

Our Legal Adviser

OUTLET FOR UNDERDRAINS.—Can I compel the railroad to give me an outlet for my underdrains? At present they have a culvert that will carry off the surface water only. I want to put in the system of underdrains and of course the present outlet is no good for that purpose. The railroad men say that the law fully compels them to carry off the surface water. What is the law in regard to this matter and how shall I proceed to get the desired outlet?—R. B., Peterboro Co., Ont.

You have no right now to underdrain your lands and compel the owner of adjoining property to make provision for the carrying away of the water from such drains, unless proceedings are taken under the Drainage Acts.

This is a tedious and somewhat costly proceeding by which a number of persons, who are interested in establishing the drainage system through their lands, can petition the municipality to appoint an engineer to make an examination, ascertain the cost, determine the share of the expense to be borne by each party, etc., and if, after his report has been made, the majority of the persons interested desire to proceed with the work, it is done and the proportionate expense borne by the land owners interested. It was in this manner that the work known as the Cavan Drain, with which you are no doubt familiar, was carried on.

A railway company is in exactly the same position as any other adjoining owner, as to proceeding under the Drainage Acts. If your system of underdrainage had been in operation prior to the construction of the railroad, the Company would not have been entitled to carry on

their work in such a way as to obstruct the flow without compensation to you.

KILLED NEIGHBOR'S HOUND.—A had two fox hounds which strayed two miles away and entered an open door and helped themselves to some fresh-cooked mutton. I had there unprotected. I heard a noise, got his gun and killed one of the dogs. Is B liable for damages? This occurred about two o'clock at night.—Oxford, Carleton Co., Ont.

The dog's action was no doubt annoying to "B" but the circumstance did not justify his killing either of them. If he had found them taking cattle or inflicting other serious injuries the circumstance would have been different. "B" is liable to "A" for the value of the dog which was shot.

DAMAGES ON MANGEL SEED.—A buys mangel seed from B. which B says is a certain variety. After it is up it turns out to be another kind—a variety that is a much smaller yield and is much harder to harvest. Could A claim damages from B, after he insisted on having a certain variety, and was told that the seed was what he wanted? To what extent could he claim damages?—Subscriber.

If "B" expressly represented the seed to be of certain variety and knew it was purchased by "A" in order to be sown, "A" will be entitled to damages to the extent of the difference in value between the crop which he might reasonably have been expected to have had from the variety of seed he ordered, and the crop which he actually had from the inferior quality.

UNLAWFUL SALE FOR TAXES.—A owns a farm and implements, also perhaps he is in possession of another man's wagon, etc., and there are taxes against said farm, and the collector of taxes seized the wagon for taxes and his coat of seizure, and puts three notices in the municipality, one on A's buildings, and the other two in the

most business part of the municipality, stating the seizure and sale of said wagon, giving A six clear days from hour of seizure.

(1) Is it a lawful sale (the wagon belonged to B)?

(2) Can B lawfully come on buyer of wagon for wagon?

(3) If B had seized wagon in dispute (in case of replevin put in) should he take and keep it in possession until case is tried?

(4) Can B get wagon seized by court bailiff and take possession and use said wagon by giving bonds until case is tried? W. J. H., Almonte District, Ont.

The question does not give all information required to properly answer it. If B has become the owner of the wagon by purchase or other transfer, from the person assessed, or if B is an immediate relative of the person assessed, or being a relative, lives on the land as a member of the family, the wagon could be seized for taxes.

If, however, these conditions do not exist, the collector is not entitled to levy on the wagon, and the questions put should be answered as follows:

1. The sale is not a lawful one.

2. B can take the wagon from the purchaser, provided he has not stood by and permitted the purchaser to buy, without protest.

3. B can replevy the wagon by taking proceedings in Court, and giving security, and in such case the bailiff of the Court will deliver the wagon to him to abide the result of the action.

Our Veterinary Adviser

FOUL IN FEET.—Two cows are all stiffened up. They are very sore on fore feet, and can scarcely walk. When forced to move they groan and apparently suffer greatly.—Reader, Huron Co., Ont.

Keep them in dry, clean quarters and apply hot poultices of insect meal to the feet. Change the poultices three times daily. After the soreness disappears if any raw surfaces are present dress three times daily until healed with one part carbolic acid to 25 parts sweet oil.

BLOODY MILK.—Cow has given bloody milk off and on for five months.—Sub., Halton Co., Ont.

This is due to a rupture of the small blood vessels of the quarter. There is doubtless either a congenital or acquired weakness and while each attack can be treated it is quite probable that the condition will continue to recur. Bathe the quarter long and often with cold water and give the cow one ounce tincture of iron in a pint of cold water as a draught three times daily until blood ceases to pass.

Hog Notes

Young pigs should be looked after carefully at this season of the year. They are frequently afflicted by coughs, the result of sleeping in a draughty pen. Keep the pens dry with plenty of fresh air and sunlight, but do not allow the wind to blow through the pen over their backs.

Young pigs are frequently affected by worms that give them an unthrifty appearance. A teaspoonful of some of the coal tar dips mixed in a 40 gallon barrel of slop and fed to the pigs when hungry will be found an excellent remedy.

Alfalfa should not be pastured after the middle of September, as it will be pretty certain to die if the hogs are allowed to run on it after that time.

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