

a judgment upon the question as to whether it was required for the purposes originally declared, or either of them. I do not conceive I have anything to do with that aspect. So long as the council exercises an honest discretion without fraud (gross misconduct may perhaps be added), it is not liable to have its determination of matters within its jurisdiction overturned or disregarded by the courts. I dealt with this aspect at some length in *The Attorney-General ex rel. Mackintosh v. The City of Halifax*.

One may be convinced that the action of the council is altogether stupid and unwise in the general civic interests, but even that conclusion would not constitute ground for judicial interference.

It seems to me quite evident that the day is not at all remote when this land will probably be needed in connection with the water system. The supply is none too great for present needs in very dry seasons. The evidence in *Fenerty v. The City of Halifax*, which I tried not very long ago, tended strongly to prove that position if it did not do so conclusively.

I find it difficult to conceive how the very cogent reasons given by the City Engineer in his report for retaining this area could reasonably be disregarded by those who regarded the needs and interests of the city in a calm disinterested way, or who should at any rate have viewed them from that standpoint. An affidavit before me shews, however, that the affiant, although wholly inexperienced, deems himself quite as competent a judge of purely technical matters as the engineer.

It is obvious there are many useful purposes, some of them necessary ones I dare say, for which this land will be required by the city in the near future, apart altogether from any use for which it is liable to be needed in connection with the water system. In this aspect it surely would be but ordinary business and common sense for the city to retain it and thus have it available when the need arises, either in connection with the water system or otherwise; and if otherwise I assume no difficulty would occur in obtaining any legislation necessary in that behalf.

If the city parts with it as proposed, there are strong grounds for believing it will at a comparatively early day at the furthest, be compelled to acquire other lands near by