

104 ✓ ✓ 523

Petition

Benjamin Lake

Oso, Jan 19/23

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To pay: 11 in 5 of Oso
instead of 9 which he formerly
applied for in mistake,

Ch

201 1842

100 in Nov

not cashed and

pp 4405

See letter to Pet

+ New Sp. 2269

18 Feb 54

12617/54

Letter to acct 7 June 54

Cu Sal 9668

Ref. 1233/58

In Carlett

To His Excellency the Administrator
of the Government, and Executive Council
in Council assembled.

May it please your Excellency

The petition of the undersigned
Respectfully sheweth, That in the Fall of 1852

Your petitioner settled upon a lot of land in
the Township of Oslo and commenced clearing on
it with the intention of purchasing. The original
survey of the township being very imperfect, and
the most of the posts rotted off or the marks
degraded. Your petitioner was led into a mistake
as to the number of the lot, and accordingly
applied to the local agent at Kingston to
purchase lot No 9. ^{the fifth copy of} said township in
place of No 11. the lot which he occupied
and still occupies - and further that he made
a payment thereon for which he has a receipt
from the said agent who advised your petitioner
to petition your Excellency in Council for
leave to purchase lot No 11 which he now
occupies in place of No 9 which he applied
for through mistake as above stated.

Your petitioner encloses a certificate
and an affidavit in proof of the foregoing
statements, and prays that such steps may be
taken as will cause the mistake to be rectified
so that your petitioner may be allowed to purchase
the lot on which he has made his improvements

and your petitioner as in duty bound
Township of Oslo will ever pray
Oslo, 19th June 1854

Benjamin Lake

523
34

Crown Land agents Office
Kingston 19th Decr 1853.

0.14/54
For

In answer to your letter of 14th Inst. I am
sorry to say it is not in my power to make the
exchange you propose. If you did not ascertain
the lot you wish to purchase, before applying for it
you have only yourself to blame. Were the
department to attend to such applications there
would be no end to the calls from such as
might discover a better, or more suitable lot than
the one they first applied for.

The only way for you to do so, is to get a surveyor
to certify, that Lot No. 11. is the one you actually
occupied, and on which you have made an
improvement - and that you was led to sup-
-pose that Lot no. 9. was the one you occupied
until a correct survey proved it to be otherwise.

Such a certificate, with a petition to the
Governor in Council praying that you may
be allowed to purchase No. 11 instead of No. 9.
may have the desired effect, which it is
beyond my power to do of my own accord.

I am Sir

Your O^bd^t Serv^t.

William Macpherson
Agent

For Binger Lake
O.S. 3

Province of Canada

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County of Lanark

James Lake of Old in the County of Lanark one of the United Counties of Lanark and Renfrew in the Province of Canada, do solemnly swear and depose, in the Fall of 1852, that he went to live with his son Benjamin Lake in the Township of Old and deposes that he settled on a wild lot of land, no clearing being near it, that at that time as well as now it was difficult to find out the number of some of the lots on account of some of the posts being rotted down and others having the marks defaced, and the original survey being in other respects defective. That said Benjamin Lake to the knowledge of this deponent endeavored to find out the number of the lot upon which he had settled and was making improvements, and being told by Abner Adams Esq. a Magistrate of the County, and a person possessed of a good knowledge of the locality that it was No. 9 in the fifth Concession he applied to the local agent at Kingston to purchase said lot, and made a payment thereon through the hands of this deponent.

Further deponent states that afterwards the said Benjamin Lake having got a surveyor to examine the locality after some trouble and expense he ascertained that the number of the said lot was eleven instead of nine.

Deponent further states that a person by the name of John Armstrong at present living in the sixth Concession of the said township had chopped but not cleared about half an acre on the other end of the said lot about a month since and covered up the corner post with brush so that it could not be seen until the surveyor aforesaid discovered it.

Shewn before me at Perth
in said County this nineteenth
day of January 1854

James Rice,

James Lake

A Commissioner for taking affidavits in B. R. L. & R.

261/54

To His Excellency the Right Honorable James
Earl of Elgin and Bunkardine, Baron Elgin, &c.
Governor General of British North America and
Captain General and Governor in Chief in and
over the Provinces of Canada, Nova Scotia,
New Brunswick, and the Island of Prince Ed-
ward, and Vice Admiral of the same &c. &c.
In Council

The Petition of Benjamin Lake of the Township of Oslo in the
County of Frontenac in the Province of Canada, Yeoman,
most humbly sheweth -

That your petitioner was the first person who
actually improved on Lot Number Eleven in the Fifth
Concession of the Township of Oslo - that he has built a
house on said Lot and cleared and cropped two acres two
Roods and eight perches as appears from the Report of
Joseph M. P. Cromwell Esquire, Provincial Land Sur-
veyor - that your Petitioner and his family are living
on said Lot and went into possession of the land with intent
to purchase same, and that John Armstrong was perfectly
willing that your petitioner should possess and own said
land at the time he took possession of it - that there were
no improvements on the said Lot made by John Armstrong
or any other person, save the felling by John Armstrong of a
few trees as mentioned in the Surveyor's Report annexed hereto
at the time your Petitioner went into possession of same -
Your Petitioner further saith that he has learnt said Arm-
strong has purchased said Lot and made a payment
thereon - Your Petitioner therefore prays your Excellency
to Cancel the Sale of Lot Number Eleven in the Fifth Con-
cession of Oslo made to John Armstrong, and allow your Pe-
titioner to purchase same - Your Petitioner has suffered
great loss already by this sale to Armstrong being prevented
during last winter from clearing said Lot and as the spring
and seed time is approaching when he must sow his crop

For the support of his family he anxiously prays your
Excellency will favour him with an answer to his
petition in time for that purpose as he scarcely considers
himself safe in improving or cultivating land purchased
by another.

And your Petitioner as in duty bound will

ever pray -
Perth 3rd April 1834

Witness
James S. Sinclair

J

Bryan ^{his} Lake
mail