

the expenses of filling up and grading the same shall be ascertained in manner hereinafter mentioned, and shall be re-paid to the " corporation, by the owners, &c., of the land on which the grading, &c., shall be done. The amount to be paid to the city is to be ascertained by the city surveyor in the manner provided by the act 16 Vic., ch. 219, in respect to the esplanade, and all sums to the owners of water lots in fee for lands, &c., taken by the city for the purposes of the esplanade, as well as the amount to be paid to the city by the lessees or occupants of the water lots for the construction of the esplanade, or by any party for filling up, grading and levelling of the space north of the esplanade ; and if the parties cannot agree it is to be settled by arbitration as provided by the former act.

The 4th section of this last statute recites, that the property directed by letters patent, dated 21st of February, 1840, to be conveyed to the owners of the water lots therein referred to, (as recited in the former act,) was intended as a compensation for the land which might be taken for the esplanade, and for the expense of making so much thereof as should be made on the lands taken from the respective owners, and enacts that the owners should be respectively charged with their shares of the expense ; and if any owner should be dissatisfied with such compensation, his claim to a further allowance, if not agreed upon, shall be determined by arbitration as aforesaid ; and the arbitrators are to take into consideration the increased value of the lots by means of the improvements contemplated by the acts, and the value of the strips of land between the same and the top of the bank, and of the land covered with water in front thereof to be conveyed to the owners in fee of the water lots ; and if such increased value of the water lots, and the value of the strips of land and portions of land covered with water, together with the expense of constructing the esplanade, shall *equal* the value of the land taken for the esplanade, it shall be the duty of the arbitrators to decide in favour of the city generally ; and if it shall *exceed* the value of the land taken, then to decide that such excess shall be paid to the city by the water-lot owners, in manner provided by the