ment of the purpose for which the search is to be made. A formal demand of admittance is sufficient.

Judgment of the County Court of Frontenac reversed.

J. R. Cartwright, Q.C., for the appellant.

John McIntyre, Q.C., for the respondent.

GREENWOOD *v.* CROOME.

Evidence—Corroboration — Executors—R.S.O. (1887), c. 761, s. 10.

The fact of possession of certain promissory notes by one who sets up a claim to them under an alleged *donatio mortis causâ* is no corroboration of his evidence in an action by the executors of the deceased to recover back the notes, especially where for some time before his death the deceased was in a helpless condition and the claimant had free access to his papers.

Judgment of the Chancery Division affirmed.

V. Mackenzie, Q.C., and *DuVernet*, for the appellant.

Hoyles, Q.C., and *W. S. Brewster*, for the respondents.

IN RE TOWNSHIP OF ROMNEY AND TOWNSHIP OF TILBURY.

Drainage—Municipal corporations — Municipalities interested—Constitution of board of arbitrators—R.S.O. (1887), c. 184, s. 389.

Where in a drainage scheme initiated by one township assessments are made against more than one other township each township is "interested," within the meaning of section 389 of R.S.O (1887), c. 184, only in the question of its own assessment, and has no right to appoint an arbitrator to deal with other assessments.

The scheme of the Act is to make the total cost of the proposed work fall upon the initiating municipality, less such sums as may be properly chargeable against other municipalities for the benefits received by them respectively, and if benefit is disproved the attempted charge fails and does not appear to be re-imposed elsewhere.

Re Townships of Harwich and Raleigh, 20 O.R. 154, approved. *Re Essex and Rochester*, 42 U.C.R. 523, questioned.

Judgment of ARMOUR, C.J., reversed.

Atkinson, Q.C., and *C. J. Holman*, for the appellants.

W. R. Meredith, Q.C., *W. Douglas*, Q.C., and *J. A. Walker*, for the respondents.

WILLIAMS *v.* TOWNSHIP OF RALEIGH.

Drainage—Municipal corporations—Negligence —Action.

A corporation adopting and carrying out a drainage scheme without exceeding their powers and without negligence is not liable to an action for damages by one who suffers injury because of the inefficient character of the scheme.

Judgment of FERGUSON, J., reversed.

M. Wilson, Q.C., for the appellants.

W. Douglas, Q.C., and *J. A. Walker*, for the respondent.

TOWNSHIP OF STEPHEN *v.* TOWNSHIP OF MCGILLIVRAY.

Drainage—Municipal corporations—Adjoining municipality—Appeal against scheme—R.S.O. (1887), c. 184, s. 576.

An adjoining township cannot be charged under s. 576 of R.S.O. (1887), c. 184, with a proportion of the costs of drainage works which extend beyond the limits of the initiating township into the limits of a third township. It is only, if at all, when the works are done by a county council under the appropriate provisions of the Act that an adjoining township can under such circumstances, be assessed.

Objections to the legality of a drainage scheme may be taken by way of appeal under the arbitration clauses of the Act, but they need not necessarily be so taken, and it is not too late to set them up in answer to an action.

Judgment of ROSE, J., affirmed.

Moss, Q.C., and *M. Wilson*, Q.C., for the appellants.

W. Nesbitt and *A. W. Aytoun-Finlay* for the respondents.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Court.] [June 19.

IN RE TIPLING *v.* COLE.

Prohibition—Division Court—Judge reserving judgment without naming day — Garnishee summons—R.S.O., c. 51, s. 144.

By s. 144 of the Division Courts Act, R.S.O., c. 51, it is provided that the judge, in any case brought before him, shall openly in Court, and as soon as may be after the hearing, pronounce his decision; but if he is not prepared to pronounce his decision instanter, he may postpone