

THE PETITION OF WILLIAM FORSYTH.

That during the administration of Lieutenant Governor Hunter, his excellency in council granted a lease of the chain of reservation in front of the first named tract, to Isaac Swayze, Esq. which lease has never been cancelled; but is now in the possession of the lessee.

That for a period of forty four years, your petitioner and his father have been in peaceable and undisturbed possession of the estate in Stamford; and also of the new farms, since the date of their purchase from the honorable William Dickson, until the 18th May last.

That early in May, Capt. Philpotts, Royal Engineers, accompanied by Col. Thomas Clark, surveyed and laid out the chain of reservation on the bank of the river, ostensibly for a highway:—to this proceeding your petitioner had no possible objection.

That soon after they had thus laid off a chain from the bank of the river at highwater mark, Captain Philpotts called upon your petitioner and stated, that he and Mr. Clark (one of the oldest residents in the neighbourhood) had been mistaken in the survey:—that the reserve came to the top of the hill in front of the pavilion.—and that the top of the hill was the bank of the river, intended as the extreme point of the reserve. He ordered your petitioner to remove his blacksmith's shop and fences, which your petitioner refused to do; said shop and fences being upon his private property.

That upon this refusal, Capt. Philpotts, acting as your petitioner has reason to believe, by command of Major General Sir Peregrine Maitland, came upon petitioner's premises, accompanied by a strong military force, to wit, a sergeant, three privates, and a Colonel, the latter being also high sheriff of the district. The soldiers stacked their arms in front of John Brown's hotel, and your petitioner took witnesses and warned the party to desist from trespassing on and cutting down and destroying his premises, ~~blacksmith's shop and fences, contrary to law, and on pain of incurring~~ legal penalties: but said Philpotts together with said Colonel (Richard Leonard) nevertheless returned upon said premises, accompanied by the soldiers, who being armed with chopping axes, did, by Capt. Philpotts' orders, cut down said shop, and threw it over the hill, a distance of 70 or 80 feet. They also cut and threw down a large string of post and rail fence, and left the front of the farm open, and the crops in the ground subject to waste. All this violent military proceeding was done and carried on in the presence of a great number of ladies and gentlemen, visitors at the Falls, from the United States and other foreign countries: your petitioner, in order to save his gardens and meadows, upon which the supplies of his hotel greatly depended during the season then just begun, got assistance and immediately rebuilt his fences, and re-completed his enclosures and placed them in the same condition as before the outrage.

That soon afterwards, said Capt. Philpotts returned upon your petitioner's premises, accompanied by a band of armed soldiers, and said Leonard; they had a rope for a chain, and therewith measured off a quantity of land at the top of the hill, and destroyed and threw down the field and garden fences a second time, throwing open from fifty to sixty acres of cultivated lands to commons. After some time your petitioner again rebuilt his fences, and has not since been attacked by His Majesty's Forces.

That at the last court of King's Bench held in the Niagara District, your petitioner brought an action of trespass against Philpotts and Leonard, and obtained judgment against them by default, with £200 damages; but the Court above set aside the verdict. Captain Philpotts has since gone off to Europe, and your petitioner is without a remedy for these repeated acts of violence.

Your petitioner earnestly but respectfully submits to your honorable