

"ORDERED, that the recommendations of the Chief Engineer be hereby adopted, and
 "the proceedings of the Secretary thereon in pursuance of his instructions be con-
 "firmed."

Subsequently to this Mr. Philpotts, Solicitor, was instructed by Board Minute of the 9th Nov.,
 1851, "to proceed forthwith to Montreal and make the best arrangements possible with the
 "respective Officers of Ordnance, in regard to the necessary lands at the Asylum and
 "Queen's Wharf, for the purposes of the Company."

Now, previous to this, and to pave the way for these negotiations, the then President of the
 Company, (the Honorable Henry John Boulton,) had by letter of the 27th October, 1851, notified the
 Board of Ordnance that these lands would be required by the Company. In that letter he made ap-
 plication for "certain portions of the Military Reserve in Toronto, which the Company require for a
 "certain portion of their line, and for convenient sites for Stations, Work-shops, and other
 "appurtenances."

"Your Honorable Board," he says, "will perceive by the Act incorporating the Com-
 "pany that it received the special assent of Her Majesty in Council on 30th July, 1849,
 "promulgated by proclamation in Canada on 29th August, 1849."

"The Clauses relating to the acquisition of property belonging to the Crown or other-
 "wise are numbered 10, 11, 12, 13, and 16, and to which the attention of your Honorable
 "Board is respectfully called."

That then was ample and sufficient notice, from the Company to the Board of Ordnance, of
 an intention to take, under the powers of their Charter, the lands referred to and then vested in that
 Body:—it was a clear intimation that, should the exercise of those powers be necessary—that is to
 say, should the Officers of Ordnance decline to acquiesce in the taking of these lands by the Com-
 pany—the Company would nevertheless take the lands under the authority of its Charter.

But the Officers of Ordnance did acquiesce, and we find that the Lieutenant-General command-
 ing in Canada made a Minute on the 14th November, 1851, on the above application, to the effect
 that the Lieutenant-General commanding has no military objection to the proposed
 "measure, * * * that the value of the land is estimated at £200 currency per
 "acre, * * * that no revenues are derived from it, * * * and that
 "the matter has been sent home for the decision of the Board of Ordnance."

Accordingly, we find that on the 9th January, 1852, the Secretary of the Board of Ordnance,
 in London, addressed a letter to the Secretary of State for the Colonies, recognizing the right of the
 Company to take these lands, and providing for their transfer in the following terms:—"It seems
 "from these reports, (from the Inspector General of Fortifications, the Ordnance Store-
 "keeper, and the Ordnance Solicitor) there is no doubt that under the provisions of the
 "10th clause of the Act to incorporate the Ontario, Simcoe and Huron Railway Company,
 "the Company cannot be considered to have acted illegally in entering the reserve without
 "previous consent, and that the Department can only insist upon compensation in the
 "manner prescribed by the Company's Act, which will be to demand of the Company
 "such a sum as may be considered the fair value of the land taken, and if refused, to
 "have the price fixed by the Chairman of the General Quarter Sessions, and the Justices
 "as provided by the 17th Section of the Railway Act, allowing whatever sum may be so
 "recovered to be paid into the military chest to the public credit, * * * in which
 "proposition the Master-General and Board request the acquiescence of the Secretary of
 "State, and through his Lordship, of the Secretary of War."

Thereupon an order of the Board of Ordnance, dated 2nd February, 1852, was sent to the
 Company, transmitting a copy of the above letter, and approving of the proceedings of the respective
 Officers of Ordnance, at Montreal, under which "the Ontario Simcoe, and Huron Railway Company
 "had taken possession of that portion of the Ordnance Reserve, at Toronto, which they
 "required."