

ANSWER.—From the way in which it is settled, it is of little or no value from the miserable settlements and there being no yard room.

QUESTION.—What value would you attach to the property in question, including as well the property on the north side of the street as the river front on the south side of it?

This question was withdrawn.

RE-EXAMINED.—Being asked if I can state the average depth between the blue line marked in the plan Defendant's Exhibit No. 9 and the foot of the cliff, I can state, that the line is immediately at the foot of the cliff except perhaps at one or two places where there are little coves, which I cannot point out on the plan as for instance at Laportes, but then as respects these latter the distance between the blue line and the cliff was very trifling also: as respects Laportes lot there must have been an excavation made there to build the house as there are no windows in the first story in the rear.

No. 3.

EDWARD BOXER.—I am one of the Harbour Commissioners appointed by the Executive Government to settle the line for future deep water grants from the Crown opposite to the city of Quebec and in the Harbour of Quebec. I acted as such with Colonel Oldfield, commanding the Royal Engineers at Quebec, and the Honorable Francis Ward Primrose Inspector General of the Queen's Dockyard. Since Colonel Oldfield left, his successor Colonel Halloway was substituted in his place. The object of this commission was to protect the interests of the Crown and public and more particularly for the benefit of the trade at Quebec, where grants had been previously made injurious to the public, it was to prevent this for the future that we were appointed commissioners and for the purpose of resuming any property ungranted that might be required for the public service. I am well acquainted with that portion of the Harbour at Quebec known by the name of Cap Blanc. I have known this property very particularly since the date of the commission which I think was in 1812 and I more particularly noticed this property as it was considered the best and only safe place for a naval Government depot and in consequence we recommended that there should be a reservation of the rights of the Crown in that particular which I believe was made in the Patent and which is latterly made a condition in all grants of the Crown opposite to the city of Quebec.

I am acquainted with the property on the street commonly called Champlain street known as Cap Blanc front frequently having passed through it including the north side of Champlain street. I recollect that we recommended as Commissioners a broad commercial high road in front of the houses on the north of the road, considering that it would be the best commercial place in Quebec for the running out of wharves for the improvement of the harbour of Quebec. We recommended also, if I recollect right, that the road should be widened forty feet which would have the effect of taking down those houses on the south side that interfered with the road on that width.

There has been read to me at this the time of my examination the conditions of the Patent in this cause filed being the grant to the Defendant in question in this cause and I can state that the fulfillment of these conditions will be eminently beneficial to the trade of the harbour of Quebec and I consider that the fulfillment of these conditions will be equally beneficial to the proprietors all along the road at Cap Blanc in a commercial point of view, by that I mean to say that it will improve the value of them.