

King's Ferry across the Niagara river, just below the Falls, and opposite to the property of a Mr. Forsyth, an innkeeper, who had himself, at one time, been desirous of obtaining a lease of the Ferry. When they became lessees, this man, Forsyth, obstructed their enjoyment of it in every possible way, setting up at the same place a Ferry in opposition to theirs; and, as was believed from a variety of circumstances, causing several of their boats to be destroyed. For these injuries, Clarke and Street brought actions at law against Forsyth, in which I was their counsel, and Mr. Rolph, chairman subsequently of a Committee of the Assembly, who reported upon a petition presented to that body by Forsyth, complaining of the Government for pretended injuries he had sustained through their interference, was counsel for Forsyth. In these actions the lessees clearly established their right, and two several juries at successive courts gave considerable damages against Forsyth for his disturbance of their right of ferry. The Crown also filed an information of intrusion against Forsyth for entering upon and assuming the property in the ground reserved for military purposes; and although he used all the means in his power to cause it to be believed that he was an oppressed man, and that the military were set in array against him, when in truth only two or three soldiers accidentally passing from one post to another, in their fatigue dresses, were employed as common labourers to remove obstructions he had caused, the jury, after remaining out several hours, returned a unanimous verdict for the Crown, thereby negating his right to the ground, and fully establishing that of the Crown to the satisfaction of every respectable man in the neighbourhood. Under these circumstances, and for the purpose of preventing any persons from erecting any ferry-house, or keeping ferry-boats on the shore where Clarke and Street had the right of ferry, for which they paid a large rent, and also to keep the ground open for the free access of the public which Forsyth had interdicted, Clarke and Street obtained an order for a license of occupation of that part of reserve near the Ferry, up and down the river. The object of granting this license was to protect the lessees in the proper enjoyment of their right of ferry, and to keep the shore open, and free of access to the public, who had been shut out by Forsyth, unless they passed through his inn, which tended to create a monopoly for his house, and was felt as a serious nuisance by the public. Mr. Clarke stated his reasons for wishing the license to me, and I prepared a lease, under the great seal, to him and his partner to hold, strictly during pleasure, at a pepper-corn rent. This instrument gave him a legal title to the possession; at the same time, from the uncertain period for which they could hold it, the Crown and public were fully protected in the enjoyment of the easement it was intended the latter should possess, that of free ingress, egress and regress to the Falls, as the Crown, from the terms of the lease, retained the power of putting an end to the tenure, should the confidence be abused which was placed in the lessees. They have, to my knowledge, acted hitherto in accordance with the expectations of the Government, and I am certain the grant to them has been productive of evil to no one, and was never intended to prejudice the rights even of Forsyth; and if he had not shown the obstinate disposition which he so frequently and violently manifested, of obstructing the free use of the King's ferry, and would he have permitted the ground in question to remain open, as it formerly had been, and unenclosed, I do not think that the grant to Clarke and Street would ever have been thought of, either by themselves, or any one else. It was purely a measure of defence against this man's repeated aggressions.

I have, &c.

(signed)

H. J. Boulton.