

BY-LAW NO. 3.

A By-law for the Appointment of Superintendent or Superintendents of Ditches and to define their duties.

PASSED 30TH APRIL, 1890.

THE MUNICIPAL COUNCIL of the Township of Brooke in Council assembled enacts as follows:

1. That the municipal Council may by By-law appoint one or more persons, whom they may deem fit and suitable, to an office to be known as that of Superintendent of the Public Drains of the Municipality; that such Officer or Officers shall continue in office during the pleasure of the Council; and that remuneration be allowed him or them at the rate of one dollar and a half per day, for every day actually and necessarily employed in the duties of the office. Any fees earned by him or them in the discharge of their duty shall be applied in the reduction of the allowances due them.

2. That the Drain Superintendent or Superintendents shall have an oversight of all the public drains in the territory under his or their jurisdiction (and which shall be defined in the By-law making the appointment) and see that the several By-laws for their preservation and maintenance are not violated.

3. That it shall be their duty to be guided especially in the discharge of their duties by Sections 78 and 79 of "The Drainage Act, 1894," which enacts as follows:

78.—(1) When any drainage work, heretofore or hereafter constructed, becomes obstructed by dams, low bridges, fences, washing out of private drains, or other obstructions, for which the land adjoining the drainage work, or the owner or person in possession thereof is responsible, so that the free flow of the water is impeded thereby, the person or persons owning or occupying the land shall, upon reasonable notice in writing given by the council or by an inspector appointed by the council for the inspection and care of drains, remove such obstructions in any manner caused as aforesaid, and if not so removed within the time specified in the notice, the council or the said inspector, shall forthwith cause the same to be removed.

(2.) The Council may by By-law, appoint an Inspector for the purposes mentioned in the preceding subsection, and shall in the By-law regulate the fees or other remuneration to be received by him.

(3.) If the cost of removing such obstruction is not paid by the owner or occupant of the lands liable, to the municipality forthwith after the completion of the work, the council may pay the same, and the clerk of the municipality shall place such amount upon the collector's roll against the lands liable, with ten per cent added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the owners or occupant, in respect of the cost of the work, to the Judge of the county court of the county in which the lands are situate.

79. Any person who shall obstruct, fill up or injure any drainage work, or destroy, cut or injure any embankment of any pumping works, or of any other drainage work, shall in addition to his liability in civil damages therefor, upon the complaint of the council of the municipality or of any person affected by such obstructing, filling up, destroying, cutting or injuring, be liable upon summary conviction thereof, before a Justice of the Peace, to a fine of not less than \$5.00 nor more than \$100 and costs of conviction, or to imprisonment with or without hard labor for any term not exceeding six months, or in default of payment of such fine and costs or costs only to imprisonment for any term not exceeding three months.

4. That all former By-laws inconsistent with this By-law, be and the same are hereby repealed, and that this By-law come into force from and after the passing thereof.

ARCH. MCINTYRE, Reeve.

W. G. WILLOUGHBY, Clerk.