

men, appears to have been entered into; and it is strenuously urged by the appellants that this circumstance is fatal to the by-law.

The sections of the Municipal Act bearing upon the question are: the general clause 632, for closing and altering highways; sec. 591, sub-sec. 12, for granting aid by way of bonus; sec. 591a., as amended by 4 Edw. VII. ch. 22, sec. 26, defining what is meant by a bonus, and declaring that it may be given by closing up any portion of a street and conveying it for the use of a manufacturing industry.

Strachan avenue, before the passing of the by-law in question, was 80 feet wide between King street and Wellington street, so that the effect of the by-law will be to leave it still 66 feet in width.

The objections of the appellants are:

1st. That the by-law is not passed in the public interest, but in the private interest of the Massey-Harris Co.

2nd. That the appellants, having bought a parcel of land upon Strachan avenue, about 600 feet to the south of the part in question, upon a plan shewing the street to be 80 feet in width between King street and Wellington street, are entitled to have it maintained at that width, and that their property will be lessened in value by the narrowing of the street.

In support of the first of these objections . . . we were referred to . . . *Re Waterous and City of Brantford*, 2 O. W. R. 897 and 4 O. W. R. 355. . . . An examination of that case, however, shews that the by-law in question was not passed by way of granting a bonus to the Waterous Engine Works Co., but solely as a matter governed by the general section 632 of the Act. It has been repeatedly held by our Courts that the powers granted by that section must be exercised for the public interest, and not for the private interest of any corporation or individual. In the Waterous case the corporation, acting under sec. 632, closed a street . . . at the request of the Waterous Engine Works Co., who wished to use it, and who agreed to convey to the corporation in its place a parcel of land to be used as a highway in lieu of that closed up. It was the simple case of a highway being closed for the benefit of a private corporation, and the substitution of a new highway in its place, more convenient to the private corporation, but less so to the public. The case was thus brought within the principle of *In re Morton and City of St. Thomas*, 6 A. R. 323.

I think it is plain that that decision is not an authority which at all governs the present case. Where a municipal corporation grants a bonus of any kind to a manufacturing company, it is quite true that the council must act in doing