

MEMORANDUM IN REGARD TO THE GRANTING TO THE CORPORATION OF TORONTO THE RIGHT OF IMPOSING A WATER RATE BY THE LEGISLATURE.

The right of imposing a tax unconditionally, on the inhabitants, has been refused to the Corporation at all times. See an Act to authorize the City of Toronto to erect Water Works, and to levy a Water Rate, *3rd Session* ~~3rd Session~~, *5th Parliament*, 20 Vic. Ch. 81, 1857, wherein are the following clauses to protect the vested rights of the existing Water Works. After granting power to the Corporation to construct Water Works, the 10th Sec. enacts as follows:

X. From and after the completion of the said works, the said Commissioners shall have power to contract with parties willing to take water from them at a rate to be fixed by them, in the same manner as any private company or companies can or may now contract and charge for the same; and when the Water Works now erected and in use in the said City, or any other Water Works that may be erected by any Company now incorporated, shall be required by the said City, or any sums of money that may have been *bona fide* expended or liabilities incurred with a view to the construction of any Water Works by any Company now incorporated, belonging to any such private Company, shall have been acquired by the said City, then the owner and occupier of each and every house, tenement or lot in the said City of Toronto in which the said water shall be used, shall each be liable for the payment of a special Water Rate, to be fixed by the Commissioners, and such Water Rate so fixed shall be a lien upon the said house, tenement or lot, in the same way or manner as other taxes assessed on real property in the said City of Toronto are liens, and shall be collected in like manner if not previously paid to the said Commissioners.

XIX. As soon as the said City of Toronto shall commence the construction of Water Works under this Act, the Works and property of any incorporated Water Company shall be exempt from municipal taxation within the said City.

*lio* The General Municipal Law also specially provides, *for such a case* ~~page 97~~. See Municipal Manual, Vol. 242, Sec. 7. "In case there be any gas or Water Company incorporated for the municipality, the Council shall not levy any gas or water rate until such Council has by-law fixed a price to offer for the works or stock of the Company; nor until thirty days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provision of this Act as to Arbitrators, named and given notice of an Arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company."

NOTE.—With a view of inducing the Corporation of Toronto to acquire the Works, the present proprietor has recently consented to leave the value of them to Arbitrators, agreeing to accept whatever sum should be named by the said Arbitrators, and giving the Corporation the right to purchase them or not. The most eminent and unexceptionable arbitrators were appointed, and they valued them. T. Keefer, Esq., was selected by the Corporation, and Walter Shanly, Esq., by the proprietor of the Works.

*umber* On or about the 19th ~~Sept.~~, 1871, the proprietor of the Water Works was notified that the Committee of Fire, Water and Gas was of opinion it was not advisable at present to purchase the Water Works. This report was adopted by the Council on the 18th December last.