

To this Petition the Respondent pleaded the general issue and a Perpetual Peremptory Exception, in which it is alledged that the land was advertised for sale "with *only such* buildings as were upon it, and "that the particular locality and place where the said "lots and half-lots are, is well known, the said lots "being township lots, and circumscribed by well "known limits, which the said Thomas William Lloyd "could have readily seen and discovered if he had "seen fit to examine the same, and which limits, in "truth and in fact, he, the said Thomas William "Lloyd, at the time of the said sale, well knew and "was acquainted with, &c."

Issue being joined on these pleadings, the Appellant obtained an order from the Court below, to refer the matter to experts, who were named and who have acted in the matter. Their report is unimpeached and is now before the Court. They state as follows:—

"We found the improvements, on the lot number "14, described in the Sheriff's advertisement to consist of thirty seven acres, and thirty one perches of "meadow, and pasturing land. Six acres two roods "and thirteen perches of ploughed land and stumped, "and four acres of land chopped down, but not cleared up, forming a superficial extent of improvements "of 47 acres, 3 roods and 4 perches, English measure, "with three houses in a decayed state, one root house "in a state of ruin, one abutment for a bridge, one "dam, the whole upon the Township of Inverness.—We then caused the improvements in 14th "range upon the lot number 9, in the Township "of Nelson, to be measured, described in the Sheriff's "advertisement, as lot No. 15, and found the same to "contain 4 acres and 9 perches of ploughed ground, "2 acres and 2 roods chopped down, but timber not "removed; 6 acres, 3 roods, 38 perches of land in "stumps, forming an area of improved land, of 13 "acres, 2 roods and 7 perches, with a two-story "wooden house, in a very damaged state, one barn "and stable in a similar state, a small building for a