In this case, instead of adding anything for contingencies, it would be fairer to take off a large sum, for no one could doubt that, had the respondents not taken the lands, they would still be on the appellant's hands, burdened with the depressing effect of the war upon land speculations. No rule or practice of adding ten per cent. or any other fixed amount prevails or has prevailed in Ontario; such a method of computation has been more than once disapproved.

It was contended that the arbitrator had not set out in his reasons for his award the information which sec. 4 of the Municipal Arbitrations Act, R.S.O. 1914 ch. 199, required; but the section does not require it except when the arbitrator proceeds partly on a view or upon any special knowledge or skill possessed by himself; and so, where not so set out, no special advantage in either way is to be attributed to him; and, if the point had been well taken, the case would not be one for setting aside the award, but for supplementing it in that respect.

The appeal should be dismissed.

MASTEN, J., also read a judgment, in which he said, among other things, that, were he sitting as the Judge of first instance determining the matter, he would, as the evidence now affected him, award to the claimant a larger sum than the arbitrator had allowed; but that was a very different thing from saying, when sitting in an appellate tribunal, that the award of the arbitrator was incorrect and should be set aside. The appeal was not based upon any misconduct of the arbitrator nor upon any improper admission or rejection of evidence nor upon any omission to value some element or thing that should have been considered nor upon any other error or application of a wrong principle by the arbitrator. It was not a case where the appellate Court ought to interfere with the finding of the arbitrator.

The learned Judge discussed all the points raised by the appellant, and referred to the unreported cases in the Supreme Court of Canada mentioned by the Chief Justice.

RIDDELL and LENNOX, JJ., concurred.

Appeal dismissed with costs.