would be a most serious defect; and, if it is not sufficient to relieve from the award, by reason of the curative provisions of the statute, minor objections need not be discussed.

When Townhsip of McKillop v. Township of Logan (1899), 29 S.C.R. 702, was decided, the statute made an award binding "notwithstanding any defect in form or substance either in the award or in any of the proceedings relating to the works to be done thereunder taken under the provisions of this Act." This was held not to cure an insufficient notice originating "the proceedings, the section not covering the proceedings anterior to the award for the purpose of putting in operation the machinery of the Act" (p. 705).

The statute was amended after that decision; and, under the amended provision, the award, after the time limited for appealing, and after the determination of any appeal, is "valid and binding to all intents and purposes notwithstanding any defect in form or substance either in the award or in any of the proceedings prior to the making of the award:" R.S.O. 1914 ch. 260, sec. 23.

It was argued that the omission to hear the parties was not "a defect in any of the proceedings" but was the failure to take one of the proceedings necessary to confer upon the engineer jurisdiction to make the award—the absence of the hearing was so fundamental a matter that, notwithstanding sec. 23, it rendered the proceedings void. This is too narrow a view of the statute. The appeal to the County Court Judge under sec. 21 is really a rehearing. The Judge may go into the whole matter de novo. He may go upon the ground and himself view the land. He may compel the engineer to accompany him and render all assistance. He may take evidence and amend the award, if necessary in order to do justice. If the engineer has been at fault he may be deprived of his fees. Thus any neglect or improper conduct on the part of the engineer may be set right upon the appeal. Anything that can be remedied on the appeal is covered by the curative section. The same validity is given to an award against which there is no appeal within the limited time as to an award dealt with upon an appeal.

It was argued that the award was bad because the drain was not carried to a sufficient outlet. This was based upon a misreading of McGillivray v. Township of Lochiel (1904), 8 O.L.R. 446, where it was held that an award could not justify pouring the drainage-waters upon the lands of a stranger to the proceedings. The Municipal Drainage Act contemplates taking the waters to a sufficient outlet and not pouring them upon the land of some one else. This was all that was decided. See Healy v. Ross (1914-15), 32 O.L.R. 184, 33 O.L.R. 368.