

The mere size of the area is of little consequence in considering whether or not the assessment is one which might lawfully be made. Drainage water must go not merely to an outlet by means of which it satisfactorily escapes from the lands which are being drained, but to a "sufficient outlet," which, as defined in sec. 2, sub-sec. 10, means the "safe discharge of water at a point where it will do no injury to lands and roads." And sec. 3, sub-sec. 4, as it now stands, shews that it is not sufficient in order to escape from liability simply to shew that the first discharge was into a "swale, ravine, creek, or watercourse." See *Young v. Tucker*, 26 A. R. 162; *Township of Orford v. Township of Howard*, 27 A. R. 223; *Re Township of Elma and Township of Wallace*, 2 O. W. R. 198.

There must, of course, . . . appear to be a reasonable connection between the source of the injurious water and the outlet in question, and, if such connection is established, the legal right to assess under the statute, however large the area, seems to follow.

The question, therefore, is largely one of fact, and is to be passed upon in the first instance by the engineer, necessarily an expert, and who, using his expert skill and experience, determines not only how the proposed work is to be done, but also what lands will benefit by it, and should therefore be assessed for its cost. His conclusions may, of course, be called in question by an appeal, but, in my opinion, his results ought not to be disturbed, unless it is satisfactorily proved that they are either erroneous in fact or that he proceeded illegally. . . . He found as a fact that these so-called high lands, which drain directly into the lateral streams, contribute a substantial part to the injury complained of, that the river is, therefore, in its present condition, not a sufficient outlet for the drainage which comes to it from such lands as well as from the other lands also entitled to drain into it; and he, therefore, as I think he might, assessed them for the proposed improved outlet. . . .

In my opinion, no illegality of any kind appears in the procedure of the engineer; and there is nothing in the evidence to justify disturbing his assessments for outlet or otherwise in the township of Huntley. . . .

Appeal dismissed with costs.