

the granting or the refusal of the confirmation of the certificate was to be exercised in the discretion of the council in a matter in which it acted in a quasi-judicial capacity;

"Considering that the plaintiff's action against the municipality for damages is unfounded and should be dismissed;

"Considering that for these reasons there is error in the judgment of the Superior court for the district of Montreal, rendered on the 28th day of June 1913, which maintained the plaintiff's action for damages;

"Doth reverse said judgment and rendering the judgment which the said court should have rendered: Doth maintain the defense, and doth dismiss the plaintiff's action with costs in the court of first instance as well as in the Court of review."

Perron, Taschereau, Rinfret et Genest, avocats du demandeur.

Laurendeau, Archambault, Lavallée, Damphousse, Jarry, Butler et St-Pierre, avocats de la défenderesse.

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Autorités du demandeur:—Sharpe v. Wakefield, Law Times Rep., 64 N. S., p. 180;—Wilson v. Rostall, 4 T. R., 753;—Tremblay v. Corporation du Village de la Pointe au Pic, 13 L. N., 386;—St-Amour v. Corporation du village de St-François de Sales, 1 C. S., 436;—Geoffroy v. Corporation de la paroisse de St-Félix de Valois, 14 L. N., 297;—Beach v. Corporation du Canton de Stanstead, 8 C. S., 178;—Prévost v. Corporation de la paroisse de Ste-Anne de Varennes, M. L. R., 6 S. C., 489.

Autorités de la défenderesse:—Beauchamp, Répertoire Général de Jurisprudence Canadienne, vol. 2, p. 2138, sec. 51 et s.;—St-Amour v. Corporation de St-François de Sales, 1 C. S., 463;—Roy v. Corporation de la paroisse de St-Pascal,