

George Phillpotts, captain of the royal engineers, presuming a part of the land held by the Petitioner, as lot No. 159, in the first concession of Stamford, in the Niagara district, to be a military reserve, did, on or about the 18th day of May last, in a violent, forcible and outrageous manner, with aid of soldiers, dispossess the Petitioner of one chain of the front part of the land held and claimed by him as aforesaid, and destroy the fence and blacksmith's shop upon it, by cutting them down with axes, and throwing them over the precipice. From the evidence it will appear that the damage was in some respects wanton.

From the testimony of two eye-witnesses, it appears that the statement in the Petition is not an exaggerated one. Although Richard Leonard, Esq. sheriff of the Niagara district, did not render any personal aid, yet it is fully established that he was present, countenancing the party committing the trespass; and your Committee feel it their duty to call the attention of the House to such conduct, on the part of a public civil officer, whose sworn duty it is to preserve the peace.

It does not appear to your Committee that the Court of King's Bench set the verdict aside, as mentioned in the Petition, contrary to law: but it appears that both the Crown officers are engaged in defence of the persons guilty of the outrage.

It is clear that a person long in possession of land, like the Petitioner, ought to have been ejected by the law of the land, which is ample, when impartially administered, for securing the rights of property; but the interference of the military by such acts of violence for maintaining supposed or contested rights, is justly regarded with jealousy in all free countries, and ought to be seriously regarded in a colony where the most unprecedented outrages have been perpetrated without prosecution, and even followed, by the patronage of the local government; upon the wrong doers.

Your Committee have further reported an address to his Excellency to obtain certain information upon the subject.

The strip of land in question commands a fine view of the Falls of Niagara, and is immediately in front of the pavilion which has been erected by the Petitioner upon a magnificent scale, at a great expense.

Under an apprehension that he might be overpowered by influence, and be superseded in the enjoyment of this valuable tract of land by some more favoured persons, it appears that the Petitioner appealed to the justice and liberality of Earl Dalhousie to avert a dispossession which would prove so disastrous to his interests, as proprietor of the pavilion, on which he had invested all his capital. His Lordship in his answer, dated 5th January 1826, claims the strip of land in question as a reserve expressly for public purposes, but states his belief that Sir Peregrine Maitland would not be disposed to grant to any other person the occupation of a spot so immediately convenient to the Petitioner's buildings; and it appears that his Lordship, when at Niagara, impressed with the justice of the case, interested himself to procure a grant of it to the Petitioner: nevertheless, it seems that on the 31st day of August 1827, a lease, under the great seal, was made to the Honourable Thomas Clark, and Samuel Street, Esq., according to a description that will embrace the strip of land in question, and those lessees of the Crown have given the Petitioner notice not to trespass. Under the above circumstances, it is still more to be lamented that military violence should be used, either with or without authority, to dispossess the Petitioner of land which he has so long occupied, which he claims as covered by the deed from the Crown through which he derives his title, and which is so immediately important to himself as proprietor of the hotel.

Mr. Forsyth's Counsel,

John Rolph, Chairman.

SIR,

Military Secretary's Office, Quebec, 5th Jan. 1826.

I AM directed by the Commander of the Forces and Governor-general, to acknowledge your Letter of the 16th December, relative to a small strip of land belonging to Government, in front of your property, at the Falls of Niagara; and to state to you his Lordship's belief that his Excellency Sir Peregrine Maitland will not be disposed to grant to any other person the occupation of a spot so immediately convenient to your buildings; there is not indeed any intention of granting the ground in question, it being expressly reserved for public purposes.

His Lordship desires me further to add, that when he was last at Niagara he wished a grant of it to pass in your behalf, but very good reasons were given against it.

I have the honour to be, Sir,

Your most obedient humble servant,

H. J. Darling, Military Secretary.

Mr. William Forsyth,
Niagara Falls.

SIR,

Stamford, September 14, 1827.

ON the 31st day of August now last past, a lease, under the great seal of the province, was made to us, the subscribers, our executors, administrators and assigns, for all that certain parcel or tract of land, situate, lying and being in the township of Stamford; in the district of Niagara, which is butted and bounded as follows: commencing in the limit between lots 128 and 129, at a point one chain west from the top of the bank of the Niagara river, then southerly and westerly along the top of the bank of the Niagara river up the stream;