

James Kempt, praying restoration of his one-fifth, or an indemnity out of the waste lands of the Crown or otherwise, and representing that he had as yet no redress or compensation.

On the 11th October, 1839, Mr. James Hastings Kerr addressed a letter to the Clerk of the Executive Council, in which, adverting to the reference of the case, by the Colonial Minister back to the Provincial Government, he stating that he (Mr. K.) and Mr. Samuel Newton represented nine-tenths of the Holland Estate, and that they offer to furnish all the information necessary for the decision of their claims.

On the 26th October, 1839, the Executive Council reported on Mr. Wilson's Petition to the effect that the Commanding Royal Engineer should furnish a Map or Plan, shewing the extent of ground, and the proportion required for Battery, &c.

On the 19th December, 1839, Sir Charles O'Donnell, Military Secretary, transmitted to the Civil Secretary the Report of Colonel Oldfield, with a plan of the Chateau Garden made upon the Order in Council of the 26th October, 1839, stating the area to be 3 acres, 0 rods, 38 yards, 9½ feet, and representing that the whole garden being so intimately connected with the defences should be retained in the hands of the Government without the alienation of any part.

On the 27th January, 1840, W. S. Sewell, Sheriff of Quebec, reported by letter, to the Civil Secretary, the Declaration of William Wilson upon a Writ of Execution issued against him, that one-fifth of the Chateau Garden was his property and, as such, liable to be seized.

On the 9th March, 1840, Mr. Wilson addressed a letter to Mr. Poulett Thompson, Governor General, referring to a previous memorial of the 3rd March, 1840, and insisting upon the validity of his title which had been erroneously represented as bad.

On the 27th June, 1840, a Committee of the Executive Council reported that, referring particularly to the Report of the Commanding Engineer of the 18th December, then last, expressing a positive opinion that the whole Chateau Garden being so intimately connected with the military defences ought to be retained in the hands of Government, the Committee were then unable to report the quantum of compensation to be allowed to the Holland family, in as much as by the Report of the 29th October, 1838, it appeared that such part of the ground granted to Major Holland, as should be *bona fide* required for military purposes, should be kept in the hands of Government. The Committee, perceiving by the same Report that the Engineer Officer of that time stated that a very considerable portion of the Garden was not required for this Battery, find it necessary to ascertain from the military authorities the precise extent of the ground within the claim of the Holland family which may be required for *maintaining the BATTERY NOW EXISTING* there, and they recommend that a further Report be obtained in order to ascertain the precise extent of ground comprised within the claim of the Holland heirs.

On the 18th July, 1840, Colonel Oldfield, Commanding Royal Engineers, reported,

1. The whole area of the Garden to be 3 acres, 0 rods, 3 yards, 9½ feet.
2. The extent required for maintaining the existing Battery, 1 acre, 0 rods, 8 yards, 23½ feet.
3. His reasons for the retention of the whole area.
4. He reiterates his opinion that the whole garden or ground ought to be retained, and a plan of the premises accompanied the Report.

On the 25th July, 1840, the foregoing Report was transmitted by the Military Secretary to the Civil Government.

On the 5th August, 1840, a Committee of the whole Council, composed of Messrs. Steward, Cochrane, Pemberton, Daly, Sheppard, and Commissary General Routh, reported that it appeared by Colonel Oldfield's Report, that nearly the whole of the lot was essential to the defence of the town. They invoked the reservation of the grant as conferring a power to *resume possession* whenever the ground became necessary for military purposes, and that it is now actually in force. They also report that "something may perhaps still be urged to shew their claim to occupy that portion of the ground not immediately required, but which is described as a desirable acquisition for the defences. The value of such a claim for so temporary an occupation must be so very limited, if any can be established, that the Council, taking it into consideration, and the fact that the