

CITY OF TORONTO AND LEAK.

by Cumberland and Dennis, and was dated the 19th of October, 1863. It recited the submission, and awarded "that the corporation of the city of Toronto do forthwith pay to the said John Leak the sum of three thousand and sixty-six dollars, being the value of the land taken from the said John Leak by the said corporation for the purposes of the said esplanade, over and beyond the claim of the said corporation for the building and construction of the said esplanade, the filling in of the said water lot, the increased value of the said water lot by means of the said improvements, as well as the value of the strip of land between high water mark and the top of the bank."

The affidavit of the attorney for the corporation stated:

1. That the claim of the corporation was for the construction of the esplanade across a water lot in the city of Toronto, owned by Leak, and for filling in his lot, and there was also the valuation of lands given by the corporation to Leak, and of lands taken from Leak by the corporation for the esplanade.

2. That one of the principal questions argued before the arbitrators, was the right of Leak to add to the value of the hundred feet of land across the breadth of his lot taken for the esplanade by the corporation the expense of the construction of the esplanade upon his lot, which had been nearly altogether constructed by Leak himself.

3. The affidavit verified a copy of the evidence taken on the arbitration, and the copy of the award served upon the attorney for the corporation by the attorney for Leak.

4. It verified a copy of a letter written by the attorney for the corporation, and stated that it was delivered to one of the arbitrators, (Dennis,) who read the same to Leak's attorney: that Dennis stated that the award was not then made, and afterwards said it was made on Monday, the 20th of October last, (1863.)

5. That the evidence, (as verified,) together with a copy of a grant to the corporation of certain strips of land and water lots in the city of Toronto, bearing date the 21st of February, 1840, and a certificate of the surveyor of the city of Toronto, filed with the affidavit, constituted the whole of the evidence before the arbitrators.