

to the corporation to be ascertained, firstly, by the city surveyor, as provided by the act of 1853, in respect of the esplanade, and all sums to be paid to the owners in respect of the lands taken for the purposes of the esplanade, as well as the amounts to be paid to the corporation by lessees or occupants of water lots belonging to the city, for the construction of the esplanade, or by any party or parties whomsoever, for the filling up, &c., of the space north of the esplanade, and if the same cannot be agreed on by the parties, to be settled by arbitration, as provided by the former act.

Section 3 gives power to raise money to fill in the space between the esplanade and the shore, &c., &c.

Section 4 recites that certain property to be conveyed to the water-lot owners was intended as a compensation for the land taken from them for the esplanade, and for the expense of making so much thereof as should be made on the lands taken from them; and then enacts "*that the owners be respectively charged with their respective shares of such expense*;" and if any owner be dissatisfied with any such compensation, his claim to a further allowance shall, if not agreed on, be determined by arbitration, as aforesaid, the arbitrators to consider the increased value of the lots, by means of the contemplated improvements, as well as all other matters connected therewith, also the value of the strips on the bank, and of the land in front to be conveyed to the owners; and if the increased value of the lots, and the value of the strips of land in front, together with the expense of constructing the esplanade, shall equal the value of the land taken for the esplanade, the arbitrators are to decide in favour of the city generally; and if it exceed the value of the land taken, then to decide that such excess be paid to the city in manner already provided.

Section 5 directs that moneys ordered to be paid by the city to the owners shall be paid in one year, &c., and how the moneys payable to the city shall be a charge upon the lands.

The remaining sections, 6, 7, and 8, have no bearing on the question.

I find a clear intention throughout the acts always to