

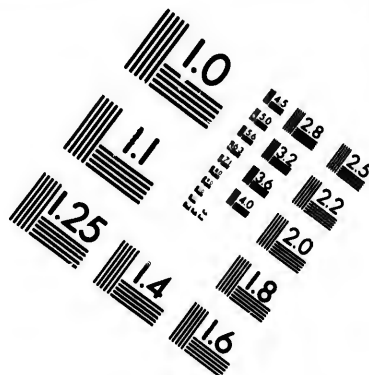
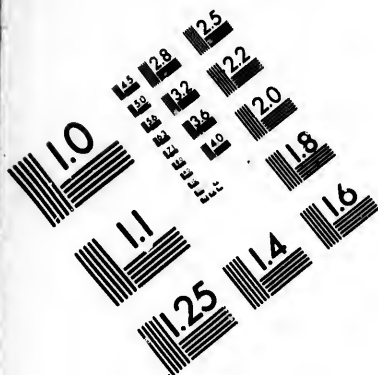
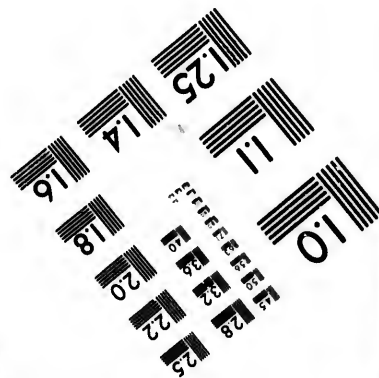
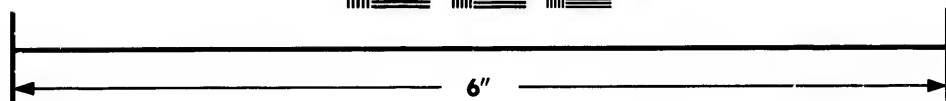
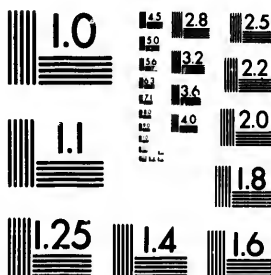


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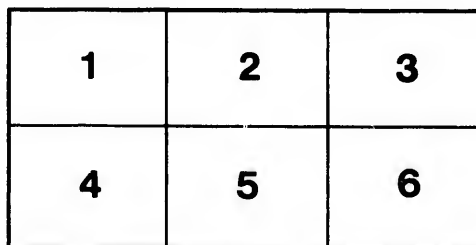
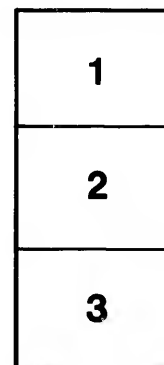
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THE ORDNANCE DEPARTMENT

AND

THE PEOPLE OF BYTOWN;

BEING A

SERIES OF LETTERS

ORIGINALLY PUBLISHED IN

THE OTTAWA ADVOCATE.

"Fiat Justitia ruat Cælum."

BYTOWN:

PRINTED AT THE OTTAWA ADVOCATE OFFICE.

1845.

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THE ORDNANCE DEPARTMENT AND THE PEOPLE OF BYTOWN.

LETTER NO. 1.

To the Editor of the Ottawa Advocate.

SIR,—

You are probably aware that by an Act of the Parliament of Canada, passed during the last Session of the Legislature, "The Principal Officers of Her Majesty's Ordnance were invested with Corporate Powers; certain disabilities under which they had previously laboured were removed, and those gentlemen altogether were placed on so favorable a footing, and had their Vesting Bill (as it is called) drawn so much after their own hearts, that a disinterested individual would have certainly supposed that but little was left them to desire. Powers the most extensive were conferred upon them: and they were at once elevated from being a set of men utterly powerless, unknown to, and unrecognized by Law, to be a Corporation of great consequence and importance in the Province. They were enabled to take possession of, purchase, hold and sell Lands for Ordnance purposes both in Eastern and Western Canada; and all the Lands, theretofore, belonging to Her Majesty, and which had been under the controul of the Ordnance Department in this Province as Her Majesty's servants, were, by one sweeping clause, vested, by this Act, in those "Principal Officers."

But, Sir, great as those powers, and ample and extended as the provisions of the Act were in those respects, still greater privileges were conferred; for by the 5th clause, you will observe, a great portion of the Town of Bytown was vested in those same "Principal Officers," and they are empowered to sell and lease this very valuable property to such persons as had occupied portions of it, and to others: and thereby was erected, and sprung into existence a gigantic Land Jobbing Company, realising large sums by absolute sales, and creating an immense annual revenue from the Lease holds.

Such being the extensive and almost unlimited powers of this newly fledged Corporation: one would naturally have supposed that by taking proper care of all the Lands which came lawfully to its custody its Officers would have had their hands full of work, and that they would not have sought to retain in their possession Lands, of which the Bill manifestly intended (to say the least of it) that they should be divested: but how different is the truth—the more they get, it seems, the more grasping and rapacious do they become; and they seek to retain what the Law enacted they should surrender.

You are, probably, aware that at the time of the construction of the Rideau Canal a considerable quantity of Land, the property of N. Sparks, Esquire, situated in the very heart of the Town of Bytown, was taken by the Officer in charge at that day, the late Colonel By, ostensibly for Canal purposes.

This Land extends on one side from the bank of the Rideau Canal a considerable distance into Lower Bytown, and on the other side up to Upper Bytown as far as the house at present occupied as the Dalhousie Hotel. I believe, at one time, it was intended to extend the Basin of the Canal to the Upper Town, and that for that purpose only all this Land was taken: (for surely no man in the possession of his reason will undertake to say that it is necessary for the Canal as it stands at present,) but if such a step were really ever contemplated, it has long since been abandoned: no Basin has ever been constructed in Upper Bytown, nor any where on the disputed ground. The Land has lain waste and unoccupied for a number of years, and the growth of the Town in that direction has been entirely prevented.

Mr. Sparks complained of this treatment, and with great justice: and it was considered a favourable opportunity when the Ordnance Officers were seeking from the Legislature of the Province an extensive and important Act of Incorporation to insert a provision that over *this* Land they should have no controul. This was done: in fact, it was one of the *conditions* upon which the Bill was allowed to pass at all. And you will find, on reference to the 29th Clause, that it contains these words:—"Provided always, and be it Enacted, that all Lands taken from private owners at Bytown, under the authority of the Rideau Canal Act, for the uses of the Canal, *which have not been used for that purpose*, be restored to the party or parties from whom the same were taken."

This was, of course, received by Mr. Sparks as an act of strict justice too long delayed: he had been for years deprived of a considerable part of his property of great value, and for which he

had never received one single shilling; and such was the understanding of many Members in the House of Assembly, who, but for that Provision, would have opposed the Bill.

Mr. Sparks, immediately on his return from Kingston, issued Advertisements offering Building Lots for sale; and, as I am informed, required the gentlemen representing the "Principal Officers" at Bytown to surrender any claim which, previously to the passing of the Act, they might have possessed: merely an act of courtesy on Mr. Sparks' part, as he could not imagine that those persons would venture to persevere in holding *his* property in direct contravention of the very Act of Parliament which had called their chiefs into Corporate existence. But judge of his astonishment, and that of every other person, except the Department and its satellites, when he was informed that the "Principal Officers" intended to set that portion of the Act at defiance: that they were resolved, right or wrong, to keep his Land, without giving him any remuneration for it; and that if he presumed to exercise any acts of ownership over property unquestionably *his own*, that he should be prosecuted with the utmost rigour of the Law. Mr. Sparks was not, however, to be daunted by a threat of this kind; and he at once, I understand, on receiving this reply, took possession of his property, and sold off portions of it to individuals who were bold enough to run the risk of actions being brought against them by this powerful and wealthy Corporation.

Proceedings have been commenced against Mr. Sparks; and, I understand, are also meditated (if, indeed, they have not already been commenced) against the purchasers and occupants of the several portions which he has disposed of.

Thus, then, stands the matter. The Ordnance Officers are *quite willing* to take the benefit of such parts of the Vesting Act as enables them to pocket large sums of money from individuals for the purchase of Lots, and a considerable amount annually for Rents; but they are *equally unwilling* to allow that the Act enures to the benefit of any other person, by compelling them to surrender the Lands referred to in the 29th Clause: and they obstinately and pertinaciously persist in the insane attempt to obstruct the improvement of the Town, by dissuading persons in every possible way from becoming purchasers of these very Lands which they still most unjustly claim to be theirs.

But it is surely time that such trifling should be put a stop to. If this Act is strong enough to *vest* certain property in those "Principal Officers", it surely is equally strong to *divest* them of certain other property when the justice of the case imperatively requires

it: in short, it is a miserable rule that will not work both ways; and the Member for Bytown will commit a most serious dereliction of duty if he allow the present Session of Parliament to pass without introducing an enactment to define the meaning of the 29th Clause of the Ordnance Act: if it means what I contend for, and which is certainly the common sense construction of it, then let an Act at once pass the Legislature clearing up all doubts, and quashing any proceedings adopted by the Ordnance; but if it means nothing, and is wholly inoperative, and the Land still remains the property of the Department, let not that Clause remain on the Statute Book, and thus stultify the Legislature of the Province, and deceive individuals by "keeping the promise to the ear and breaking it to the hope."

I remain, &c.,

A R G U S .

Bytown, 20th January, 1845.

LETTER NO. 2.

SIR,—

On the 17th day of February, 1827, the Bill for the construction of the Rideau Canal passed into a Law: it contained a clause empowering the Officer in charge to take possession of such Lands along the line as were *necessary for Canal purposes only*, and not for Military defences, nor for any other purpose than the uses of the Canal.

In the Month of November, 1826, Mr. Sparks, then the owner of a great part of the ground where Bytown now stands, *voluntarily offered* to give up, gratuitously, as much Land as Colonel By *should consider necessary* for the construction of the Canal: this liberal offer Colonel By accepted, and proceeded to mark out (as necessary) the space of ground for the Canal itself, and *two hundred feet* on each side of it; which was at once presented to the Colonel by Mr. Sparks, and for which, notwithstanding all the oppression he has endured at the hands of the Department for the last fifteen years, he has never even thought of claiming to be remunerated.

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Some time afterwards, however, and while the Works were in progress, the "*position*" of Bytown as a *place of defence* seemed to have attracted the notice of Colonel By; and he then endeavoured to *purchase from Mr. Sparks, for Military purposes*, all the Land to which reference has already been made in my former letter. Mr. Sparks asked more than Colonel By felt disposed to give; and it was only when the *offer to purchase for Military purposes*, had been declined by Mr. Sparks, that Colonel By, for the first time, fell back upon the Rideau Canal Act: took possession of all this Land, and pretended to have done so on the ground *that it was all necessary for Canal purposes*.

G U S.

The obvious absurdity of such a pretext must have struck the most casual observer; and in order to impart some color of legality to his proceedings, he asserted that a Reservoir was to be constructed on the flat: but to what use, it may be asked, did he purpose turning the hill belonging to Mr. Sparks of which he, in the same arbitrary manner, had taken possession? Was it ever even pretended that a Reservoir, or any *other work connected* with the Canal, could have been constructed there? Most unquestionably not. In fact, it never was seriously intended to construct a Reservoir at all: it would have been a ridiculously wasteful, and entirely unnecessary expenditure of money. The Canal has now been for many years in successful operation, and not a spade has ever been put into the ground: in short, the Land was then, as it is now, utterly worthless for Canal purposes, but for Military defences of great value; this Colonel By, in his day, well knew, and it is a fact equally well known to the respective Officers now in charge.

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Having thus stated generally some of the leading facts bearing upon the dispute between the Ordnance Department and the People of Bytown, I shall endeavor, in this and the succeeding letter of the series, to prove, by documents to which I have had access, that the conduct of the "Principal Officers" towards Mr. Sparks and others is oppressive in the extreme: that they are sinning, not through ignorance, nor a conscientious, though mistaken, view of the Law; but against the clearest light, and that independently of the 29th Clause of the "Vesting Bill": they are in possession of unimpeachable evidence, *within their own Department*, cogent enough to convince any reasonable set of men that to any portion of the Land of which they are now endeavouring, most unrighteously, to retain possession, they *never had*, nor have they now any legal or equitable claim.

This important piece of evidence, which has heretofore been

studiously concealed in this Country, is the following extract from a letter, written by Colonel By himself, concerning this very Land; a copy of which, as well as the original, I assume to be in the possession of the Department. It was printed, by order of the House of Commons in England, amongst other papers relating to Canada Canals:

Extract from a letter from Colonel By, R. E., to General Mann.

“ROYAL ENGINEER OFFICE, RIDEAU CANAL, {
18th March, 1830. }

“I beg it to be clearly understood that these sums do not include the expense of building the proposed Block Houses, or the purchase of the land necessary for the Military defence of the Rideau Canal, or the forming the Reservoir to supply the first eight Locks, which is also intended to serve as a wet ditch to strengthen the position of the proposed Works for the defence of the entrance of the Canal, AND TO PREVENT THE ERECTION OF ANY BUILDINGS on the land that will be required FOR A GLACIS. The Provincial Act authorises this land being taken for a Reservoir, but if it had been taken for the Military defence of the Canal, Mr. Sparks, the proprietor, informed me he should ask £10,000 for the eighty-eight acres I have taken for the Reservoir, which, being chiefly swamp, is worth very little. I, therefore, respectfully recommend, to prevent further litigation, that £6,000 should be spent in forming the Reservoir, and that £2,000 should be spent in carrying the earth to the spot where the said Works will ultimately have to be placed, as this “Position” is one of the strongest in Canada.”

This letter, it will be observed, was written nearly *four years* after Mr. Sparks had, *gratuitously*, given up to the Department all the Land that Colonel By himself considered necessary: and it must also be borne in mind that between those two periods Building Lots had been disposed of by Mr. Sparks to different individuals, adjoining what he had surrendered for Canal purposes. Can it then be believed that at this day those very purchasers, after expending large sums of money in improvements, (in good faith) are, by a mere whim of these “Principal Officers” or their servants, made Defendants in a Chancery suit; and an attempt made to wrest their property from them, for the purpose of glutting this monster Corporation.

Colonel By's object in taking the Land in question from Mr. Sparks is manifestly developed in the extract above: (and it is a letter which I am certain would never have been written had publicity been apprehended,) it was for Works of defence that he wanted it: the “Reservoir” was to be a “wet ditch”, not for the Canal, for it required no such thing, but “to strengthen the Works”: the “spot” to which “the earth was to be carried” (meaning the hill) was required for ramparts and other defences, which were contemplated at some future time.

In those days there was no law enabling an Officer to take Land

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for the purpose of fortifications; and because Col. By failed in his offer to purchase, the grand discovery was then made, that by pretending this Land to be necessary for the Canal in some way or other, (no matter how absurd,) he could obtain possession of it. If it were necessary at all, why not take it at first? and why was it only that after some years, and after an *unsuccessful attempt to purchase* for OTHER PURPOSES, that the necessity of having a Reservoir extending to Upper Bytown became so glaringly apparent? One would certainly imagine that to secure ground for such a purpose (if of such vital importance,) would have been one of the first duties of the Engineer; and that before operations had been commenced at all, he would have seen the absolute necessity of (at any price,) securing this Land; and if it had really been necessary, (and it is not, *on the authority of Major Bolton*,) would Colonel By not have taken it all in 1826 or 1827, and then have declared to his superiors the purpose for which it was required, in a plain and straightforward manner: in short, the matter is too plain to admit of any argument. Let any dispassionate individual witness the shuffling communication of 1830, and say whether it is not his opinion that Colonel By intended and expected, by the course of proceeding which he then adopted, to get possession of a valuable piece of Land for Military purposes, which he had previously failed in attempting to purchase. But here I check myself; and the recollection that Colonel By has been gathered to his fathers stays my pen; and the fact of these strictures being on the conduct of one who is now no more, compels me to cease: he is gone, and "I war not with the dead"—much good he has unquestionably done—he has left behind him an imperishable monument of his genius and his perseverance; but the "Evil that men do lives after them: the good is oft interred with their bones."

And now it is for Military purposes only, and on the paltry grounds I have stated, that the Principal Officers of Her Majesty's Ordnance, instead of purchasing and paying for this Land under the Statute of 1840 like honorable men, seek to retain possession of it on so miserable, so shallow a pretext. Have those gentlemen ever read the "Vesting Act" at all? at least any other portions of it than those enabling them to pocket monies? If they have, might one venture to enquire what meaning *they* attach to the 29th Clause? Is it a dead letter? If not, how could they reconcile it to their consciences to recommend that this Land should still be retained? Have they done this? If so, it is but another melancholy proof of how men's prejudices can obscure their intellects and warp their judgments, and to what wretched

shifts they can be reduced when compelled to forsake the principles of common sense and common honesty, and rest their claims to consideration on so contemptible a subterfuge as this.

Is it because Bytown is a defensible position, and this Land is required for Military purposes, that a Military Corporation dares to tyrannise over individuals, and trample under foot every principle of Law?—to set Acts of Parliament and the most sacred rights of property boldly and wantonly at defiance; and openly to do, through inferior Officers, in Canada, what the Queen of Great Britain could not attempt in any portion of her dominions?

I am, Sir, &c.,

A R G U S .

Bytown, 29th January, 1845.

LETTER NO. 3.

SIR,—

The ruling passion amongst Military men is acknowledged to be the love of despotic sway. They exact from their inferiors implicit obedience to their will; and tyranny the most revolting has been perpetrated, without exposing the oppressor to punishment, or affording the injured victim redress.

So long, however, as this evil had been confined to the service I should not have deigned to take up my pen; but when I see established in this Province, by an Act of the Legislature, a Military Corporation clothed with extensive powers, and in the exercise of its functions brought much into contact with civilians—and when the domineering and tyrannical spirit, the existence of which I have been deprecating, characterises that intercourse so palpably as to force itself upon my notice—when I see parties treated as *intruders* and *trespassers*, because, forsooth, they dare to assert their strict legal rights: and this Corporation, because it is wealthy, and its Officers are not personally responsible, attempting, by a pitiful quibble, to evade a positive law, and by a long protracted and harrassing litigation to tire out, and, if possible, ruin its opponents—when means the most foul are resorted to, on which to ground those proceedings, I think the time has arrived when the Principal Officers of Her Majesty's Ordnance must be told that

the principles of their claims is. This Land is a sacred trust, and the Government dares not openly to deny it. The most sacred trust of Great Britain?

G U S.

is acknowledged from their most oppressor to

the service of the people. I see evidence of a Military exercise—and when of which I so palpably treated as to assert it is weak, attempting, by protracted its opposition, which to when the told that

their will is not law supreme—that the Court to which they must appeal to sustain their claims is not a Court Martial—that when attempting to carry out the provisions of a Law, conferred upon them as a favor, they must sink their Military tone; and in transactions with civilians must remember that they are *equals* over whom they have no control, and not *minions* who are compelled to bear tyranny without a murmur. Above all, let these gentlemen keep in mind to *whom* they owe their present favorable position; and that the same power which conferred those privileges exist still to curtail, or, if necessary, to withdraw them.

These reflections have suggested themselves to me in consequence of having had an opportunity of perusing a proceeding in Chancery against Mr. Sparks; in which, circumstances the most extraordinary are disclosed, and conclusions the most astounding arrived at.

It appears that some time in August last, Colonel Holloway of the Royal Engineers, Captain Boxer of the Navy, and Mr. James Sutton Elliott, Ordnance Commissioner, composed a Board for the purpose of determining whether the 29th Section of the Vesting Act was *Law or not*; and the following elaborate “minute” was the result of their mature deliberations:—

Minute, 5th August, 1844.

“After having inspected the properties of the Department, and maturely weighed, with a view to avoid litigation, the possibility of restoring Mr. N. Sparks any or such portion of the Land taken from that gentleman as might induce him to forego his present opposition to the Ordnance Works, and renounce all claim to those parts retained for the Public Service, the Commanding Royal Engineer in Canada is with the Ordnance Commissioner and Captain Boxer, Royal Navy Agent of Transports and Port Captain at Quebec, and one of the Commissioners under the appointment of Her Majesty’s Government for enquiring into the communication by water throughout Canada and other Provincial matters of opinion, that, looking to the very cramped and obviously too confined Basin, at present existing at Bytown, and all the necessities for greater accommodation which must inevitably attend the enlargement of the trade using the Ottawa and Rideau Canals, the whole of the Land taken from Mr. Sparks is necessary for Canal purposes: the greatest sacrifice that could be admitted would, be so very narrow a slip at the South-Westerly end of the Land, that any proposition to make it the subject of negotiation would be unavailing: they are of opinion that every possible means should be, therefore, adopted that the Law affords, to secure the Land to the Ordnance, and that, consequently, the course pointed out by Messrs. Draper and Scott to institute proceedings in Chancery against Mr. Sparks should be immediately adopted.

“2. Also, the position, in a Military point of view, Captain Boxer and the Ordnance Commissioner are of opinion with the Commanding Royal Engineer, that it does not enter into the general defence of the Province against an external enemy; but they fully see the necessity of affording military protection for the preservation of the Canal works, stores and public property invested in the Lands in and about Bytown. They, therefore, consider with Colonel Holloway, that although it is not required for

a radius of 600 yards from the Barrack-hill to be kept free of buildings, yet that the whole of that hill, and all the ground within the line traced in red upon the accompanying sketch, and in which no permanent buildings at present stand, should, on no account, be built upon or broken into quarries.

"3. The officers herein named find, by personal observation, that the public property of the Crown is so much exposed to depredation, and the local Ordnance Officers appointed to the charge of the same so much exposed to the violent proceedings of infuriated persons in the neighbourhood, and of mobs under their influence, that they think it would be expedient and requisite for the respective Officers at Head Quarters respectfully to represent to His Excellency, the Commander of the Forces, the propriety of a small military force being stationed in the established Barracks at this place.

"4. They are farther of opinion, that until the Ordnance property on the North side of the Basin be enclosed with a wall 9 feet high, or a stockade of the same height; the illegal, vexatious and expensive proceedings caused by squatters cannot be prevented,—and they are also of opinion that convenient access, with a proper entrance, to the wharves should be without delay established, and that the encroachment, which has stopped up the way of approach, should be removed: that the Solicitor at Bytown should be immediately instructed to institute legal proceedings against the parties.

"5. The Officers subscribing this minute trust that, considering the large sums of money which have been invested by the British Parliament in these Canals, the importance of the subject, the interests of the community, as well in a Military as a civil sense, and especially the commerce of the Province, together with the heavy responsibility attaching to themselves, will justify the proceedings which they have recommended, and that these reasons will be received with the approval of the Master General and Honorable Board.

W. C. E. HOLLOWAY,
Col. comg. Royal Engineers.
EDWARD BOXER,
Captain Royal Navy.
J. S. ELLIOTT,
Ordnance Commissioner.

I have also been permitted to see a copy of an Affidavit or Deposition in Chancery relating to this same Land, sworn to by one Francis Ringler Thomson, Esquire, a Major in the corps of Royal Engineers and Commandant at Bytown, in which that personage swears that all the Land to which I have already referred, viz: *from the bank of the Canal on one side up to the corner of Campbell's Hotel in Upper Bytown, and on the other a considerable distance into Lower Town, taking in a part of the Store-house occupied by Wm. Stewart, Esqr., for the last fifteen years, HAS BEEN USED AND IS REQUIRED, AND IS STILL USED AND REQUIRED for the purposes* of the Rideau Canal. On this most extraordinary document I have no comments to make, but lay the substance of the Affidavit before the public, and leave all parties to draw their own conclusions: all I can say is, that Francis Ringler Thomson, Esquire, a Major in the corps of Royal Engineers and Commandant at Bytown, seems to view the matter in a very different light from his

predecessor, Major Bolton, who has time and again declared this Land to be of no service for Canal purposes; and has expressed his willingness to give evidence in any Court to that effect, if required.

So much for Francis Ringler Thomson, Esquire, a Major in the corps of Royal Engineers and Commandant at Bytown; and thus I leave him.

Now, as to the "minute" agreed upon by the other gentlemen I have named, and which is inserted at length: it is also a document worthy of a very careful perusal—it is a curiosity in its way.

They commence by stating "how averse they are to litigation," and how earnestly they desire to avoid it; how carefully they have inspected the property of the Department, and how much they have wished to *do justice* to Mr. Sparks: but unfortunately for him, after "mature deliberation", they arrive at the conclusion, **NOT** to be governed by the *Law of the land*: that they really cannot, in their consciences (!!), consent to relinquish to Mr. Sparks the Land, of which he has been for fifteen years most iniquitously deprived—although their *own Vesting Act* positively enacts that it should all be surrendered—that they can only make up their minds to give up so very insignificant a part that they have no hopes of its being received. They don't make the offer: they don't try the experiment—but because they, in their wisdom, think the Act of Parliament unjust in requiring a surrender of what would now cost the Department £10,000 to purchase, and which is required for *Military* purposes—they, Colonel Holloway, Captain Boxer and Mr. James Sutton Elliott, in the true Military spirit, *keep all*; and resolve to adopt the course suggested by Mr. Draper and Mr. Scott, and proceed in Chancery against Mr. Sparks and others for trespassing, as well on that portion which they are willing to surrender, as on that which they still desire to retain. Is this proceeding honest? Is it fair? Is it such conduct as could be expected from British Officers? Why not, at all events, surrender or offer to surrender the small strip at the South-Western extremity of the Land, which, in their own "minute", they express a willingness to give up; and why have they included in their Chancery suit persons who have had nothing to do with any other portions of the Land excepting this strip? Their own "minute" damns their cause: and I require no more powerful weapon to demolish their position than is afforded me by this "result" of their "mature deliberations."

Such a tissue of folly and absurdity has seldom been seen; and

weak and miserable indeed must be the cause, for the support of which is put forth to the world such wretched foolery as this.

But who are Colonel Holloway of the Royal Engineers, Captain Boxer of the Navy, and Mr. James Sutton Elliott, Ordnance Commissioner, that they should presume, by "a minute passed in the course of their Official duty", to contravene an Act of the Legislature? Did not this same "Mr. James Sutton Elliott, Ordnance Commissioner", **CONSENT** to the insertion of the Proviso in the 29th Clause of the Vesting Bill; and *was it not this very Land* (principally) *which Mr. Elliott himself understood should be restored?* Was not Mr. Elliott well aware that had that Clause not been inserted the Bill would have been rejected by the Assembly; and did he not (although, I believe, with rather a bad grace) agree to its introduction rather than have the Bill defeated? Upon what principle then can he at this day, by a "minute passed in the course of his Official duty", attempt to nullify what he himself (attending the House as the Representative of the Ordnance Department) consented to have embodied in a solemn Act of Parliament? Why does he not on the same honorable grounds seize upon Lot letter O, which, I understand, was, by the original Vesting Act, to be conveyed to the Department?

It is to be lamented that the omission of that Clause, and by Mr. Elliott's own consent too, should have placed him under the necessity of offering Government the liberal price of £2 an acre for about 100 acres of Land worth £5,000. Why not at once take possession of it? Perhaps a *Reservoir*, or some thing else for the Rideau Canal, might be required there! The law authorising such a proceeding has expired indeed; but that is a petty obstacle. The Ordnance Officers are not to be baulked by such trifles as that. They make laws for themselves; and all they require—not only to help them out of a difficulty where there is no law, but to enable them to set all laws at defiance—is, that Colonel Holloway of the Royal Engineers, Captain Boxer of the Royal Navy, and Mr. James Sutton Elliott, Ordnance Commissioner, should adopt a "minute in the course of their official duty" that no regard should be paid to any law; that depriving the Ordnance Officers of Lot letter O *was very cruel* and very wrong; that Mr. Elliott certainly did consent to it, but then he had to choose between that and losing the Bill; that he did not consent voluntarily, and, therefore, they ought not to be bound by it; and that, with every disposition to avoid litigation, and respect the Legislature, their official duty will not permit them to acquiesce in that provision of the Act: lot Letter O they must have; and by way of

strengthening this "minute", no doubt, some one could be found to swear that Lot letter O had been used and still is used and required for the purposes of the *Grenville Canal*.

Armed with all these documents, they would fearlessly follow the advice of Mr. Draper and Mr. Scott, and proceed in Chancery against any unfortunate sinner who presumed to purchase, from the proprietor of the soil, land enough on which to build himself a hut; and they would, also, no doubt, endeavour to obtain an injunction to restrain the owner from disposing of his own property, and any other person from daring to put a shovel into the ground—why? Because those Solons had passed a "minute in the course of their official duty" that this ground should not be broken.

When the "Vesting Bill" became a law I feared for the result: I questioned the wisdom of the Legislature conferring on this body of men such extensive corporate powers: I dreaded the erection of such a Military despotism in the Province: but I expected to have seen displayed by this Corporation a high sense of honor: a noble disinterestedness: a steadfast determination never to do an unworthy act, nor take a mean advantage: an inviolable regard to its promises, and respect to the rights of others: a strict adherence to truth; and honesty and fair play towards ALL with whom it might have transactions. Alas! it is not so. The worst forebodings of the bitterest opponents of the Bill have been more than realised—a curse has been entailed upon us: and all these just and reasonable expectations have been utterly frustrated.

I am, Sir, &c.,

ARGUS.

Bytown, 16th February, 1845.

