



No. 14.

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1st Session, 5th Parliament, 18 Victoria, 1854.

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**BILL.**

An Act to amend the Toronto Esplanade Act.

**LOCAL BILL.**

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Received and Read, first time, Monday, 18th  
Sept., 1854.  
Second Reading, Monday, 25th Sept., 1854.

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**HON. MR. CAMERON.**

An Act to amend an Act passed in the sixteenth year of Her Majesty's Reign, intituled "An Act conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade."

WHEREAS under and by virtue of an Act of the Parliament of this Province, passed in the 16th year of Her Majesty's Reign, intituled: "An Act conveying to the City of Toronto certain Water Lots with power to the said City for the construction of an Esplanade," the Mayor, Aldermen and Commonalty of the City of Toronto entered into a contract for the construction of the said Esplanade, according to a plan adopted by the Common Council of the City of Toronto, in pursuance of the said Act, on the day of 185 , but doubts have been raised whether under the said Act the said the Mayor, Aldermen and Commonalty of the City of Toronto can legally construct such Esplanade, according to the said plan, and it is expedient to amend the said Act:—Be it therefore enacted, &c. that,—

Preamble.  
16 Vic. c. 219.  
Contract made by Corporation.

I. It shall and may be lawful for the said the Mayor, Aldermen and Commonalty of the City of Toronto to construct the said Esplanade according to the plan mentioned in the Preamble to this Act, and for the purpose of constructing the same, to enter upon all water lots and premises in front of the said City of Toronto, upon, over or through which the said Esplanade, according to the said plan, shall pass, whether the same be held by lease under the said the Mayor, Aldermen and Commonalty of the City of Toronto, or by patent from the Crown, or otherwise howsoever, and take and to appropriate so much thereof as may be required for the said Esplanade, and by their officers, servants and contractors to erect, build, and construct the said Esplanade according to the said plan, and in the course of the construction thereof, to make such alterations and improvements in such plan as by the Common Council of the City of Toronto may be deemed requisite, and may be by resolution thereof adopted. Provided always that reasonable satisfaction be made to the owner or owners, lessee or lessees, occupier or occupiers, of the said water lots or premises over, upon, or through which the said Esplanade shall be constructed, for any damages he, she, or they may sustain in or by the construction thereof. And in case the said owner or owners, lessee or lessees, occupier or occupiers shall not be satisfied with the amount which shall be offered for such damages, he, she, or they shall forthwith give notice thereof in writing to the Chamberlain of the said City of Toronto, and in such notice shall name a person to act as arbitrator for him, her or them in the premises, and the said the Mayor, Aldermen and Commonalty of the City of Toronto shall, within ten days after service of such notice, appoint a person to act as arbitrator for them, and the two arbitrators so named shall, within one week thereafter, nominate a third person, and such three persons, or a majority of them, are hereby authorized to ascertain and assess the sum or sums of

Corporation may construct the Esplanade according to the said contract and the plan referred to in it.  
And may take all requisite lands.  
Provido : reasonable compensation to be made.  
Arbitration, if the Corporation and owners do not agree.

Rules to be observed in estimating compensation.

money to be paid by the said Mayor, Aldermen and Commonalty of the City of Toronto for the said damages, and shall, in estimating the amount of such damages, take down in writing the evidence upon oath of such witnesses as may be brought before them to give evidence touching the matters in controversy, which oath the said arbitrators, or any of them, are hereby empowered to administer, and shall also take into consideration any damage or inconvenience, as well as any advantage or convenience which may accrue or arise to the respective owners, lessees or occupiers of the said water lots or premises, as well by the construction of the said Esplanade as by the conveyance to them of the strips of land between the top of the bank and water's edge and the pieces of land covered with water in front of their said respective lots, according to the provision of the said letters patent, and the value thereof; And the decision of such three persons, or the majority of them, reduced to writing under their hands and seals, shall be final and conclusive between all parties whomsoever, and the amount so assessed shall be paid or satisfied to the party or parties respectively by the said the Mayor, Aldermen and Commonalty of the City of Toronto, in debentures to be issued as hereinafter is provided, at par, or in money, at the option of the said Mayor, Aldermen and Commonalty of the City of Toronto within

Award, how to be made, &c.,

Payment of Corporation.

Proviso : Award may be set aside for cause.

after such decision shall be made as aforesaid : Provided always, that such award may be set aside on application to any of the Superior Courts, on the same grounds as any award between party and party may be set aside.

If the sum mentioned in the amended Act be insufficient, a further sum may be raised, and how.

II. In case the sum of £120,000, provided for in the Act above mentioned, shall not be found sufficient to construct the said Esplanade and make compensation for damages, as is hereinbefore provided, it shall and may be lawful for the said the Mayor, Aldermen and Commonalty of the City of Toronto, notwithstanding any Act of the Parliament of this Province to the contrary, to pass a By-law to raise a loan or loans of money sufficient to meet the whole expense of constructing the said Esplanade together with the said damages, and to issue any number of Debentures (payable as in the said Act provided) which may be requisite and necessary therefor—which said By-law, as well as the By-law to raise the said sum of £120,000 authorized by the said Act, and all debentures issued thereupon, shall be valid and effectual for such purpose, immediately on the passing thereof and the issuing of the said debentures, to all intents and purposes whatsoever. And the Esplanade Rate imposed by the said Act to form a sinking fund for the redemption of the debentures therein mentioned, shall apply to all debentures issued under this and the said recited Act to pay for the construction of the said Esplanade and damages as aforesaid. And the special rate imposed by the third Section of the said in part recited Act, shall be chargeable upon all holders of water lots, whether the same be held by them under lease from the Mayor, Aldermen and Commonalty of the City of Toronto, or by Patent from the Crown, or otherwise howsoever.

Esplanade Rate to apply to Debentures under this Act.

Special Rate to be chargeable on certain lots, without exception.

Corporation to dispose of strip of land mentioned in Sect. 8 of amended Act, &c.

III. So soon as the space or strip of land mentioned in the eighth section of the said in part recited Act shall be surrendered to the said the Mayor, Aldermen and Commonalty of the City of Toronto as is provided by the said Act, the said space or strip of land heretofore mentioned, together with all the strip of land vested in the said the Mayor, Aldermen and Commonalty of the City of Toronto, under the said license of occupation mentioned in the said in part recited Act, and dated the twenty-ninth day of March, 1853, shall be absolutely vested in the said the Mayor, Aldermen and Commonalty of the City of Toronto, with power to sell and dispose of the same in such way as the Common Council of the City of Toronto shall by

resolution direct, the proceeds thereof, together with all rents, profits and emoluments, that may hereafter arise or be received from all water lots vacant at the time of the passing of this Act, held or owned by or in any way vested in the said the Mayor, Aldermen and Commonalty of the City of Toronto, as well as arising from the strips of land in the said license of occupation mentioned, and all the rents, issues, profits and emoluments which may arise or be derived from any vacant land south of Front Street, which may at any time hereafter be vested in the said the Mayor, Aldermen and Commonalty of the City of Toronto, shall be appropriated in the first place in liquidation of the Debentures issued under this Act, and the said recited Act and the interest thereon in the same manner as is provided for the appropriation of the said present rate by the sixth section of the said recited Act, (and the Chamberlain of the said City shall account for the same accordingly,) and after the said debentures and interest are fully satisfied, to the general uses of the said City of Toronto, or in such manner and to such purposes as the said Common Council of the City of Toronto may from time to time by resolution direct: Provided always, that in case any of the owners or lessees of the said water lots, shall be willing to accept and receive any part or portion of the said several pieces, strips or parcels of land referred to in the seventh and eighth sections of the said Act and hereinbefore vested in the said the Mayor, Aldermen and Commonalty of the City of Toronto, in satisfaction of any claim for damages incurred by the construction of the said Esplanade, in lieu of money compensation as hereinbefore provided, it shall and may be lawful for the said the Mayor, Aldermen and Commonalty of the City of Toronto, to convey the same to such owner or lessee in satisfaction of the said damages, should the Common Council of the said City of Toronto deem it expedient, and by resolution of Council direct the same to be done.

Proceeds thereof, Rents of Water Lots, &c., appropriated to pay off Debentures issued under this and the amended Act.

And after they are paid, to the general purposes of Corporation.

Proviso: parties may, with consent of Common Council, have certain strips of land as compensation.

IV. Notwithstanding anything in this or the recited Act contained, it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City of Toronto to redeem and pay off all or any of such debentures so issued as aforesaid, as sufficient funds come to the hands of the Chamberlain of the said City, applicable to the payment of the said debentures as aforesaid, upon six months notice in writing of the resolution to pay off the same being given to the holder or holders thereof by the said Chamberlain; and the Mayor, Aldermen and Commonalty of the said City shall and may, after the payment of any such debenture or debentures, by any By-law or By-laws to be from time to time passed for that purpose, equalize the said Esplanade Rate so that the same shall and may be proportioned to the amount of debentures from time to time remaining unpaid, and such substituted rate shall be imposed and levied, as in the second section of the said recited Act mentioned, over and above all others rates as therein also mentioned.

Corporation may call in Debentures, giving certain notice to holders.

Reduction of rates as Debentures are paid off.

V. This Act shall be held to be a Public Act.

Public Act.