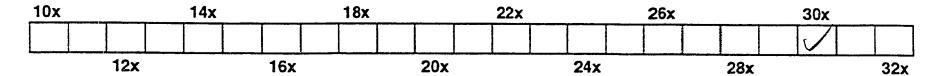
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4th Session, 6th Parliament, 24 Vic., 1861.

BILL.

An Act Respecting the Toronto Esplanade.

(PRIVATE BILL.)

Received and read, first time, Thursday, 2nd May, 1861.

Second Reading, Saturday, 4th May, 1861.

Mr. Morrison.

QUEBEC:
PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULB STREET.

An Act respecting the Toronto Esplanade.

WHEREAS it is desirable to amend the Act passed in the Sixteenth Preamble.

year of Her Majesty's Reign shorter to the Sixteenth Preamble. year of Her Majesty's Reign, chapter two hundred and nineteenand the Act passed in the twentieth year of Her Majesty's Reign, chapter eighty.

- 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 Matters yet 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.

may be set-Judge or

II. The reference, if made by consent, shall be by a writing under How the refthe seal of the Corporation, and the signature of the Head thereof, and be made by under the hand and seal of the opposite party—and shall be to the consent. 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.

III. If the Judge or Judges cannot be mutually agreed upon, either And if the party may, by a writing stating such fact, apply to the presiding Judge parties do not 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.

IV. In case the owner, lessee, or other party be an infant-non It the owner, compos mentis, or under any disability, or be absent from this Province etc., be abor 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

served or sent, or upon whom the notice of application for a Reference can be served or sent, then the Judge in Chambers, upon the notice in writing of the Corporation under the Corporation Seal and signed by the Head thereof, and upon an affidavit of the facts as aforesaid, shall make his order of Reference and adjudication, which shall be as binding 5 to all intents and purposes as if made upon the hearing of the other party, and as if such party had been under no such incompetency or disability.

Proceeding exparte in case of default to appear.

V. The Judge shall fix the time and place for the parties and their witnesses to appear before him; but if for any of the causes aforesaid, 10 the owner, lessee, or party interested cannot be notified to attend or cannot attend, the adjudication shall proceed ex parte-with all due consideration for the party not represented, and the Reference and adjudication so held and made shall, notwithstanding such absence of the party, be as final and binding as if the party had been actually 15 notified and present.

Parties may

VI. The Judge shall have power to administer an eath to all witbe examined, nesses produced before him, and the parties may be examined as witnesses.

Award, how made.

m VII. The award shall be by an Instrument in writing under the hand 20of the Judge or Judges who made the adjudication.

Award not subject to formal objections and amendable.

VIII. The award need not be in any particular form, nor shall it be subject to any exception whatever for any alleged irregularity or want of form; and all objections of substance to the same shall be amendable and be amended at any time by the Judge who made the award on the 25 application of the parties or of either of them, or by any of the said Courts, in like manner as a Judge's order may be amended.

Re-hearing.

IX. If it be necessary for the Justice of the ease that the same should be reheard or re-opened, the Judge who made the award may order such rehearing at any time within one month from the making of 30 the award, but not afterwards.

Acta to apply.

X. The said recited Acts shall apply in all cases when not inconsistent with this Act.

Term "Esplanade," how construed.

XI. The term "Esplanade," in the recited Acts and in this Act, shall for the purposes of Reference, adjudication and settlement, ex- 35 tend to and include not only the Esplanade proper, but the filling in to the north of the same, and all and singular other the works done upon the same or either of them, or included in the said Instrument of the City Surveyor.

Public Act.

XII. This Act shall be deemed a Public Act.

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