

water will come to the proposed works which without aid would not reach them. But the territory is evidently not one in which the watersheds are well defined, and absolute exactness is not, therefore, to be expected, and cannot, in my opinion, under such circumstances, be demanded under the statute. . . .

The McAllister drain was originally constructed under the Ditches and Watercourses Act. It began in the township of Dunwich, and crossing the town line passed into the township of Aldborough, with an outlet in the latter township into what is called the government drain in lot 24 in the 4th concession, in its course through the latter township passing through the farm of the appellant Alexander Sellars. Before its construction Mr. Sellars had constructed a private main drain practically along the same course, into which he had carried a large number of lateral drains, all of tile, as is also his main drain. The evidence, in my opinion, shews that this system of drainage was sufficient for the purpose of draining his own land. He was, however, assessed for a portion of the cost of the McAllister drain, and did not appeal. The municipal council of the township of Dunwich afterwards, upon petition under sec. 84 of the Municipal Drainage Act, assumed the McAllister drain, and in the proceedings now in question proposed very considerably to enlarge the drainage area entitled to use the original drain. The proposal included using the original award drain through the Sellars lot as it stands, with the addition of an open or flood drain over practically the same course, so that, if carried out, the lands of Mr. Sellars would be burdened, first, with his own main drain, second, with the McAllister or award drain, and third, with a wide, open, shallow drain upon the surface, all proceeding within a few yards of each other, the last two almost, if not entirely, for the benefit of the lands in the township of Dunwich. He constructed his own drains at his own expense, of course; he was assessed for the construction of the award drain in labour and material; and now he is again assessed, although not for a large sum, for the proposed flood drain. And it is proposed in the report that he shall also remain liable to repair in proportion to his assessment. He says, and the evidence, I think, bears him out, that the award drain, instead of being of benefit, has injured his lands; that it has brought water upon rather than carried water away from him; and that the proposed open drain will be a serious injury to his lands and of no benefit; and that there is great danger that his whole drainage system will be imperilled, if not destroyed,