

The Drainage Act, R. S. O. ch. 226, secs. 88 and 89, makes the Drainage Referee (1) an officer of the High Court, (2) confers upon him all the powers of an Official Referee under the Judicature and Arbitration Acts. Official Referee is only "official" in the sense of being an officer of the High Court. The Drainage Referee, being such an officer, with all necessary powers, is an Official Referee for the purposes and within the meaning of the Arbitration Act. Rule 12 makes all officers auxiliary to one another. See also sub-sec. 22, sec. 8 of the Interpretation Act. I think therefore that the Drainage Referee being specially vested by sec. 89 of the Drainage Act with the powers of Referee under the Arbitration Act, the appeal should be allowed, and the case referred to him. Costs of appeal to plaintiffs in any event.

Moncrieff, Wilson, & Craig, Petrolia, solicitors for plaintiffs.

Cowan & Towers, Sarnia, solicitors for defendants.

MACMAHON, J.

APRIL 17TH, 1902.

TRIAL.

CHRISTIAN v. POULIN.

Deed of Land—Undue Influence—Full Disclosure of Facts.

Action tried at Ottawa brought to set aside a deed of land made by plaintiff to his son-in-law, defendant S. R. Poulin, or in the alternative that said defendant be ordered to pay plaintiff \$60 a month, and discharge or satisfy a mortgage for \$3,000 on the land in question.

W. H. Barry, Ottawa, for plaintiff.

G. F. Henderson, Ottawa, for defendants.

MACMAHON, J.—The plaintiff knew perfectly well what he was doing, and full explanation was made to him at the time he signed the deed, and he knew defendant S. R. Poulin had to assume the mortgage on the property, and pay arrears of interest and taxes, and that, besides, S. R. Poulin had also lent a large sum of money, and that therefore there could not be any payment to plaintiff per month, for there was nothing out of which to pay it. Action dismissed with costs, which if not paid may be added to claim of defendant S. R. Poulin as a disbursement. Amount of interest and taxes may be regarded as a first charge on the land.