

THE  
ONTARIO WEEKLY REPORTER

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FEBRUARY 21ST, 1906.

DIVISIONAL COURT.

WICKE v. TOWNSHIP OF ELLICE.

*Ditches and Watercourses Act—Award Directing Construction of Ditch—Failure of Land Owner to Do Part of Work Assigned—Letting Contract for Work—Charge on Land—“Owner”—Successor in Title—Construction of Act.*

Appeal by defendants from judgment of Judge of County Court of Perth, in favour of plaintiff, the owner of the east half of lot 19 in the 10th concession of Ellice, in an action brought to have it decided that a sum of \$157 on the tax bill for 1905 was not a charge upon the lands. The plaintiff's predecessor in title had, it appeared, neglected to perform certain works under the decision of an arbitrator on a reference under the Ditches and Watercourses Act. The engineer proceeded to have the work done by tender, and the amount was charged against the property by resolution of council, dated 25th November, 1905, which directed the amount to be placed on the roll. Subsequently in 1905 plaintiff purchased the property and received a receipted tax bill for 1904.

E. Sydney Smith, K.C., for defendants.

R. S. Robertson, Stratford, for plaintiff.