

Fort Erie, Ontario, where betting is done with book-makers in the employ of and working for the said Madigan and Cella, who control and operate the race-track, and the same control and betting conditions prevail on the tracks of the Hamilton Jockey Club and the Windsor Jockey Club, all of which are members of the said Canadian Racing Association."

This is not so easy to deal with as were the other objections. The Canadian Racing Association is said, in paragraph 3, to be "an unincorporated combine of a body of representatives of various racing clubs and associations in Canada;" and it is further said that to this association is given, amongst other things, the "licensing of jockeys to ride on Canadian race-tracks."

This 5th paragraph may be justified either as being merely historical and explanatory of the nature and composition of the association, or as being referable to damages, as shewing that the refusal of a license prevents the plaintiff from "exercising his profession," not only on the track of the Ontario Jockey Club, but also at other important race meetings such as Fort Erie, Hamilton, and Windsor.

It seems to be implied that, as all these meetings have a public franchise similar to that of the Ontario Jockey Club, they are under the like obligation "to treat all members of the public equally and fairly." There seems no ground for interfering with this paragraph at this stage. I see nothing in it embarrassing or prejudicial to a fair trial.

The motion succeeds on the two first grounds, but fails as to the third. The costs will, therefore, be in the cause. The defendants should plead in four days.

RIDDELL, J.

JUNE 20TH, 1912.

SARNIA GAS AND ELECTRIC LIGHT CO. v. TOWN OF
SARNIA.

Municipal Corporations—Powers of Expropriation—Works and Property of Gas and Electric Light Company—Municipal Act, 1903, sec. 566, sub-sec. 3, 4—Stated Case—Costs.

A special case stated for the opinion of the Court.

The plaintiffs had their origin in a declaration filed in 1878, under R.S.O. 1877 ch. 157, whereby they became, under sec. 5, a