

acquainted with the properties. If, however, personal inspection is required, it can be made in two months. The time of sale should be Monday the 5th May, 1913. If there is any objection to that day, the Master should name a day not later than the 12th May nor earlier than the 30th April next.

Appeal allowed as above and order accordingly. Costs of the plaintiffs of this appeal to be added to the plaintiffs' claim.

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KELLY, J.

FEBRUARY 14TH, 1913.

RE KETCHUM AND CITY OF OTTAWA.

*Appeal—Award—Municipal Arbitrations Act, R.S.O. 1897 ch. 227, sec. 7—Time for Appealing—Notice of Taking up Award—Order Quashing Appeal as too Late.*

Motion by Ketchum et al., claimants, for an order quashing the appeal of the Municipal Corporation of the City of Ottawa from an award made by the Official Arbitrator for that city, under the Municipal Arbitrations Act, R.S.O. 1897 ch. 227, upon the ground that the appeal was not, as required by sec. 7 of the Act, launched within one month after the taking up of the award.

T. A. Beament, for the applicants.

Taylor McVeity, for the city corporation.

KELLY, J. :—On the 21st December, 1912, the solicitor for the city corporation received from the claimants' solicitors a written communication asking for payment of the amount found due by the arbitrator and their costs of the arbitration. It has been suggested by the city corporation that notice of the taking up of the award should have been served on them, and that the time allowed for the appeal should run only from the giving of such notice. Section 7 says that "the award of the Official Arbitrator . . . shall be binding and conclusive upon all parties thereto unless appealed from within one month after the taking up of the same."

Notice of the filing of the award was given to the appellants' solicitor on the 29th November. On the argument it was admitted by counsel that the award was taken up not later than the 4th