

SPRAGGE, V. C.—Looking at the grounds of defence taken by the answer, the defendants would appear to be in error as to several important facts and circumstances in relation to the land in question.

1854.

Guelph
v.
Canada Co.

They allege that all maps which they have recognized as authentic, or which have ever been exhibited by them or their agents to the public or to intending purchasers have always shewn the two blocks or parcels of land in question marked off and distinguished either by dotted or continuous lines.

Now it appears clearly from the evidence that from the year 1827 for several years,—for five years at the least,—a map was exhibited to intending purchasers in the Company's office at Guelph. This was before any map was drawn by Mr. *John McDonald*, the surveyor, whose belief is that he drew dotted lines in pencil round the blocks referred to in 1832. I think ^{Judgment.} it very doubtful, upon the evidence, whether Mr. *McDonald's* recollection is accurate as to the date of his drawing these lines on the map, and whether they were not in fact drawn several years afterwards; but whenever drawn upon that map, the concurring evidence of numerous witnesses is given to the fact, that upon the map used in the Guelph office from 1827 to 1832 there were no blocks marked off by either dotted or continuous lines upon any part of the open space, the westerly portion of which is in question; and the existence of a map at New York without these lines, and of another map in the company's office in St. Helen's-place, London, also without dotted lines, is confirmatory of the parol evidence given upon this point; and if the agency of Mr. *Buchanan* at New York is sufficiently proved, and I believe it was not denied, it is another instance of a map of Guelph without these lines exhibited by an agent of the company to intending purchasers.