

effect. Attached to this by-law there is a schedule containing detailed rates to be charged for various services, and providing for a discount of 10 per cent. under certain conditions. . . .

It having apparently been decided that it was better to place the management of the waterworks system of the town under the charge of commissioners, by-law No. 373 was passed on the 17th January, 1910, for that purpose, and provides among other things, as follows: "1. From and after the final passing of this by-law and until the same is duly repealed the waterworks system of the said town of Brampton shall be managed and controlled by three commissioners, one of whom shall be the head of the council for the time being, and the remaining two of whom shall be chosen by the electors of the municipality," etc.

By an Act respecting the Town of Brampton, 10 Edw. VII. ch. 109, sec. 3 (O.), assented to on the 19th March, 1910, by-law No. 373 was confirmed and declared to be legal, valid, and binding, and the commissioners elected and to be elected pursuant thereto constituted a corporation under the Municipal Waterworks Act. The first commissioners elected in January, 1910, were J. G. Roberts and B. F. Justin, who, with the Mayor of the town, Thomas Thauburn, constituted the Board.

After the formation of the new Board, a by-law thereof was passed in similar terms to by-law No. 272 of the municipality, already referred to, with the exception of the number of the by-law, and the substitution of the name "Board of Waterworks" for "Municipal Council of the Town of Brampton," throughout. The schedule of rates attached to by-law No. 272 was also incorporated in and adopted as part of the by-law of the Board.

The original of this by-law of the Board is not now to be found, but it was established at the trial that it was handed to a printer in order that copies might be printed, and was in some way afterwards by him accidentally destroyed.

I have come to the conclusion, after some hesitation, that this by-law was formally passed by the Board of Water Commissioners at a meeting held on the 2nd February, 1911. The resolution covering the matter in the minutes of the Board is as follows: "That the Board adopt the existing by-laws, rates, and regulations of the town *pro tem.*, adapted in form where necessary. Carried. The secretary submitted the by-law with the necessary changes made, and the same was accordingly signed by the chairman and secretary."

It is not clear from this, or from the evidence otherwise, that the seal of the corporation was ever affixed to the by-law.

The Board, as constituted as aforesaid, did not appear to