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2-6	Minutes of three meetings of the Heir and Devisee Commission regarding John Allan's land claim: * July 15, 1840 - deferred * July 15, 1841 - deferred * July 5, 1842 - allowed	Canadiana Heritage website https://heritage.canadiana.ca/view/oocihm.lac_reel_h1152 * /534/, /536/ * /571, /572 * /585
7-24, 27-30	Heir and Devisee Case File for John Allan	Archives of Ontario and Family Search website https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS5H-N32J-Z?cat=219880
25-26	Letter of August 4, 2010 re: a missing page from the Case File	Archives of Ontario

the Commissions
14th July 1840

Proof

into in Commission

the ten acres excepted
General Certificate
off the East End

Proof

No. of Case	Name of Claimant. Residence, Addition to Lot	Con	Town or Township	District	Age	Original Claimant	Date of Decision of the Commissions
153	Mary Harris, of the Township of Drummond, wife of the Reverend Michael Harris, being as one of the co-heiresses of her father, the late John Manning, deceased, and Robert Manning, of the Township of Greensburg, Gentlemen, claims as eldest son and heir at law of Sarah, Harris, deceased, who was also co-heiress of her father, the late John Manning, deceased.	half 5	Blenheim	Brook		John Manning	Allowed Tuesday 14 th July 1840.
<p>Wednesday 13th July 1840. Commissions present - The Honourable John Beverly Robinson, Chief Justice - the Honourable James Jones, and the Honourable Archibald McLean - two of the judges of the Court of King's Bench -</p>							
154	Mary Eliza Ann Jessup, of the Town of Prescott, & Sophia Matilda Virginia Jessup, of the same place. Sisters, claims as devisees under the will of their late father, Edward Jessup, deceased, grandson and heir at law of Col. Edward Jessup, also deceased. They also claim as devisees of their father Edward Jessup, deceased.	each half 6	Carleton Place	Shutown		Col. Edw. Jessup	Disallowed - must be claimed by the Executors under the will.
155	George Alexander Cunningham, of the Town of Kingston, Esquire, claims as eldest son and heir at law of John Cunningham, deceased, the illegitimate of Benjamin Cunningham, eldest son and heir at law of Benjamin Spencer, deceased. Black River.	a higher or less of land called Lot 33, 120 South side of	Marlborough	Prince Edward		Benjamin Spencer	Disallowed, notice insufficient and proof defective.
156	Sarah Kawahara, of the Township of Nepawa, wife last of David Kawahara, claims as only child and heiress at law of Ralph Gurney - deceased.	2 1/2 114	Spauldham	Bathurst		Ralph Gurney	Allowed.
157	William Patterson of the Township of Westminster, claims as eldest son and heir at law of Jacob Patterson, deceased.	59 last on the North Branch of the River of the City of London	Westminster	London		Jacob Patterson	Allowed.

Witness of
J. Robinson
J. Jones

Wednesday 13th July 1840.

of the Commission.
15th July 1840.
that Hugh & Catherine
to and without heirs.

to be processed upon until
and that the debt was
during the whole time
held in the office.

of sufficient proof

No. of claim	Name of Claimant, Residence, Addition &c.	Lot	Acres	Town or Parish	District	See Original Petition	Date & Decision of the Commission
165	Robert M. Ball of the Township of Emily, New Brunswick Claims as Executor of his late father Edward M. Ball, deceased	13	2 1/2	Mariposa	Newcastle	Edward M. Ball.	Received 15th July 1840. Allowed
166	John Allen of the Township of Stouffville, New Brunswick, claims as as Executor of John Fleming deceased	1	6	Stouffville	Newcastle	John Fleming	Deferred for proof that Fleming had no other children who left issue
167	Daniel Lee of the Town of Miramichi, a Minor Claims as eldest son and heir at law of Daniel Lee, deceased.	half	11	Mariposa	Newcastle	Daniel Lee	Allowed.
168	John Buchanan of Hunting Cayuga County, in the State of New York, New Brunswick. Claims as Executor of his father William Buchanan, deceased.	half	5	Smith	Newcastle	William Buchanan	Allowed subject to the estates for life in the dwelling house devised to the widow of the testator.
169	Jacob Hensdicks of the Township of Miramichi, New Brunswick, Claims as eldest son and heir at law of James Hensdicks, deceased.	South of Miramichi River	7	Miramichi	Newcastle	James Hensdicks	Deferred for proof
170	Alexander McNeal of the Township of Ope, New Brunswick, Claims as Assignee of Moses Miller who has left his Widow, eldest son and heir at law of John Miller, deceased.	South	3	Ope	Newcastle	John Miller	Allowed.
171	William Lammiman of the Township of Edwardsburgh New Brunswick, Claims as Assignee of Edward Lestup, deceased. Edmund also heir at law of Colonel Edward Lestup, senior, also deceased.	South East of Edwardsburgh	54 Acres of Lot 24 & 7 Cms.	Edwardsburgh	Shuttown	Edw Lestup senior	Allowed.
172	James Jackson of the Township of Edwardsburgh New Brunswick, Claims as Assignee of Edward Lestup deceased, James son and heir at law of Colonel Edward Lestup, senior, deceased.	South West of Edwardsburgh	10 Acres of Lot 10 24 & 7 Cms.	Edwardsburgh	Shuttown	Edw Lestup senior	Allowed.
173	Archibald Fairburn of the Township of Grenville, in the District of Montreal, in the Province of Nova Canada, New Brunswick, claims as eldest son and heir at law of John Fairburn, deceased	South	5	Plantagenet	Ottawa	John Fairburn	Allowed.
174	Henry Cavanagh of the Town of Brockville, New Brunswick, Claims as eldest son and heir at law of Benjamin Cavanagh, deceased.	West half	11	Huntley	Bathurst	Benjamin Cavanagh	Deferred for more satisfactory proof of Wills, and that original petition did not state.

No. of Claim	Name of Claimant, Residence, Addition & Lt. Honor.	Specimen of Provenance	Original Name	Date of the decision of the commissioners	Decision
57.	Mary Newkirk of the Town of Chatham. Widow claims the Service of Samuel Newkirk 17p. 32 deceased the Original Nominee	37	Chatham Samuel Newkirk	Wednesday 14 th July 1791.	Disallowed, as to Lt. No 37 which must be claimed by Sarah Bull under the Government indenture from the Orig. Name - 17p. 32, as otherwise cannot be allowed to claimant as she has only a life estate subject to payment of 2 p ^{ts} .
58.	Theresa Partridge of the Township of Sandwich Wife of Francis Partridge claims as Service in the Will of her former husband Joseph Partridge deceased the Orig. Nominee	68	1 st Sandwich Partridge Partridge	Deferred for proof.	
59.	Solomon Moore of the Township of Weymouth claims as the Heir of Sarah Ann Moore Service of Jeremiah Moore deceased, Orig. Nominee	17p. 35	5 th Malahide Jeremiah Moore	The Widow of Jeremiah Moore must claim as the Service	
					W ^m Robinson J. Robert Johnson J. J. Jones J.
Thursday 15 th July 1791					
Commissioners present The Honorable John Bowd, Robinson, Chief Justice, The Honorable Robert S. Johnson Vice Chancellor, and The Honorable Mr Justice Jones.					
60.	George Young of the Township of Shurlow claims as the Heir of David Bridwell who has left the Province - Orig. Nominee	17p. 31	2 nd Shurlow David Bridwell	Allowed	
61.	James King of the Township of Sapa (Sapa) claims as the Heir of George King deceased, Orig. Nominee	17p. 32	6 th Sapa George King	Allowed.	
62.	Robert Simpson of the Township of Sapa (Sapa) claims as the Heir of the late John Pickering deceased, the Original Nominee	17p. 32	1 st Sapa John Pickering	Allowed the West half of the lot claimed	

W^m Robinson J^r
Robert S. Johnson J^r
J. Jones J^r

No. of Claim	Name of Claimant, Residence, Address for	St. James's Town or Sandwich	Original Nominee	Date and the Decision of the Commissioners	No. of Claim	Name of Claimant
		447		Thursday 15 th July 1841.		
63.	Jacques Bellefleur of the Township of Sandwich Yoman claims as Heir of Pierre Bellefleur deceased, eldest son and heir at Law of Bellefleur also deceased, Original Nominee	124 142	Sandwich Jacques Bellefleur (Assumption)	Allowed.	72.	James Swaddle of the Yoman claims as Swaddle deceased
64.	John Baptiste Lauson, of the Township of Sandwich Yoman claims as Son in the Will of his father Charles Lauson deceased, eldest son & heir at Law of Jacques Lauson also deceased, Original Nominee	126 142	Sandwich Jacques Lauson (Assumption)	Allowed.	73.	Peter Kipple of the Township claims as Son of the Original Nominee
65.	Nicholas Langlois of the Township of Sandwich Yoman claims as Son of Joseph Bazinet deceased, the Original Nominee	113 142	Sandwich Joseph Bazinet (Assumption)	Allowed subject to the trusts of the Will of Joseph Bazinet dated 12 June 1821.	74.	Duncan Campbell claims as Son of the Original Nominee
66.	Hugh Munro of the Township of Edwardburgh claims as Regular Son of Hugh Munro deceased, the Original Nominee	4 6	Edwardburgh Hugh Munro	Allowed.	75.	Andrew Cairns of the Township claims as Son of the Original Nominee
67.	Charles McCutcheon, of the Township of Monro Yoman claims as Nephew & Heir at Law of Hugh McCutcheon deceased, Original Nominee	4 4	Monro Hugh McCutcheon	Allowed.	76.	Phoebe Capidy of the Township claims as Son of the Original Nominee
68.	John Allen of the Township of Sandwich claims as Son of John Fleming deceased, Original Nominee	4 6	Sandwich John Fleming	Deferred, the testimony of a subscribing witness to the Will should be produced.	77.	Phoebe Capidy of the Township claims as Son of the Original Nominee
69.	John Hunt of the Township of Bathurst claims as eldest son & heir at Law of George Hunt deceased, eldest son & heir at Law of John Hunt also deceased, Original Nominee Also claims as eldest son & heir at Law of George Hunt deceased, Original Nominee	11 10 12	Bathurst John Hunt George Hunt.	Allowed.	78.	Christopher Cough of the Township claims as Son of the Original Nominee
70.	William Scott of the Township of Sandwich claims as Son at Law to his Brother James Scott deceased, Original Nominee	6 12 4	Sandwich James Scott	Allowed.	79.	Alexander Tallie of the Township claims as Son of the Original Nominee
71.	Georgeutherland of the Township of Ramsay claims as Son of William Fleming deceased, Original Nominee	7 21 3	Ramsay William Fleming	Allowed.		

Report of the Commissioners, appointed to ascertain and determine certain titles to lands in the Province of Canada by a Commission under the Great Seal of the said Province bearing date the third day of July one thousand eight hundred and forty one, signed by His Excellency The Right Honorable Charles Baron Sydenham of Sydenham in the County of Kent and of Canada in Canada, Governor General of British North America &c &c and issued under the authority of an act of the Legislature of the said Province passed in the fifth year of the reign of Her Majesty Queen Victoria entitled "An Act to alter for a limited period the place of sitting of the Her and Devises Commission of the late Province of Upper Canada, and for the purposes therein mentioned", on claims brought before them the said Commissioners during their sittings in the Town of Kingston in the said Province of Canada, from the fourth to the eighteenth of July one thousand eight hundred and forty two inclusive.

No. of Claim	Name of Claimant. Residence. Addition &c	Lot	Cons.	Where Township	Original Name	Date, and Decision of the Commissioners
	Commissioners Present, The Honorable Robert A. Simcoe, Vice Chancellor - The Honorable James D. Macaulay, Judge of the Court of Queen's Bench, and The Honorable John Henry Dunn, a Member of the Executive Council.					
	Tuesday 5 th July 1842.					
1	Joseph Curtin, of the Township of Hamilton South Yeoman, claims as Eldest Son and Heir at Law of Saw of John Curtin, deceased - - - - -	12	7	Ennismore	John Curtin	Allowed.
2	John Allan, of the Township of Douro. Yeoman, claims as Deviser of John Fleming deceased - - - - -	1	6	Douro	John Fleming	Allowed.
3	Daniel See, of the Town of Peterborough, Minor South claims as Eldest Son and Heir at Law of Daniel See deceased, Eldest Son and Heir at Law of Thomas See also deceased - - -	15	11	Mariposa	Thomas See	Allowed, subject to the confirmation of the Location by Order in Council.
4	John Sullivan, of the Township of Ennismore North Yeoman, claims as Eldest Brother and Heir at Law of Thomas Sullivan deceased - - -	7	14	Ennismore	Thomas Sullivan	Not Allowed.
5	William Davis, of the Township of Otonabee Yeoman, claims as Eldest Son and Heir at Law of John Davis, deceased - - - - -	30	1	Otonabee	John Davis	Allowed.

PARCEL 74:1842

• ALLAN, John

40 - 2469

RG 40

Whole Volume
Sailed Document
Torn Page

Notice
John Allen.
received from J. H. Garrison by
5th July 1842. Wm. L. L.
Chk Co.

5th July 1842
Allowed.
Wm. L. L.
N. 5. of Mr. Justice's handwriting
minutes

No 2

Surveyor General's Office
Kingston 4th July 1842.

Reference is respectfully
requested to a Certificate from this
Office dated 13th July 1840
on the claim of John Allan,
the land remaining as then
certified.

Thomas. Parke
Sur. Genl.

To the Honorable
The Commissioners

to the L.

I do hereby certify, that the annexed Notice of Land Claim, has been up
in the office of the clerk of the Peace, _____ in and for
the District of Colborne for the space of One hundred and five
days to wit, from the eleventh
day of March 1842 until the day of the date hereof.

West half of lot number one in the sixth concession of the township of Colborne

Clerk of the Peace Office, this twenty fourth
day of June 1842

H. A. Wrightson

Clerk of the Peace. C. P.

Take notice that Wm Allen will
claim before the Commissioners under
the Act and Considered at their
sittings in July next the West half
of Lot Number one in the Sixth
Concession of Town as Devisee
of John Fleming deceased the
Original Donor of the Town
Petersburg 10 March 1842.

John Allan

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2
Notice

John Allan.

Recd from J. J. Amos Esq
13th July 1840.

W. Lee
Clerk

July 15th 1841

Departed
The testimony
of a sub. that to
the court should
be produced

W. B. Adams

V. W. Justice James J. Amos
Claim No. 52

15 July 1840

Departed for being that
Fleming left no
other children who
left free.

V. W. Justice James J. Amos
Claim No. 53

W. B. Adams
Clerk

No 196
A Search in the
Surveyor General's Office.

Toronto, 17 July, 1840.

I certify that The West half of Lot No 1
in the 1st Concession of the Township
of Dawson was located in the Year
1825 in the Name of John Fleming
as a Settler under the Act of Peter
Robinson, for which no des-
cription has appeared

J. Radenbush

To the Honourable

The Commissioners,

&c. &c. &c.

I do hereby certify, that the annexed Notice of Land Claim, has been
up in the *Office of the Clerk of the Peace* in and for
the District of Newcastle for the space of *thirty days* —

to wit, from the *fifth*
day of *June* 184*0* until the day of the date hereof. *The*

Claim of John Allan with half of his acre South Lane
Dorset —

Clerk of the Peace Office, this *Seal*
day of *July* 184*0*

J. Ward
Clerk of the Peace.

Take Notice

That John Allan of the township of Down
Woman will claim before the Commissioners
under the 10th and 11th Act at their next
sittings in July 1834 the West half of Lot
number one in the sixth concession of the
said township of Down as a piece of
John Fleming ^{deceased} the original grantee
of the Crown.
John Allan.

Arthur

John Latham

John
Latham
1818

Coltune District
Docket

Daniel Sheehan of the
Township of Dorso in the said
District Schoolmaster maketh
oath and saith that he was well
acquainted with the late John
Fleming of Dorso aforesaid - that
the said John Fleming was
located upon the West half of Lot
Number One in the Sixth Concession
of the said Township of Dorso and
that he this deponent about
fifteen years ago drew a will
or instrument by which the said
John Fleming gave to John
Allan of Dorso aforesaid
Genial all his right and
title to the said West half of Lot
Number One in the
Sixth Concession of Dorso, that
the said John Fleming signed
sealed and delivered the said
will or instrument to the said
John Allan in presence of
him this deponent and one
Michael Sullivan and that
he this deponent and the
said Michael Sullivan were
subscribing witnesses to the said
will or instrument.

And this deponent
further saith that the said

John Fleming lived for about
three years after he executed
the said instrument and
that he then deposed & swears
that the said John Allan
had about twenty acres of the
said half lot cleared before the
death of the said John Fleming.

This deponent also
further saith that he lives upon
the west lot to the said half lot
and that he swears that
the said John Allan has
always occupied the said half
lot since the execution of
the said instrument.

and lastly this
deponent saith that he has
never heard that the said
will or instrument has been
lost and that he is deponent
thereof has no doubt that

the said John Allan is
entitled to the patent of the
said half lot.

Done at Freeborn

Sworn before me at Pittsburgh

in the Common Pleas

this 21st day of May 1842

St. Wm. M. M.
Attest in 1842 D.C.

Chair of John Allan
off
of Buchanan

Newcastle District
And } Bridget Allan of the township
of Dairs in the Newcastle District wife of
Edmund Allan of Dairs of married
German and Patrick Sullivan
of the same place German
duly make oath and say and
first this deponent Bridget Allan
for herself saith that she this
deponent and Mary Johnson were
the only children of the late John
Flaming late of the said township of
Dairs that the said Mary Johnson
had ^{only} two children both daughters
named Bridget and Catherine that
Catherine has but been heard of
by deponent for the last ~~twelve~~
eleven years and that said Bridget
has left this province there is
five years ago and is now residing
in the United States of America

And this deponent
Patrick Sullivan further saith
that he knew the late John Flaming
about thirty years ago, that he had
only two children by his wife,
Bridget Allan and Mary Johnson,
and that Mary Johnson died about
twenty four years ago leaving
deponent further saith that he has
heard the late John Flaming two

on three times say that he had
given the west half of lot number one
in the sixth concession of town of
to John Allan his grandson And
that the said John Allan occupied
the said land to his deprecate
knowledge for about two years before
the death of the said John Fleming

Personally known before me
at Pittsburgh in the
County of Allegheny
the said Bridget Allan
and the said Patrick Sullivan
and I do hereby certify that
the above affidavit was read on
by me to the above named deprecate
and that they seemed perfectly
to understand the same and
that Bridget Allan with her
signature and Patrick
Sullivan made his mark
therein in my presence

J. M. M. A. C. C.

in B. R. H. C. D.

Bridget Allan

his
Patrick + Sullivan
mark

affl. of
Mrs Allan +
P. Sullivan

August 4, 2010

Mr. Paul Allen
148 Monarch Park Avenue
Toronto, ON
M4J 4R6

Dear Mr. Paul Allen:

Enclosed is the missing page from the file you requested, Parcel 74 -1842, John Allan.

Regards,

Erin Strouth
Reading Room Intern, Archives of Ontario
134 Ian Macdonald Blvd. Toronto, ON M7A 2C5

Newcastle District } Bridget Allan of Dorro
Doit } in the Newcastle District
wife of Edmund Allan of the
same place German Maketh
oath and swears that she is the
only surviving child of the late
John Fleming of the same
place German and that the said
John Fleming died seven years
ago that John Allan of the
same place German is the
eldest son of her this deponent
that further deponent knows
that the said late John Fleming
made a will in his life time by which
he devised the best of half of the
number one in the sixth succession
of Dorro aforesaid to the said
John Allan that deponent
has seen and read the said
will and that he made no
other will as deponent believes
and deponent further saith
that the said will has been
given to the said John Allan
and that he has kept it as
deponent believes. deponent
also further saith that said
John Fleming made no
assignment of the said lot
in his life time and that
said John Fleming at the time
of his death and for two or
three years previously resided

with this Depoent and her husband
and that the said John Allan
needed spent said lot for or
three years before the death of the
said John Fleming by the leave
of the said John Fleming And further
Depoent saith that she would have
inherited the said lot if no will
had been made and that she
is perfectly satisfied of the right of
the said John Allan to the said lot.

Sworn before me at Portsmouth
New Hampshire
this 1st day of July 1840

Brigdet Allen

J. M. Allen
Justice of the Peace
New Hampshire

24
affi of Mrs Allan

Nineteenth District }
 Jurat } Michael Sullivan of the
 Township of Toronto in the
 said District do hereby certify and
 state that I was well acquainted with
 the late John Fleming of the Township
 of Dover now deceased that the said
 John Fleming died in the year of
 our Lord one thousand eight hundred
 and thirty three that within four
 or five years before his death
 the said John Fleming made a will
 in which he devised all his right to
 and interest in the west half of lot
 number one in the sixth Concession
 of the Township of Dover of which this
 deponent witnesses to John Allan
 the Grandson of the said John Fleming
 that this deponent has never believed
 that no other will was subsequently made
 by the said John Fleming and that
 the said will has been duly looked at
 this deponent has heard and believes.

Subscribed and attested at Peterborough } Michael Sullivan
 in the said District }
 this 24 day of June 1839 }
 J. M. M. }
 a C. in 1836. R. C. D. }

Altam's claim

Sullivan's off