

581. This was an action of a very different nature, and the decision of the Supreme Court of Canada in *Toussignant v. County of Nicolet*, 32 S. C. R. 354, though not binding upon the Court of Appeal on an application like the present, proceeded upon reasoning quite applicable to the Ontario Act above cited. He referred also to *Gillett v. Lumsden*, [1905] A. C. 601.

The applicants must be left to apply for leave to appeal, and their application for the allowance of security refused.

See also *City of Toronto v. Toronto Electric Light Co.*, 11 O. L. R. 310.

MEREDITH, J.A., dissented, saying that he found it impossible to agree that the matter in controversy did not exceed \$4,000. The applicants had been ordered to erect a bridge, which would cost them tens if not hundreds of thousands of dollars. The legislature meant the substantial matter in controversy, and the substance of the controversy was the bridge. He referred to *City of Toronto v. Toronto R. W. Co.*, 11 O. L. R. 310; *Lovell v. Lovell*, 13 O. L. R. 587; *Irving v. Grimsby Park Co.*, 18 O. L. R. 114; *Coté v. James Richardson Co.*, 38 S. C. R. 41; *Robinson Little & Co. v. Scott & Son*, ib. 490; *Gillett v. Lumsden*, [1905] A. C. 601; *Simmons v. Mitchell*, 6 App. Cas. 156; *Mohideen Hadjiar v. Pichey*, [1893] A. C. 193.

NOVEMBER 22ND, 1909.

RE TOWNSHIP OF HUNTLEY AND TOWNSHIP OF MARCH.

Municipal Corporations—Drainage — Assessment for Outlet — Drainage Area—Benefit—Report of Engineer—Evidence—Appeal.

Appeal by the Corporation of the Township of Huntley against the judgment of a Drainage Referee confirming (with a variation) the report and assessment of an engineer made under the provisions of sec. 3 of the Municipal Drainage Act.

The proceedings were begun by a petition to the council of the township of March praying that, in order to drain a described area in that township, the Carp river, which commences in the township of Nepean, flows northerly through the townships of Goulbourne, March, Huntley, and Flynn, and finally empties into the Ottawa river, might be deepened and improved.