

V. The Governor of this Province may upon request made by the said the Mayor, Aldermen and Commonalty of the City of Toronto, appoint some fit and proper person to act as Commissioner between the said the Mayor, Aldermen and Commonalty of the City of Toronto, and all owners, proprietors, lessees and occupants of the said water lots, in all matters connected with the said Esplanade and the construction thereof, and the filling, grading and levelling of the space north of the said Esplanade as aforesaid, and arising out of or under the provisions of the said former Act or this present Act; and such Commissioner shall before entering upon the duties of his said office be sworn before one of the Judges of the Superior Courts of this Province, well, truly and faithfully, and without partiality to fulfil the duties thereof to the best of his judgment.

Governor to appoint a Commissioner to mediate between the Corporation and owners of water lots, in case of difference, &c.

VI. The said Commissioner shall settle, order, and direct the method of proceeding before him, and shall appoint persons to act for minors or parties *non compos mentis* or under any other inability to act for themselves, and may direct substitutional service in case of the absence of parties from the Province, or in any other case he shall think reasonable and just, and shall keep a book of record of all proceedings taken before him relative to the said matters, in which shall be entered the time and place of all meetings, the names of parties attending, and the testimony given upon oath by the witnesses produced before him, which oath the said Commissioner is hereby empowered to administer, and he shall also have the power of summoning before him any party or witnesses, and of requiring them to give evidence on oath, and to produce such documents and things as he shall deem requisite, and shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of Law in civil cases, and any wilful false statement made by any such witness on oath or solemn affirmation shall be a misdemeanour, punishable in the same manner as wilful and corrupt perjury; Provided always that such witness shall be entitled to the like payment as for attendance at any Court; And it shall be the duty of the said Commissioner to make his decision in the premises, and enter the same in the said book of record, and sign the same, and furnish copies of such decision to all parties concerned.

How the said Commissioner shall proceed.

Evidence before him.

Proviso.

Record of proceedings.

VII. And whereas the property directed by the Letters Patent of the 21st February, 1840, mentioned in the said Act to be conveyed to the said water lot owners therein referred to was intended as a compensation for the land which might be taken from them respectively for the Esplanade, and for the expense of making so much thereof as should be made on the lands taken from them respectively: Be it enacted, that the owners be respectively charged with their respective shares of such expense, and if any such water lot owners or persons having estate in any such water lot shall be dissatisfied with any such compensation, his claim to a further allowance shall, if not agreed upon, be determined by the said Commissioner, and in coming to such decision the said Commissioner shall take into consideration the increased value of the lots by means of the improvements contemplated by this Act as well as all other matters connected therewith, and also 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 said water lots under the provisions of the Act first above mentioned, and if such increased value of the said water lots and the value of the said strips of land and portions of land covered with water together with the expense of constructing the said Esplanade

Recital.

Appeal to Commissioner from parties dissatisfied as to satisfaction for land taken from them.