

the said Suppliant, either for the said 20 acres so required and used for the Canal, or for the said 90 acres not necessary nor used therefor and superfluous to the requirements of the Canal.

Case, Paragraph 4.

3rd. For the purpose of this suit it is admitted, that the said 110 acres of land were so set apart and vested in the Crown for the Canal purposes, before the death of said Grace MacQueen, the owner thereof, from whom they were taken.

4th. She died intestate on the 18th September, 1827, in possession of her said patented lands, less the said 110 acres thereof, so set apart and vested as aforesaid, leaving, her surviving, her husband Alexander MacQueen, and also her eldest son, William MacQueen, her heir-at a law, to whom her said patented lands descended, less the said 110 acres, which never passed into his possession.

5th. Her husband Alexander, by deed of 31st January, 1832, conveyed his life estate in the said lands to the said William MacQueen, who by indenture of 5th February, 1832, purported to convey the same without reserve of any part thereof, to Colonel By, for himself, his heirs and assigns for the *bloc* consideration in the indenture mentioned.

6th. The Rideau Canal was completed and opened for traffic in May, 1832, and of the said 110 acres set apart and vested as aforesaid in the Crown, no more than the said 20 acres were required and actually used for the said Canal, leaving the said 90 acres or thereabouts unnecessary and unused therefor.

7th. The said William MacQueen, whilst residing out of Canada, died intestate 20th October, 1845, leaving him surviving, the said Lucy MacQueen, the Suppliant, his sole child and legal issue of his body. She was then a minor residing out of Ontario, and has never since resided there.

8th. Upon the death of William McQueen in October, 1845, the said Lucy MacQueen became and was by law the sole direct and immediate legal representative and heiress-of-law of said Grace McQueen in and for the said 90 acres of superfluous land as an estate in reversion to her for the same, and upon the determination of the said vested interest of the Crown therein, she alone in her said heritable quality would be entitled by law to the restoration of the said 90 acres as her estate in possession.

9th. Subsequently, on the 18th of February, 1869, the Government of Canada, acting for Her present Majesty by the Under-Secretary of State for Canada duly authorized in that behalf to represent Her Majesty, published an advertisement, copy whereof is herewith for re-