

PERRIN ST. HILAIRE, aged 82 years.

Has lived at Cap-Blanc since his birth. Has a lot which was given to him by his mother, widow St. Hilaire, who had it from Lampron three years ago. It is on the north side of Champlain Street facing the street,—front 18 feet on street. Has always had access on street without any interruption.

*Cross Examined.*

If bounded by Blue Line, very little value would remain to me.

*Re Examined.*

My mother was on the said lot before she leased it from Lampron.

ELIZABETH WISSMAN—64 years:

Has resided at Cap-Blanc since she was six years of age. Has a lot on the north of Champlain street upon which the lot front. Leases of Lampron 24 years ago. Lot on its whole length touches Champlain street—is forty feet long. Has never experienced any impediment in entering upon the said street. In spring tides high water mark passes on said lot. If bounded by Blue Line, it would be of no value, especially if a wall were built to shut me in.

*Re Examined.*

There never has been any question of a wall at that place.

HONABLE F. W. FRASER:

Information in Rex vs. Laporte was to recover a portion of the property in Letters Patent,—that therein first described. That secondly described is no portion of the land and beach described in Information,—but is bed of the river below low water mark. Fulfillment of conditions of grant would be beneficial to property above Blue Line and all property in the neighborhood. Sale 4th. Nov. '40, Fraser to Lampron comprehends all the property first described in Patent and an additional portion north of Blue Line. Property in sale 11th. April '52 (Name to Fraser) is the same,—also in *contre-lettre*.

*Cross Examined.*

Property in question is one of the places where tide rises highest and nearest to cliff. Conditions in Letters Patent not the same as in other Patents of beach lots in same locality and differ:

One is the power of resumption for public purposes on paying value of improvements:—another, Wharf to be built of a specific breadth—to extend from high water mark to Commissioners line. Also, reserve of a road over beach. Blue Line cuts through several houses, which is a detriment to properties. Is one of the Commissioners to establish water line. Conditions include dimensions of wharf and mode of construction. Knows instances in which these conditions have not been erected to full extent.

*Re Examined.*

These differences make the conditions more onerous to Baird than other grantees.

JOSEPH HAMIL, Road Surveyor, aged 56 years:

Road Surveyor since 1840, previously Land Surveyor (since 1832). Has known Cap-Blanc since infancy, and before Laporte had possession of it. In 1841 made the plans of Champlain St. Knows the Blue Line,—when first he knew property, it was all beach. There being only a few scattered huts or shanties placed upon wharf built above high water, and some on the cliff with a small gallery in front on which people passed at high water. Houses occupied by labourers of poorest class. Sometime before 1829 a road for vehicles was made where Champlain St. now stands, it was after Laporte had settled there. Laris and witness were employed in 1829 by Government Commissioners to lay out several roads for which money had been voted, among them the road in question. Laris laid out Champlain St. I named the street because it was a continuation of the old street. All the houses on the north side have access to it, they face upon it, save one or two at the West end. The building of wharf improves both sides of the street. The first lot in Patent is between Blue Line and low water mark, and the second is between low water mark and Commissioners line. Conditions and reservations in grant would benefit the locality on both sides of the street. Sale by Name to Fraser embraces property, between low water mark and within three feet of the *Côte du Cap*. Sale by Fraser to Lampron is of the same property as the last, except that the latter is bounded by high water mark (Blue Line), and the former by low water mark. Most of the houses on South side in Laporte's time were erected on piles or pillars or studs, and any evidence about the houses were made by the persons who built the houses. Does not know whether these erections can be called wharf, but took his wharf on the surface, but are generally hollow and clap-boarded on the outside. When first Laporte became connected with this property, there was not a single house upon it, but there were a few huts erected by persons who had squatted there; there may have been six or seven of them here including those on Mrs. Munn's property adjoining. This was in 1818 or 1814. Has made plans for the Defendant. Laid out Champlain St. in 1841. Blue Line intersects majority of houses on North side. Houses intersected by Blue Line are occupied by persons whose names are on the plan, or their representatives. Defendant told witness he had erected some for some of the lots on the North side, but cannot say which. A street of 28 feet reserved. Defendant under the grant is proprietor of the most part of the property on both sides of Champlain St. as far as Mr. Lampron's brick house. The Defendant could take corporal possession of the interval between Champlain St. and the Blue Line from the lot marked Lapointe on the