

From Drainage Referee.]

[March 27.

IN RE TOWNSHIP OF COLCHESTER NORTH, AND TOWNSHIP OF
GOSFIELD NORTH.*Drainage — Report of engineer — Failure to take oath — Amendment
of report.*

Taking the oath prescribed in s. 5 of "The Municipal Drainage Act," R.S.O. c. 226, is an essential prerequisite to the exercise of jurisdiction by the engineer under s. 75 of that Act.

While an appeal to the Drainage Referee against a report is pending the initiating municipality cannot refer back the report to the engineer for amendment. Judgment of the Drainage Referee reversed.

Britton, Q.C., and Langton, Q.C., for appellants. A. H. Clark, for respondents.

From Drainage Referee.]

[March 27.

IN RE TOWNSHIP OF ORFORD AND TOWNSHIP OF HOWARD (No. 2.)

Drainage—Natural watercourse.

Under sub-s. 3 of s. 3 of R.S.O. c. 226, lands in one municipality from which water has been caused to flow upon and injure lands in another municipality, either immediately, or by means of another drain, or by means of a natural watercourse, may be assessed and charged for the construction and maintenance of a drainage work required to relieve the injured lands from such water.

In re Townships of Orford and Howard (1891), 18 A.R. 496; *In re Townships of Harwich and Raleigh* (1894), 21 A.R. 677; and *Broughton v. Township of Grey* (1897), 27 S.C.R. 495, distinguished. Judgment of the Drainage Referee affirmed.

Douglas, Q.C., for appellants. Matthew Wilson, Q.C., for respondents.

SMYLIE v. THE QUEEN.

[April 4.

Crown — Timber licenses — "Manufacturing condition." — Constitutional law.

The Act 68 Vict., c. 19 (o), making applicable to timber licenses the condition approved by order-in-council of the 17th February, 1897, that all pine timber cut under such licenses shall be manufactured into sawn lumber in Canada, is *intra vires*, and applies to licenses issued after the passing of the Act in renewal of licenses in force at the time of its passage. Judgment of STREET, J., 35 C.L.J. 761; 31 O.R. 202, affirmed.

H. J. Scott, Q.C., for appellants. S. H. Blake, Q.C., and Walter Gow, for respondent.