

HON SIR WM. MEREDITH, C.J.O.:—All of the objections raised by the appellants were dealt with upon the argument except two, viz., (1) that the report, plans and specifications, and the assessment made by the engineer, were not the result of his independent judgment, and (2) that the engineer included as part of the cost of the work upwards of \$1,000 for fees and expenses of solicitors and engineers, and that there was no authority under the Drainage Act to assess them against the drainage area.

There is nothing to warrant the conclusion that the report, plans, and specifications and assessments were not the result of the independent judgment of Mr. Code, the engineer. He testifies that they were. The fact that he heard and considered the objections of the engineer employed by the corporation of the township of Plympton to the scheme which he had originally recommended, but which was referred back to him by the council of the township of Sarnia, and that he modified the scheme after consideration of these objections, is of no consequence if, as he testified, and there is no reason to doubt, his judgment was convinced that they were right to the extent to which he yielded to their objections. It is not necessary to say more on this branch of the case than that I entirely agree with the reasoning upon which the learned Referee proceeded in refusing to give effect to the contention of the appellants.

The other question was also fully dealt with by the Referee, and I agree with his conclusion as to it and the reasoning on which it is based.

I would dismiss the appeal with costs.

HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE, and HON. MR. JUSTICE HODGINS agreed.

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HON. MR. JUSTICE MIDDLETON.

JUNE 19TH, 1913.

RE CORR.

4 O. W. N. 1487.

*Executors and Administrators—Final Winding-up of Estate—Costs—Enquiry as to Next of Kin—Escheat to Crown.*

MIDDLETON, J., made a final order disposing of the costs and balance of estate herein.

Motion by the administrators of Felix Corr, deceased, for an order or further directions, and as to costs. See 21 O. W. R. 798; 22 O. W. R. 537; 23 O. W. R. 732.