

he made no remark about there being plenty of room outside of it. However, his evidence in the case was as follows :—

" Q.—Have you measured the land south of this one hundred feet at all, to Bathurst Street ?

" A.—I have not measured it specially.

" Q.—How many feet is there between the prison wall and the fence to the south of the one hundred feet at present ?

" A.—I cannot tell you from memory, but I think there is something like twenty paces ; there would be in the neighborhood of from fifty to sixty feet.

" Q.—Running from Queen Street down to the prison wall, I am told it is clear south of the one hundred feet ?

" A.—Yes, I think so ; there is a large space of vacant ground.

" Q.—Roughly considered, more than one hundred feet in width ?

" A.—Yes, considerably more than one hundred feet.

" Q.—And that land is owned by the Government ?

" A.—It is where the present brick-yards are. From Queen Street to the corner of the prison wall, I should say, would be about 2,800 feet, a little over half a mile.

" Q.—And in that half-mile there is ample space, to the south of this one hundred feet, owned by the Government ?

" A.—Yes, there is plenty of space ; it is just the same land as the rest—the same level.

" Q.—And with fair engineering talent, there is no difficulty in constructing a railroad over that land ?

" A.—It would hardly require an engineer to put a railway there, if you had the land ; all you would have to do is to widen out the rest of the tracks ; it is all the same level."

Mr. WELLS—If you had the land :

Mr. CASSELS—Of course, if you had the land ; and it can be had. We are told here that a conversation was held with Mr. Langmuir about it, and that he objected to the land being taken. This is the only evidence we have of the fact, and it comes after the litigation. But, even to the Central Prison, that takes them two thousand eight hundred feet on their way. The evidence continues :—

" Q.—You see no difficulties at all in constructing a track there ?

" A.—No.

" Q.—Is there any fence blocking up the land between the prison wall and the one hundred feet strip ?

" A.—I am not sure about that ; I rather think there is a wooden fence, but I don't know.

" Q.—Then you go on and there is about fifty or sixty feet south of the one hundred feet strip between the southern fence and the prison wall ?

" A.—Yes ; that space extends you may say down to Strachan Avenue, or nearly so at all events ; of course after you pass the prison wall you come into Central Prison Grounds, where there is a plantation and a garden.

" Q.—After you pass the easterly prison wall, that is the brick wall of the prison, you come then into the prison grounds, which are not fenced off except by the railway fence ?

" A.—Yes.

" Q.—And from Queen Street right down to Strachan Avenue the ground is all open ?

" A.—Yes.

" Q.—And a railway constructed from Queen Street to Strachan Avenue could be laid right down without knocking any fence down ?

" A.—That is my impression, except the fence on King Street.

" Q.—There is no reason why a railway shouldn't be built from Strachan Avenue to the south of this hundred feet ?

" A.—No reason at all, if you had the ground ; I have always understood that the ground to the west of the prison wall belongs to the Government ; the land to the east of the prison wall to