

ANSWER.—I made a plan for the Defendant for the premises in question, including the portion of the houses south of the blue line but on the north of the road, for the purpose of enabling the Defendant to execute leases for some of them, but which I cannot say. My descriptions extended from the easterly line marked on Exhibit No. 9, and extended as far as Mr. Simpson's big brick house, represented on the said plan by Chevalier, adjoining Claude Gignère on the said plan. The lots I so laid out for the Defendant were bounded on the north by the blue line, were of various breadths and of the depth of sixty feet south of Champlain street, which was reserved of the breadth of thirty-two feet besides the sixty; the reservation was of a street of thirty-two feet, and not of Champlain street as it now exists, but the street as it now exists forms part of the thirty-two feet, and the widening of my plan was to be on the south side of Champlain street. This plan was made upon instructions from the Defendant, I telling him at the time that the upper part of the street had been laid out in such a manner that it could not be touched and that the widening of the street must be on the south side of the street to which he acceded.

QUESTION.—Is it not true that the Defendant in the cause under his Patent is now proprietor for the most part of the property in question on both sides of Champlain street?

ANSWER.—Yes, as far as Mr. Simpson's brick house.

QUESTION.—Can the Defendant in this cause take corporeal possession of the interval between Champlain street and the blue line in the state in which the north side of Champlain street is now built up and by what means could he do so?

ANSWER.—The Defendant could take corporeal possession from and including the lot marked Laporte on the plan marked Defendant's Exhibit No. 9, down to Jac. Blais, on the said plan, and this he could do by taking and occupying the houses built on this interval, which all but a very inconsiderable part are upon the interval between the streets and the blue line.

QUESTION.—Supposing the houses upon the interval mentioned in your last answer to belong to the Defendant, would there be any other way of his taking possession of the land upon which they are built, than by causing them to be pulled down or removed.

ANSWER.—Of course, if the houses on this interval do not belong to the Defendant then they ought to be removed by the owner and the Defendant might then build a house of his own in lieu of those taken down.

QUESTION.—Supposing the Defendant to be put into exclusive possession of all below the blue line, would not the property above the blue line suffer great diminution in value?

ANSWER.—I consider that the property above the blue line is valueless, because it would cost as much to excavate the cliff and make it habitable as it can sell for after that excavation is made, and this I can state from calculations, having made them myself and which can be easily ascertained from the angle of the cliff being *forty five degrees* at least, *which is of a height of one hundred and eighty feet.*

QUESTION.—What value do you attach to the property on the north side of Champlain street, that property having for its boundary the street itself?