

Award of Experts on Mr. Fraser's Lot at L'Ance des Mères, between high and low water mark.

The undersigned *Experts* acting by virtue of the authority delegated to them respectively, that is to say, William Phillips, Esquire, appointed by instrument dated the seventh day of October, 1835, under the hand and seal of His Excellency the Right Honorable the Earl of Gosford, Captain General and Governor in Chief in and over the Provinces of Upper and Lower Canada, and Vice Admiral of the same; to be an *Expert* on behalf of the Crown, and Robert Wood, Esquire, nominated by John Fraser, Esq., proprietor of that lot of land and Beach in the neighbourhood of the City of Quebec, at the place called L'Ance des Mères, from high water mark to within three feet from the ridge of the cape below that part of the ridge in which cattle may pasture, consisting of nine arpents and a half or thereabouts in front, between the land of the Honorable Henry Caldwell, on one side, and that of the Hôtel Dieu on the other, lying within the *censive* of His Majesty, as *Experts* for determining the value to be placed upon the Beach, lot or space, extending from high water mark to low water mark in front, and upon the whole width of the ground by him possessed hereinbefore described, and of the improvements thereon, with a view of obtaining a grant from the Crown, that of Free and Common Soccage—Report, that having proceeded to the examination and enquiry for the purpose of determining the value of the Beach, lot or space above described, with the improvements, and having fully and maturely considered the value per arpent along the whole front which it would be just to fix upon the land, value the same at Thirty pounds per arpent, equal to the sum of *Two hundred and eighty-five pounds*, and the improvements thereon being about Twenty eight thousand seven hundred and fifty superficial feet of wharf, at Four pence per foot, equal to *Four hundred and seventy-nine pounds three shillings and four pence*, making together the sum of *Seven hundred and sixty-four pounds three shillings and four pence currency*, which is the value the undersigned concur in fixing.

WM. PHILLIPS.
ROBERT WOOD.

Quebec, 22d October, 1835.

NOTE.—It will be observed that the above award includes the valuation of certain wharves that the arbitrators found on the Beach, amounting to £479 3 4, but as these wharves were built after the date of the Council's Order for surveying the improvements, (July 1834) and which order was not communicated to the parties until April 1835, the Council admitted, at a personal interview with Mr. Bonner, that this sum must be struck out as they did not intend that the parties should pay for any improvements except those that existed previous to the date of their order.

G.

Report of Council, 16th January, 1836.

EXTRACT of a Report made by a Committee of the Executive Council, dated 16th January, 1836, respecting the grant of beach to Mr. Fraser. Approved by His Excellency the Governor in Chief in Council, 6th May, 1836.

The Committee respectfully submit to your Excellency that inasmuch as a Report in Council recommending a grant to Mr. Fraser of the beach in front of his property at L'Ance-des-Mères, was made to your Excellency's predecessor, and as that Report was approved by him and thus become an act of Government of which the party interested received communication and took advantage by proceeding on the faith of it to sue out his Patent in the regular way. The Committee do not conceive that it is competent to them under any practice hitherto obtained in such matters, and without any facts or grounds being before them to reverse at the present time the recommendation made on the former occasion, but inasmuch as the Committee are of opinion that the beach has evidently been undervalued by the *Experts*, according to their Report of the 22d October, 1835, they recommend that the premises be valued at two pence per superficial foot, being the rate at which similar properties have hitherto been estimated in that neighbourhood, and that Mr. Fraser do pay an annual rent to be calculated on the amount of such valuation, at the rate of six per cent.

The Committee having referred to the conditions of the Patent prepared in this case and laid before them by your Excellency, recommend that further condition should in any