

The Declaration in this action, contained four counts. The first, for breaking, and entering Plaintiffs house, disturbing his peace, and carrying away his goods; the other three, for carrying away the goods from a certain Merchant's shop, and converting them to the Defendants own use. To this declaration, was plead the general issue—under which it was shown, that Col. By, distrained as the Kings Agent. Every step taken by Col. By in this action, was so clearly manifested in evidence, to the Court, and Jury, to be legal, just, and equitable, that the Jury retired but for a few moments, and returned with a verdict for the Defendant.

James Johnston, Plaintiff.

vs.

John By, and

Francis Montreule Defts.

This is an Action of Trespass, brought to recover damages, for entering the Plaintiffs close. The following are the circumstances which gave rise to it.

In the year Eighteen Hundred and twenty-seven, Plaintiff requested defendant to lease him a lot of land in By-Town, which was granted, and his name put upon the plan of the Town, as the occupier of a certain lot, for which he was to pay the Government the sum of ten pounds per annum, Plaintiff went into possession, and put up a log fence, when he left the lot, and made no further improvements, nor did he ever pay rent.

The agreement entered into, with the party, taking a lot of ground, from the Government, was, that they should put up a House of certain dimensions within a year, from the time they took possession, and pay one half year's rent. This prudent, and very necessary arrangement Col. By had been induced to adopt, from the circumstance, that applicants were far more numerous than the lots, and from a wish that no lots should by any means be held by speculators, as tending greatly to retard the improvement of the Town. When, therefore, the Defendant found that Johnston had deserted his lot, and after he had several times refused to fulfil his agreement, he duly notified him that the said premises, would be leased to Francis Montreule, the present occupier, and one of the defendants in this cause, who has made the stipulated improvements, and paid the Rent. For thus taking possession, the defendants were prosecuted for a trespass. It should also be understood, that Mr. Johnston, never took out his lease. These facts being fully proved to the Jury, they returned a verdict for the Defendants.

The next case for consideration is one, in which George Lang, Matthew Connel, and Charles Hill, were Plaintiffs, and Lieut. Col. By, Defendant, and was brought to recover damages said to be sustained, in consequence of the Defendant having removed summarily the Plaintiffs and their goods from a house situated within the pale of Government ground, and erected there by Defendant for the Public Service. This action was not brought into Court, but as it excited very considerable interest at the time that the transaction which gave rise to it, took place, and which, as a matter of course found its way to the newspapers, and was there pretty freely discussed, with the usual misrepresentation, and mixture of truth and falsehood, I shall briefly give the true statement of the case.