

Kennedy, T. E.
A. Sweet, John
Elder, George

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R. Smith, Esq.,
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ARTHUR, Chairman.
1, 31st Oct., 1889.

on Committee.

McNaughton, Jas.
et, A. Kennedy, T.
B. J. Thompson, W.
and D. A. McArthur.
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ARTHUR, Chairman.
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MPBELL, Chairman.
0th, 1889.

Report of a Special Committee Appoint- ed by Resolution of this Council, to Obtain Legal Advice as to whether this Council could Legally proceed to Expropriate the Mill Dam at the Village of Chesterville, in the County of Dundas, under the old By-Law, viz., By-Law 733, and the old Assess- ment.

Present—E O'Callaghan, A.A. Stewart, John
Bennett and D. A. McArthur.

Your Committee beg leave to report that
they have consulted D. B. McLennan, Esq.,
Q.C., of this town, and have received his writ-
ten opinion on the questions submitted to
him, which opinion is hereto appended.

Your Committee recommend that this Coun-
cil act upon the said opinion and appoint the
necessary committee or committees, and in-
troduce and pass the necessary by-laws, to
complete the said drainage works, upon the
proper application and the legal initiatory
steps being taken by the interested parties; all
matters and things done in respect thereof to
be so done and passed so as to keep this Cor-
poration harmless from any damages what-
ever.

All of which is respectfully submitted.

D. A. McARTHUR, Chairman.

Committee Room, Cornwall, 31st Oct., 1889.

CORNWALL, Oct. 31st, 1889.

D. A. McArthur, Esq., Chairman Nation River
Drainage Committee.

DEAR SIR,—I have been asked to give my
opinion as to whether the County Council can
now pass a by-law for the removal of the
Chesterville dam, treating it as part of the
work to be done under by-law number 733,
passed on the 19th day of June, 1884, so as to
avoid the making of a new assessment, and
whether if it was not in terms covered by that
by-law, the County Council can now pass a
by-law founded on the petition of the Town-
ship of Matilda, which is recited in by-law
number 733. The decision of this point invol-
ves the larger question as to whether the
Council could as part of the drainage scheme
expropriate and remove the dam without the
consent of the proprietor. I understand that
the County Council does not take the position
that any such power exists, and that in the
face of the conflicting opinions on this point
it is thought better to act on the assumption
that no such power is vested in the Council.
If this be taken for granted, as it must be from
the fact that the Council now proposes to act
upon a consent to be obtained from the pro-
prietor of the dam, I take it that my opinion
must be given on the assumption that the
Council has by law no power to expropriate
and remove the dam without the consent of
the proprietor. This being so, it is quite clear
that at no time prior to the obtaining of the
consent in question had the Council any juris-
diction to deal with the removal of the dam
as part of the drainage scheme. The result
would be that anything heretofore done look-
ing to the removal of the dam is entirely void,
and that the proper proceeding now to take is
to proceed *de novo*, treating the removal of
the dam as a new and independent project.

Yours truly,

D. B. MACLENNAN.

Report of Finance Committee.

Present—Dickey, Coulthart, Sweet, Kerr,
J. M. Campbell, A. G. McArthur, O'Callaghan,
McCaillum, Cameron, McNaughton, Fraser,
D. A. McArthur.

Your Committee passed accounts as per
schedule marked "A," herewith submitted,
amounting to \$1,587.65, to cover which a By-
Law will be submitted for adoption by the
Council.

An account for stationery from the office of
the Registrar of the Surrogate Court was re-
fused payment, because your Committee
were of opinion that in civil procedure where
payment is made by fees, the blanks should
be provided by the parties receiving the fees.

A petition was presented by one Victor
Duchesneau, of the Township of Finch, ask-
ing for payment on account of injuries re-
ceived while acting under the directions of a
Justice of the Peace. Your Committee re-
fused on a division to entertain the petition.

The Treasurer reports that the surties of
the past Treasurers, Dr. McDonald and Eneas
McDonald, have paid in \$5,000 of the amount
due and to fall due on account of settlement,
which has been used to retire notes and pay
current expenses.

He also reports his bank account overdrawn
to the extent of \$96.82, and intimates that it
will require about \$2,500 to pay accounts
passed, and to meet the further expenditure
likely to accrue before the County assessment
becomes available. Your Committee would
therefore recommend that a By-Law be pass-
ed giving authority to the Warden and Treas-
urer to borrow that amount at the Bank of
Montreal, here, should it be found necessary.

Your Committee find that the accounts of
the judges for examining lunatics, amounting
in all to \$100, have been presented to and
passed by the County Board of Audit and
paid by the Treasurer, without having been
first presented to the Council. This appears
to be irregular, as the payment of these al-
lowances rests entirely with the Council. We
would recommend that the accounts so far,
passed in this way, be allowed; but that in
future, no payments be made for this service,
unless approved by the Council.

We would also recommend that Debentures
be issued at the earliest possible date, to cover
the floating indebtedness of the Counties,
which is about \$20,000.

A. HARKNESS, Chairman.

Council Room, Oct. 31, 1889.

Report of the Drainage Committee.

Your Committee beg leave to report, that
owing to the wetness of the season the con-
tractors did not fully complete the unfinished
portions of the work under contract. Nothing
was done at Cass's bridge. In the South
Branch the work is believed to be nearly com-
pleted, though not yet examined, and no esti-
mates have been given for work done this
year.

In the month of June last Messrs. Munro &
Barrie made a proposal to agree to the remo-
val of the dam at Chesterville, provided the
value as determined by arbitration were paid
to them. Several meetings were held, but no
agreement reached.

Your Committee beg further to report that
the amount now due by these Counties on
account of this work, not provided for by
debentures, is \$12,327.20, and that to finish the
present work under contract and to pay ex-
penses and provide for interest until debentures