

land was in excess of the price obtained the city corporation were giving a bonus without obtaining the assent of the ratepayers. That is the simple question of law; the statement of facts your Lordship has.

MEREDITH, C.J.:—What right have you to inquire into the action of the city?

Bicknell. The case of Phillips v. City of Belleville, 9 O. L. R. 732, 11 O. L. R. 256.

MEREDITH, C.J.:—They are not trustees.

Bicknell. We represent the cestuis que trust.

MEREDITH, C.J.:—I do not think so. Just as in the case of the province, the legislature legislates, and the government is the administrative body, so in a similar way, though in a lesser degree, and subject to control, a municipal council is a branch of the government of the country.

Bicknell. Your Lordship will remember what was laid down by the Divisional Court and by the Chancellor in Phillips v. City of Belleville.

MEREDITH, C.J.:—That was on a different view of the policy. However, in my view, it will not be necessary to discuss that question. I do not think you have made any case whatever. In the first place, I do not think it was a sale at an undervalue. I think it was a fair sale—just such a sale as a private owner would have made in the circumstances of the case. It is not a case of bonus. It is the ordinary case of an owner of property taking into consideration the advantages that would be gained by making a sale to some one who would establish an important industry—that it would give a value not only to the property immediately adjoining it, a large tract belonging to the city, but to all the city property, and be of advantage to the city generally. This cannot in any sense come within the bonus sections (if I may so call them) of the Municipal Act. I do not doubt that if any private person or corporation had owned this property, he or it would, upon this evidence, and in view of the advantages to the property from the establishment of so important an industry as was proposed, have sold it at less than the value that was placed upon it by Mr. Forman. It must be borne in mind too that this was a property which, as Mr. Forman says, and as one must know, it was extremely difficult to value. It may be possible in the future to form a better judgment on that point. Taking into consideration the advantages which would accrue to the city, it would be compensated or more than compensated for the difference in the value, even assuming that the city council was bound to take the