

water frontage in Toronto between Peter Street and the Queen's Wharf, in consideration of their constructing, within a certain time, an esplanade between these two points. This license, however, expressly reserves the claims of the Ordnance Department, the military authorities, and those of the Company. As the Company were then in possession under their charter powers, it is quite clear that the Crown could in no way and did not intend to affect the rights of the Company. It is, however, not necessary to consider this, as the City expressly and deliberately abandoned any intention of attempting to build an Esplanade between Brock street and the Queen's Wharf, on the grounds, as will be seen by the reports of the City Council, that the cost of so doing would be too great, and up to this time the City of Toronto have not expended one single dollar upon the property, while the Company have expended, in filling in and otherwise, between \$300,000 and \$400,000, besides paying to the City annually in the shape of taxes several thousands of dollars. Even therefore supposing that the Company did not possess a statutory title, there is no possible basis upon which the City can set up any claim to be paid for these lands, as allowing that the license of occupation included them which, however, the Company deny, the City have never complied with the license of occupation, and if the Company have still to pay for them the money would have to be paid to the Imperial "military chest to the public credit," or to the Crown. It may be added that by the Esplanade Act of 1853, Sec. 10, it is declared that it shall not apply to or affect any lands or property vested in the principal offices of Her Majesty's Ordnance. It is probably unnecessary after what has already been stated to take notice of the reference in the Credit Valley petition to the award in favour of the City. This supposed arbitration was from the first formally by notice in writing repudiated by the Northern Railway Company, and they paid no attention whatever to it, and the City of Toronto have obtained and have in their possession the opinions of Counsel that the Award is void and utterly worthless.