

make their award within three months "after entering on the reference, or after being called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators by writing may enlarge the time for making the award."

The arbitrators did not extend the time for making their award. Had they done so, this litigation would have been avoided.

The award was made on 30th July, 1906, by which the arbitrators found the actual cash cost of the warehouse was \$15,135, to which they added 10 per cent., as provided by the submission, making a total of \$16,648.50.

And, as there had been paid to the defendant \$20,813.33, there would, if the award were to stand, be \$4,164.83 coming to the plaintiffs.

As the award was not made until 6 months after the arbitrators had commenced to proceed with the reference, the award is invalid.

There must be judgment for the defendant dismissing the action with costs.

FALCONBRIDGE, C.J.

JUNE 21ST, 1907.

TRIAL.

COUNTY OF DUFFERIN v. COUNTY OF WELLINGTON.

Municipal Corporations — Liability for Maintenance of Bridge over Stream—Bridge or Culvert—Definition of Culvert.

Action brought under sec. 617 of the Municipal Act, 1903, for a declaration that the two counties were liable for the building and maintenance of what was alleged to be a bridge over a stream crossing the boundary line between two townships—one in Dufferin and the other in Wellington.

J. N. Fish, Orangeville, for plaintiffs.

H. Guthrie, K.C., for defendants.

FALCONBRIDGE, C.J.:—It is not a case for a declaratory judgment as affecting any other structure, as each particu-