

There will be a declaration that the objection taken by the purchaser is not entitled to prevail, and, as the parties have agreed that there shall be no costs awarded to either of them, there will be no order as to costs.

DIVISIONAL COURT.

DECEMBER 15TH, 1910.

RE HORSESHOE QUARRY CO. AND ST. MARY'S AND
WESTERN ONTARIO R.W. CO.

*Arbitration and Award—Dominion Railway Act—Award under
—No Provision for Enforcement—Order under Ontario
Arbitration Act—Jurisdiction of High Court.*

Appeal by the railway company from an order of MEREDITH, C.J.C.P., directing the enforcement of an award, by payment to the London and Western Trust Co. of \$2,100, the amount awarded, together with costs of arbitration.

The appeal was on the ground that, the provisions of the Dominion Railway Act, not having been complied with, the award was of no effect, and that the respondents should accept the amount offered or there should be a new arbitration.

The question of the jurisdiction to make an order under the Ontario Arbitration Act for the enforcement of the award was raised upon the argument before BOYD, C., LATCHFORD and MIDDLETON, JJ.

C. A. Moss, for the railway company.

W. Proudfoot, K.C., for the Horseshoe Quarry Co.

R. S. Robertson, for the London and Western Trust Co.

BOYD, C.:—The Dominion statute as to railways provides no method of enforcing the award by application to the Court. An appeal is provided for, which is to be conducted according to the practice and procedure, as nearly as may be, regulating appeals from an inferior Court. It is further provided that the right of appeal shall not affect the existing law and practice in any province as to setting aside awards: R.S.C. 1906 ch. 37, sec. 209 (2), (4).

The award as confirmed on appeal is to be final and conclusive: sec. 197; and all the papers, depositions, and exhibits