

The Holland family have never taken possession of the portion of the Garden granted the Government; on the contrary, had possession of the ground during the lifetime of the original grantee, and that no claim appears to have been made by his heirs until 1820, the Committee cannot recommend that the claim for compensation should be further entertained by Her Majesty's Government.

On the 19th December, 1812, the then Executive Council reported that the Committee of that Council could add nothing to the facts reported as proved or surmised by the Executive Council of the Earl of Durham, that in their opinion the grant to Major Holland was a very improvident one, unless this proviso for resumption for barracks, or other uses, should be construed in the sense most favorable to the public. That the Report of Col. Oldfield, as to the connection of the locality with the defences of Quebec, and the necessity of retaining it for military purposes, establishes the case for resumption strictly, and considering that at a very early period the improvidence of the grant was asserted and the determination of the Government to withhold possession made known. That the ground was never used by the grantee for the purpose set out in the Petition; that no expenditure was made upon it by him, and that the claim was allowed to sleep for so long a period, the Committee fully concur in the Minute of Council of the 5th August, 1810, and do not recommend that the claim for compensation should be further entertained, but that if the Government do entertain the claim, there are no Provincial Funds from which it can be paid, but the same must be defrayed by Her Majesty's Ordinance.

On the 16th December, 1815, John Frederick Holland, in and by his will made at Prince Edward Island, and proved on the 8th December, 1818, bequeathed his grandson, Robert Barker, all his share in the Chateau Garden.

On the 22nd April, 1816, James G. Holland, widower, and sole representative of the late Frederick B. Holland, (son and heir of the late Major Holland) and Charlotte Josette Holland, daughter of F. B. Holland, and next and sole representative of the late Charlotte Holland, daughter and heir of the said late Samuel Holland, sold to Henry A. P. Holland, their respective rights and shares in the Chateau Garden.

On the 29th August, 1816, William Wilson addressed a memorial to the Earl of Cathcart, Governor General, representing that the report of the Executive Council of the 5th August, 1810, is in perfect contradiction with that of the 29th October, 1818, *which latter established the claims of the heirs Holland*; he solicits a reconsideration of the claim, averring that so far from the Castle Garden being required for Military purposes, it had been given up to the corporation of Quebec for the use of the public, and praying that compensation be given by a grant of waste lands of the crown, which memorial was referred on the 1st September, 1816, to the Executive Council.

On the 21st September, 1816, the Executive Council of the Earl of Cathcart, composed of the Honorable Messrs. Morris, Draper, Papineau, and Smith, reported:

That they agree in the conclusion of the report of 5th August, 1810, that the claim for compensation should not be further entertained. They add that the original grantee, Major Holland, lived in Quebec until 1800, and does not appear to have made any improvement on the lot, although he might have done so before the arrival of General Haldimand, who took possession of the ground (whether forcibly or otherwise is immaterial to the present claim); that Major Holland does not appear to have complained, or to have asked for an indemnity. The Government have kept possession of it ever since the occupation of General Haldimand, they are at a loss to understand upon what ground the claims of the heirs Holland could be maintained, as it appears to have been by the committee of the Executive Council of the Earl of Durham, seeing the reservation in the original patent of the right of using the same lot of ground with the messuages, houses, and buildings thereon, whenever the public service should require it, for barracks or other uses, paying for buildings, &c. That these words clearly shew that the ground itself *could never be a matter of valuation nor give rise to any claim for indemnity in case of resumption*. They are therefore of opinion that until Mr. Wilson has proved that he or those in whose rights he applies have made improvements, and the value of them, his claim cannot be entertained, nor can he claim anything for any money he may have paid, as he must have been aware of the terms of the patent, and circumstances under which he now claims.