

by placing the open ditch across or over his tile drains below. I am of the opinion, on the evidence, that his apprehension is well founded—that his assessment is, if not illegal, at least unjust, a characterization which, in my opinion, applies to all the assessments in the township of Aldborough; and for these reasons that the work as projected through that township should not be allowed to proceed. . . .

The township of Dunwich have, of course, the right by proper proceedings to obtain access to the outlet in the township of Aldborough for their drainage, but they have no right to burden the lands in the latter township with an unnecessary number of drains, or to put the latter township or its inhabitants to any expense or loss in the course of so doing either for construction or maintenance. . . .

As it appears to me, the proper course would be to provide one tile drain of sufficient size to carry off all the water required, into which Mr. Sellars's laterals could also empty, and to abandon altogether the proposed surface drain, which, as I read the evidence, is only intended to carry the surface water before the frost leaves the ground, when in fact it can do little or no harm.

As matters stand, I think the appeal must be allowed with costs.

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CARTWRIGHT, MASTER.

SEPTEMBER 19TH, 1904.

CHAMBERS.

CANTIN v. NEWS PUBLISHING CO. OF TORONTO.

*Discovery—Examination of Past Officer of Company—Rule 439 (a)—Rule 485.*

Motion by plaintiff for an order for the examination for discovery in an action for libel of a newspaper reporter formerly in the employment of defendant company as an officer of the company. The reporter wrote the article for defendants' newspaper which plaintiff complained of, and was still in their employment when the action was brought, but had left the defendants nearly a year before the motion.

W. N. Ferguson, for plaintiff.

T. Reid, for defendants.