

An Act respecting the Toronto Esplanade.

WHEREAS it is desirable to amend the Act passed in the Sixteenth year of Her Majesty's Reign, chapter two hundred and nineteen—and the Act passed in the twentieth year of Her Majesty's Reign, chapter eighty.

Preamble.

5 Therefore, Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

I. All matters, claims and demands, between the Corporation of the City of Toronto of the one part, and the respective Water lot owners and lessees of the City of Toronto of the other part—for or in
 10 respect of or in any way concerning the construction of the Toronto Esplanade, and the filling in to the north of the same, and the other works done upon the same—which are mentioned in the Instruments in writing under the said recited Acts, which are required to be served or given by the City Surveyor to the said Water Lot owners and lessees,
 15 or other parties interested—and which are not yet settled between the said Corporation and the said respective parties, shall be referred to and be adjudicated upon by any one or more of the Judges of either of the Superior Courts of Common Law, or of the Court of Chancery, at Toronto, whom the Corporation and the parties in each case respectively
 20 may, with the consent of the said Judge or Judges, agree upon.

Matters yet in dispute may be settled by a Judge or Judges.

II. The reference, if made by consent, shall be by a writing under the seal of the Corporation, and the signature of the Head thereof, and under the hand and seal of the opposite party—and shall be to the effect, that the matters between the Corporation and the party under
 25 the said recited Statutes and this Act—according to the said Instrument of the City Surveyor respecting the said Esplanade, shall be referred to for final adjudication.

How the reference shall be made by consent.

III. If the Judge or Judges cannot be mutually agreed upon, either party may, by a writing stating such fact, apply to the presiding Judge
 30 in Chambers for a Summons, to the other party to show cause why the said Reference and adjudication should not be made to and by the said presiding Judge; and if upon the return of the Summons before the Judge who granted the same, no cause or no sufficient cause be shown thereto, the said Judge shall by an order under his hand direct
 35 such Reference and adjudication between the parties to be had and made to and before himself, and such order shall be the Reference.

And if the parties do not agree.

IV. In case the owner, lessee, or other party be an infant—*non compos mentis*, or under any disability, or be absent from this Province or unknown, and there is no person in this Province known to be legally
 40 authorized to act for him in the matter, upon or to whom a copy of the Instrument made by the City Surveyor could have been or can be

If the owner, etc., be absent or under disability.