

1854.
 Guelph
 v.
 Canada Co.

As to the map at Guelph, it was not only exhibited openly in the office of the company's agent at Guelph, and inquirers for land in the town referred to it—a very clear recognition, I should say, that it was an authentic map—by the company's agent there; but it was recognized also by Mr. Galt himself, who, upon *Benjamin Harrison* applying to him to purchase a town lot, and telling him that he wished one in a public place, as he intended to keep a store, shewed him a map, telling him that all persons would be treated alike. Whether the map shewn by Mr. Galt was the one then kept in the company's office at Guelph does not appear, nor is it expressly stated that the shewing of the map occurred in Guelph. It probably was so, but if otherwise it would still more strongly negative the position taken by the defendants.

The answer denies that any lots surrounding the open space in question were sold to any person or persons whatever on the understanding that such open space was a reservation for the public purposes of the town. The evidence disproves this. Mr. Galt informed *Benjamin Harrison* on the occasion already referred to that the lot which he purchased was on the market-square, and that lot (No. 126) fronts on the open space in question. *Thomas Sandilands* purchased two lots from the company's agent, Dr. Daly, fronting on the open space in question, on the understanding that they were on the market-square; and other witnesses state (not precisely the point denied) that they purchased lots from purchasers from the Company on the like understanding.

The answer alleges that the two blocks of land now surrounded by dotted lines have been always known as the market-street reserves, and are so denominated in all official correspondence relating thereto. There is nothing to shew that these blocks have been always known as the market-street reserves, but the contrary;

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