THE PITTSBURGH GAZETTE.

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PITTSBURGH:
MONDAY MORNING, NOV. 27, 1848.

PHILADELPHIA NORTH AMERICAN. Advertisements and Subscriptions to the North American and United States Gazette, Philadelphia, received and forwarded from this office.

COMMERCIAL LIST AND PHILADELPHIA PRICE CURRENT: Subscriptions to this valuable paper will be received and forwarded from this office.

NEW YORK EXPRESS. We will receive and forward free of expense, advertisements and subscriptions for this paper.

For latest Commercial Intelligence, Domestic, Markets, River News, Imports, Money Markets, &c. see third page.

See next page for Telegraphic News.

The reports we are enabled to give to day, of the Temperance Discussion, and of Judge Grier's Charge in the great ejectment case, we trust will meet the approbation of our readers. The labor and trouble of procuring and writing out these matters of local interest, are very great; but we apprehend our paper will be rendered more interesting thereby.

A WESTERN RAILROAD.

There seems now to be some tangible reason to hope that the citizens of Pittsburgh are sufficiently aroused to the importance of a Western Railroad to lead to some decided action. We have been so long urging this matter, that any glimmering of hope that will relieve us from the duty, for such we conceive it, of pertinaciously pressing the matter before the people, will give us much real pleasure.

By resolutions passed at the meeting on Friday evening, the large number of our leading citizens present, decided that the prompt commencement and early completion of a Western Railroad was imperatively necessary to the welfare of the city in all its various interests, and at the same time recommended arrangements for taking stock. Now, that is what we like to see. When men offer to take stock, and thus furnish the means to do a thing, we think they are in earnest. They are truly wise in this. The stock will be among the best in the country.

Pittsburgh is not acting alone in this great enterprise. The counties in Ohio, through which the road is to pass, are truly alive to the importance of the enterprize, and the taking of stock is proceeding very successfully. We see by the Ohio Repository, that the people of Canton are at work in good earnest, and that the subscriptions look well. All that is now wanting to start and complete the work, is for Pittsburgh and Allegheny to step forward, in downright good earnest. Let this be done, and the whistle of the locomotive will soon be heard in our neighborhood.

Since writing the above, a meeting of the board of this company has been convened, and Col. W. Robinson, jr., elected President. It was resolved that the road should diverge from the Ohio River, at or near the mouth of Big Beaver, and the Chief Engineer was instructed to locate and prepare for contract forty miles westward from that point.

Pittsburgh was fixed on as the location of the office of the company in Pennsylvania—Salem, Columbiana County, in Ohio.

It was resolved to make the most vigorous efforts to give the great Western Rail Road a good start in the right direction.

We are unable, this morning, to give the remarks of Mr. Roberts, at the rail road meeting, in as perfect and full a form as we could wish, and therefore defer them. We will attend to them, however, soon.

Compounding Crimes.—Julius A. Moore, formerly a merchant in Wooster, O. was arrested on suspicion of having robbed the Wooster Bank some time since. He was visited in prison, and, by a promise of being let loose was induced to confess his guilt. He made known the place where the money was hid, and it was mostly found true.—This done a magistrate was found, who on Moore's confession of guilt fixed his bail at $400! This was given, and the thief was suffered to roam at large! So says the Wayne County Democrat. Such conduct was disgraceful to the minister of the law, and those engaged in thus procuring his discharge are highly culpable, if not criminal.

Belize.—Our friend Fulton is receiving sounding honors, by his fine bells. We cut the following from the Erie Advertiser.

The Universalist Congregation of Erie have recently obtained a Bell for their Church edifice, which was raised to the proper position a few days ago. It weighs over 600 lbs. clear of the clapper and wheel—and is decidedly the richest toned bell in Erie. We have frequently observed in our exchanges notices of the excellent qualities of Mr. Fulton's Bells, and we have now in hearing a full confirmation of those compliments. We would recommend the bells of his Foundry to all who wish to obtain a good Bell.

The Vote of Ohio.—It appears from the official canvass, that the whole number of votes polled at the late Presidential Election in Ohio, was 328,513. They were given—

For Lewis Cass	154,783
Zachary Taylor	138,356
Martin Van Buren	35,374
Majority of Cass over Taylor	15,427
" " Taylor and Van Buren over Cass	18,992

A Whig Patriarch.—We find the annexed card in the Mercer County Whig. The writer is we believe the father of David Leech, Esq., of Leechburgh, than whom a more active and devoted Whig does not live in the state.

"Mr. Hays—I have heard some boasting of large family voting. At the late Presidential election, myself, nine sons, and eight grandsons, voted for Gen. Taylor. If any can beat this, let us hear from them. I have ten sons, but one of them is a political transgressor.

"JOHN LEECH.

"Salem, Mercer county, Pa."

Birth-day of the President Elect.—Gen. Taylor was 64 years old last Friday. He was born in Orange County, Virginia, November 24, 1784, and received a majority of the votes given for President in that County, and in the native Counties of Washington and Jefferson in Virginia, and of Cass in New-Hampshire. He also carried the ancient Dutch town of Kinderhook over Martin Van Buren.

Great Snow Storm at the Eastward.—A snow storm of almost unprecedented severity for this season of the year, visited New England on Sunday night and Monday morning. At New Haven, the snow lay at least a foot deep on a level. Further North there is reason to believe it is still deeper. Travel had been greatly impeded.

Mrs. Myra Gaines is about to petition the Supreme Court of the United States for a mandamus writ, to force the Probate Court for the Parish of Orleans, Louisiana, to execute the mandate of the Supreme Court ordering the last will of her father, as proved to have been surreptitiously made way with, to be probated.

Mails to California and Oregon.—Mails are to be dispatched for California and Oregon, in the Falcon, from New York, on the 1st; from Charleston and Savannah on the 3d; and from New Orleans on the 17th December.

The death of the Hon. A. D. Sims, of S. C. will leave a vacancy in the next Congress to be filled by special election. Mr. McQueen, a Taylor man, who ran against him and ran him closely, will probably be his successor.

Plaquemine Parish, Louisiana, cast at this election but 515 votes; while in 1844, the officers returned 1,044, nearly all for Polk, thus giving him the State. The fraud is thus apparent. But it needed no proof, being grossly palpable at the moment of perpetration.

Telegraphing.—Mr. Alex. Bain, in a card in the National Intelligencer, corrects a mistatement in reference to his application for a patent. He says he is not refused a patent—that his invention anti-dates Mr. Morse's some three years, and that the Commissioner has just ordered his patent to be issued.

A Mistake Corrected.—The Pittsburgh papers are discussing McClelland's mission to Wilmot's District and the course of the Bradford Reporter, the regular Loco-Foco county paper. A correspondent of the Commercial Journal says that immediately on the arrival of the Cass missionaries in the District, the Reporter "apostatized" and hauled down Van Buren's name. The fact is it never hoisted Van Buren's name, but supported Cass throughout from the date of the Baltimore nomination, and it was with great reluctance that it published accounts of the progress of the Free Soil movement in its own section. The paper, to be sure, effectively supported Wilmot for Congress, as he had received the regular party nomination. So much for the Pittsburgh squibble and Wilmot's personal organ. There is only one Free Soil paper in the District, the Banner, published at Wellsboro', Tioga Co. which has been a steadfast supporter of Van Buren and Adams. The Taylor and Van Buren men have fought nobly in Wilmot's District despite the gigantic efforts of the Cass and Polk missionaries.—*N. Y. Tribune.*

[BY OUR REPORTER.]

THE GREAT EJECTMENT CASE.

JUDGE GRIER'S CHARGE TO THE JURY.

[This case has occupied the U. S. Court during the whole of this week. The arguments of the various counsel were closed on Friday night, and on Saturday morning the case went to the jury.—The following are the names of the jurors:

P. Kelly, jr., Foreman,	E. P. Tucker,
Peter Glover, Jr.	J. McCartney,
Joseph Pollock,	Wm. Henderson,
H. McGuire,	Joseph Piper,
E. Swaine,	R. Pennington,
Robert Lamberton,	Samuel Smith.

Mr. Justice Grier, in charging the jury, said:

This is an action of ejectment in which the plaintiffs claim to recover the two undivided third parts of a tract of land in Lower St. Clair Township, called Bergen Op Zoon, lying on Beck's Run, about ten miles from this city, containing about 370 acres, said to be of considerable value. In order to show the title in themselves, the plaintiffs have given in evidence:

1st. A patent from the commonwealth to John Ormsby, dated the 11th of April, 1788.

2d. A deed from John Ormsby and wife to Wm. Lamb and John Webb Cheekley, for the consideration of £437 18s.

3rd. A deed from Lamb & Cheekley to Richard Rundle—consideration, £500—dated 9th November, 1790.

4th. The will of Richard Rundle, dated 13th February, 1824, in which he devises the whole of his estate, real and personal, to the lessees of the plaintiffs in this case.

The plaintiffs admit the sale of an undivided third of the land to the heirs of Oliver Ormsby, and demand only the two undivided thirds in this action.

They have thus shown you a complete legal title from the commonwealth, and are entitled to recover, unless the defendants can show a right to retain the possession on a better title.

The defendants also claim title under John Ormsby. They allege that John Ormsby had tenants on this tract of land as early as the year 1790 or 1791, and received the rents and paid the taxes, continuing his possession in this way until the time of his death, in December 1805. That after his death, his son Oliver Ormsby, for himself and the other heirs of John Ormsby, continued in possession by his tenants, down to the time of his death, in 1832—since which time the other heirs of John Ormsby and those claiming under them have received the possession of their two thirds of the land, and are now in possession.

They rely wholly on the statute of limitations, as they do not pretend that Lamb and Cheekley, who had purchased the legal title from John Ormsby, had ever reconveyed it to them.

It may, perhaps, be proper to give you a brief recapitulation of the testimony relied on to show the defendant's title under the statute.

Wm. Hutchison proves that in 1790, two tenants were residing on this land, one named Dixon, and the other John McCormack, but the witness does not know under whom they claimed; that in the Spring of 1791, William McBride (the grandfather of the witness) took possession of the part which had been occupied by Dixon, who left, and that McCormack left in the Spring of 1792, and was succeeded in his possession by Jared Brush. That they paid the thirds as rents to John Ormsby; that McDonald remained in possession till 1809, and was succeeded by Jacob Langree, who remained on the land for fourteen years, paying rent to John Ormsby, in his life time, and after his death, to his son Oliver Ormsby, who continued the possession by other tenants, so as to keep up a continuous possession until his death, in 1832.—There is evidence, also, from the books of Oliver Ormsby, that down to 1811, he kept some account of expenses and receipts on account of this tract, as if it had been a part of his father's estate. The tax lists, since 1790, have been given in evidence, from which it is alledged that it appears that this tract has been assessed to John Ormsby, from 1790 till his death—after 1806 and to 1820, to the heirs or estate of John Ormsby, and after 1820 to Oliver Ormsby.

These assessments do not particularly describe the tracts assessed until 1809, when Langree is mentioned as the tenant, but from the number of acres or tracts included, compared with the other known property of the party assessed, it is more than probable that this tract is included in all of them; but of this you will judge.

As the assessments of this county do not go further back than the year 1790, it does not appear whether this tract had ever been assessed to Lamb & Cheekley; most probably the change of ownership was never known to the assessor, and it continued to be taxed to Ormsby, as before.

The defendants have shown, therefore, a continued possession and enjoyment of this property, and reception of the rents by themselves, and those under whom they claim, for upwards of fifty years before this ejectment was instituted.

The possession required by the statute of limitations to bar the owner, after twenty one years, must be 'actual, contined, visible, notorious, distinct, and hostile.' That the possession of John Ormsby and his family have all these qualifications, except the last, has not been disputed. The great question for your decision will therefore be whether, according to the law of Pennsylvania, as understood by her courts, the possession of John Ormsby and his heirs are adverse or hostile to the claim or title of the plaintiffs. It is a question of fact, or rather a mixed question of law and fact, and therefore it is the province of the jury to decide it by applying the law, as stated by the court, to the facts as they shall find them to exist. The court does not intend to express any opinion on the facts *simply*; but when the law draws from certain facts, it is the duty of the court to instruct the jury. The credibility of the witnesses you are to judge of.

We shall therefore state some of the established principles of the law on this subject, as they have been directed by the courts of Pennsylvania, and which may have an application to the question before us.

And here, gentlemen, I must further remark that this question is to be decided alone by the laws which regulate the transfer or possession of real estate in Pennsylvania. The court has nothing to do with the laws of any other States on this subject, nor with any general laws which might prevail.—But the question is to be decided entirely and alone by the laws which regulate these matters, as existing in this particular State.

Then, 1st. It is not necessary that defendants should show that John Ormsby entered under some deed or written title, good or bad, to give colour of title.

2nd. A disseisor is presumed to have entered for himself, until the contrary appears; and it is not essential to the claim of adverse possession, that it be by claim of right in the occupant.

The statute of limitations was designed to protect the wrong doer, and to punish the owner for not attending to his title in time.

3rd. The fact that Ormsby had conveyed the land to Lamb and Cheekley will not make him a trustee, nor does any presumption necessarily arise therefrom that he acted under them.

4th. The putting tenants on a tract of land, returning it to the assessor as one's own, receiving the rents, cutting the timber, and exercising all acts of ownership, without any abandonment or intermission for forty or fifty years are unequivocal acts of claim and ownership which afford the best evidence of ouster.

5th. The jury have no right to presume an intent contrary to the notorious acts and conduct of the parties, without some due proof that the party had no intention to oust the owner, and hold in privity or subservience to his title.

Have you, then, any other circumstance or acts or declarations of Ormsby or his heirs, in evidence in this case, sufficient to satisfy your minds that the possession so long held was not in hostility or adverse to the title of the plaintiff?

The testimony relied on for this purpose it will be my duty now to lay before you:

1st. That in 1805, before the death of John Ormsby, Oliver Ormsby his son, gave a memorandum to his friend, Mr. Grales, in Philadelphia, stating that his father had sold this tract to Lamb & Cheekley, and requesting him to find out the owner, as he wished to purchase it, if he could get it cheap.

2nd. A letter dated 4th March, 1816, from Richard Rundell to Ormsby, by which it appears that Oliver Ormsby had called on Wm. Rundle, in Philadelphia, and expressed a desire to purchase the land, 'it being a family patrimony,' with a proposal by Mr. Rundell to sell it to him.

3rd. The witness Hutchinson states a conversation which he heard between Oliver Ormsby and his brother in law Mr. Gregg, in 1807. That Gregg said 'I wish you could find the owners of that tract of land, till we could buy of them.' Oliver Ormsby said, 'I care nothing about it; I have as much land already as I want.'

4th. That in 1828 or 1829, Oliver Ormsby on being requested to plant some apple trees on this place, said 'there is no use for me to improve that place; it do'nt belong to my father's estate. He sold it a long time ago. He was only keeping possession of it until the owners came for it, and when they came it was theirs.

5th. The testimony of George Roachhamer, who was tenant of this land, under Oliver Ormsby, who states that when he (Ormsby) was requested to make improvements on this property, said, "I don't feel as though I could build any thing on it. My father disposed of the property, in an early day, and if the owner or his heirs was to come to-night or before to-morrow, they must have the property."

6th. The testimony of Samuel Hair, Esq., and Oliver Ormsby, when asked why he did not improve the land, and his reason was that his father had sold the property to two merchants in Philadelphia, and if the heirs would come on, they would not allow him for improvements, and that was the reason he did not make them. That the heirs were in England, and would come on.

7th. The undisputed fact that no valuable improvements were ever put on the property but the houses and other buildings suffered to become ruinous.

With regard to this testimony, given to rebut the presumption of adverse possession, the Court would remark:

1st. That the inquiries of Oliver Ormsby, in 1805, before his father's death, cannot effect the nature of his father's possession, nor if Oliver himself had been in possession, receiving the rents, and using it as his own, would such inquiries show that his possession was not adverse.

2nd. The same remark may be made with regard to the offer to purchase of Rundell, in 1816, a mere offer to purchase the title of the legal owner, either before or after the statute has run, will not be sufficient to change the nature of the tenants possession—nor is it of itself sufficient evidence to show that the possession is not hostile.—But if before the statute has run, the party in possession should acknowledge the title of the owner, and propose to purchase, and thus put him off his guard by artifice or trick till the statute had run, such offer should be treated as a recognition of his title, and an acknowledgement that the possession is not adverse.

(The learned Judge here read a quotation from Judge Gibson, in which he shows that the statute of limitations was passed to protect the occupant—not for his merit, for he had none—but for the demerit of his antagonist in delaying the contest beyond the period assigned for it.]

But this letter of Rundell's does not allege that Oliver Ormsby ever admitted that his occupancy and that of his father had been in subserviency to, or privity with the title of Rundell, or that Rundell was induced to delay the assertion of his right by any pretences or offers of the Ormsbys. Twenty-six years had elapsed before this inquiry was made, and twenty-six more elapsed after it was made before Rundell or his devisees asserted their claim to this land by suit. If these fifty years of total neglect to look after this land has been caused by artifice or trick of the defendants, or those under whom they claim, I have not been able to discover it from the evidence.

3d. As to the conversations related by the witnesses, it is for you to say what credit is to be attached to them. The declarations of a tenant in possession are undoubtedly proper evidence to go to a jury, as the nature of his occupancy, whether it be hostile or otherwise. But I would say that testimony of this description should be carefully secured. It is impossible to contradict it, and it is more subject, than any other kind of testimony, to misconstruction and misrepresentation. The little reliance that can be placed on it is shown in the present case, where one of the witnesses, who undertakes to relate a conversation twenty years ago, gives an entirely different version of it from that formerly given by himself on oath.

There were ten points on which the plaintiffs counsel had requested the Court to instruct the jury, the whole of which the learned Judge read, and on some of them did instruct the jury; on others he refused.

The jury were absent about two hours, when they returned into Court, having found a verdict for the defendant.

BY OUR OWN REPORTER.

TEMPERANCE DISCUSSION.

Pursuant to announcement a discussion was held at the 3rd Presbyterian Church, on Thursday evening last, on the question of the expediency of invoking legislative aid in the suppression of the sale of intoxicating liquors. At the time appointed for the opening of the debate, there was already a crowded and highly respectable audience, who listened to the debates throughout, with breathless attention. It would gratify us much, to report the speeches on both sides pretty fully, in consequence, especially, of the excellent temper and spirit in which the question was argued. We hope these discussions will be continued; they cannot fail to be productive of good. But stop! We are travelling out of our sphere. Wanting the room to furnish a full report of the speeches, we must content ourselves with laying before our readers a mere abstract of the debate, as well as we were able to analyze the arguments of the several speakers at the time.

Mr. Mecaskey occupied the Chair.

The Rev. Andrew Black, of the Reformed Presbyterian Church, Allegheny, opened the question in the affirmative. After stating the question, the reverend gentleman referred to what had been said in a great many quarters as to the secret drinkings which had been the result of the late license law. He contended that this was an evil which would die away of itself and that the secret in possession are undoubtedly proper evidence to go to a jury, as the nature of his occupancy, whether it be hostile or otherwise. But I would say that testimony of this description should be carefully secured. It is impossible to contradict it, and it is more subject, than any other kind of testimony, to misconstruction and misrepresentation. The little reliance that can be placed on it is shown in the present case, where one of the witnesses who undertakes to relate a conversation twenty years ago, gives an entirely different version of it from that formerly given by himself on oath.

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3d. As to the conversations related by the witnesses, it is for you to say what credit is to be attached to them. The declarations of a tenant in possession are undoubtedly proper evidence to go to a jury, as the nature of his occupancy, whether it be hostile or otherwise. But I would say that testimony of this description should be carefully secured. It is impossible to contradict it, and it is more subject, than any other kind of testimony, to misconstruction and misrepresentation. The little reliance that can be placed on it is shown in the present case, where one of the witnesses who undertakes to relate a conversation twenty years ago, gives an entirely different version of it from that formerly given by him. Ormsby, that down to 1811, he kept some account of expenses and receipts on account of this tract, as if it had been a part of his father's estate. The tax lists, since 1790, have been given in evidence, from which it is alledged that it appears that this tract has been assessed to John Ormsby, from 1790 till his death—after 1806 and to 1820, to the heirs or estate of John Ormsby, and after 1820 to Oliver Ormsby.

These assessments do not particularly describe the tracts assessed until 1809, when Langree is mentioned as the tenant, but from the number of acres or tracts included, compared with the other known property of the party assessed, it is more than probable that this tract is included in all of them; but of this you will judge.

As the assessments of this county do not go further back than the year 1790, it does not appear whether this tract had ever been assessed to Lamb & Cheekley; most probably the change of ownership was never known to the assessor, and it continued to be taxed to Ormsby, as before.

The defendants have shown, therefore, a continued possession and enjoyment of this property, and reception of the rents by themselves, and those under whom they claim, for upwards of fifty years before this ejectment was instituted.

The possession required by the statute of limitations to bar the owner, after twenty one years, must be 'actual, contined, visible, notorious, distinct, and hostile.' That the possession of John Ormsby and his family have all these qualifications, except the last, has not been disputed. The great question for your decision will therefore be whether, according to the law of Pennsylvania, as understood by her courts, the possession of John Ormsby and his heirs are adverse or hostile to the claim or title of the plaintiffs. It is a question of fact, or rather a mixed question of law and fact, and therefore it is the province of the jury to decide it by applying the law, as stated by the court, to the facts as they shall find them to exist. The court does not intend to express any opinion on the facts *simply*; but when the law draws from certain facts, it is the duty of the court to instruct the jury. The credibility of the witnesses you are to judge of.

We shall therefore state some of the established principles of the law on this subject, as they have been directed by the courts of Pennsylvania, and which may have an application to the question before us.

And here, gentlemen, I must further remark that this question is to be decided alone by the laws which regulate the transfer or possession of real estate in Pennsylvania. The court has nothing to do with the laws of any other States on this subject, nor with any general laws which might prevail.—But the question is to be decided entirely and alone by the laws which regulate these matters, as existing in this particular State.

Then, 1st. It is not necessary that defendants should show that John Ormsby entered under some deed or written title, good or bad, to give colour of title.

2nd. A disseisor is presumed to have entered for himself, until the contrary appears; and it is not essential to the claim of adverse possession, that it be by claim of right in the occupant.

The statute of limitations was designed to protect the wrong doer, and to punish the owner for not attending to his title in time.

3rd. The fact that Ormsby had conveyed the land to Lamb and Cheekley will not make him a trustee, nor does any presumption necessarily arise therefrom that he acted under them.

4th. The putting tenants on a tract of land, returning it to the assessor as one's own, receiving the rents, cutting the timber, and exercising all acts of ownership, without any abandonment or intermission for forty or fifty years are unequivocal acts of claim and ownership which afford the best evidence of ouster.

5th. The jury have no right to presume an intent contrary to the notorious acts and conduct of the parties, without some due proof that the party had no intention to oust the owner, and hold in privity or subservience to his title.

Have you, then, any other circumstance or acts or declarations of Ormsby or his heirs, in evidence in this case, sufficient to satisfy your minds that the possession so long held was not in hostility or adverse to the title of the plaintiff?

The testimony relied on for this purpose it will be my duty now to lay before you:

1st. That in 1805, before the death of John Ormsby, Oliver Ormsby his son, gave a memorandum to his friend, Mr. Grales, in Philadelphia, stating that his father had sold this tract to Lamb & Cheekley, and requesting him to find out the owner, as he wished to purchase it, if he could get it cheap.

2nd. A letter dated 4th March, 1816, from Richard Rundell to Ormsby, by which it appears that Oliver Ormsby had called on Wm. Rundle, in Philadelphia, and expressed a desire to purchase the land, 'it being a family patrimony,' with a proposal by Mr. Rundell to sell it to him.

3rd. The witness Hutchinson states a conversation which he heard between Oliver Ormsby and his brother in law Mr. Gregg, in 1807. That Gregg said 'I wish you could find the owners of that tract of land, till we could buy of them.' Oliver Ormsby said, 'I care nothing about it; I have as much land already as I want.'

4th. That in 1828 or 1829, Oliver Ormsby on being requested to plant some apple trees on this place, said 'there is no use for me to improve that place; it do'nt belong to my father's estate. He sold it a long time ago. He was only keeping possession of it until the owners came for it, and when they came it was theirs.

5th. The testimony of George Roachhamer, who was tenant of this land, under Oliver Ormsby, who states that when he (Ormsby) was requested to make improvements on this property, said, "I don't feel as though I could build any thing on it. My father disposed of the property, in an early day, and if the owner or his heirs was to come to-night or before to-morrow, they must have the property."

6th. The testimony of Samuel Hair, Esq., and Oliver Ormsby, when asked why he did not improve the land, and his reason was that his father had sold the property to two merchants in Philadelphia, and if the heirs would come on, they would not allow him for improvements, and that was the reason he did not make them. That the heirs were in England, and would come on.

7th. The undisputed fact that no valuable improvements were ever put on the property but the houses and other buildings suffered to become ruinous.

With regard to this testimony, given to rebut the presumption of adverse possession, the Court would remark:

1st. That the inquiries of Oliver Ormsby, in 1805, before his father's death, cannot effect the nature of his father's possession, nor if Oliver himself had been in possession, receiving the rents, and using it as his own, would such inquiries show that his possession was not adverse.

2nd. The same remark may be made with regard to the offer to purchase of Rundell, in 1816, a mere offer to purchase the title of the legal owner, either before or after the statute has run, will not be sufficient to change the nature of the tenants possession—nor is it of itself sufficient evidence to show that the possession is not hostile.—But if before the statute has run, the party in possession should acknowledge the title of the owner, and propose to purchase, and thus put him off his guard by artifice or trick till the statute had run, such offer should be treated as a recognition of his title, and an acknowledgement that the possession is not adverse.

(The learned Judge here read a quotation from Judge Gibson, in which he shows that the statute of limitations was passed to protect the occupant—not for his merit, for he had none—but for the demerit of his antagonist in delaying the contest beyond the period assigned for it.]

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There were ten points on which the plaintiffs counsel had requested the Court to instruct the jury, the whole of which the learned Judge read, and on some of them did instruct the jury; on others he refused.

The jury were absent about two hours, when they returned into Court, having found a verdict for the defendant.

BY OUR OWN REPORTER.

TEMPERANCE DISCUSSION.

Pursuant to announcement a discussion was held at the 3rd Presbyterian Church, on Thursday evening last, on the question of the expediency of invoking legislative aid in the suppression of the sale of intoxicating liquors. At the time appointed for the opening of the debate, there was already a crowded and highly respectable audience, who listened to the debates throughout, with breathless attention. It would gratify us much, to report the speeches on both sides pretty fully, in consequence, especially, of the excellent temper and spirit in which the question was argued. We hope these discussions will be continued; they cannot fail to be productive of good. But stop! We are travelling out of our sphere. Wanting the room to furnish a full report of the speeches, we must content ourselves with laying before our readers a mere abstract of the debate, as well as we were able to analyze the arguments of the several speakers at the time.

Mr. Mecaskey occupied the Chair.

The Rev. Andrew Black, of the Reformed Presbyterian Church, Allegheny, opened the question in the affirmative. After stating the question, the reverend gentleman referred to what had been said in a great many quarters as to the secret drinkings which had been the result of the late license law. He contended that this was an evil which would die away of itself and that the secret in possession are undoubtedly proper evidence to go to a jury, as the nature of his occupancy, whether it be hostile or otherwise. But I would say that testimony of this description should be carefully secured. It is impossible to contradict it, and it is more subject, than any other kind of testimony, to misconstruction and misrepresentation. The little reliance that can be placed on it is shown in the present case, where one of the witnesses who undertakes to relate a conversation twenty years ago, gives an entirely different version of it from that formerly given by him. self on oath.

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