

follows: "that such wharf or wharves shall be of a breadth of sixty feet at the least, and shall extend from the line of high water mark to the said line of limit before mentioned and established by the Commissioners to limit the grants of water lots in deep water of the river St. Lawrence."

There is also a particular reserve of a road over the beach. When I say that these clauses are not to be found in other Patents, I mean of similar property, that is, grants of older dates of property in the immediate neighbourhood and elsewhere; they are conditions lately imposed on persons in respect of property particularly situated. I have stated that the condition of the Patent in this case tyed, when fulfilled, will be beneficial to the property on the north side of the blue line above mentioned, it is true that this blue line cuts through several houses which is a detriment to and inconvenient to the proprietors of each portion, but I conceive that the fulfillment of the conditions would add value to both. I am one of a commission appointed by the Provincial Government to point out to the Government what we conceive to be the proper limits for grants into deep water and the conditions include the dimensions of wharves and the mode in which they should be constructed. Although this was recommended, I have known instances in which these conditions have not been exacted by the Government in making grants to their full extent.

RE-EXAMINED.—The difference which exists between the Letters Patent in this case tyed and other Letters Patent containing grants of beach lots near Cap Blanc, that is, in the conditions imposed upon the grantee, and which difference I have above stated, is that it makes the condition more onerous on Mr. Baird, the Defendant, than upon other grantees in the neighborhood, that is in the particulars mentioned in my cross-examination.

No. 3.

JOSEPH HAMEL, Road Surveyor.—I have been Road Surveyor since 1810, previous to which time I performed the duties of a sworn Provincial Land Surveyor. In the discharge of the duty of these offices, I became well acquainted with property in and near the City of Quebec. I performed the duties of Land Surveyor since the year 1822. Being shown the exhibit No. 1, endorsed "Exhibit of the Attorney General" and also the plan endorsed "Exhibit of the Attorney General, No. 2." I can state that I have known the locality or property therein mentioned and described, since my infancy, and before ever Laporte ever had any possession of any portion of this property which is commonly known as Cap Blanc. I have had work to perform in connection with this property both as Land Surveyor and as City Board Surveyor in the years 1810 and 1811. I made the plan of the whole of Champlain street, under the orders of the City Corporation with reference to the widening of that street which runs through the place called Cap Blanc; Cap Blanc itself being within the limits of the City itself. Champlain street is the only road leading up to the Cove, where the principal commercial business of the City is done and is the only great public Queen's highway in that part of the City known as Champlain Ward.

I know the blue line having once traced it in the field at the request of the Defendant. When I first knew this property, it was all beach, there being then only a few scattered huts or shanties placed upon wharves built above high water, and in fact as respects these, some of them were built in the Cliff, having only a small gallery in front of their shanties, on which galleries, people at high water could pass, without which people could not pass unless behind the shanties. Foot passengers had to wait in fact until the tide receded a little before they could pass with any convenience. There was no road then, and the appearance of any track