

LENNOX, J., after stating the facts, in a written opinion, said that the arbitrators had definitely stated that they had not taken into consideration any of the matters prohibited by the Ontario statutes (2 Geo. V. ch. 117, 3 & 4 Geo. V. ch. 114, and 4 Geo. V. ch. 87) affecting this case. There was a great deal in the evidence to make it quite possible to do so, but nothing in it or anywhere to shew that the arbitrators had acted upon a wrong principle. There was evidence upon which they could come to the conclusion they had reached, and they were men peculiarly fitted to deal with questions of the kind which arose upon the arbitration. It could not be said that they had erred. The appeal should be dismissed with costs.

MASTEN, J., read a judgment in which he reviewed the evidence and referred to several cases—among others to *Hamilton Gas Co. Limited v. Hamilton Corporation*, [1910] A.C. 300, 305; *In re London County Council and London Street Tramways Co.*, [1894] 2 Q.B. 189; *Edinburgh Street Tramways Co. v. Lord Provost, etc., of Edinburgh*, [1894] A.C. 456; *Stockton and Middlesbrough Water Board v. Kirkleatham Local Board*, [1893] A.C. 444, 449. He said that a perusal and consideration of the evidence and exhibits had failed to satisfy him that there was any such clear or manifest error in the conclusion arrived at by the arbitrators as to justify an interference by this Court.

The application by the municipal corporation for leave to examine the arbitrators in support of the corporation's appeal was properly dismissed by Britton, J.—when the only matter pending before the Court is an appeal such as this, no right of examination exists: *Duke of Buccleuch v. Metropolitan Board of Works* (1872), L.R. 5 H.L. 418; *Recher & Co. v. North British and Mercantile Insurance Co.*, [1915] 3 K.B. 277; *Re Clarkson and Campbellford Lake Ontario and Western R.W. Co.* (1916), 35 O.L.R. 345.

The appeal should be dismissed with costs.

RIDDELL, J., agreed in the result.

MEREDITH, C.J.C.P., read a dissenting judgment. He was of opinion, for reasons stated at length, that the appeal should be allowed and the award set aside; and, for reasons also given, that the compensation should be fixed at \$100,000. The appellants should have the costs of the appeal, and there should be no order as to the costs of the arbitration.

Appeal dismissed; MEREDITH, C.J.C.P., dissenting.