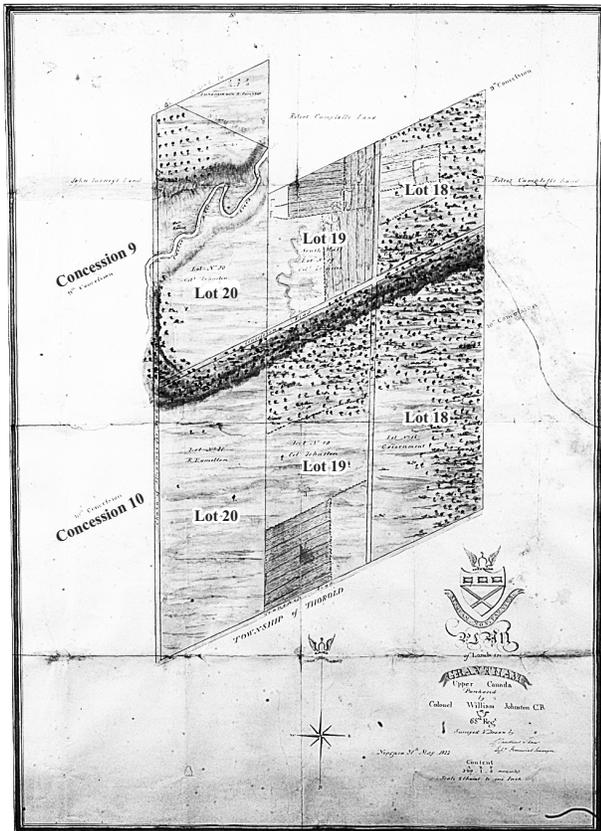


THE BROCK UNIVERSITY CAMPUS MAP OF 1822

In the Special Collections department in the James A. Gibson Library at Brock University there is a magnificent full-colour map of Brock's lands as they were in 1822. The map shows land in Grantham Township purchased by Colonel William Johnston, C.B. (Commander of the Order of the Bath) in that year.



Colonel Johnston's Map

It was surveyed and drawn by Claudius Shaw, Deputy Provincial Surveyor, at a scale of 6 chains to 1 inch (1 chain = 66 feet). The map was hand drawn in ink and watercolour on paper, and displays the crest and motto (nunquam non paratus — never unprepared) of Johnston's family. The complex scrolling beneath the crest reads "plan." The map shows lot lines and road allowances, the Niagara Escarpment, two creeks, woodland, fields and some buildings. It is a remarkable picture of Brock's campus as it was almost 200 years ago — how many other universities in Canada can claim such an early plan of their property?

The lots shown are 18, 19 and 20 in concessions 9 and 10 of Grantham. Johnston owned portions of all three lots in concession 9, but only lot 19 in concession 10. His land amounted to 299 acres, 1 rood, 5 perches (1 rood = 1/4 acre, 1 perch = 1/40

rood). Other landowners identified on the map are Robert Campbell, Robert Hamilton, John Turney and the Government. Most of Brock's principal buildings today occupy lots 18 and 19 in concession 10; the emphasis in this article will be on lot 19. (For the story of lot 18, see my previous article in the 'Looking back' series entitled "The Theal House at Brock University," published in June 2009.) To the south lies St. Davids Road, and to the east the present-day Glenridge Avenue. Across St. Davids Road is Thorold Township.

Claudius Shaw was Scottish-born and served in the War of 1812. He was a railway engineer and surveyor, and according to Joan Winearls' *Mapping Upper Canada, 1780-1867*, he drew three maps in 1823, one of Upper Canada, and two of Niagara. In 1857 he was included in a Canada West *List of Provincial Land Surveyors*, but though other surveyors have the date of their appointment and place of residence, no details about Shaw are given, perhaps because he had by then returned to Scotland.

William Johnston's life is summarized in the *Dictionary of National Biography (DNB)*. He was born in 1773, and pursued a military career, first with the 18th Regiment of Foot and then with the 68th. He eventually attained the rank of Lieutenant-General. He saw a great deal of action, most notably in Spain during the Napoleonic War, when he served under Wellington. He commanded the 68th in a crucial victory at Vitoria in 1813, but was seriously wounded in the battle. He was knighted in 1837, made Colonel of the regiment in 1838, and died in 1844, leaving a widow, a son and six daughters. The crest of Guillaume Johnston is on a stall plate in the Henry VII Lady Chapel in Westminster Abbey, mother church of the Order of the Bath.

But the *DNB* makes no mention of Canada. Geographically, the closest reference is an expedition to the West Indies in 1801. What, therefore, was Johnston doing buying land in Grantham Township?

Surveys, Treason and Speculation

The area was first settled in the 1780s following the American Revolutionary War. A crash program of surveys began in June 1787, and the land was divided into 100-acre lots, arranged in rows or concessions. The first township to be surveyed was Niagara, followed by Stamford. Grantham was surveyed by Daniel Hazen early in 1788, and the northern part of Thorold by Augustus Jones in the fall of the same year. Both surveyors led fascinating professional and personal lives, especially Jones, who became Upper Canada's leading surveyor prior to 1800 and who was married to two Native women at the same time.

The first owner of lots 18 and 19 was George Turney, who had served as a cadet in Butler's Rangers during the American Revolutionary War. He is named on an Augustus Jones map of 1791, but likely acquired the lots in the late 1780s. He received a Crown patent in 1799. He probably did not live on the lots, for Turney was young and likely lived on the family farmstead on lot 22 in concession 9. After getting married in December 1801 he moved to land he had been granted in north-eastern Thorold, and sold lots 18 and 19 in 1805.

The buyer was Thomas Lane, who took out a mortgage with Turney as mortgagee. Lane already possessed 150 acres of adjoining land in concession 9, for a total of 350 acres. Where he lived is uncertain, but it was probably on his existing land below the Escarpment. Indeed, there is no evidence of anyone living on lots 18 and 19 in concession 10 until much later.

When the War of 1812 broke out Lane turned traitor and fled to the United States (which is somewhat ironic for an university named after the hero of that war). In 1818 Lane's land and that of other traitors were confiscated by the Commissioners of Forfeited Estates. The confiscated land was auctioned off after the War, with lots 18 and 19 being sold separately. Lot 19 was sold first, in 1820, to Alexander Wilkinson of Cornwall for £356 5s. Wilkinson also acquired most of Lane's land below the Escarpment.

Two years later Wilkinson re-sold the land (by letter of attorney) to Colonel William Johnston for the same price. Johnston also bought land in concession 9 from Robert Campbell, making a total of approximately 300 acres. Lot 19 now belonged to Johnston, but lot 18 remained in the Government's hands.

Three questions now arise: first, where was Johnston living when he bought the land?; second, why did he buy the land?; and third, what did he do with the land?

It turns out that Johnston was in Upper Canada after all. The instrument for the Wilkinson sale gives the Town of Niagara as his residence, and the 68th Regiment was stationed at Fort George from 1819 to 1829. Johnston returned to England in 1824, and in May 1825 was promoted to Major-General, which meant he was no longer attached to the regiment.

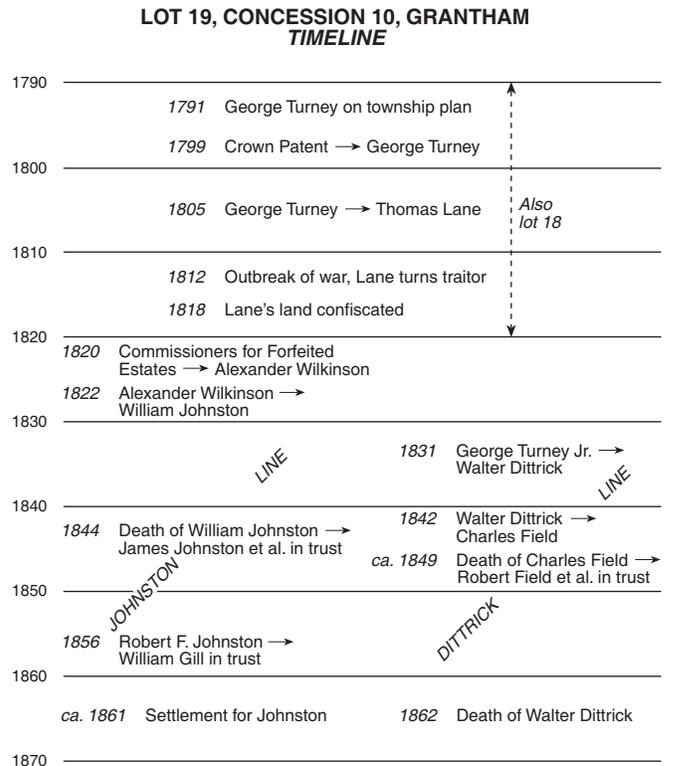
Why Johnston bought the land is uncertain, but one explanation seems most plausible. The purchase was probably a speculative venture, in anticipation of the building of the Welland Canal. The original route planned by William Hamilton Merritt and surveyed by Hiram Tibbett in 1823 had the canal descending the Escarpment west of Brock University near DeCew Falls and then following Twelve Mile Creek to Lake Ontario. Johnston's land occupied a strategic site straddling the Escarpment, close to the route of the proposed canal above and including it below, for as the 1822 map shows Twelve Mile Creek ran right through his land.

As an officer Johnston had certain disposable income, and he was one of the very first to buy shares in the Welland Canal Company at a meeting held in March 1824. To quote the report of the meeting, which is in St. Catharines Museum, "Colonel Johnson [sic] of H M 68 L I Regt [His Majesty's 68th Light Infantry Regiment] who honored the Meeting with his presence, and who is intimately acquainted with the locality of the situation, through which the Canal is to run." It was not until 1825, after construction had begun, that a route east of the university was substituted.

In answer to the third question, Johnston's land was leased out through a local agent, Samuel Jarvis, and upon Johnston's death in 1844 it was bequeathed to his son James.

Dittrick's Duplicity

The sequence of owners seems straightforward, but it was actually anything but. For several decades after Johnston bought lot 19 there was confusion about land titles. This timeline will be useful here.



Lot 19 Timeline

The original owner of lot 19, George Turney, who had sold the lot to Lane, was killed at the Battle of Chippawa in 1814, leaving a wife and a son George. Then in 1831, almost 10 years after the sale to Colonel Johnston, George Junior sold lot 19 to Walter Dittrick, and Dittrick followed by selling the lot to his brother-in-law Charles Field in 1842. Johnston and Field died in 1844 and 1849 respectively, each deeding lot 19 to their descendants in their wills. Both wills make mention of farmhouses; Field at least seems to have lived on lot 19, though precisely where is unknown.

Two further questions now arise: first, how could different people own the same land?; and second, how could they not have known about each other? Four considerations help explain what happened:

- (i) Johnston was an absentee owner living in England, and lot 19 was leased,
- (ii) The Upper Canada administration had limited means of cross-checking land transactions,
- (iii) George Turney Junior had a drinking problem and Walter Dittrick was a rogue,
- (iv) George Turney Senior was dead and Thomas Lane had fled the country.

With both parties to the original transaction gone and Johnston out of the country, Walter Dittrick saw his chance. Through a lawyer he convinced George Turney Junior that Turney still owned lot 19 and should sell it to Dittrick. His arguments were:

- (i) Lane had paid off very little of the mortgage debt,
- (ii) Turney's widow never signed a dower renouncing her claim,
- (iii) The instrument recording the Turney-Lane sale was lost in the War in the burning of the Niagara Registry office,
- (iv) No proof existed that Turney ever transferred the title deed to Lane.

Dittrick persuaded Turney to grant him a quit claim; the latter, needing money for liquor, was only too happy to oblige. Significantly, Dittrick ran Shipman's Tavern in St. Catharines, possibly where Turney did his drinking. Dittrick subsequently sold lot 19 to Charles Field at a great profit (£300 compared to £60).

How could Dittrick get away with this? Were there no witnesses to his wrongdoing? The administration knew nothing. Local settlers had strong suspicions, but seem to have kept silent. Johnston also knew nothing (at least at first, and possibly never). But what about the person leasing land from Johnston? Surely he would have found out, if only as a result of bumping into Dittrick (or later Field) on his land. That never happened, because the leaser was none other than Walter Dittrick himself!

This obviously could not go on indefinitely, and matters came to a head after Johnston's death. A legal action Johnston versus Dittrick was launched in 1844, and culminated in an inquiry and report in the early 1860s. The report, which is in the *Grantham Township Papers*, makes fascinating reading and contains two maps, one of Grantham Township and the other of the property in dispute. It also confirms most of the details mentioned above (e.g. the fact that Turney Junior was a drunk). It includes interviews with Turney's mother and brother John on January 1, 1860. The former lived in "a white frame house near line of railway not far from Thorold." She referred to the sale to Dittrick as "a dark transaction throughout," and felt her son had been cheated. Since Turney himself was not interviewed, he was presumably dead by 1860.

Also included is an interrogation of Dittrick on December 28, 1860. He lived "opposite the Johnston property on the gravel or stone road," and, as the following extract from the report makes clear, was clearly very uncomfortable in answering, and made some incriminating comments.

"I [who this is is unknown] then said 'You sold a portion of that farm over to some person didn't you, I mean the 100 acres on the hill.' He answered 'yes,' and seemed confused, looked out through the room in which I stood to the kitchen or shed where the others were before answering, and stepped back into the room from where he brought the receipt above mentioned, and evidently that Turney and Whalen and the others in the other room or kitchen should not hear his answers. My impression at the time was that he did not wish to have any witness to the conversation."

It turned out that Lane's relatives in the United States did have the deed, and the finding was in favour of Johnston. Field's descendants were out of luck, but Dittrick may have avoided punishment, for he died in 1862. One question remains: who conducted the interrogations? It was probably Johnston's son, Major James Johnston, for the report of the inquiry is in his name.

"Bogus" and Dickson

Dittrick was not the only rogue operating in lot 19. Another was Robert Francis Johnston, who masqueraded as a descendant of William Johnston. This "bogus Johnston" transferred lot 19 to William Gill in 1856, long before the Johnston versus Dittrick matter was settled. Only in 1874 was the land restored to genuine Johnston family members.

Uncertainty about ownership of lot 19 did not end there. In 1885, Richard Theal (presumably Moses Richard, who owned lot 20) signed an affidavit testifying to the fact that Charles Field had indeed died. Theal wrote this as proof, "That this deponent was engaged to take Fields [sic] dead body to the place of burial viz to Niagara. That for some reason deponent could not and did not go ... but deponents brother John Theal did convey it to the place of burial and said John told the deponent said body was interred at Niagara aforesaid." Theal added that Field died on lot 19, concession 10, he saw his dead body, and he was now farming the land, though he had no interest in it. The affidavit, in Special Collections at the St. Catharines Public Library, may have been required to legitimize the sale of lot 19 to Michael Jenkins Griffiths in 1888.

Ownership problems also afflicted other land belonging to Johnston. The *Bishop Strachan Papers* contain many letters from Johnston to agents and lawyers in Upper Canada about the unauthorized sale of a "farm on Twelve Mile Creek" to (William?) Dickson in the late 1820s. The matter was settled in the mid-1830s, when Dickson relinquished his claim.

The location of the farm is uncertain, but it was probably on lot 20 in concession 9. Whether any of this relates to lot 19 and Dittrick is unknown, though the fact that the latter seems to have rented the entire Johnston property suggests it might.

Lot 18 in concession 10, the eastern “half” of Brock University’s land, before it expanded across Glenridge Avenue to lot 17, was also a source of confusion. It belonged to George Turney Senior and Thomas Lane, but was not bought by William Johnston. Readers are referred to my previous article, “The Theal House at Brock University,” for details of this.

Conclusion

Johnston’s map was formerly held in the Regional Collection in the Library of the University of Western Ontario in London, and was donated to Brock’s Special Collections in the mid-1970s. How did it end up at Western?

At the time of his death Johnston not only had almost 300 acres in Grantham, but also 1295 acres in Mosa Township and 800 acres in Ekfrid Township, both in Middlesex County. These townships were not surveyed until the early 1830s, so he would have acquired these lands after this date, long after his return to England. His motive was probably speculation, since the lots are scattered. The “bogus Johnston” was very active here too (he may have been living in Mosa), until the land was reclaimed by the Johnston family.

Presumably the 1822 map was with other maps and documents dealing with Johnston’s transactions in Mosa and Ekfrid Townships. At some point they were transferred to Western, and from here the map was presented to Brock’s Special Collections.

Principal Sources (in addition to those cited in the text): Registry Office land documents; *Report*, Commissioners for Forfeited Estates, 1829; Grantham Township plans; *Brock University fonds*; Dittrick, Theal, Turney and Field family records.

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