

tory, without appreciable limits. It is true that the limits of an unincorporated Village has not well marked limits, but every one knows what is meant when it is said that something shall be done in such a Village, for example, at Lachute, in such a parish; and it is well understood that such would mean, within the limits of the group of houses, which is known under the name of such village.

I pass now to the allegation of the petitioner that the By-law is null and illegally passed, that it was passed before being prepared and written at length in the register of proceedings; that the Secretary-Treasurer only took notes on fly-sheets of paper, which were not drafted until after the sitting, and that the same was not signed by the presiding officer, nor by the Secretary-Treasurer, as soon as it was passed, and during such sitting.

The Secretary was heard, and proved that the By-law was completely drafted on a fly-sheet of paper, save a word or two which he had to add or modify at the commencement of the minutes of proceedings, but which affected the substance in no way thereof, but only the form of the proceedings, and did not affect the By-law. That he wrote all the proceedings including the By-law in the register of proceedings, as he always did, after the sitting, the same day or the day after, and that the whole was afterwards read at the session of the 12th December, and approved of and signed by the Warden and himself.

I see nothing irregular in all this; the Secretary did thereby, what all the Secretary-Treasurers have always done since the existence of the municipal law, and I will add even that he has only done what our Code authorized him to do. Article 157, cited by the petitioner, seems to me to be clear in this sense. It says, speaking of the duties of the Secretary-Treasurer, "He assists at the sitting of the Council and draws up minutes of all the acts and proceedings thereof, in a register kept for that purpose and called 'The Register of proceedings.' All minutes of the sitting of the Council must be approved of by the Council, signed by the person who presided over the Council during such sitting, and countersigned by the Secretary-Treasurer."

When should these minutes be drawn up, entered in the register, approved of by the Council and signed?

Evidently all this cannot be done during the same sitting, it is never done, and the law does not require it, and I think even the thing is not practicable; for how could the minutes of proceedings of the Council be not only drawn up and entered in the register and signed during the same sitting, and also contain at the same time, the motion for adjournment which puts an end to the sitting?

This motion and the consequent resolution which makes part of the proceedings, could not be entered in the register until after the sitting, and consequently neither the approval nor the signing of the minutes is possible during the same sitting.

For all these reasons, I see no other alternative, but to dismiss the petition of the petitioner.

Independently of these reasons there is another invoked by the County Council, and which seems to me peremptory, and which must take the first place. It is that such a by-law cannot be annulled in virtue of the Municipal Code.

Articles 100 and 698 M. C. well provide in what manner a by-law may be sought to be annulled because of its illegality; but these proceedings are restricted to the matters provided by the Code, that is to say to By-laws, *procès-verbaux*, &c., that the Code authorizes to be made, and not to those matters which have no connection with it, and are only authorized by laws quite distinct from the Code, and which are not amendments to it, and which have not even the most distant relation to municipal affairs.

It is well understood that I do not mean to say, that the petitioner could have recourse to the authority of the Commissioner of Agriculture for the redressal of his complaints here: that is quite another question which I do not conceive it necessary to touch upon.

All that I decide is, that the petitioner has no right to bring his complaints before this Court, and that this Court, the jurisdiction of which is limited, has no right to enquire into this case.

The petition is dismissed with costs.

The following is the text of judgment:—

"The Court having heard the parties, as well on the law pleadings as on the merits of this cause, on the petition of the said petitioner in this cause, and the pleadings of the *Mis-en-cause*, and having heard the respective proofs of the said parties, and upon the whole deliberated;

"Considering that Articles 100 and 698 of the Municipal Code are not applicable to the By-law of the County Council of the County of Argenteuil of the 7th November last, and of which the petitioner demands the setting aside and annulment by his petition in this cause; and that the powers and authority of this Court are not applicable to the said By-law in virtue of the said Article of the Municipal Code—the jurisdiction of the said Court in such cases being limited and restricted to matters arising from or controlled by the said Code only;

"Dismisses the said petition with costs."

J. A. N. Mackay for petitioner.

G. E. Bampton for Corporation of the Co. of Argenteuil.