

To His Excellency, The Right Honorable Edmund Walker Head, Baronet, Governor General, &c., &c., &c.

IN THE MATTER OF THE CLAIM OF THE HEIRS AND REPRESENTATIVES OF THE LATE HONORABLE SAMUEL HOLLAND TO A PORTION OF THE CHATEAU GARDEN, QUEBEC.

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned has the honor to make the following

Report:

The claim of the heirs Holland is one of very grave importance, as well in respect of the value of the property in question, as of the principles of law and State policy involved in its decision. It has been from time to time pressed upon the Provincial Government, and occasionally upon the Imperial Government, for the last half a century. It has been taken up and considered by several Executive councils in Canada on various grounds, and has received conflicting decisions. It behoves the Government now finally to dispose of this claim in such a manner that the parties interested may not be harassed by continual further applications for a decision, nor the Government importuned by reiterated and endless petitions on the same ground of complaint. The *hassé* of papers or record in the case is a voluminous one, and I therefore think it advisable to submit a brief analysis of those documents in their chronological order for the purpose of facilitating its examination and discussion.

On the 10th November, 1764, the late Honorable Major General Holland, in his life time surveyor general of the then province of Quebec, petitioned his Excellency, James Murray, Governor General, for a grant of a small lot of "ground, sufficient for a house and garden situate on the street leading from the parade to Cape Diamond, adjoining the castle of St. Lewis on one side and the Battery on the other side, leaving room for the use of the Battery," as appears by the copy of a petition to be found among the papers.

On the 12th March, 1766, letters patent under the great seal issued, granting to Major Holland, his heirs and assigns for ever, in consideration of the rents and upon conditions therein mentioned, all that lot, piece or parcel of ground in the upper town of Quebec, near the castle of St. Lewis, and commonly called the Chateau Garden, in the said deed more particularly described with all and singular the hereditaments, messuages, houses and buildings thereon erected standing and being, and subject amongst other provisions and reservations to the following, viz.: Provided also, and reserving unto us, our heirs and successors, whenever ours or their service may require, our or their right of using the said lot of ground, with the messuages, houses and buildings thereon, for barracks or other uses, paying to him the said General Holland, his heirs, executors, administrators, or assigns, a reasonable price for any improvements, messuages, dwelling houses, and buildings which may happen to be made, erected, standing and being thereon.

On the 14th October, 1800, Major Holland made his last will and testament before Charles Voyer and his colleagues, public notaries at Quebec, wherein he declares that his immovable property consisted (amongst others) of a large lot of ground ("grand emplacement") near the castle of St. Lewis, granted to the testator and then cultivated as a garden, and he bequeaths the same to his wife, Maria Josette Rolet, and his children, John Frederick Holland, Charlotte Holland, Susannah Holland, Frederick Holland, and George Holland, in equal shares; and on the 26th October of the same year, by a codicil before the same notary and another, his colleague, he bequeathed to his said wife the usufruct during her life of all his property mentioned in his said will, and he also substituted the two children of his deceased son Henry Holland to the said George Holland.