12 13 14, in the first concession—
containing 200 6—30 acres.

Richard Baily's possession—being part of Lots
Nos. 15 16 17 in the first concession, part of

Lots Nos. 11 12 13 14 15 16 in the second concession
—containing 243 1-9 acres.

James Nimmon's possession—being part of Lots
Nos. 11 12 13 14 15 16 in the second concession—
containing 243 1-9 acres.

Francis Gordon's possession—being part of Lots
Nos. 11 12 13 14 15 16 in the second concession—
containing 243 1-9 acres.

E. G. Battersby's possession—being part of Lots
Nos. 14 15 16 in the first concession.

Schedule of Lots for sale in the Town of Cayuga.

Lots Nos. 16 20 22 on One street.

do. 2 3 4 17 18 20 West side Cayuga-st.

do. 1 2 3 4 5 East side of Cayuga st.

do. 1 2 3 4 5 6 7 8 north side McKay-st

do. 1 2 3 4 south side of McKay street.

do. 1 2 3 4 south side of Brantford street.

do. 1 2 3 4 5 6 south side Brantford st.

do. 1 2 3 4 5 6 7 north side Tuscarora st.

do. 7 8 9 10 11 12 south side of Talbot
Road south.

do. 2 3 4 5 6 7 8 north side Talbot road.

do. 1 2 3 4 south side of Kerr street.

do. 3 4 north side of Kerr street.

do. 2 3 4 south side of McKean street.

do. 2 3 4 north side of McKean street.

do. 1 2 3 4 south side of Norton street.

Schedule of Farm Lots for sale in the Township of Cayuga.

The broken Lots A. B. and Nos. 2 7 8 9 40 45
46 50 in the first concession north of Talbot
road, south.

Lots Nos. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 in the first concession south of
Talbot road, south.

Lots 2 3 4 5 6 in the second concession south
of Talbot road.

The north part of Nos. 4 5 6 7 8 9 10 11 12 13 14
15 16 17 in the third concession south of Tal-
bot road.

South do. of 4 5 6 7 8 9 10 11 12 13 14 15 16 17
18 19 20 in the third con-
cession south of Talbot Road.

The island on Lots 5 6 7, the north parts of
Nos. 8 9 10 11 12 13 14 15 16 17 18 in the fourth
concession south of Talbot Road.

South parts of Nos. 8 9 10 11 12 13 14 15 16 17
18 19 20 in the fourth
concession south of Talbot Road.

North parts of 7 8 9 10 11 12 13 14 15 16 17 18
19 20 in the 5th concession south of Talbot Road.

South parts of 7 8 9 10 11 12 13 14 15 16 17
18 19 20 in the fifth concession south of Tal-
bot Road.

Lots 23 24 in the sixth concession south of Tal-
bot Road.

Schedule of Farm Lots for sale in the Township of Dunn.

Lots Nos. 10 11 12 13 14 15 16 17 18 19 20
in the fourth concession south of the Durville
and Dwyer Road.

The island on Nos. 1 2 3 4 in the third conces-
sion north of the road.

Lots 1 2 3 4 5 6 in the 2d con. north of the road.

Lots 1 2 3 4 5 6 7 8 and the north part of
No. 9 in the second concession north of the
road.

The north part of Lots Nos. 1 2 3 4 5 6 7 8 9
and a small parcel of the north part of
No. 10 in the first concession north of the
road.

Lots Nos. 7 8 9 10 11 12 in the second con-
cession south of the road.

Lots Nos. 6 10 11 12 in the third conces-
sion south of the road.

CONDITIONS OF SALE.

1. The highest bidder to be the purchaser, and
in case a dispute shall arise respecting any bid-
ding, the Lot shall be immediately again put up
and sold. No bidder shall be permitted to re-
tract, or to assign his or her bidding to another.

2. The purchaser must be paid to the Com-
missioner of Crown Lands at his office in the
City of Toronto, by the following instalments, viz.
one quarter at or before the expiration of one
week from the day of sale, and the remainder
thereof by three annual instalments with interest
at the rate of six per centum per annum from the
day of sale; and no transfer of any purchase will

be permitted until the full amount of purchase
money and interest shall be discharged.

3. The Purchaser to reside on the Lot pur-
chased, within six calendar months from the day
of sale, and the bona fide and sufficiency of such
residence shall be shown to the satisfaction of the
Trustees of the Six Nations Indians for the time
being, before the Patent from the Crown shall
be issued to the purchaser.

4. In cases where land shall be purchased on
which there are improvements (as well those
made by Indians as by others) the purchaser shall
pay for the same upon their value being ascertained.

5. (In case the parties differ) by arbitrators one
denominated by every party interested; and if
they shall disagree, by an umpire to be appointed by
such Arbitrators or a majority of them, before they
shall proceed to supersede the value of such im-
provements, the amount thereof to be paid by the pur-
chaser to the party or parties declared to be en-
titled to the same, by the award to be made in or
writing of such Arbitrators of their Umpire at or
before the expiration of one week from the day
of sale.

The parties in possession of such lands with
improvements thereon shall, by signifying their

desire (either personally or by an Agent appoint-
ed by writing), to the Auctioneer when the same
are put up and before the bidding commences
but not otherwise; be entitled to the right of
preemption of such lands as against any other
person not making an increased bidding for the
same.

And lastly—If any purchaser shall fail to com-
ply with all or any of the foregoing conditions, that
purchase money shall be forfeited and the Sale
void, and the lands be liable to be re-sold at such
prices and in such manner as the Trustees of the
Six Nations Indians for the time being shall deem
most expedient.

By Order of the Trustees of the Six Nations Indians,
WILLIAM HEPBURN,
City of Toronto, August 8, 1835.
Acting Trustee.

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We the undersigned arbitrators appointed to value the improvements
claimed by James Swell in Lot 12 1/2 on the south side
of the Missisquoi River leading from Chantford to Benford
purchased by James Lathrop do hereby certify that
we did value the same and that we are agreed to make
the following award -
That the said James Lathrop should pay the said James
Swell the sum of \$1000 for his improvements
and that the said James Swell should also be
allowed the use of the land for another crop and to
take away the fence -
Witness our hands this twenty day of November One
Thousand eight hundred & thirty eight

William Oshagby
John Brainerd
Herbert Biggs

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Abram Savell
L
James Lake

Award

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the petition of
James Lake

Petition
Hiram Scovell.

10th Aug.
15th Nov 1840
Referred to the
Superior Land Office
Indians to report
herein for the
information of
the L^d Governor
By Jth Mth and
Wth Mth Cth

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by the parties in dispute, in order to put a final end to the
 protracted arrangements to which petitioner was continuously subject
 from said Schofield. - That some time in June or the beginning
 of July, 1838, a nominal arbitration was held, and the disputes
 in question referred to the decision of an umpire, who gave a verbal
 award, to the terms of which, said Schofield refused to assent,
 as is proved by the affidavit of James Lake West, to which
 petitioner claims assent. - That after the lapse of a year or
 more, an instrument purporting to be the written award of
 said umpire, was surreptitiously obtained by said Schofield,
 to which the said umpire thoughtfully and unadvisedly
 affixed his signature. - That the whole of the proceedings
 connected with said arbitration were irregular and illegal,
 no basis having been entered into by the principals to stand
 to the decision of the arbitration; and as said Schofield refused
 to abide by the verbal award of the umpire as aforesaid,
 petitioner does not consider himself in any way bound to fulfil
 the terms of a document bearing so questionable a character
 as the written award above referred to. -

That petitioner has paid all the instalments in full
 on said Lot number twelve in the fifth concession of the Township
 of Mountford as aforesaid; but on his applying at the Crown
 Land Office for a deed thereof, he was informed that such
 deed could not be granted until the claim of said Schofield
 should have been examined and determined on. -

Petitioner most humbly begs to submit his ^{case} to
 your Excellency's consideration, all the leading circumstances
 relating to which as above stated are fully confirmed by the
 accompanying documents, and prays that your Excellency
 will order a deed of said Lot to issue to him from the Crown
 Land Office forthwith. -

And petitioner, as in duty bound, will ever pray -

W. Mountford
 15 Oct. 1839

James Lake

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Petition
to L 22 the Lt. Governor in Council.
His Excellency W.D.
Sir Geo. Arthur W.D.
P. P. P.
from
James Lake

Township of
Manitowish
Upper Canada

Deputy Officer
23rd Oct 1839

Referred to the Chief
Superintendent of Indian
Affairs to report hereon
for the information of
the

By Command
W.D.
Procl. Secy

In Council 18th June 1840
The Council are of opinion that the patent
should issue upon the pet. paying to the
occupant, during the term of the same of
£25, and giving him a licence to take
off his crop if any should be in
the grounds.

W.D. W.D.
Comm. indicated the same
to be - and W.D. W.D.

Upper Canada Land Petitions "L" Bundle 22, 1839-1840
(RG 1, L 3, Vol. 296 (a))

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