

Conseil du Comté d'Hochelaga, à la corporation du Comté d'Hochelaga, et aux Commissaires d'écoles Catholiques pour la municipalité du village d'Hochelaga, et défend au dit Joseph M. Côté es qualité, à la corporation du Comté d'Hochelaga, à la dite corporation du village d'Hochelaga, et aux Commissaires d'écoles catholiques pour la municipalité du village d'Hochelaga, de procéder en aucune manière sur le dit rôle général d'évaluation de 1876 pour la dite municipalité du village d'Hochelaga, et de prélever aucune taxe en vertu du dit rôle d'évaluation, et de vendre à l'enchère publique les terrains des appelants suivant l'avis public donné par le dit Secrétaire-Trésorier du Conseil de Comté à défaut du paiement des dites taxes imposées illégalement. (Dissentientibus l'Hon. Sir A. A. Dorion, J. C. et M. le Juge Tessier.)
Barnard, Monk & Beauchamp, for Appellants.
Mousseau & Archambault, for Respondents.

*. A similar judgment was rendered in the case of Lussier, App. & Corporation of Village of Hochelaga, Respt., and in the case of Valois, App. & Commissaires d'Ecoles pour la Municipalité d'Hochelaga, Respts. In these two cases the Appellants had paid the rates imposed by the assessment roll of 1876 under protest, and had then sued to have the roll declared null and to recover the amount paid. The actions were dismissed in the court below. In appeal, the judgment in each case was reversed and the action maintained; Dorion, C. J., and Tessier, J., dissenting. The question as to the writ of prohibition did not arise in these cases.

MONTREAL, June 22, 1880.

Sir A. A. DORION, C. J., MONK, J., RAMSAY, J.,
 TESSIER, J., CROSS, J.

THE MAYOR & THE CITY COUNCIL OF THE TOWN
 OF IBERVILLE (respts. below), Appellants;
 & JONES et al. (pets. below), Respondents.

*Writ of Prohibition to Municipal Corporation—
 Effect of general words in an Act, giving
 powers which conflict with special privilege
 under prior enactment.*

The appeal was from a judgment of the Superior Court, in Chambers, District of Iberville, Chagnon, J., maintaining in part a writ of prohibition issued at the instance of the heirs of

the Hon. R. Jones. The object of the writ was to prohibit the Corporation of the Town of Iberville from expropriating certain portions of a lot which the heirs Jones claimed as part of the property pertaining to their bridge over the Richelieu river, connecting the towns of St. Johns and Iberville. It appears that in the year 1826, the late Hon. R. Jones, (now represented by the respondents) obtained from the Government of Canada a charter authorizing him to build a toll bridge over the Richelieu at St. Johns, and by the second clause of the charter it was enacted, "that for the purposes of erecting, building, maintaining and supporting the said bridge, the said Robert Jones, his heirs, executors, curators and assigns, shall from time to time have full power and authority to take and use the land on either side of the river, and there to work or cause to be worked the materials and other things necessary for erecting, constructing, or repairing the said bridge accordingly."

By the third clause or provision of said charter it was further enacted, "that the said bridge, toll house, turpikie and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said bridge, and all the materials which shall be from time to time found and provided for erecting, building, or maintaining and repairing the same, shall be vested in the said Robert Jones, his heirs and assigns forever."

Shortly after obtaining this charter, and with the view of carrying out its provisions, Mr. Jones acquired from the Seigneur of the Seigneurie de Bleury a deed of concession of a lot of land adjoining the Richelieu river at Iberville, and immediately took possession of it for the sole purpose of using it as an approach to the bridge then about to be erected, and as an open air work shop in which to prepare the materials for the construction of the bridge and its maintenance in proper repair.

The Town of Iberville, which was incorporated by 22 Vict. c. 64, has the right, under its charter, to acquire all such real property within the Town as may be deemed necessary for the opening or enlargement of any street, public square, or market place, or generally for any object of public utility of a municipal nature. The portions of the lot sought to be expropriated were required to connect two exist-