

Proceedings were then taken to arbitrate under the Act, and the award in question was made by the County Court Judge and the Warden of the county of Grey—the Warden of the county of Bruce refusing to sign.

Before evidence was taken, counsel for the township of Carrick took the objection that “there is no foundation for this arbitration, there being no refusal on the part of the township of Carrick to agree, etc., in the matter, the inability to mutually agree set forth in Mr. McKay’s affidavit being before the amendment of 1906.” The objection was overruled (Robb, the Warden of Bruce, dissenting). It was further objected that, “as the object of Normanby township in this arbitration is to have an already established road in that township declared and adopted as a deviation road, and as upon that road there are two bridges coming under sec. 617 of the Act, the county councils should be notified and given an opportunity to be heard.” “Objection overruled.” Mr. Robertson then asked an adjournment of the arbitration, on the grounds set out in his affidavit, to allow a motion to be made to the High Court to test the correctness of the rulings on the above objections. This was also overruled, and the arbitration then proceeded, the solicitor of the council for Normanby taking part in the arbitration. . . .

Section 654 of the Consolidated Municipal Act, 1903, was amended by 4 Edw. VII. ch. 22, sec. 28, by inserting after the word “thereto” in the fifth line, the words “or of making a deviation where in the opinion of any of the said councils it is impracticable to construct a road along the said county boundary line.” 6 Edw. VII. ch. 34, sec. 35, repealed the above amendment and inserted in lieu thereof the following words: “Or of making a deviation of a portion of such county boundary line or of adopting a road or highway already constructed as a part or the whole of such deviation where in the opinion of the said councils it is impracticable to construct a road along the said county boundary line.”

The section now reads as follows:—

“654. Whenever the several townships interested in the whole or any part of any county boundary line road are unable mutually to agree as to their respective shares of money to be paid or work to be done or of both, in opening