

transferred to the Plaintiff, and that he had allowed Simpson in his accounts a certain sum for the same, and there being no evidence produced on the part of the Crown (the case being so clear in every point, both in Law and equity,) the Jury were induced to return a verdict for the Plaintiff. This verdict so contrary to Law, to the evidence produced, and to the Judges charge, was reserved for the consideration of the Judges in Term, where all verdicts of a similar nature, are discussed, set aside, or confirmed. If set aside the judgement is entered up for the Defendants, the same, as if the Jury had returned a verdict in their favor, when the party can re-try his cause at the next sittings, which indeed is seldom done, in cases where the Plaintiffs own witness prove him to be in the wrong, and it may be safely said, there never was a stronger case in point, than the present.

Before entering upon the actions, that remain to be spoken of, it is necessary to state, that they were brought by individuals resident in the Town of Bytown, and were instituted from very different motives from those we have already gone through, as the details will show.— Bytown, is situated upon land which was purchased by Earl Dalhousie, then, Governor in Chief, for the use of Government when the Rideau Canal was first contemplated. This land was purchased, not only on account of its offering the most favorable site for the first eight Locks of the Canal, but also, as affording a valuable locality for a Village, or Town, for the lodging of artificers, & other necessary assistants. Accordingly, when the work was commenced in the Fall of 1826, it was placed in the hands of Col. By, with orders, to have it correctly surveyed, and laid off in lots of certain dimensions, to be granted according to the means of settlers, on payment of an annual ground rent to the Crown of Two Shillings and sixpence sterling. The Location ticket to contain the positive condition, of erecting a house within twelve months, covering not less than thirty feet square of ground, to be placed on the line of street, according to a plan to be made of the same. As soon as his survey was completed, & the lots & streets marked out by stakes & pickets, most of the lots, in what is now called the Upper Town, were immediately taken up. The Lower Town, was then, one continued swamp, and the land considered not worth having. But in the Spring following, when the place was cleared, preparatory to the commencement of operations on the Canal, and an establishment of work shops made it absolutely necessary to drain this swamp; form a road through it, and construct a wharf for the landing of Government stores, it became so much improved, that a great many lots were immediately taken up, at the same rate, and under the same conditions, as those in, the Upper Town. Subsequently, as the ground was still further cleared, for the purpose of building Barracks, the advantages it possessed for a strong military position, were so evident, that, it was matter of regret to the Government that any part of it had been granted in perpetuity. The Government therefore ordered, that hereafter, instead of granting lots at 2s. 6s. per annum, as heretofore, the lots remaining unlocated, or which had been forfeited by non fulfilment of the conditions upon which they were granted, should be leased for the term of thirty