

Well, sir, the order of the Directors, in relation to the lands "which they required," is to be found in a Board Minute of the 23d December, 1851, in the following words:—

"ORDERED. That the Chief Engineer be required forthwith to enter into and upon and to set out and appropriate the necessary quantity of land on the Bay shore, immediately east of the Queen's Wharf, for a Freight Depot, including all necessary accessories for the uses of the Company, and to prepare plans and specifications for the necessary wharves, warehouses and other buildings thereon, to be submitted to the Board as early as practicable."

Immediate possession was thereupon taken of all the land to the south of Front Street, lying between the Queen's Wharf and the west side of Brock Street, produced to what is known as "the Windmill line," Mr Alfred Brunel and myself being personally present and directing the procedure in pursuance of the Board's order above recited.

I contend then that these lands were, on the 23rd December, 1851 (and the date is of some importance), possessed and acquired by the Company under the powers of its Charter, in all due and sufficient form, and with the sanction of the then occupiers and owners of the property, viz., the Imperial Ordnance authorities.

As the claim of the city to any control of or rights in regard to these lands is based solely on a License of Occupation granted to it by the Government of Canada on the 29th March, 1853, it becomes important to note that we entered upon possession on the 23rd December, 1851, and to enquire in whom the title to these lands then was.

Now it is beyond all question that the title of all lands set apart as "Military Reserves" (of which the lands in question indisputably formed part) had always been in the Crown until by the passing of the Act, 7 Vic., cap. 11, (1844), the same were vested in "the Principal Officers of Her Majesty's Ordnance," and all lands set apart for Military Reserves, which had not been disposed of by the Crown previously to the passing of that Act, were then and thereby vested in the said Officers; and they continued so vested until the passing of the Act, 19 Vic., cap. 45, (June 1856), which transferred some of them to Her Majesty's Principal Secretary of State, and vested the remainder in Her Majesty for the benefit of the Province. From 1844, therefore, until June, 1856 the Military Reserves were vested in the Officers of Ordnance, and it was only at the latter date (June, 1856) that the Provincial Government came into any control or authority over them; whilst the Act (19 Vic., cap. 45) which gave them that control expressly declares that the transfer thereby made of the Military Reserves from the Officers of Ordnance to the Provincial Government *shall be subject to all sales, agreements, &c., already entered into with or by the Principal Officers, and specifically and in words reserves the rights of the Ontario, Simcoe, and Huron Railway Company in regard to the lands then occupied by them.*

I contend then that it is indisputable that the title of these lands was in the Crown until 1844: that then, by the Act, 7 Vic., cap. 11, the title passed to the Principal Officers of Ordnance, and that it continued vested in them until June, 1856, when, by the Act 19 Vic., cap. 45, the title again passed (in part) to the Provincial Government, but subject to "all sales, agreements, &c., then already entered into with or by the Principal Officers;" and inasmuch as we entered upon these lands on the 23rd December, 1851, under the powers of our Charter and with the acquiescence of "the Master General and Board of Ordnance," of the Secretary of State and of the Secretary of War (as expressed in the documents I have recited;) that the License of Occupation granted by the Provincial Government to the City on the 29th March, 1853, upon which alone your Corporation rests its claim, had and could have no force or effect in regard to these lands.

But, you will naturally ask, what then was the meaning of this License of Occupation so issued by the Provincial Government? If the title to these lands was not then (March, 1853) vested in the Government, to what lands did they, by that instrument, intend to convey to your Corporation a right of occupation?