

persons entitled to receive the same, and such Public Valuator shall and is hereby required to attend at some convenient place at or in the vicinity of the said City of Toronto, to be appointed by the said Commissioner after eight days' notice given for that purpose by the said Commissioner, then and there to ascertain, determine, order, and adjudge, such matters and things as shall be submitted to his consideration by the parties interested. 5

Appointment of Public Valuator.

To be sworn.

V. Such Public Valuator shall be appointed by the Governor of this Province, when requested so to do by the Mayor of the said City of Toronto, and before entering upon the duties of the said Office shall be sworn before one of the Judges of one of the Superior Courts of Common Law for Upper Canada, well and truly to assess the value or damage between the parties to the best of his judgment. 10

Minutes of proceedings before him.

Proviso; for appeal.

Valuator to certify proceedings to Court.

Powers of the Court.

Award to be paid within a certain time.

VI. Such Public Valuator shall keep a record of all proceedings taken and held before him, in which shall be entered the time and place of all meetings, the parties attending, and the names of all witnesses giving evidence before him; and he shall transcribe in such record the testimony given by the said witnesses, and retain and file all documents and maps produced and used as evidence before him,—and shall also enter therein his valuation or award in the premises, and forthwith send copies thereof to all parties concerned therein: Provided always, that if any of the parties interested in such valuation or award shall be dissatisfied therewith, he she, or they, may appeal therefrom to either of the said Superior Courts of Common Law, notice thereof in writing being given to the other party or parties concerned therein, and to the said Valuator, within one week after the same shall have been sent to the parties concerned, and upon such notice it shall be the duty of the said Valuator to make a true and faithful Copy of all entries on the said Book of Record, relating to the matter so appealed from, which he shall certify and return to the said Court mentioned in the said notice of appeal, together with all documents and maps filed by him during the progress of the said investigation, on the first day of the term of the said Court next succeeding the said notice; and the said Court shall have power, after hearing the said parties, on motion by their Attorneys to increase or decrease the said valuation or award, as in their judgment they shall think right; and any sum so awarded by the said Valuator, or fixed by the said Court on motion as aforesaid, shall be paid within three months from the date of the entry in the said Book of record, or from the date of the rule of Court made upon such appeal, and in default of such payment, the proprietor shall resume the possession of his property, and all his right thereupon revive; and the award or valuation of such Valuator as aforesaid, so entered in the said Book of record, shall be binding on all parties concerned, subject as aforesaid. 15 20 25 30 35 40

Witnesses to be sworn.

Costs how taxed.

Fees of Valuator.

How paid.

VII. The said Valuator shall have power to swear all witnesses produced before him, and the expenses of the said valuation shall be in his discretion, and the expenses of the appeal hereinbefore provided for, shall be in the discretion of the Court to whom such appeal shall be made; Provided always, that such Valuator shall be entitled to a fee of for each and every day he shall be employed in such valuation, and the sum of per folio of every one hundred words for all copies of entries in the said book of record furnished to the said parties or the said Courts: and the said fee shall in the first instance be paid by the said Commissioners, who shall deduct the proportion if any, to be paid by the other parties from the amount to be paid to them. 45 50