

complain, to go by default. Had they taken the trouble to attend and shew cause, that order might not have been made. Had they then called the attention of the Court to the effect of the order sought upon their own position, and to the facts that the scheme of the award is such that it should stand as a whole or not at all, and that if the application of section 8 were granted it should only be upon a corresponding measure of relief being afforded to section 5, which would involve interference with the rights of sections 6 and 12, I cannot conceive that any disposition would have been made of that application without notice to all the other school sections interested in or affected by the award.

Section 7, an appellant to the county council, has apparently not been notified of this motion.

Being of the opinion that the arbitrators have not exceeded their statutory powers, I must dismiss this application, and the applicants must pay the costs of the respondents.

SEPTEMBER 17TH, 1904.

C.A.

RE TOWNSHIP OF ALDBOROUGH AND TOWNSHIP
OF DUNWICH.

*Municipal Corporations—Drainage—Report of Engineer—
Appeal to Drainage Referee—Appeal to Court of Appeal—
Status of Appellant—Landowner—Township Corporation
—Right of Appeal — Amount of Assessment — Scope of
Report—Petition — Extent of Drainage Area — Enlarge-
ment — Multiplication of Drains — Injury to Lands—
Absence of Benefit—Unjust Assessment—Outlet.*

Appeal by the corporation of Aldborough and Alexander Sellars from the order or judgment of the Drainage Referee dismissing their appeals from the report, plans, etc., of James A. Bell, C.E., relating to what is called the McAllister drain in the townships of Dunwich and Aldborough.

M. Wilson, K.C., and A. Grant, St. Thomas, for appellants.

C. St. Clair Leitch, Dutton, for the corporation of Dunwich, respondents.