fic that, whether the council proceeds voluntarily or under the compulsion of a report (see secs. 89 and 95 and sub-sec. (2) of sec. 96, a sub-section evidently overlooked), no matter what the other conditions are, there must be plans, drawings, and specifications submitted to and examined, weighed, and passed upon by the Board before the municipal council is at liberty—much less compelled—finally to pass a by-law either to raise the money or proceed with the work. The statute is complied with so far as an engineer's report is concerned, and this and the source of supply have been approved. It may be that, if left to Sir Alexander Bennie, the scheme will in the end work out satisfactorily in detail, and that the plans and the rest of it will be all right; but this is not the question: the Board is a special tribunal; there can be no delegation of authority, no substitution, or evasion—the statutory conditions must be scrupulously, nay rigidly, observed.

But, aside from the mere question of approval, the by-law is clearly an illegal and improper one. The order set up is an order to proceed and to proceed at once with a specific work—the Bennie waterworks scheme—a work to be executed mainly in the Province of Quebec. The operation of the Dominion Act—necessary to authorise the crossing of the inter-provincial boundary and the Gatineau river—is made conditional upon the authorisation of the work by the Legislature of the Province of Quebec. This has not been and may never be obtained. What right has anybody to order the council to proceed now? Provincial rights and autonomy are not less sacred because the proposed invasion comes from a Province instead of the Dominion. It is simply idle talk of being forced into action by a Board of Health or anybody in such a case. Until Quebec has spoken, the Ontario Act only runs to the boundary line, and the Dominion Act remains in suspense. What by-laws the council might, of its own motion, tentatively pass is another matter, but this phase of the case was disposed of upon the former motion. Indeed, if I were disposed to do so, it might be sufficient for me to treat this whole question as res judicata. Dr. McCullough's letter, as was admitted in argument, effects no change in the situation—there is no change in the circumstances in any way, and the present by-law is identical with the one quashed on the 29th November (ante 370), except as to the amount and currency of the debentures, and the omission of recitals—all of them changes which tell against this by-law.

Many arguments were used which I cannot refer to. When all is said, the outstanding objection is the same as before. The