

shall equal the value of the land taken for the Esplanade, it shall be the duty of the Commissioner to decide in favor 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 said water lot owners in manner provided by the said Act hereinbefore mentioned for payments to the city for the construction of the said Esplanade, and the said Commissioner shall have all the power of an arbitrator, except as herein provided, both in reference to an appeal and otherwise: In case any of the parties shall be dissatisfied with the decision of the said Commissioner, he, she, or they, may appeal therefrom to any of the Superior Courts of Law or Equity of the Province, provided notice of such appeal shall be served upon the other party and the said Commissioner within ten days after such decision shall be given, and upon the receipt of such notice of appeal by the said Commissioner he shall cause copies of all the proceedings entered of record in the said book together with the testimony given therein and the decision itself, and all maps and plans produced and used before him to be returned to the said Court mentioned in the said notice of appeal on or before the first day of the term next succeeding the date of the said notice, and the said Court shall, upon motion made, hear the said parties by their attorneys, and increase or decrease the amount mentioned in the said decisions, or vary the same in other respects, or take any evidence that may be necessary for the satisfaction of the Court, and thereupon vary and affirm the said decision or order that the same shall stand, and the costs incurred before the said Commissioner shall be in his discretion, and he shall in his decision name his own fees and how the same shall be paid, as between the said parties and upon appeal such costs shall be in the discretion of the said Court.

Appeal from Commissioner to superior Courts of law or equity.

As to costs.

As to payment of sums coming to the said Corporation from owners of water lots.

IX. All sums of money ordered to be paid by the said the Mayor, Aldermen and Commonalty of the City of Toronto to the owners of the said water lots in fee shall be paid within from the date of the decision of the said Commissioner or from the date of the rule of Court ordering the same, and the sum to be paid to the Mayor, Aldermen, and Commonalty of the City of Toronto by the lessees of water lots belonging to the said City of Toronto and by all parties whomsoever, for the filling up, grading and levelling between the Esplanade and the shore of the Bay shall be a charge upon the lands in respect to which the same is payable in the manner provided as to the Esplanade by the first mentioned Act from the time a certificate of the said decision of the said Commissioner, signed by him, or a certificate of the rule on appeal under the seal of the Court from whence it issues shall be registered in the registry office of the County of York, for the purpose of which registry no other proof shall be required than proof by affidavit of the handwriting of the said Commissioner or the seal of the said Court; and such moneys last mentioned shall be payable, and recoverable if not paid, in the manner provided for in the Act first above mentioned, and shall be applied as by the said Act also directed.

Remuneration to Commissioner.

X. The said Commissioner shall be paid five pounds per day for each and every full day he shall be engaged upon the said matters, and so in proportion for part of a day, a full day being deemed to be seven hours, and his fee for each day shall be equitably divided amongst the different cases he may be engaged in during such day; and for all copies of the said proceedings and decision required, either for the Court or the parties, he shall be allowed the sum of one shilling per folio of one hundred words, and which said