

MUNICIPAL DEPARTMENT

IMPORTANT DRAINAGE CASE.

MCQUAT ET AL VS. STORMONT ET AL.—A drainage case of unusual importance came up before J. B. Rankin, Esq., Drainage Referee, at the Court House, Cornwall, on July 28th, lasting for several days. The action was brought by James McQuat and Thomas McQuat, both of the Township of Matilda, as against the United Counties of Stormont, Dundas and Glengarry, to recover \$1,367.73 for damages to their farms and crops, alleged to have been caused by the negligent manner in which the "Nation River Drainage Scheme" was carried on, and for a mandatory injunction compelling the Counties Council to remove all obstructions and to cause the river to be cleared out and otherwise to be put in a condition sufficient to carry off the water, and in every other respect to remedy the defects in the said drainage system. The plaintiffs allege that the defendants under "The Nation River Drainage By-law," passed by the Counties Council in January, 1884, directed that certain work should be done upon the Nation River by way of deepening the same and affording better drainage for the section through which it passed. In pursuance of this direction under the said by-laws of the Counties Council, certain work was done upon the said river from time to time between the years 1884 and 1900, and the plaintiffs allege that the defendants negligently and wrongfully had the excavations of earth placed and deposited upon and within the banks and natural bed and channel of the river. They also allege that the defendants did not complete and carry out the work of excavation and removal of shoals, and that by reason of

this negligence the waters of the river were backed up and overflowed the plaintiffs' lands, thereby causing serious loss, damage and destruction to large quantities of hay, grain and pasture. They also allege that the drainage resulting from said work is not efficient. The defendants allege that the work was not done negligently, but on the contrary was done in accordance with the plans and specifications and in accordance with the direction of the engineer in charge, and that the scheme is quite sufficient to drain all the land through which the river passes, except at times of extraordinary floods, which no drainage system can overcome; that the work was completed in accordance with the plans and profiles, and that the engineer so certified, and that if any damage had been sustained by the plaintiffs that it had been due to the largely increased volume of water being brought down by the drains, for which the defendants are not responsible. The defendants also set up as a defence that the jurisdiction over drainage matters was by the Act of 1894 taken away from united

counties and vested in the township corporations, and the townships through which the drainage work passes are liable, and not the united counties, as alleged by plaintiffs. The action first came up for trial in November last, but the plaintiffs asked for an adjournment in order to add the Townships of Matilda and Augusta. The Referee reserved judgment.

Mr. L. F. Monaghan has been appointed city clerk of Halifax, N. S., at a salary of \$1,200 a year.

Mr. Henry Treneman, city clerk of Halifax, N. S., died last week. He had been city clerk since 1892.

Eleven applications were received for the position of city engineer of Hamilton, Ont., at salaries ranging from \$1,700 to \$3,000 per year. The matter will not be disposed of for perhaps a fortnight.

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