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No. 309.

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to convey to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade.

Received and read a first time, Tuesday, 22nd
March, 1853.

Second reading, Wednesday, 23rd March, 1853.

MR. RIDOUT.

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653.

1852-3.]

BILL.

[No. 309.]

An Act conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade. *(see also next Bill)*

WHEREAS, by Letters Patent, under the Great Seal of the Province of Upper Canada, bearing date the twenty-first day of February, in the year of our Lord, one thousand eight hundred and forty, certain water lots or tracts of land covered with water, and certain parcels or slips of land situated between the top of the bank and the water's edge of the Bay, situated in the said City of Toronto, adjoining to the said water lots, were under the direction of an Order in Council of the 17th August, 1837, granted to the Mayor, Aldermen and Commonalty of the said City of Toronto, and their successors for ever, upon trust, to lease the said water lots, or apply them to and for the public purposes of the said City, as the Common Council of the said City of Toronto, from time to time might think fit to order or direct And upon the further trust that within three years from the time the said City of Toronto should occupy any of the said water lots for the uses of the said City, or lease the same, an Esplanade of one hundred feet in width, of such materials and plan as the said City of Toronto, by Act of Common Council, might order and direct, should be erected and built in front of the said lots by the said City, or the lessees of the said lots respectively, at the place designated by the letter O, upon a plan of the said City and water lots annexed to the said Letters Patent, and upon the further trust, that so soon as the proprietors of such water lots, in front of the said City of Toronto, as had been granted previously to the date of the Letters Patent hereinbefore in part recited, should comply with the terms of the said Letters Patent, and build the said Esplanade in front of their respective lots, according to the said plan adopted by the said City of Toronto, and in the place designated on the map annexed to the said Letters Patent, to convey to such proprietors the pieces of land and water lot adjoining to their respective lots, as by the said Letters Patent, and the map annexed thereto, is provided and described; And whereas most of the said water lots so granted to the said City of Toronto, have been leased by the said City, and the said leases contain a covenant on the part of the lessees, to build the

Preamble.

said Esplanade within the time in the said Letters Patent mentioned, and according to the plan adopted by the Common Council; And whereas, the Corporation of the City of Toronto have, by their petition, prayed that authority may be given to the Common Council of the said City to erect the proposed Esplanade in front of the said water lots, according to the conditions of the said Letters Patent, and the leases to the several tenants thereof, and to issue Debentures for the payment thereof, payable within twenty years, redeemable by an annual rate to be levied on such holders of the said water lots, whether freehold or leasehold, as are unwilling or unable to make their respective portions of the said Esplanade at their own expense, within twelve months from the first day of January, one thousand-eight hundred and fifty-three; And whereas, it would greatly conduce to the prosperity and health of the said City of Toronto, that such Esplanade should be forthwith built, and it is advisable that the prayer of the said Petition be granted; Be it therefore enacted, &c.,

Corporation may contract for building the Esplanade, &c.

That it shall and may be lawful to and for the said City of Toronto to enter into any contract or contracts with any person or persons who may be willing to undertake the same, to erect and build the said Esplanade of such materials, and according to such plan as the Common Council of the said City of Toronto may have adopted, or may hereafter adopt regarding the same, according to the provisions of the said Letters Patent.

Corporation may borrow money to build the same, and levy a special rate.

II. And be it enacted, That notwithstanding any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the said City of Toronto to issue any number of Debentures, payable in this Province or elsewhere, in sums of not less than twenty-five pounds, which may be requisite and necessary to raise the amount required to build the said Esplanade, payable in twenty years from the respective dates thereof, and for the purpose of redeeming the same, it shall and may be lawful to and for the Common Council of the said City of Toronto, to levy an annual special rate over and above all other rates, upon the several and respective owners of the said water lots, whether the same be held in freehold or leasehold.

Duty of the Chamberlain.

III. And be it enacted, That it shall be the duty of the Chamberlain of the said City of Toronto for the time being, to keep a special account of the said Debentures, and to carry the amount received by him arising from the special rate so to be imposed as aforesaid to such account, and to appropriate all and every the sum and sums of money received by him on the said account solely to the liquidation of the principal and interest of the said Debentures.

IV. And be it enacted, That so soon as the said Esplanade shall be completed in the manner above mentioned, the said City of Toronto shall forthwith convey to the several and respective owners of the said water lots entitled to the same, under the said letters patent, the several and respective pieces, parcels and strips of land set forth and described by the said Letters Patent, and designated by the map or plan thereto annexed: Provided always, that it shall and may be lawful for any of the owners, proprietors or lessees of the said water lots, to erect and build that portion of the said Esplanade, fronting upon or crossing their said respective premises, upon giving notice in writing to the Chamberlain for the time being of the said City of Toronto, within two months after the passing of this Act of his and their intention so to do, and erecting and building and completing the same, according to the conditions of the said Patent, and the said map and plan, within one year from the passing of this Act; And the said special rate authorized to be levied by this Act, shall be rated, imposed and assessed upon such only of the said owners, lessees and proprietors of the said water lots as shall neglect to give the said notice, and refuse to erect and build the said Esplanade as aforesaid.

Conveyance of lots to the proper persons according to the Trust in the Patent.

Proviso.]

Proprietors build the Esplanade themselves.

V. And be it enacted, That when and as soon as the Honorable John Beverly Robinson, Chief Justice, the Honorable William Allan, and George Cruikshank, Esquire, surviving trustees for certain land on the top of the bank of the Bay, lying between the old Government House, now the site of the Gaol, and Peter Street, in the said City of Toronto, shall have surrendered up and reconveyed the same to Her Majesty, as is contemplated by the said trustees, the said Governor of this Province, by Order in Council, or otherwise, may, and is hereby empowered, to transfer and convey the said land to the said City of Toronto, upon the same terms and conditions as are expressed in the said grant to the Trustees aforesaid; and the said City of Toronto shall have power by this Act, either to make the public walk contemplated in the original grant to the Trustees aforesaid, or to continue the Esplanade aforesaid through and in front of the said land, or make such other improvements upon it, for public purposes, as the said City, by its Mayor, Aldermen, and Commonalty may from time to time deem meet; the said City of Toronto being empowered by this Act to defray the expense of such last mentioned improvements by the issue of Debentures, payable in this Province or elsewhere, and for such separate amounts and payable at such times as the Common Council of the said City may determine at the time of their issue.

Esplanade to be made on certain other land, after surrender thereof and grant to the City.

VI. And be it enacted, That all documents, securities, or Debentures, *bonâ fide* executed or issued before the passing of

Certain instruments confirm-

ed notwith-
standing any
misnomer of
the Corpora-
tion of To-
ronto.

this Act, by, or to the said Mayor, Aldermen and Commonalty of the said City of Toronto, in the name of the said City of Toronto, or in any other form of words designating the same, and to which the Corporate Seal of the said City has been *bonâ fide* affixed, shall be good and valid, notwithstanding any variation in the use of the Corporate name of the said City in such instruments from the form of words prescribed by the Upper Canada Municipal Corporations Act of 1849. 5

Government
may grant the
Peninsula and
marsh to the
Corporation.

VII. And whereas the said Corporation of the City of Toronto now hold under a license of occupation from the Crown, under date the twelfth day of January, 1847, the Peninsula in front of the said City, and also the marsh adjoining the said Peninsula to the eastward of the Bay in front of the said City, and being desirous to improve the said Peninsula, and to reclaim the said marsh, had expended large sums of money in surveying the same, and have laid out the said Peninsula in roads and streets, with a view of leasing the same to individuals, and have also entered into a correspondence with, and adopted a resolution to co-operate with, the Harbour Commissioners to carry out any measures that may be adopted for the benefit and improvement of the harbour by the construction of a Canal across the said Peninsula, or by such other means as may be found necessary; Be it therefore enacted, That it shall and may be lawful for the Government of this Province by an Order in Council, or otherwise, to grant to the said City of Toronto the said Peninsula and Water Lots in front of the said City, and also the marsh to the eastward of the said Bay (commonly known as Ashbridge's Bay) upon such terms and conditions as the Governor and Council of this Province may think fit. 10 15 20 25

Debentures
may be issued
for intended
improve-
ments.

VIII. And be it enacted, That in order to carry out any necessary works in reclaiming the said marsh, or in making the improvements in the said harbour, and in the leasing of the said Peninsula, the said Corporation are hereby authorized to raise, by debentures or otherwise, such sum or sums of money, as may be required upon the securities of the said works, which debentures, shall be made payable at such time or times, and such place or places, as is provided for in the second clause of this Act. 30 35

Public Act.

IX. And be it enacted, That this Act shall be a Public Act.