

after the 15th December, and any other information regarding this statement that you might think necessary?

The following is a proper heading for the 15th of December statement:

"Detailed statement of receipts and expenditures of the township of for the portion of the year ending on the fifteenth of December, together with a statement of assets and liabilities and uncollected taxes."

It is not necessary to append or attach any certificate to this statement. It should simply be signed by the reeve and treasurer, as required by subsection 6 of section 304, of the Municipal Act. We do not know that we can furnish any information that would be of service to you in the preparation of this statement other than that contained in the above subsection, which states clearly what the statement should contain, in what way prepared, by whom signed and in what manner it is to be promulgated. See Editorial page.

Closing a Road—Making and Repairing Bridges Over Drains.

484.—J. M.—1. All the persons living on a road petitioned the council to have a portion of it closed. The road is not an original allowance, nor has the municipality any deed of it, but statute labor has been performed on it for over 25 years. The portion to be closed (on diagram) is filled in ink.

(a) Would it be necessary to pass a by-law besides putting up notices as required by sec 632 of the Municipal Act, and advertising in paper?

(b) If by-law necessary, what form would you suggest?

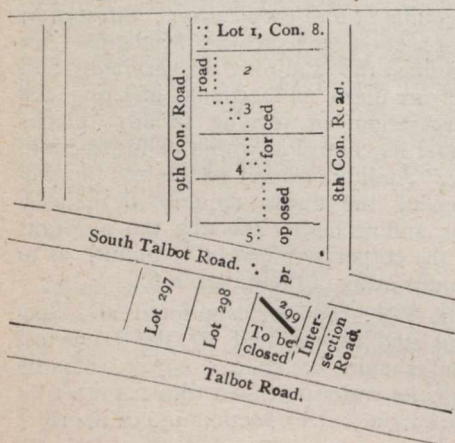
(c) If closed, does the land go back to owner of lot 299, or must he buy it?

2. There are bridges on highways (not entrance to farms) over special drains, and many of these bridges were included in engineer's estimates and repaired with the drainage work.

(a) Is it legal for engineer to include the same in his estimate?

(b) Would it be legal for council to repair the same and charge to drain when there is no surplus on drain?

(c) If so done, can the engineer, in future repairs, take into account the amount so spent and charge to drain?



1. (a) Yes.

(b) The by-law should be numbered and entitled a by-law to close (the portion of the road proposed to be closed,

describing it.) A preamble should be inserted reciting the preliminary steps that had been taken under section 632, and then an enactment closing the portion of road (describing it.)

(c) No. It does not revert to the owners of the lots. Assuming that it is a highway belonging to the municipality, it will remain the property of the municipality though closed.

2. (a) Yes. See sub-section 1, of section 9, of the Drainage Act. (Chap. 226, R. S. O., 1897.)

(b) Yes. See section 68, of the Drainage Act.

(c) No. The repairing of these bridges is a work of maintenance, and should be collected by the council from the parties originally assessed for the construction of the drainage work, pro rata according to their respective assessments. See section 68, of the Drainage Act.

Changing from Award to Municipal Drain.

485.—J. E. H.—1. A petition has been placed in the hands of council for a drain to be dug and an award has already been given some years ago, and one of them now refuses to sign who was on the former award, as he says that the then engineer said it was carried to a proper outlet. What effect will the former award have on the present ditch or drain?

2. Can the man who refuses, stop the drain?

3. Could any one on the former award stop it?

4. Can a man claim damages where his watering place for cattle will be drained by drain in question?

1. You speak of an award, and we therefore assume that this drain was originally constructed under the provisions of the Ditches and Watercourses' Act, and that your council is now petitioned to change it into a municipal drain under the authority of section 84, of the Drainage Act, (Chap. 226, R. S. O., 1897.) If this be done the former award will be superseded by the by-law passed pursuant to the petition. A petition in compliance with section 3, of the Drainage Act, will be required.

2. Not if the petition presented to the council under section 84, is signed by the majority in number of the resident and non-resident owners, (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll of the municipality, to be the owners of the lands to be benefited in the area described in the petition. See section 3, of the Drainage Act.

3. No. Provided the petition is as stated in our answer to question No. 2.

4. Any person who has been injured by the construction of the drainage works is entitled to compensation for such damages as he has sustained. See section 93, of the Drainage Act.

Liability for Pollution of Stream.

486.—A SUBSCRIBER.—There is a creek running through A's and B's farms, which used to be good and pure drinking water for cattle and all other purposes. A started a business by which he lets large quantities of poisonous matter run into the creek, by which the fish

and all living creatures that were in the creek have died, which makes B's water wholly unfit as drinking water for cattle or any other purposes. During spring freshets and heavy rains the creek overflows its banks, distributing the poison over the creek flats, thereby making pasturing unsafe, as several head of cattle have died of it already. If B notifies the township board of health, must the said board of health take action against A to have the said evil stopped and also to recover damages to the land, and cattle which have died?

B can proceed against A for damages for the injury he has sustained by reason of the pollution of the stream, and for an injunction restraining A from further carrying on the business to his injury. In case the business is one that requires the consent of the council of the municipality, under section 72, of the Public Health Act, A is liable to the penalty named in the Public Health Act, if he has not obtained the consent of the council to carry on the business. If the business is one mentioned in section 586, of the Municipal Act, and your council has passed a by-law under the authority of this section, the terms of the by-law must be observed by A in carrying on the business, otherwise he will be liable for the penalty fixed by the by-law. See *Van Egmund vs. Seaforth*, 6 O. R. 599.

A Contract Improperly Performed.

487.—J. K.—The government gave a grant to be spent on a certain road. The man who did the job built the road about two feet higher than the old road bed and only wide enough for one conveyance, so that two teams loaded cannot pass without upsetting. There is a large ditch on each side of the old road-bed and three or four feet from the new, and these ditches are filled with water and slush during the fall and spring, and when filled with snow this part of the road will be very unsafe and dangerous and it would cost the municipality more to put the road in proper shape now than if there had been no money spent on it, besides it is too late to do anything with it this fall, and as there is a great deal of traffic on the road, it being a leading thoroughfare, there are likely to be some accidents happen before the road is put in proper shape.

1. Are the council responsible for damages on such road?

2. The man who made the road filled up a culvert. Could he be compelled to put one in instead of it?

3. How ought the council to act in such cases? The ratepayers are all complaining and the council is at a loss to know what to do as such cases are hard to handle.

4. What is the least width of a legal road bed?

1. Yes. Assuming that the new road is one that is under the jurisdiction of the council.

2. We do not think so. If he completes the work according to his contract, it seems to us that the work must be regarded as the work of the corporation and, if the effect of it is to leave the road in a dangerous condition, the corporation will be liable in case an accident happens. If, on the other hand, the contractor did not do the work according to contract, he is liable to the corporation for damages