

to Pembroke, and is, therefore, not within the limits of the municipality, I am unable to satisfy myself that the township council has any power to close or divert it at all. And it may be that there is no power given to any municipal body to interfere with a section of road running through more than one municipality. Section 524 (565 of 1883) provides for a county council 'opening . . . stopping up roads . . . running or being within one or more townships.' 'One or more' possibly should be read 'more than one.' Unless this section gives power to stop up a section of a continuous road running say through more than one county, no express language can be found giving such power. It would seem anomalous that a section of a road such as the Kingston road, running from Kingston to London under various names, and possibly farther both east and west, could be closed or diverted by a township council. If such power has not been given to township councils, then this by-law is ultra vires of the council of Pembroke. I do not find it necessary to determine this point. Had I found it necessary, I would have requested counsel to further argue it, as, it being suggested to counsel on the argument, they were unable to argue it fully without consideration. Had it been fully considered by them, probably I should not feel any difficulty as to it, judging from the very careful and finished arguments addressed to me on the other points of the case:" pp. 171, 172.

It is to be observed that the Falle case was not cited and is not referred to, and in any case what was said by Rose, J., would not justify me in refusing to follow that case.

Re Platt and City of Toronto, 33 U. C. R. 53, may also be referred to.

The part of the Tecumseh road which lies within Belle River, is, I doubt not, vested in the corporation of that municipality by sec. 601, and it is wholly under the jurisdiction of its council, because no other council is given jurisdiction over it, either alone or concurrently with the council of Belle River.

If the contention of the applicant were to prevail, it would seem to follow that the duties imposed on corporations as to the repair of highways would not apply to the part of the Tecumseh road which lies within the municipality of Belle River, and there would be no power in its