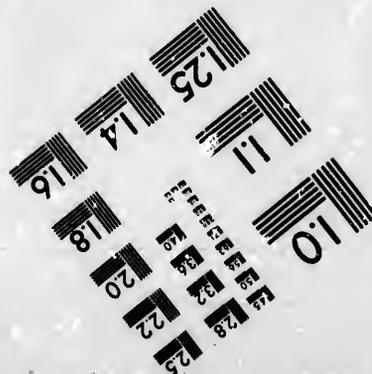
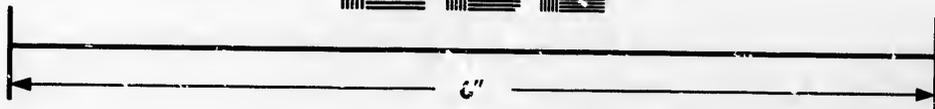
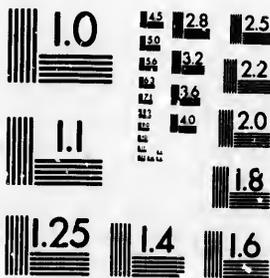


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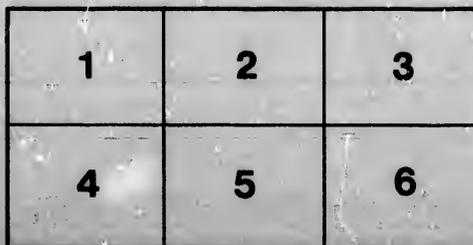
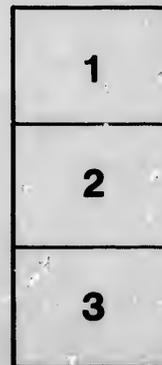
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THE

Montreal

VIADUCT, ESPLANADE

AND

DON IMPROVEMENT

QUESTIONS.

LETTER

From the PRESIDENT of the

CANADIAN PACIFIC RAILWAY CO.

TO THE

MAYOR OF TORONTO.

THE VIADUCT.

Engineer Wellington Says that Two Tracks Will Be Sufficient.

Engineer Wellington has furnished the board of trade committees with a supplementary report on the viaduct scheme, dealing with the engyc-tion contained in the citizens committee's report that a double track instead of a four-track viaduct would afford sufficient facilities for all probable traffic, and with the contention of Sir Joseph Hickson, that the elevation of the rails would entail such operative inconveniences that the Grand Trunk would not only be unwilling to pay a rental for the use of the viaduct, but would demand compensation from the city for running their trains over it. Mr. Wellington says:

"There is always a certain convenience in the conduct of traffic in having an abundance of main tracks, with the contravening disadvantage of having to lose the interest on the cost of all tracks which might be dispensed with. In view of this fact, and of the resulting preference among all railway officers for ample track facilities, even if not strictly essential, and in the belief that the benefits of a viaduct would be so great that the difference between the cost of a two-track and four-track viaduct would be of minor moment, this whole question of whether a two-track viaduct would suffice or not was waived in the preparation of my original report on the Esplanade question, and I presume by Messrs. Gzowski and Shanly and by Messrs. Cunningham and Sankoy, by all of whom it was assumed without discussion that a four-track viaduct was to be constructed. After the further investigation of the whole question which I have been requested to make, I find myself still of the same opinion, to the extent of the conclusion reached in the subsequent conferences of engineers, which have been made the basis of the report of your committee, that is to say: I deem that it would be injudicious to construct a two-track viaduct without designing it in such way that it could be readily extended into a four-track. But this is easily done without any very great increase in the cost of the two-track viaduct; and, with this proviso, I have to report, as the result of my investigations, what indeed I was well satisfied of from the first, that there will be no real difficulty nor sensible increase of expense in handling the traffic which is "in sight" for many years ahead over a two-track viaduct properly equipped with interlocking block signals.

"This results from the fact that the total traffic entering Toronto is not a large one, nor even a considerable one, measured by that handled at various American and English cities over two tracks only. Thus, at the Market street station of the Pennsylvania railroad there are 211 regular passenger trains per day arriving at the station, some of them in two or three sections; and 210 trains per day departing, all over two tracks. At Toronto there are only 51 trains arriving and 50 departing, about 40 of these only arriving at and departing from the Union station, and that over four tracks, two to the east and two to the west. It is apparent that to make a proper comparison of a station like the Philadelphia and most of the New York stations, approachable from one direction and over two tracks only, with a station like that of Toronto, approachable in two directions, each with two tracks, we must consider the two approaches separately for a purpose like our present one, to see what traffic can be properly handled over two tracks in the approach to the station. Doing this, we have the following comparison:

	Ar.	Dep.
Trains over two tracks at Philadelphia.....	211	210
Trains over two tracks at Toronto from west.....	36	34
Trains over two tracks at Toronto from east.....	15	16

It is this last traffic only (perhaps double after construction of the viaduct, and with the freight traffic not yet considered) which it is proposed to carry over two tracks for a distance of about a mile. For the traffic westward four tracks are proposed. At Philadelphia fourteen times as many passenger trains are handled over two tracks for a nearly equal distance. It is true that the Toronto passenger traffic may be more than doubled after the viaduct is constructed, and that there is the freight traffic also to pass over it; but in view of the fact that the Pennsylvania railroad is now handling over two tracks 195 more trains than the fifteen passenger trains which are "in sight" for viaduct traffic, it is evident that a heavy regular and switching traffic of say 50 freight trains daily (much more than exists) could be accommodated, and yet leave ample room for indefinite expansion of passenger traffic before the real capacity of a double track is exhausted.

"To deny that a two-track viaduct will not suffice for present traffic is to deny that over a four-track viaduct would suffice for more than the present traffic. To state such a proposition is to disprove it, the total Toronto traffic freight and passenger together, and Canadian Pacific and Grand Trunk together, being not one-train of that passing over the four tracks of the New York Central.

Mr. Wellington says that there seems to be no doubt that the proposed freight yard facilities are ample. He had seen no reason to cause him

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THE
VIADUCT, ESPLANADE
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From the PRESIDENT of the
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TO THE
MAYOR OF TORONTO.

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CANADIAN PACIFIC RAILWAY CO.,

MONTREAL.

23rd January, 1890.

To His Worship

THE MAYOR OF TORONTO.

SIR,—

Early in 1885, or nearly five years ago, the Canadian Pacific Company took definite steps towards securing an independent entrance to Toronto and independent terminal facilities on the city front. The first step consisted in the purchase of ground for station purposes, and before the close of 1885 a considerable portion of the ground between York and Yonge Streets, south of the Esplanade, had been acquired.

On the 1st April, 1886, the Company's plans were completed and fyled, and during that year nearly all of the remaining property between York and Yonge Streets was acquired, together with a large part of the right of way from York Street eastward.

The plans of the Company have remained practically without change from that time to this. These plans were exhibited to Mayor Howland, to many of the members of

the City Council, to many of the leading members of the Board of Trade, and to a large number of the prominent citizens of Toronto early in 1886, and no objection was made to them from any quarter; but, on the contrary, they seemed to meet the unqualified approval of everybody.

It was the intention of the Company from the beginning to carry out the work on its station grounds between York and Yonge Streets in a very handsome and substantial manner—in a manner that would reflect credit upon itself and so that its works should be such as the City as well as the Company might be proud of. The Company was, therefore, anxious from the outset to guard against the erection of unsightly structures between its station buildings and the water front; to guard against this water front being used for the storage of coal, timber, cordwood and similar purposes, and to avoid the risk of being cut off from the lake view by such structures and accumulations as have disgraced the city front for so many years. It could only make itself safe in this respect by acquiring an absolute title in all the property between the streets named.

This involved a large expenditure of money, for which some return might reasonably be expected from wharfage privileges. It was, and is, the plan of the Company to limit the use of these wharves mainly to ferry boats and passenger steamers—at all events, not to permit them to be used for any unsightly purposes, or for the erection of any unsightly structures that would either obstruct the view or disfigure the lake front.

In making its plans the Company has always kept in view the importance to the City of direct and free access to the water front, without the necessity of crossing rail-

way tracks at grade. That these plans, if carried out, will afford such access to the water front can hardly be disputed.

The plans and operations of the Company were frequently discussed with the Mayor, the City Engineer and different members of the City Council, and the utmost publicity was given to them, as the columns of the city press will bear witness. Indeed, the plans were described in full in the Toronto newspapers as early as May, 1886, and the *Daily Telegram* at that time illustrated them with elaborate engravings. Hardly a voice was then, nor for nearly three years thereafter, raised against the plans, either as to their efficiency or desirability.

The Company proceeded steadily with its work, and, as will be shewn further on, had the hearty support of the City authorities and of the Board of Trade in all questions coming before Parliament and the Railway Committee of the Privy Council relating to it; and in April, 1888, nearly two years ago, through the intervention of Your Worship, Alderman Carlisle, Alderman McMillan and the City Solicitor, an agreement was brought about between the Grand Trunk and the Canadian Pacific Companies, that seemed to remove the only obstacle in the way of the complete realization of the plans of the latter; and this agreement, judging from the opinions of all the city newspapers, seemed to meet with general approval.

The plan upon which the agreement was reached at that meeting in Montreal in April, 1888, and which agreement was assented to by Your Worship and all those who were there with you representing the City, is precisely the same in every particular that the Company is still seeking to carry out.

When the Montreal agreement came before the City Council for ratification, its consideration was prevented by injunction, but this injunction had no relation to the merits of the plan. It was not until after the plans of the Company had been well known in Toronto for nearly three years, nor until the Company had expended a million dollars towards carrying them out, that any opposition to them developed. Under these circumstances, I feel justified in urging upon Your Worship that, even if some other plan should be found at this late date to suit the City better, Toronto is bound in good faith and honour not only to permit the completion of the Company's work but to assist, in every reasonable way, in carrying it out.

The Company has been earnestly desirous of standing well with the people of Toronto, and when the opposition to which I have referred was manifested, although it was looked upon as factious, the work of the Company was suspended as far as possible in order that due consideration might be given to any new plan that might be proposed on the part of the City, and that the difficulties in the way of an alternative plan might not be increased.

All the discussions of alternative plans seem to have resulted in the recent report of a committee, appointed by a Joint Committee of the City Council, the Board of Trade, the Citizens' Association, the Harbour Commission and the Trades and Labour Council, recommending amongst other things, a high level viaduct along the Esplanade, which report has, I believe, been laid before the City Council, and is shortly to be submitted for adoption.

Before discussing the question of cost, permit me to say that the recommendation of the Committee substituting

a two-track viaduct for the four-track structure recommended by Messrs. Gzowski, Shanly and Wellington (and also by Messrs. Cunningham and Sankey) cannot possibly be accepted by the railway companies.

The report assumes that to be practicable which is not practicable, viz. : that all the eastern trains of the Grand Trunk and Canadian Pacific Companies, all the shunting of the Grand Trunk Company to and from its York and Don yards, and all the shunting of both Companies to and from the Don Improvement, as well as a suburban train service of indefinite extent, can be handled over two tracks. Such a thing could not have been suggested by anybody having any experience whatever in railway working. Theory and practice are wide apart in this matter.

My calculations have, therefore, been based on four tracks throughout, as recommended by the engineers.

The estimates contained in the report relate only to structural work. The report is silent as to that most important matter, land damages. It is also silent as to compensation to the Grand Trunk and Canadian Pacific Companies for so much of their property as is proposed to be taken, and this, in the case of the Grand Trunk at all events, will surely be a formidable item; and the report overlooks or ignores a great many other important items that will certainly add to the expense.

I have gone over the estimates for structural work with our Chief Engineer, Mr. Peterson, and our Constructing Engineer in Ontario, Mr. Jennings, both of whom have had large and very recent experience in carrying out similar works. We are unable to make the cost of the structural work involved in the four-track viaduct scheme less than \$4,332,000, exclusive of the passenger

station ; and in this we have allowed only 10 per cent. for contingencies—an allowance usually found far too low. Adding \$500,000 for the passenger station (as estimated by Messrs. Gzowski, Shanly and Wellington for a station on the Parliament grounds) would bring the structural work up to \$4,832,000 ; but a passenger station of the dimensions named in the report could not be built in suitable style on the site now proposed for the amount estimated for one on the Parliament grounds, and it would be unsafe, therefore, to estimate the total structural work at less than \$5,000,000.

Now as to land damages. The value of the land required for the west approach and for the passenger station and for right of way between Simcoe and York streets is, according to Whitney & Sons estimate, \$276,940.

The four-track viaduct would occupy the entire width of Mill Street and the damage to property on the north side of the street would therefore nearly equal its entire value at expropriation prices. A moderate estimate would be.....\$100,000

And the damages to the Gooderham & Worts and Grand Trunk properties on the south side of the street must be estimated at not less than.....\$50,000.

In connection with this item it should be remembered that when the Canadian Pacific Company was expropriating its right of way along the north side of Mill street the damages to the Gooderham & Worts' property was sworn to before the arbitrators at over \$100,000.

The removal of all tracks from Esplanade street, between York and Berkeley streets, as recommended by the Committee, is, of course, a necessary incident of the viaduct scheme. To spend such an enormous sum of money and leave Esplanade street as it is, would be the

supremest folly. The removal of these tracks will, however, be a costly matter. The owners of the property on the south side of Esplanade street have vested rights of great value, namely, the right to have sidings from the Grand Trunk and Canadian Pacific railways into their respective properties.

The Esplanade agreement between the City and the Grand Trunk Company, 19th April, 1865, provided :—
 “That any person or persons owning or leasing a wharf
 “ or wharves south of Esplanade street may, at any time,
 “ lay down and construct from the south side of the Grand
 “ Trunk a siding or switch and connect the same with the
 “ southerly track of the Grand Trunk Railway.”

And the Canadian Pacific Company in purchasing its right of way along the south side of Esplanade street was obliged, in the case of almost every lot, to enter into binding covenants with the owners for siding facilities. Each owner or tenant, therefore, from Yonge to Berkeley street, will have a claim for damages if these siding facilities are destroyed. What the aggregate amount of such damages would be at expropriation prices is, of course, a mere matter of conjecture, but having recently acquired some knowledge of the value which these owners place upon their siding facilities, and guided to some extent by the amount which the Canadian Pacific Company had to pay for its right of way from Berkeley to Yonge street, and knowing something of the process by which damages are inflated in expropriation cases, I do not think it would be safe to estimate the aggregate damages under this item at less than.....\$250,000.

The right of way required for the viaduct from Mill street to a junction with the Canadian Pacific right of way near Eastern avenue is estimated by Whitney & Sons at.....\$80,000.

Then the Canadian Pacific would have to be reimbursed for the amount paid for the right of way for its Don Branch from Yonge street to Eastern avenue, and for the amount expended towards construction on this right of way, and for interest.

Also for the interest on the cost of the property between York and Yonge streets, and for the amount expended in clearing and improving the property, and all other expenses in connection therewith.

As to how the proposed freight station grounds west of York street are to be secured to the Canadian Pacific Company the report is silent. The Company could not part with its grounds east of York street without a clear title to the proposed grounds west of it and without proper compensation for the difference in value of the property exchanged and for the extra cost of handling all its traffic in a yard accessible only from the west and for the extra tolls payable to the Grand Trunk Company—all cars reaching the yard from the west being subject to such tolls. The cost of the property that would have to be acquired would be large and the property east of York street is far more valuable than that west of it for any purpose. What the total cost of the exchange would be cannot easily be estimated.

And then the Grand Trunk Company would have to be compensated for right of way for the viaduct through its Nipissing Yard, for the Northern Station at the foot of West Market street and for the Great Western Station at the foot of Yonge street. I am unable to estimate for these.

The Grand Trunk would also have to be reimbursed for its present freight sheds, say.....\$35, 000, and for the cost of temporary accommodations for its freight traffic during construction and for the extra cost of hand-

ling its traffic during that time. This item cannot well be estimated, but it will be no small one.

Aside from any question of compensation to the Grand Trunk Railway Company for extra haul of freight or the extra shunting resulting from the viaduct scheme, there are two very important matters that would have to be adjusted with that Company as to the cost of which I can hardly form even a conjectural estimate, viz :

1. The proprietary rights of that Company on the Esplanade between York and Berkeley streets, the possession of which enables the Grand Trunk Company to practically control the street delivery of freight in Toronto. [The Canadian Pacific Company paid about \$200,000 for a strip 28 feet wide from Berkeley to Yonge streets, a strip less than half the width of that occupied by the Grand Trunk Company on the Esplanade, and affording no unloading facilities whatever].

2. The special value of the Grand Trunk local freight and passenger facilities—the special value of its position in Toronto. It cannot be expected that the great advantages enjoyed by the Grand Trunk Company in this respect will be surrendered without ample compensation. It is not easy to estimate the value of such advantages but some idea may be formed of it in this case from the fact that the Canadian Pacific Company would be glad to complete its proposed local freight and passenger facilities on the Lake front, and exchange them for the corresponding facilities of the Grand Trunk, giving \$2,000,000 to boot, and I very much doubt if the astute General Manager of the Grand Trunk Company would make the exchange for twice this amount, although his Northern and Don yards, his train tracks and shop grounds would not be included in the exchange—only his local freight and pas-

senger stations, his local freight and passenger tracks and his rights on the Esplanade.

There are many other contingent liabilities in connection with this viaduct scheme that I need not mention at this time. I trust that the items I have particularly indicated are sufficient to convince any reasonable person that the estimates contained in the report are absurdly inadequate.

The manner in which the estimates for structural work are made up may be judged by the fact that while Mr. Wellington estimated the cost of a four-track viaduct at \$160 per foot—a dangerously low estimate according to our recent experience—the report puts the cost of a four-track structure at only \$150 per foot, although iron-work has advanced more than twenty per cent. since Mr. Wellington's estimate was made. But although this advance in price was ignored in estimating for the viaduct it was evidently considered very seriously in estimating the cost of the John, York and Yonge street overhead bridges.

The items that I have been able to estimate with some degree of certainty aggregate nearly, \$6,000,000, and those for which there is no definite basis for an estimate cannot safely be assumed at less than.....\$3,000,000, and, therefore, I do not hesitate to say that the cost of the viaduct scheme with four-tracks throughout, together with the supplementary works involved, and a suitable passenger station, will be, if it can be carried out at all, from seven to ten million dollars, on which the annual charge for interest will be from three hundred thousand to four hundred thousand dollars; and in my estimates I have not considered the large expense that would be incurred by the city in making the park between York and Scott streets as recommended in the report.

The desire of those who made the estimates upon which the report is based seems to have been to exaggerate as much as possible the cost and difficulties of the overhead bridges and to conceal as much as possible the cost and difficulties of their own scheme. Why is the cost of the John street viaduct referred to at all? The Montreal agreement provided that it should be built by the Grand Trunk Company at its own expense.

The question of land damages so flippantly dismissed by the report in connection with the viaduct scheme received "careful consideration" in connection with the overhead bridges, but the report fails to refer to the well known fact that the Canadian Pacific Company long ago purchased the only private property that would be affected by the York and Yonge street bridges.

It is true that the overhead bridges at York and Yonge streets will now cost more than my estimate of three or four years ago, because of the advance in the price of iron work, but the Canadian Pacific Company will undertake to build them for much less than the estimate given in the report. But even if they should cost the entire amount named in the report, \$98,250 each (clearly a guess, for one bridge is much smaller than the other), what is this for the city and the railways together to bear as compared with the enormous amount involved in the viaduct?

True, several more overhead bridges may be required in course of time, but a year's or at most eighteen months' interest on the amount involved in the viaduct would cover the cost of all of them.

And in what respect do the overhead bridges fall short of providing what the public wants in the way of easy and safe access to the water front? They start from Front street, run out nearly level, and, after crossing the railway, descend by an easy incline to the new street

beyond the Esplanade. They have ample room for vehicles, as well as for foot passengers, and people crossing by them need not see a railway; and it will be just as convenient to use them as to pass down York or Yonge streets under the proposed viaduct, and so out to the water front, and it will, at the same time, be much more comfortable.

The structures would be ornamental, and they would not obstruct the lake view.

The private property on the lake front east of Yonge street is particularly adapted to business requiring both railway and lake facilities. It is the only property in Toronto that can freely enjoy both; but the viaduct scheme would deprive it of the railway facilities upon which its value chiefly depends.

It should not be overlooked that the principal use of the water front by the people of Toronto is confined to four months in the year, and that for the rest of the year the business south of the Esplanade will be chiefly that of the railways themselves or that created by them.

So that there may be no possible misunderstanding as to the plans of the Company, either as regards the treatment of the water front or as to the overhead bridges, I have had careful drawings prepared fully illustrating them, which drawings will be sent to Your Worship for inspection.

The Canadian Pacific Company has no desire to obtain or exercise anything like a monopoly of the wharves and shipping facilities on the water front of Toronto, and has all along been willing to enter into any fair and reasonable agreement with the City concerning that part of the water front which the Company has acquired. There is plenty of room for all, and it would be neither good

policy nor good sense to embarrass the shipping business of Toronto by excessive wharfage charges or in any other way.

Nor has the Canadian Pacific Company any objection to the principle of a high-level viaduct. It would gladly cooperate with the City in carrying out such a project if the traffic were of sufficient magnitude to justify the expense, and if the advantages to be gained would warrant it; but great as is my opinion of the future of Toronto, I fear that it will be many years before such works as are to be found in London, Liverpool and Glasgow will be practicable in Toronto. Even Chicago with its vast traffic cannot afford them.

A viaduct to be acceptable to the railways must be workable, convenient and not excessively expensive, and it must provide reasonably for the future. The four-track viaduct might meet the first and fourth of these conditions, but not the second or third; the viaduct recommended by the report would not meet any of them. What the railways would be willing to pay towards a viaduct, assuming that all four conditions could be fulfilled, would doubtless be a mere question of arithmetic; it would be governed by the cost of handling their traffic one way as compared with the other.

In concluding what I have to say on that part of the report relating to the viaduct question, I will venture to remark that it does not seem to have occurred to the Committee to enquire whether the Grand Trunk Company would be willing to give up its present position in Toronto and join in the project, for any consideration or on any terms. If it will not the project must certainly fail, and all of the time and expense given to the consideration and preparation of viaduct plans must go for nothing.

Another important subject is touched upon by the report of the Committee which recommends, "that the City must maintain at all hazards the right to the use by all railway companies of the railway reserve along the Don and must prevent the Canadian Pacific Company from acquiring the exclusive right to any tracks along the Don either on the level or along the elevation."

Permit me to briefly review the facts of the case.

The original design of the Company, as shewn by the plan filed at Ottawa, was to bring its branch down the east side of the Don Valley crossing the river at Eastern avenue.

In a conversation with Mayor Howland, during the early summer of 1886, he urged upon me the desirability of a change in our plan so as to cross the Don at Winchester street and to make use of the railway reserve on the Improvement on the west side of the Don from Winchester street to a point near Eastern avenue, his objects being, as he stated, to avoid the building of our bridge at Eastern avenue and to save something for the City through the participation of the Canadian Pacific Company in the cost of the Don Improvement.

I expressed a desire to meet his wishes in the matter if the Company could have an independent right of way for two tracks, that being a vital point with us. He thought this so reasonable that he did not anticipate any difficulty in arranging it and a few weeks later a meeting was held by his invitation, at his office, at which were present the Mayor, Alderman Carlisle, Mr. E. B. Osler, Mr. Wells, Mr. Sproatt, Mr. Sankey and Mr. Lumsden.

The result is clearly stated in the following telegram, which I received from Mr. Wells immediately after the meeting :—

"TORONTO, 30th September, 1886.

" Had interview with Mayor, Mr. Carlisle, Chairman of Board of Works, and City Engineer. The City Engineer is to report in favour of a strip along the river bank, 23 feet wide, for unloading and general purposes; then strip 26 feet, for use in common by railways; then 26 feet, exclusively for Canadian Pacific; then 50 feet, for street; then 200 feet for lots. Will file our plan on that basis."

Mr. Sproatt, in a letter to Your Worship, dated December 31st, 1888, referring to this meeting, says:—"The question of the City giving the Canadian Pacific Railway Company exclusive rights for the 30 feet railway strip on the west side of the channel was discussed at length, and as it appeared under the Don Act the City had not power to give exclusive rights to any one railway over the said strip, it was decided to set apart a special strip with regard to which the City would enter into any agreement that might be considered advisable."

In a letter to the Mayor, dated February 15th, 1889, Mr. Sproatt says:—"No doubt the cause of the change was a disposition on the part of the Mayor to induce the Canadian Pacific Company to make use of the Don Improvement in entering the city."

In a letter to the Mayor, dated February 14th, 1888, Mr. Sankey says:—"The first instructions I received to change the road-way and railway reserve, as shown on the plan, were given me by Mayor Howland at the end of the meeting in his office. * * * I can imagine no other reason for such a meeting than a desire to assist the Canadian Pacific in getting an eastern entrance to the city. * * * Shortly after the above meeting a plan carrying out the instructions I then received was sent to the Engineer's office."

In October, 1887, the Mayor and a deputation of Aldermen, under the authority of a resolution of the City Council, appeared before the Railway Committee of the Privy Council, at Ottawa, and supported the Canadian Pacific Company in its claim to have an independent right of way into the City from the east.

On the 30th November, 1887, the Board of Trade passed a resolution declaring that it was in the interests of the trade and commerce of the city to procure an independent entry from the east and west for the Canadian Pacific Railway, and on the 2nd December, 1887, the Board of Trade presented a memorial to the Railway Committee of the Privy Council "earnestly praying that every facility be offered to the Canadian Pacific Railway Company for an independent entrance and crossing to the water front east and west for the transaction of their business."

During the Parliamentary session of 1888 a bill was introduced into Parliament on behalf of the Canadian Pacific Company authorizing the Governor-in-Council to locate the Don Branch of the Canadian Pacific Railway along the Don Improvement, and declaring that such location should be as valid as if expressly authorized by the Act.

In April, 1888, the City Council of Toronto passed a resolution authorizing a deputation to proceed to Ottawa and promote the passage of this Bill.

On the 19th April, 1888, the Board of Trade passed a resolution resolving "that a deputation be appointed to cooperate with the City Council in urging upon the Government the importance of according to the Canadian Pacific Company an independent entrance at the eastern end of the City."

In May, 1888, the joint deputation of the city and of the Board of Trade appeared before the Railway Commit-

tee of the House of Commons and advocated the Bill, which duly passed and became law.

In the meantime and down to the end of the year 1888 the work of constructing the Don Branch was proceeded with. The Winchester street bridge was built at a large cost in pursuance of the well settled understanding as to the location to which I have alluded. The Gerard street bridge was built by the city with spans specially designed for the running tracks of this line, and the engineers of the city and of the Canadian Pacific Company continued until the end in good faith to work out the plan agreed to in the Mayor's office on the 30th September, 1886.

On the 26th June, 1889, the Canadian Pacific Company applied to the Governor-in-Council at Ottawa, under the authority of the Act to which I have referred, to locate the Don Branch on the Improvement. I extract the following account of what took place from President McMillan's message to the Council, dated July 8th, 1889:

" Mr. Wells suggested to the Committee that Mr. Schrieber or some other Government engineer be sent to Toronto to meet the engineers of the City and Company, and see what could best be done under the circumstances.

" Sir John Macdonald—What do you say to the proposition that Mr. Schrieber should be sent to Toronto?

" Mr. Biggar said the Council would be glad to have its engineer meet Mr. Schrieber, but before a definite order was made the City would like to be heard again in reference to level crossings and bridges and as to further conditions.

" Mr. E. Wragge—If the proposal to send Mr Schrieber to Toronto were carried out, he hoped the Grand Trunk

"Railway Company would be allowed to be represented as it was interested in the unloading sidings.

"Sir John Macdonald—Certainly.

"The Committee deliberated for a while, after which the Premier announced that the Committee was of opinion that the proposal to send Mr. Schrieber or another engineer to Toronto to meet the engineers of the City and railway company should be acceded to, and that he should locate the line most convenient for the railway and the City without raising the question whether it was to be an independent line or not."

On the 16th September, 1889, Mr. Schrieber, in pursuance of his instructions, made his report to the Privy Council in which, amongst other things, he says :

"That having met Mr. Cunningham, Mr. Wragge, Mr. Edgar and Mr. Jennings, and after reviewing the ground and listening to all these gentlemen had to say," he arrived at the conclusion "that it is essential to the interests of the Canadian Pacific Railway Company and the public that the said Railway should have an independent and uninterrupted entrance to the City; that the business of the Company requires two tracks and that the two centre tracks should be allotted to the Canadian Pacific Company and the two outer tracks used as loading and discharging tracks."

I have little to add to this solid body of facts.

I see that the city has published a notice in the *Canada Gazette* of an application to Parliament for legislation to override all that it has done.

If propositions made in good faith by the Mayor and accepted by the Company; if plans prepared by the City officials under the instructions of the Mayor for the guidance of the Company; if the coöperation of the City

Engineers for a whole year in the work of the Company ; if the expenditure of large sums of money by the Company on the faith of these representations and actions ; and if resolutions, memorials and delegations sent to Ottawa not merely to support an independent entrance by way of the Don Improvement but to support a Bill which authorized the Governor-in-Council to make that specific location all go for nothing, there yet remains the deliberate consent and agreement of a Solicitor, given on behalf of his clients before a judicial body in a judicial proceeding. Is that likewise to go for nothing ?

But surely there must be some misunderstanding on the part of the Committee as to the purpose and object of the reservation on the Don Improvement provided for by the Don Improvement Act.

In a report to the City Council, dated February 16th, 1889, the City Engineer discusses the purpose of this "Railway reserve" as follows : The "Railway reserve" "was intended for sidings that might accomodate cars "loading from or discharging into lake vessels, or cars that "brought freight to or from waggons on the road reserve. " * * * The scheme as first planned contemplated only "siding accommodation alongside the channel, for the purpose of handling freight."

And in a subsequent report addressed to Mr. McMillan, President of the Council, dated June 21st, 1889, the City Engineer says : "It is doubtless familiar to you, that "when the Don Improvement was first projected, provision was made on either bank, merely for sidings or "switching tracks for railways, as well as for roads and "streets. It was intended, apparently, that a siding and "switching track should be placed next to the river, and "between the river and the street, that would serve both

“ vessels using the Don and waggons using the street and
“ storehouses abutting thereon.”

It is inexplicable that any business man not unfriendly to the Company should even be willing in the interests of the city, much less should desire, that a mere freight siding of the kind described by the City Engineer should be used as a part of the Company's main line entering Toronto. It looks like the device of an enemy; but it is a device that can never succeed.

I wish it clearly understood, however, that while the Company insists upon an independent right of way into Toronto, it has no desire to exclude the trains of any other Company from the proper use of its tracks along the Don Improvement. The Railway Act now wisely gives authority to the Railway Committee of the Privy Council to regulate the terms and conditions upon which one Railway Company shall be permitted to use the tracks of another, and if any doubt is felt on that point the Canadian Pacific Railway Company is willing that the order of the Governor-in-Council establishing its location shall place this matter beyond all doubt.

I expressed my views on this subject in a letter addressed to Mayor Howland on the 6th March, 1886, as follows :—

“ The Canadian Pacific does not ask for any exclusive
“ rights or privileges. It is not, in my opinion, consistent
“ with public policy that any one company should possess
“ exclusive rights on any property controlled by the City,
“ or that any one company should be placed in a position
“ to perpetually keep out all others. * * * This
“ Company would be willing to afford to other railways
“ entering the City of Toronto the fair use of the tracks to
“ be laid on reasonable terms; but in the case of existing

"lines having already extensive track facilities in Toronto, this joint use of tracks should be reciprocal; in other words, we should not be expected to give to the Grand Trunk the use of our tracks while we are debarred from the use of theirs."

These are my views to-day; but it does not follow that we should permit the shunting engines of other companies to work on our main passenger tracks, nor that we should afford the use of these tracks for anything resembling a street car service.

In conclusion I beg leave to say that when the Company's works were interrupted by the notice of the City Solicitor respecting the Don Improvement they were within two weeks of completion to a sufficient extent to be serviceable—sufficient at least to admit the Company's trains from the east. Many months have elapsed and the work remains at a standstill, and the large amount of money the Company has expended on its eastern entrance and station grounds is bringing no return. The Company is laboring under many disadvantages in conducting its business in Toronto and the delay has become very serious. The Patriots who would save the city from railway aggression have had full opportunity to be heard. I earnestly hope that the case of the Canadian Pacific Railway Company may now be dispassionately considered, and that the Company may be accorded such treatment at the hands of the city as its own good faith and public spirit deserve, and as the good faith and honour of the city of Toronto require.

I have the honour to be, Sir,

Your obedient servant,

W. C. VAN HORNE,

President.

