The Drainage Act, 1894.

It might be well to note in passing, a difference between the time and mode of serving the notice set forth in section 34 of the act under discussion, on parties who are owners of lands, alleged to have been assessed too low or omitted from the assessment by the engineer, and the notice set forth in subsection 9, of section 64, of the Consolidated Assessment Act, 1892. Section 35 of the first mentioned act provides that the notice referred to in the preceding section shall be sent by letter to such person and to his post office address, or to his last known address, at least seven days before the first sitting of the court for the trial of complaints. Under the Assessment Act, a service of this kind is allowable only in the case of non-residents—in other cases, if the person to be served resides or has a place of business in the local municipality, the notice shall be left at the person's residence or place of business; if such person be not known, the notice shall be left with some grown person on the assessed premises, if there is any such person there resident. The time prior to the sitting of the court of revision within which the last mentioned notice is to be served is six days instead of seven. Under section 41 of the Drainage Act, 1894, an appeal lies from the decision of the court of revision to the county judge of the county within which the municipality is situated. This appeal may be not only against a decision of the court of revision but also against the omission, neglect, or refusal of the court to hear or decide an appeal. Such an appeal as the present can only exist by statute, and only to the extent that the statute plainly gives the right. The municipal authorities are not bound in the absence of statutory requirement, to inform a person either of his right to appeal or of the proceedings necessary to prosecute the appeal. Ignorance of the provisions of a statute is no excuse for non-compliance with its provisions. It is therefore very advisable that the person contemplating an appeal of this kind, should take particular care to inform himself as to the preliminary steps to be taken —the decision of the court of revision being binding, subject to a right to appeal, which is given by the statute, apparently on the observance by the intending appellant of certain conditions. The following judicial *dicta* will bear this out: In an English case, the subject of which was an appeal from the decision of a revising barrister, it was stated, that "upon the ground, therefore, that the right of appeal against the decision of the revising barrister is given only upon a condition which has not been complied with in the present case, the court is unanimously of the opinion that the appellant is not in a situation to be heard. When the legislature is thus giving to a judge jurisdiction over rights that have always been the subject of such watchful jealously, it is in a peculiar manner incumbent on the judge to confine himself strictly within the limits prescribed for him—a deliberate deviation from an enactment so express and positive in its terms would induce a mischief much greater than any inconvenience that can arise from the blunder of an appellant in any case. Section 42, provides that the person appealing shall, in person or by solititor or agent, file with the clerk of the municipality within ten days after the closing of the court of revision, a written notice of his intention to appeal to the judge. The first point to be observed is that the notice must be in writing. The section quoted does not, in express terms, require the notice to be signed by the party filing the same, but it is to be inferred that such is the intention. Then the notice is to be filed within ten days after the closing of the court of revision. The notice is to be of the intention to appeal. Its object is simply to inform the parties concerned that the person decided against is dissatisfied, and intends to avail himself of the right to appeal. If the notice substantially gives this information, no matter what its form may be, it will be held sufficient. The grounds of the appeal need not be stated in the notice, unless required by the statute giving the right to appeal. No such requirement is contained in the section under discussion, but we consider it well that all parties interested should be thoroughly informed as to the subject matter of the appeal, and that it is therefore advisable to insert in the notice, filed with the clerk, the subject matter of the appeal. In any event, the notice should on the face of it, show in some manner that the party is dissatisfied with the decision intended to be appealed against. There does not appear to be any power to waive these notices so as to give the court or judge jurisdiction. Section 43, requires the clerk to forward a list of the appeals filed with him, immediately after the time limited for filing the same, to the judge. This provision limits the time after which notice is not to be given. The judge is then to appoint the time for hearing the said appeals, and to notify the clerk thereof. The place of hearing shall be fixed at the town hall or other place of meeting of the council of the municipality. If the judge considers it more convenient or less expensive, he may, however, fix some other place for the hearing. Notice of such time and place of hearing is to be given by the clerk to all parties appealed against in the same manner as is provided for giving notice on a complaint to the court of revision. Section 44, confers on the judge the power, in case the clerk neglects or fails to have the necessary services of notices made within the prescribed time, to adjourn the hearing of appeals to some subsequent day, to permit of the proper service of the notices. Section 46 provides that the clerk of the municipality shall be the clerk of such court, and defines his powers and duties. No provision is made for the appointment of a substitute.—*To be continued.*

Municipal Defaulters.

We take the following from the issue of *The Canadian Law Journal* of the 6th April, 1895:

The public are informed that a painful surprise had happened to the city of Hamilton and the county of Wentworth, in that the county treasurer has appropriated nearly $9,000 of the county funds to his own use. He is said to have admitted taking this amount in various sums at various times, and put it into his business as though it were his own money. He had hoped to make the deficiency good, but had been unsuccessful in his business. We are also told that the treasurer is very popular with the county councillors, and he, having with much candour and with proper feeling, expressed his sorrow at the state of affairs, the county council decided not to deal harshly with him. In fact, they were so impressed with his misfortune that they also decided—although they regretted the difficulty and censured him for his want of judgment in the matter—to continue him in his position as treasurer. Feeling, however, the grave responsibility upon them as guardians of the public, they passed a resolution rendering it impossible for him in the future to misappropriate any larger sum at any one time than $3,000. It is gratifying to know, however, that the sureties of this officer have made good the stolen funds, and that he will now devote himself to recouping his sureties for their loss.

Now, we desire to say that this tale, as it appears in a daily paper, almost in the above words, is not told as a joke. We presume it states the facts correctly. If it is intended as a satire upon our municipal system, we have no suggestion for any improvement; although if it is intended either as a satire or a joke, it was not hard to connect it with the name of a real living county treasurer. Less than two months ago a customs official in Ottawa, and a wealthy man, who, out of pure carelessness and with no intent to misappropriate, did not promptly pay into the department a few hundred dollars of public money that had been paid to him, was forthwith arrested and sent to jail for a year. But then he was probably not very popular with the head of his department, and it was not necessary to keep him in his position to recoup his sureties, for he paid up his deficiency himself.

We do not desire to say one harsh word about the very popular treasurer, but we would respectfully suggest to the members of the county council to consider whether (even if it were not necessary in the public interests to institute criminal proceedings) it was consistant with the duty which they owe to the public to condone so serious an offence by continuing the delinquent in office.

The largest gold coin in existence is said to be the gold ingot, or "loof" of Annam, a flat, round gold piece worth about £63, the value being written upon it in Indian ink.