

Council not Compelled to Carry out Drainage Scheme.

The following opinion recently given by Mr. M. Wilson, K. C., of Chatham, to the reeve of Colchester North, will prove of interest to municipalities whose councils have occasion to consider petitions for the passing of by-laws praying for the construction of Drainage works.

Dear Sir:—I regret the delay occasioned in regard to the proposed drainage scheme in the Canard River, but I desired not to give an opinion until I saw the exact wording of the amendment made last session to the Drainage Act. I have gone carefully through the petition and have put upon the map a blue line surrounding the territory which the petitioners ask to have drained, I have also gone carefully over the report of the engineer. I add to the information thus received, your answer to my enquiries by which it appears that none of the drains leading into the Canard River extend down or along the bed of the river, but on the contrary merely convey waters to the river within the banks and discharge them to flow as best they may between the higher banks of the channel. I understand also that in some places the flats have been cleared while in other places they are in a state of nature. I wish to state in the first place, and you may keep this in mind in regard to my subsequent remarks, that it is purely optional with the council to adopt or reject the proposed drainage scheme. The council is not under any obligation to act upon the petition. Those opposed to the drainage work are protected purposely by statute in the three separate requirements, namely, firstly they are not bound to submit to the drainage scheme unless a majority of the ratepayers petition for it, and secondly, unless the engineer reports recommending it, and thirdly, unless the council in its wisdom approves of the report of the engineer. If the council should for any reason consider it unwise or inexpedient to undertake the work petitioned for, it is quite proper for the council to refuse to go on with the work. On the other hand however, if the council sees no reasonable objection to the work it would naturally be influenced by the fact that a majority of those assessed for benefit, petitioned for it and the engineer recommended it. If the council in its judgment desires to proceed with the work then I advise the council not to adopt the report as submitted to me, but to refer it back to the engineer in order that the engineer may give further information and may amend his report in various parts to comply with the present state of the law. Should the report be referred back to the engineer I will advise you or the engineer more fully in regard to the requirements. Assuming now that you should undertake the work upon the petition, it is in my opinion within your powers, but at the same time it is also within the power of the referee

on an appeal to decide that it is inexpedient to proceed with the work. If an extensive work is petitioned for by a small number of people the referee takes the fact into consideration when adjudicating upon the appeal and will not stop a work (even within the powers of the council) if in his judgment the cost of it is disproportionate to the benefit to be derived and in this case there would be danger of his coming to that conclusion when it is considered that only a small number of acres will be benefited, while the work will be very extensive, and that a great proportion of this benefit would follow from the land owners merely grubbing and cleaning out the flats between the banks. While therefore a work of this kind is within the jurisdiction of the council to adopt when based upon a petition, yet the referee has power to prevent it from being carried out, but it is only in very exceptional cases where the referee will stop a work if it is within the power of the council to perform it. Owing to refusal of the Legislature at the last session to amend section 75 of the Drainage Act in that regard, it is in my opinion, impossible for the council to proceed with the work in question other than under a petition. Therefore if the petition is not sufficient to uphold the work the referee would be bound to quash the whole proceedings. If the petition is sufficient then the referee is not bound to quash it, but he may in his judgment, as I before mentioned, direct that the work shall not be proceeded with on the ground that the benefit to be derived is not sufficiently great in proportion to the cost of the work. If you, knowing the locality, would fear an adverse decision upon this last ground from the referee, then you would be incurring unnecessary expense in starting the proceedings and putting the opposing parties to an appeal. To repeat what the foregoing shows my opinion to be, I therefore advise that you are not bound in any event to undertake the work; also that it would not be proper for you to undertake the work, if in your opinion the benefit to be derived is not proportionate to the cost of the work; also that if you do undertake the work the report of the engineer must be materially added to and improved before you adopt it and it should be referred back to the engineer for that purpose. If the report should be abandoned, and if the ratepayers sustain injury by the excessive flooding caused by the increased flow of water brought into the Canard River by drains dug by the municipality, then those damages would be recovered in the first instance from the municipality, but the municipality would have the right to assess and charge them back against the drainage area from which the waters causing the damages are brought. Should you require further information, or if I have failed to make clear all the matters upon which you ask my opinion I shall be glad to hear from you again.

Yours truly,

MATTHEW WILSON.

Farmers Institutes for Women.

What the Farmers' Institutes have done for the farmers so the Women's Institutes hope to do for the farmers' wives and daughters. Two years ago the superintendent of Farmers' Institutes made arrangements and called meetings of farmers' wives in different parts of the Province, and as a result there are now forty-two organized Women's Institutes, with a total membership of 3,048.

A handbook of Women's Institutes has just been issued by the Ontario Department of Agriculture for use at the meetings during the coming fall and winter. It contains specimen programmes for women's gatherings; it suggests topics of study; it contains lists of good books, bulletins and other publications that should be helpful in the home. In addition to this there are leading articles by Canadian and American authors on subjects relating to the home, care and furnishing of the house, care of children, treatment of servants, housekeeping as a profession, housekeeping in the country, etc.

Mrs. Martha Van Rennselaer, of Cornell University, contributes an article on "Saving Steps," which contains many useful hints in reference to economizing time and money in the home. "How to build the farm home," is discussed at length, and illustrations of convenient country houses are given, together with the plan of construction, cost of material, etc. "A simple method of disposing of house sewage on the farm," has been written by an officer in the Department of Public Works, Ontario. This most important topic is given the attention it deserves, and plans are shown for cheap and convenient methods of disposing of all house wastes.

The pamphlet concludes with descriptions and illustrations of methods of home adornment with flowers. Photographs are shown of porch and yard decorations, and the book generally will be appreciated by all who may have the pleasure of reading it.

An Inexpensive Arbitration.

A Toll Roads arbitration in Wentworth in which properties scattered through several townships were involved, was settled a few days ago.

The county council, in its endeavor to straighten out the tangle and give Wentworth a chance to abolish a discreditable arrangement, offered \$50,000 for the roads at a recent conference. The companies asked \$70,000, and arbitration followed.

Judge Snider was appointed sole arbitrator, and he seems to have done his work well. His award amounts to \$63,000, and with it the county is well pleased. The judge put in a very moderate bill. The sum of \$50,000 will be spent in improving these roads, \$20,000 of which will be contributed by the Ontario Government.