

MULOCK, C.J.:—One James Corrigan, the owner of the south half of lot 15 in the 8th concession of the township of Mara, required the construction of a ditch for the drainage of his land, and to that end served the owners of the other lands to be affected, with the notice required by sec. 8 of the Act, but, the owners having failed to arrive at an agreement in respect of the work, Corrigan filed with the clerk of the municipality a requisition in accordance with the provisions of sec. 13, and, thereupon, having taken the necessary steps, Mr. Kelly, the engineer, made his award, whereby he found that the ditch was required, and specified its location, description, and course, and apportioned the cost.

This ditch was accordingly constructed from the northern boundary of Corrigan's land for a certain distance upon that of plaintiff, and was there connected with an existing ditch, which it was supposed would carry off the water. It did not, however, accomplish this purpose, but discharged it upon plaintiff's lands.

After an expiry of two years from the completion of the ditch, plaintiff, being one of the owners affected, took the proceedings contemplated by sec. 36 of the Act for a reconsideration of the award. Thereupon Mr. Fitton, who had succeeded Mr. Kelly as engineer of the township, proceeded under the Act to reconsider the award, and made his amended award, whereby he required the ditch to be extended into the lands of one Kelly which adjoined on the east those of plaintiff.

After various delays the ditch was constructed as required by Mr. Fitton's award, and the cost, including the engineer's charges, was apportioned amongst the owners of the lands affected. Plaintiff refused to pay the portion adjudged against her, and the council, under the authority of sec. 30, caused the amount to be placed upon the collector's roll and a warrant to be issued for its recovery by distress, as in the case of taxes. Plaintiff thereupon instituted this action, alleging the illegality of the amended award and praying for an injunction restraining defendants from proceeding to collect the amount so charged against her on the collector's roll.

One objection taken by plaintiff to the validity of the amended award is that Kelly having by his award specified the location, description, and course of the ditch, its com-