

MASTEN, J., in a written judgment, said that on the 6th January, 1914, the city council passed by-law 6884, to extend Teraulay street northerly 86 feet wide to Grenville street and to straighten and widen St. Vincent street and for its extension northerly to St. Mary street, to a width of 86 feet. In further pursuance of this purpose, the council, on the 23rd March, 1914, passed by-law 6927, to expropriate 13 different parcels of land, including the lands of the applicants, upon which church buildings were standing. This by law, after describing the parcels, declared that they were thereby expropriated and taken for the proposed extension, and declaring that all the said parcels formed part of the several highways named.

Upon notice given by the applicants, the Official Arbitrator, pursuant to the Municipal Act, R.S.O. 1914 ch. 192, and the Municipal Arbitrations Act, R.S.O. 1914 ch. 199, proceeded with an arbitration to determine the compensation to be allowed to the applicants; and, on the 7th December, 1916, made his award, by which he determined that the city corporation should pay to the applicants \$57,500 in full compensation for the taking of their lands, buildings, and church-organ, with interest from the date of their giving possession of the premises.

The award was duly filed, and had not been moved against or appealed from; but had not been adopted by the council.

On the 14th May, 1917, the council repealed by-laws 6884 and 6927.

Section 7 of the Municipal Arbitrations Act provides that the award may be appealed against, and shall be binding and conclusive upon all parties to the reference unless appealed from within 6 weeks after notice that it has been filed.

Section 347 of the Municipal Act provides that, if the expropriating by-law did not authorise or profess to authorise any entry on or use to be made of the land before the award, except for the purpose of survey, the award shall not be binding on the corporation, unless it is adopted by by-law, within 3 months after the making of the award.

By sec. 332 of the Municipal Act, the provisions of Part XVI., which includes sec. 347, are made subject to the Municipal Arbitrations Act.

The learned Judge said that, with some doubt, he was of opinion that, in construing sec. 7 of the Municipal Arbitrations Act, regard must be had to the purport of the whole Act; that the Act relates solely to the ascertainment of the quantum of compensation; and that sec. 7 must be construed as meaning that no appeal shall lie against the award unless it is brought within 6