

1855

(60)

## EXTRACT

FROM

### FORTIETH REPORT OF COMMITTEE

ON

### PRIVATE BILLS.

With reference to the Bill to amend the Toronto Esplanade Act, your Committee find that a petition was presented by the Municipal Council of the City of Toronto, in the early part of this session, asking that a Bill should be passed to remove any doubts that might have arisen about the legality of a contract that had been made by the City to construct an Esplanade in front thereof, and to confer further powers in reference thereto, and reciting that the contractors were then actually engaged in the construction of the work under such contract; that a Bill was accordingly introduced, as submitted by the said City, which would have probably been passed in the shape in which it was referred to your Committee, had there not been opposition made to it by certain water lot owners, who were interested in the subject proposed to be arranged by the Bill, that during the latter part of this session, and within the last ten days, a new Bill has been submitted to your Committee, varying very materially from the provisions of the printed Bill, and seeking power to make new contracts in reference to the Esplanade, instead of confirming the contract already made as prayed in the original petition. Against this new Bill, the contractors under the original Act have offered opposition, on the ground that it is not in accordance with the petition presented to your Honorable House, and that it proposes that the City shall enter into new contracts, without any reference to their existing rights, that the City by a vote of Council has attempted to rescind their contract, and declines to reserve their rights under this Bill, and that although they have been willing to withdraw their opposition and give up any future completion of the work under their contract, on provisions being inserted in the Bill that their claims shall be arbitrated upon, the City Council has positively refused to insert such provision; and your Committee being of opinion that the offer made by the contractors is manifestly just as to the new Bill, and that it ought not to be reported on favorably without such provision, and as the City of Toronto had refused to make that concession, and does not now require the Bill introduced on petition, your Committee are constrained to report in the usual way that the preamble has not been proved

9th May, 1855.

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