

RE CRANBERRY MARSH.

I have perused the foregoing statement of case, and the Statutes referred to in it, as well as the provisions of the municipal law, which seem to me cognate to these Statutes.

I am of the opinion that the Council has power to pass a by-law for the purpose of the complete and thorough drainage of the lands mentioned in the Statutes referred to in the case.

The Statutes, 18 Vic., chap. 149, sec. 6, gives power to the Municipal Council of Welland to defray the expenses of the drainage of the Marsh Lands in the Townships of Crowland, Humberstone and Wainfleet, as well as the back ditches of the Welland Canal and the Welland Canal Feeder, by an assessment or assessments upon the rateable property in such Townships generally, or such parts thereof as shall be most benefitted by such works.

I have no doubt these Acts specifically referred to in the case are still in force, and that all the powers mentioned in the Acts can still be exercised by the County Council of Welland.

Sec. 454 of the Municipal Act, S. S. 15, clearly recognizes the execution of such a power by the County Council as within the scope of the Municipal Act.

I think the corporation of Welland can issue debentures, within the limitations contained in sections 333 and 334 of the Municipal Act, as amended by 44 Vic., chap. 24, sections 6 and 7.

Of course, if the Council desire to borrow more than \$20,000 in any one year, the by-law would have to be submitted to the electorate. Assuming, however, for the present, that the money to be borrowed is within this limit, I see no objection whatever to it being borrowed upon debentures, under the sections just referred to.

I think that the assessments may be imposed upon the whole of the townships generally, or on particular parts of townships, but in the latter event the by-law ought to specify the particular lots which are proposed to be affected by it.