

BY-LAW NO. OF 1889.

A By-Law to provide for draining parts of the Township of Howard by the construction of the South Marsh Drain, which will also benefit part of the township of Orford, and for borrowing on the credit of the Municipality the sum of \$1,527.00 for completing the same.

PROVISIONALLY ADOPTED 13th DAY OF JULY, A. D. 1889.

WHEREAS a majority in number of owners as shown by the last revised Assessment Roll of the property heretofore set forth to be benefited by the drainage, have petitioned the Council of Howard, praying that that part of said township of Howard being composed of lots number sixteen, seventeen and eighteen in the 11th concession and the north-west halves of lots number thirteen, fourteen, fifteen, sixteen, seventeen and eighteen in the 12th concession of said township of Howard in the County of Kent, be drained under the provisions of the Municipal Act, and that assessments be made therefor.

AND WHEREAS thereupon the said Council procured an examination to be made by Messrs. Coad & Robertson, P. E. S.'s., being persons competent for such purpose, of the locality proposed to be drained, and has also procured plans and estimates of the work to be made by the said Coad & Robertson and an assessment to be made by them of the real property to be benefited by said drainage, and of all properties, persons and municipalities liable under the various provisions of said act and amendments and asking as nearly as they can the proportion of benefit which in their opinion will be derived in consequence of such drainage by every road and lot, or portion of lot, the said assessment on the lands and roads in Howard so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots heretofore described, and in conformity with the provisions of the Municipal Act, and the assessment on the lands and roads in Orford being that herein set forth in the report of the said Coad & Robertson in respect of said work and said drainage, which report is as follows:

Glenns, July 2, 1889.
To the Municipal Council of the Township of Howard in session assembled:

Gentlemen:—In obedience to instruction received from your honorable body through the clerk of your municipality and a resolution of council dated April 6th, 1889, and in accordance with a petition signed by John Tape, Henry Grawburg, Charles Grawburg, James Murray, and others, praying for the drainage of certain land (described) in the 11th and 12th concessions of the township of Howard, in the County of Kent,

We have made an examination of the said locality proposed to be drained, and of the lands and roads that will be affected by the construction of such drainage works as will be necessary to drain the same and to relieve the described locality in your township from the water coming upon it from the higher lands, and we have made the accompanying plans, including profile, specifications and estimates of the work we propose to do to drain said locality and we have also made an assessment, appended hereto, of the said described locality in so far as the lands and roads comprised therein, are to be benefited and improved and of other adjoining lots and roads, which in our opinion, will be benefited and as the necessary work to drain the said locality in Howard will also in our opinion benefit lands in the township of Orford and improve roads therein. We have charged the same with a just proportion of the cost of the proposed work, all of which assessments are appended hereto.

In our opinion the locality described in Howard township can be most advantageously drained by the construction of drains along the courses of which we have made a survey and which we hereafter describe:

We commenced on the westerly side of the townline between the townships of Orford and Howard, at a culvert crossing said townline opposite the south side of the road allowance between the 2nd and 3rd concession of Orford, planting a stake marked "O" which will now mark the head of what will be known as the North Branch of the South Marsh Drain, and from it measured off and planted stakes two chains apart numbered consecutively 1, 2, 3, 4, &c., continuously to the outlet of the Main Drain.

The Drain has its course southerly along the said Townline to the northerly side of the road allowance between concessions 11 and 12 a distance of 5 rods, thence westerly, along the northerly side of the road allowance in front of lot 18 and part of 17, a distance of 175 rods to where it crosses into concession 12 and runs in a south easterly and south westerly direction following in a water course, a distance of 130 rods through lot 17 to a junction with and entering the Main Drain on the north east quarter of lot number 16 in said 12th concession being a total length of 310 rods in this North Branch.

We again commenced at the head of the Main Drain to be known as the South Marsh Drain, on the westerly side of the townline between the townships of Orford and Howard at a point 52 rods southerly from the front of concession 12, planting a stake marked "O" and from it measuring off and planting stakes numbering consecutively 1, 2, 3, 4, &c., following a water course, two chains apart in a south-westerly direction through lots 17 and 18 and part of 16 in the 12th concession, a distance of 374 rods to where the North Branch enters.

From this point the drain continues on as the Main Drain in a south-westerly direction through the northerly halves of lots number 16, 15, 14, 13, and part of 12, in the 12th concession of the township of Howard to the Old Mill Pond, a distance of 821 rods from the junction of the North Branch or in all a total length of 1,206 rods of drain.

The outlet of the drain is into the head of the creek which forms on lot 15 and 13, and which we follow and deepen to the Old Mill Pond at a point about 40 rods from the site of the Old Mill Dam at stake 1162.

We have taken levels at each of the numbered stakes and show on the accompanying profile the depths, widths and other dimensions to which the drain is proposed to be constructed.

As the land lying back from the drain is comparatively level, and as the area to be drained is not very large, we have deemed

it advisable to make the drain deep rather than wide.

The North Branch, at its head has a depth of 3 feet 4 inches, at its junction with the Main Drain, a depth of 5 feet 9 inches, with an average depth throughout of 5 feet 4 inches, and has a fall of one inch per 8 rods from "O" to stake 22, and from stake 22 to its junction with the Main Drain a fall of 1 1/2 inches per 8 rods.

The Main Drain has a depth of 2 feet 10 inches at its head with an average depth of 4 feet 8 inches and a fall of 1 1/2 inch per 8 rods to where the North Branch enters. From this point to stake 100 it has an average depth of 5 feet 2 inches, and a fall of 1 1/2 inch per 8 rods, and from stake 100 to a fall of 1 1/2 inch per 8 rods, below this point it increases rapidly.

We have made the bottom width of the North Branch from stake 0 to stake 32, 3 feet; the Main Drain, from stake "O" to stake 452, 4 feet; from stake 32 to stake 55, 6 feet, and from stake 55 to the outlet at 1162, 7 feet. The side slopes throughout are to be one foot horizontal to one foot vertical.

When along the road, the drain must be dug in straight lines, all angles must be turned by as gentle curves as possible and the present water course straightened as much as possible within the limits of the proposed work. When along the road the earth removed from the drain shall all be cast upon the road surface, and shall be spread evenly on the surface of the road to a width of 18 feet, the rest of such spreading estimated to be 325 tons is recommended to be paid out of the general funds of the township. When not along the road the earth removed from the drain shall be cast and left about evenly on both sides at least 4 feet clear of its edge, and the slopes of the spoil bank, on that side, the drain shall not be greater than 1 1/2 horizontal to one vertical, and slopes or openings shall be left in said spoil banks at all low runs and not further apart than 20 rods, at least 4 feet wide at the bottom with slopes 1 1/2 horizontal to 1 vertical. All trees stumps, logs, and other obstructions must be cut and removed from the body of the drain and taken some point beyond the drain.

All fences that it may be necessary to remove for the construction of the work shall be replaced by the contractor as soon as possible and no excavated material shall be cast upon or against any such fence.

Below stake 1162, to the site of the Old Mill Dam the creek channel shall be improved by removing all stumps, logs, rubbish and other obstructions, and by side excavations as may be necessary to carry the water away from the part to be excavated at stake 1162 and for this work an allowance of \$10 has been made in the estimate.

The plan accompanying this report shows more particularly the location of the drain and the lands assessed. The profile shows the depths and other dimensions to which it is proposed to make the drain conform.

We find that the prepared work is very necessary, and when carried out it will much benefit the lands in the vicinity in the township of Orford, and others in Orford which will use it as an outlet as well as those in the township of Howard, besides providing an outlet for the waters of lands more distant which are brought down numerous smaller drains in both townships and caused to flow upon and injure the lands to be drained.

Of the lands assessed in the township of Orford, not including road allowance, about 200 acres are assessed for benefit and outlet, while about 514 are assessed for outlet only. Of these assessed in Howard, not including road allowance, about 1,275 acres are assessed for benefit and outlet, while about 2,050 acres are assessed for outlet only.

We estimate the cost of the work to be as follows:

Excavation on townline, 35 cubic yds. at 10¢ \$ 3.50
Excavation on concession road 1,703 cub. yds., at 10¢ 170.30
Spreading on concession road and townline 25.00
Excavation on North Branch from con., road at stake 23 to junction with Main Drain at 39 stake equals 1,234 cub. yds., at 11¢ 141.91
Excavation Main Drain from "O" to 462, 333 cub. yds., at 10¢ 333.30
Excavation Main Drain from junction at stake 39 to outlet at 1162 8,174 cub. yds., at 12¢ 980.88
Improvement of creek below 1162 10.00

Total for excavating, spreading and improving channel \$1,664.89

To this add assistance on survey, clerk's fees, preparing and publishing by-law, expenses of Court of Revision, preparing contracts, letting and superintending the construction of the work, surveys, estimates, plans, profiles, assessments and other expenses incidental to the passing of the by-law and construction of the work 261.11

Total estimated cost \$1,926.00

This sum we assess against the lands and roads benefited and greatly improved and using the drain as an outlet as follows:

SCHEDULE OF ASSESSMENT, TOWNSHIP OF ORFORD.

Con.	Lot or pt lot	acres	Value of improvement
1	1	15	\$5.00
1	2	86	7.00
2	S 1/4	103	40.00
	N 1/4 1	100	52.00
	S 1/4 2	53	18.00
	N 1/4 2	50	17.00
	N 1/4 2	100	21.00
3	S 1/2	150	8.00
NTR	74	200	18.00
	E half 75	100	18.00
	W half 75	100	21.00
	N 1/4 76	50	18.00
	S 1/4 76	150	38.00

Total assessment on Orford lands \$281.00
Municipality for road allowance
" between concessions 9 & 8 3.00
" for road 1 & NTR 3.00
" townline road 12.00

Total assessment on Orford land and roads 299.00
Howard assessment 1,527.00
Orford 299.00
Total assessment 1,826.00

The drain when fully made and completed to be preserved, maintained and kept in repair by the municipality of Howard at the total expense of the lands and roads in the Township of Howard and Orford paying for construction, said lands and roads being in the same relative proportion as for construction.

All of which is respectfully submitted.
We have the honor to be, gentlemen,
Your obedient servants,
Coad & Robertson.

And whereas the said Council are of the opinion that the drainage of the locality described is desirable.
And whereas by said report and assessment the aggregate amount charged against lands and roads in Howard is \$1,527.00 and against those of Orford \$281.00

Be it therefore enacted that the said report, plans and estimates be adopted, and the said Drain and the works connected therewith, be made and constructed in accordance therewith; and that the head of the Municipality of Orford, be served with a copy of the report, plans, specifications, assessments and estimates of the said engineers

2. That the Reeve of the said Township of Howard may borrow on the credit of the corporation of said township the sum of \$1,527, being the funds necessary for the work less the amount to be constructed by

the Township of Orford, and may issue debentures of the corporation to that amount, in sums not less than \$100 each and payable within three years, with interest at the rate of five per cent. per annum, that is to say, in three equal annual consecutive instalments, the first of which shall be due and payable at the expiration of one year from the date on which the by-law shall have been finally passed, and all such debentures shall be payable at the Molson Bank, Ridgeway, and the interest thereon shall be included with the principal payable with each debenture.

3. That for the purpose of paying the sum of \$1,394, being the amount charged against the lands in the township of Howard aforesaid so to be benefited and assessed according to the said report other than roads belonging to, or under the control of the said municipality, and to cover interest thereon for three years at the rate of five per cent. per annum the following special rates over and above all other rates shall be assessed and levied, in the same manner and at the same times as taxes are levied, upon the undiminished lots and parts of lots, and the amount of the said special rates and interest as aforesaid against each lot or part of lot respectively, shall be divided in three equal parts, and one of such parts shall be assessed and levied as aforesaid in each year for three years, 1889 1890 and 1891, after the final passing of this by-law during which the said debentures shall run.

Schedule of Assessment against the land and roads of the Township of Howard to be benefited and using the drain as an outlet.

Schedule of Assessment Township of Howard.

ENGINEER'S ASSESSMENT. AMOUNT REQUIRED TO BE BORROWED.

Con.	Lot or Part Lot	Acres.	Value of improvement	To cover interest for 3 yrs at 5 p.c.	Total Special Rate	Assessment each year for 3 years	AS ASSESSED. By Court Revision. By Judges.
10	S 1/4 15	100	\$40.00	\$1.00	\$41.00	\$3.66	
	S 1/4 16	190	17.00	1.70	18.70	6.23	
	W 1/4 17	50	14.00	1.40	15.40	5.13	
11	S 1/4 13	100	9.00	.90	9.90	3.30	
	S 1/4 14	100	25.00	2.50	27.50	9.17	
	S 1/4 14	50	11.00	1.10	12.10	4.03	
	E 1/4 14	163	4.00	.40	4.40	1.48	
	centre in 14	163	2.00	.20	2.20	.73	
	N 1/4 15	100	30.00	3.00	33.00	11.00	
	S 1/4 15	100	40.00	4.00	44.00	14.66	
	N 1/4 16	100	33.00	3.30	36.30	12.10	
	S 1/4 16	100	43.00	4.30	47.30	15.77	
	N 1/4 17	100	30.00	3.00	33.00	11.00	
	W 1/4 17	50	30.00	3.00	33.00	11.00	
	E 1/4 17	50	34.00	3.40	37.40	12.47	
	N 1/4 18	75	14.00	1.40	15.40	5.13	
	S 1/4 18	75	50.00	5.00	55.00	18.33	
12	U 1/3	100	40.00	4.00	44.00	14.66	
	S 1/4 13	100	8.00	.80	8.80	2.93	
	W 1/4 14	50	24.00	2.40	26.40	8.80	
	E 1/4 14	50	39.00	3.90	42.90	14.30	
	S 1/4 14	100	37.00	3.70	40.70	13.57	
	N 1/4 15	100	72.00	7.20	79.20	26.40	
	W 1/4 15	50	20.00	2.00	22.00	7.33	
	E 1/4 15	50	20.00	2.00	22.00	7.33	
	W 1/4 16	50	36.00	3.60	39.60	13.20	
	E 1/4 16	50	45.00	4.50	49.50	16.50	
	W 1/4 17	25	10.00	1.00	11.00	3.66	
	centre	50	21.00	2.10	23.10	7.70	
	W pt 17	137	117.00	11.70	128.70	42.90	
	E pt 17	62	48.00	4.80	52.80	17.60	
	W 1/4 18	75	60.00	6.00	66.00	22.00	
	E 1/4 18	75	60.00	6.00	66.00	22.00	
NTR	lot 77	200	60.00	6.00	75.00	25.00	
	E 1/4 78	25	8.00	.80	8.80	2.93	
	S pt N W 78	125	35.00	3.50	38.50	12.83	
	E 1/4 50 ac W 78	25	9.00	.90	9.90	3.30	
	W 1/4 50 ac W 78	25	9.00	.90	9.90	3.30	
	lot 79	200	55.00	5.50	61.00	20.33	
	S 1/4 80	150	33.00	3.30	36.30	12.10	
	N 1/4 80	50	13.00	1.30	14.30	4.77	
	S 1/4 81	100	17.00	1.70	18.70	6.23	
	N 1/4 81	100	30.00	3.00	33.00	11.00	
	E 1/4 82	50	9.00	.90	9.90	3.30	
	middle pt 82	75	11.00	1.10	12.10	4.03	
	W pt 82	75	10.00	1.00	11.00	3.66	
	E 1/4 83	100	13.00	1.30	14.30	4.77	
	W 1/4 83	100	12.00	1.20	13.20	4.40	

Total assessment on Howard lands \$1,394.00
Municipality for road allowance between Concessions 11 and 12 5.00
Road allowance between con. 11 and 12 52.00
Road between 12 con. and N. T. R. 24.00
Road between lots 81 and 82 N. T. R. 4.00
Townline road 12.00

Total assessment on Howard roads 133.00
Total assessment in Howard for Lands and roads 1527.27
1527.27 1079.70 580.80

The parcels of land marked with a star (*) in the Schedule of Assessments are assessed for direct benefits.

4th. For the purpose of paying the sum of \$138.00, being the total amount assessed as aforesaid against said roads or under the control of said Municipality of Howard, and to cover interest thereon for three years at the rate of five per centum per annum a sufficient special rate of _____ on the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole rateable property in the said Township of Howard in each year for three years (1889, 1890 and 1892) after the date of the final passing of this By-Law during which the said Debentures have to run.

5th. That the said drain (which shall be known as the South Marsh drain) shall after the completion thereof, be preserved, maintained and kept in repair by the Municipality of Howard at the expense of the lots, parts of lots and roads charged and assessed in Howard and Orford for the original construction thereof, and in the relative proportion of such charge and assessment—the Township of Orford contributing the aggregate amount of the sums chargeable against lands in Orford and roads of or under the control of Orford.

6th. Messrs. Coad & Robertson shall be commissioners, to let the contracts to independent contractors for said proposed works as specified in the reports, plans, (including profiles) and specifications adopted hereby, to the lowest bidder (not exceeding the estimates); and each contractor shall furnish at least one satisfactory surety for the careful, proper and complete performance (of said work as specified) not later than First of

December, 1889, unless otherwise ordered by the Council of Howard; and Messrs. Coad & Robertson are appointed to examine said work during construction, and (if required by the contractors) to certify the amounts thereof from time to time done, and to give orders on the Council for the value of work done less 20 per centum; but no such certificate, order or any payment shall excuse the contractor or surety from completing the work in strict compliance with said report, plans, and specifications as authorized by this By-Law.

7th. This By-Law shall be published in the PLAINDEALER, a newspaper, for four consecutive weeks previous to the final passing thereof, and shall come into operation and effect on and after the date of the final passing thereof.

NOTICE is hereby given that a Court of Revision will be held in the Town Hall, in the Town of Ridgeway, on Monday, the 12th day of August A.D. 1889, at the hour of 10 o'clock in the forenoon, for the purpose of hearing and trying complaints and appeals against the above assessments or any part thereof in the manner provided by the Assessments and Municipal Acts, and amendments thereto; and also notices of appeal shall be served upon the Clerk of Howard at least eight days prior to such Court of Revision.

And further notice is hereby given that any one intending to apply to have the above By-Law, or any part thereof quashed, must, not later than ten days

after the final passing thereof, serve a notice upon the Reeve or other head officer, and upon the Clerk of the Township of Howard, of his intention to make application for that purpose to the High Court of Justice at Toronto, during the six weeks next ensuing the final passing of the said By-Law.
Dated this 13th day of July, A. D. 1889
CHARLES GRANT,
Township Clerk, Howard.
First published, the 18th day of July A. D. 1889.

Not That Kind of a Baby.

It is soberly related that a youthful married couple whose name shall be kept a sacred secret in these columns whose house has recently been glorified by the addition of a *fac-simile* of the beautiful little mother, decided to have the christening services at home. A venerable minister was called to officiate. He took the babe in his arms very affectionately, and addressed in a paternal fashion a few words of advice to the young parents. "See that you train up this child in the way he should go; that you surround him with best influences, and that you give him a good example. If you do so, who knows but he may become a John Wesley or a George Whitefield? 'What is his name?' 'Nellie, sir,' replied the mother.

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