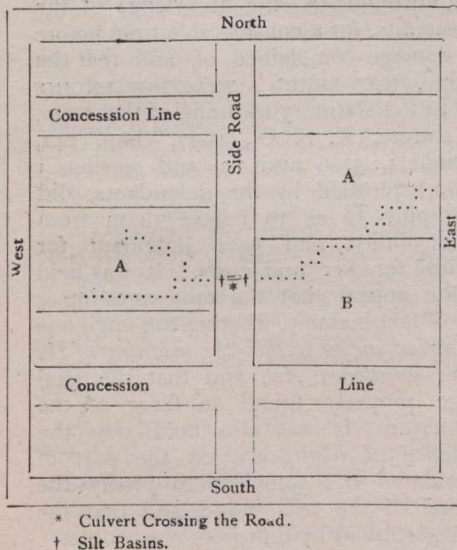


Proceedings to Enforce Completion of D. & W. Drain.

474—W. S.—A owns two farms 100 acres on the east side of the road and 50 on the west side which is rather low. A put in two six inch tile drain, as you will see he ran them right into the road ditch which was about two and one-half feet deep which gave him an outlet. He came fully ten feet on the road, the water then ran under the culvert over on B. B then sued A for damages, he got \$5.00 but A was still allowed to run his water on B. B then took the Ditches and Watercourses' Act, he brought on the township engineer and ran the ditch to the east as you will see. The award given by the engineer was that the township had to do thirty-four rods over in B's field and then run across the road to the west as far as A's fence. We had also to put in two silt basins one on each side of the road. The award said to go one foot lower than the bottom of the culvert right under the culvert. As the tile were eight inch and as they are one inch thick, we knew that by putting two inches of dirt on the tile they would never stand the frost, so we left out the culvert. Can A make us put in another culvert? Just before the ditch was dug, B came to the council and told us if we did not close it he would come on the township for damages. The silt basins are four feet lower than the tile, the tile taps each of these silt basins so when the water on the west side of the road where A put in his two six inch tile the water can run in the basin on that side and what water comes down on the east side of the road to B it will run in the basin, but A is determined to have both the silt basins and the culvert opened so if there is an overflow on the west it will run over on B. There is no water running over the land except when there is a freshet, the land heavy clay and nearly flat.



As we understand this matter an award was made by the township engineer at the instance of B under the provisions of the Ditches and Watercourses Act. (R. S. O. 1897, chapter 285). By that award the township was required to construct a culvert across the road in the course of the drain and catch basins at either end of the culvert of certain specified dimensions. If the time for appealing against this award, as provided by sub-section 1 of section 22 of the Act, has expired and the township did not appeal, or if it appealed, the award, was not, in this particular altered, the council can be required by A or any other party to the award to put in the culvert and catch basins in the manner directed by the award. (See section 28 of

the Act.) We must assume that the engineer understood his business, and laid out a drain of sufficient dimensions to meet the requirements of the locality. After the expiration of two years from the completion of the construction of the drain, any party to the award is empowered by section 36 of the Act to take proceedings thereunder to have the award reconsidered.

Duties of Collector—Tenant's Voting Qualification.

475—F. F.—1. Is it necessary for a collector in a township municipality in a district, when giving notice for taxes, to specify each parcel of real property with assessed value? For instance some of our ratepayers have over eighty parcels of property, and on the tax forms we get from the WORLD have only space for perhaps six parcels.

2. Is it the duty of the collector, when handing over moneys to the treasurer, to specify how much of it is collected for the township rate, school rate and debenture rate?

3. Can a ratepayer who is assessed as tenant for less than \$200 personal property and no real property, be entitled to vote at municipal elections?

1. Section 52 of chap. 225, R. S. O., 1897, provides that "the collector (in municipalities in districts) shall have the same powers as are conferred on collectors by the Assessment Act." Your municipality being a township, sub-section 3 of section 134 of the Assessment Act provides that the collector "shall call at least once on the person taxed, or at his usual residence or domicile or place of business, if within the municipality in and for which the collector has been appointed, and demand payment of the taxes payable by such person." If he is empowered to do so by by-law of the municipality, he shall leave with the person taxed a written or printed notice, etc., this notice shall specify the AMOUNT of the taxes payable. It is not necessary that a description of each parcel of property and its assessed value should be entered on the tax notice served on each ratepayer.

2. No. The recapitulation of the amounts on the roll prepared by the clerk and inserted in the back of the collector's roll should, when the roll is returned by the collector to the treasurer, give the latter this information.

3. No. A tenant to be entitled to vote at municipal elections must be rated on the revised assessment roll of the municipality for REAL property held in his own right (or, in the case of a married man, held by his wife) of the value of \$100. See subsection 1 of section 86 and section 87 of the Municipal Act.

Notice Terminating Teacher's Agreement.

476—X.—A teacher engages for one year with a board of school trustees. The agreement contains the usual one month's notice on the part of either party to terminate agreement. Can the trustee board at the end of six months, on the ground that it can procure a cheaper teacher, legally give the month's notice and terminate agreement?

If the condition of the agreement is simply that either party may terminate the

agreement on giving the other one month's notice, the trustees can terminate their agreement on giving the teacher one month's notice of their intention without assigning any cause for their so doing.

Tenants Voting Qualification.—Transferring Names of Parties From Part 3 to Part 1 of Voter's List.

477.—J. M.—I have a copy of the Municipal Law by W. H. Anger, B. A., which says the amounts of rating necessary to entitle a person to vote, whether freehold or leasehold, must not be less than, in townships and villages \$100. Is this law still in force?

2. Has the presiding judge at the court for revising the voter's list power to transfer the names of non-ratepayers entered on part 3 of the list from part 3 to part 1?

1. Yes. See section 87 of the Municipal Act. Also sub-section 1 of section 86.

2. Yes. Section 16 of the Ontario Voter's Lists Act, (R. S. O., 1897, chapter 7), provides that "if on a complaint or appeal to strike out of the list of voters the name of a person entered thereon as a voter, the judge, from the evidence produced, and given before him, is of opinion that the person is entitled to be entered on the list in any character or because of property or qualification other than that in which he is so already entered on the list, the judge shall not strike the name of the person from the list, but shall make such corrections on the list, as the evidence in his opinion warrants, with respect to the right, and qualification of the person to be a voter, and the character in which he is entitled." See also section 40 of the Act, which makes provision for the assessment and taxation of parties transferred by the judge from part 3 to part 1 of the list.

Proceedings on Re-Consideration of Drainage Award.

478—X. Y. Z.—C is at upper end of awarded ditch No. 2 which was constructed first, No. 2 in 1884 and No. 1 in 1885. Ditch No. 1 by award was to be constructed 2 feet to 3½ feet deep, 1½ feet on bottom and 5 feet to 7 feet across top, but lower persons put in 6 inch tile contrary to appeal of C to engineer who would not interfere owing to interference of reeve. C connected 8 inch tile to the 6 inch of lower person. C now wants re-consideration of award and get relief by drainage in another part of farm. Had preliminary meeting; failed to agree. Ex-reeve mentioned above attended, who is a party to award No. 2 and complained that he had not been notified of meeting as he claimed he would be affected and stated that proceedings were illegal. Drain No. 2 does not run through ex-reeve's property but along road side. All waters of drain No. 1 and 2 originally went through ex-reeve's property but was diverted by statute labor etc. and above mentioned drains. Would you suggest to C to notify all interested parties on ditch No. 2 as well as ditch 1, to appear at the site of said ditches when the engineer holds his examination, or leave it for engineer to order new hearing and then notify parties on ditch No. 2 if engineer finds ditch No. 2 not sufficient outlet? Interested parties on ditch No. 2 were not notified to appear at preliminary meeting.

Since there is a possibility of the enlargement of drain number two being necessary as a consequence of the remodeling of drain number 1 under the reconsidered award we are of opinion that all parties interested in either drain should be