

BRITTON, J.

OCTOBER 11TH, 1918.

## RE CAMPBELL AND TOWN OF RAINY RIVER.

*Municipal Corporations—Money By-law—Validity—Submission to Electors—"Ratepayers"—Agreement for Purchase of Power Plant.*

Motion by Campbell and others to quash a money by-law (203) of the Town of Rainy River.

The motion was heard in the Weekly Court, Toronto.

Frank Denton, K.C., for the applicants.

W. J. McWhinney, K.C., for the town corporation.

BRITTON, J., in a written judgment, said that the town council had made an agreement with the Rainy River Light and Power Company to purchase that company's plant for \$28,000. It was part of the agreement that the ratepayers should approve of the by-law necessary to be submitted for the purpose of raising the \$28,000 and an additional \$3,000 for expenses of removal etc.

By-law 203 was introduced and read a first and second time in the town council; and by-law No. 204, giving directions for the submission of by-law 203, was passed. The town-clerk, as was his duty under the Municipal Act (see secs. 266, 267, 276), went over the completed list of ratepayers and singled out those who were electors and could vote on by-law 203 and those who were not. The submission was to the electors. The vote was taken, the clerk summed up the votes, declared the result in favour of the by-law, and so notified the council. The council met and read by-law 203 the third time; it was then signed and sealed, became operative, and was acted upon.

The objection to the by-law was, that it was not submitted to the proper persons.

The learned Judge was of opinion that the "ratepayers" mentioned in the agreement were those who had the right to vote upon by-law 203. The by-law, having been submitted to the electors, was submitted to the proper persons, and so was valid.

*Motion dismissed with costs.*