

section No. 17 in the townships of Arthur and Minto, and to consist of certain named lots in the two townships.

W. Kingston, K.C., for the applicants.

A. Spotton, Harriston, for the respondents.

MEREDITH, C.J.—The first objection taken to the award is that the respective township councils should have appointed their arbitrators by proper by-laws, and that the by-laws should have set out the parcels of land “to be arbitrated on,” and that this was not done.

The municipal council of the township of Arthur appointed an arbitrator by a formal by-law, signed by its reeve and clerk and under the corporate seal of the municipality, and in this respect the appointment is unobjectionable. The instrument by which the council of Minto appointed an arbitrator is in form a resolution, but it is under the corporate seal of the municipality and signed by the reeve and clerk, and is, I think, quite sufficient to constitute a valid appointment of an arbitrator.

Both the by-law and the resolution refer to the petitions which had been presented to the respective councils for the formation of the union section, and are not, even if, had no such reference been made, they would have been defective, open to the objection taken to them.

It was not, in my opinion, necessary to set out a description of the lots referred to in the petition, it was quite sufficient if the petition upon which the council was proceeding, was referred to so as to identify, and that was done.

The next objection is that each of the municipal councils appointed its clerk as arbitrator.

Whatever inconveniences, if any, may arise from the appointment of the clerk of the municipality as an arbitrator, I see nothing to prevent its being done or to disqualify him. Section 46 forbids the appointment of a member of the council, and had it been intended that the council should not be at liberty to appoint its clerk, the Legislature would no doubt have so provided; nor is the fact that it is made the duty of the clerk to notify the inspector of the appointment of the arbitrator, incompatible with his being himself the arbitrator.

The fourth objection is that the award was not a unanimous one.