

The Ontario Weekly Notes

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TORONTO, JULY 10, 1912.

No. 43.

COURT OF APPEAL.

JUNE 28TH, 1912.

*TOWNSHIP OF ORFORD v. TOWNSHIP OF ALD- BOROUGH.

Municipal Corporations—Drainage—Outlet Liability — Injuring Liability—By-law — Jurisdiction of Township Council — Initiation of Proceedings—Report—Necessity for Petition—Benefit of Work to Adjoining Township—Municipal Drainage Act, sec. 3, sub-secs. 3, 4; sec. 77—Natural Watercourses—Riparian Right of Drainage into—Insufficiency of Outlet.

Appeal by the Corporation of the Township of Orford from a judgment of the Drainage Referee, dismissing with costs the appellants' application to set aside a by-law passed under the provisions of the Municipal Drainage Act, and based upon the report of G. A. McCribbon, O.L.S., assessing and charging the sum of \$3,225 against lands and roads in the township of Orford in respect of a proposed drainage work in a natural creek or watercourse, called Kintyre creek, in the township of Aldborough.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

M. Wilson, K.C., for the appellants.

C. St. Clair Leitch, for the respondents.

*To be reported in the Ontario Law Reports.