

tion and submitted it for approval, and it was approved by the Governor on 7th October, 1904. It appears to me that no reasonable exception can be taken to this procedure or the order which is the outcome of it. In any case I should have thought that in the matter of dates which were not in any respect of the essence of the order, their alteration by the Governor in council could have had no possible effect upon its validity.

In this view, it does not seem to me that there was any necessity for the subsequent proceedings taken while the cases were before the trial Judge.

It was argued that, inasmuch as the dates fixed by the Railway Committee had expired before this action of the Governor-General in council, the order was effete and could not be revived. But the answer is that it was not an operative order at all until sanctioned. The whole order was tentative, and the dates were not binding on any of the parties. The power to deal with it and alter or vary it in any particular resided with the Governor in council until it was finally sanctioned. After that, if it became necessary to extend the time fixed for the completion of the work, the power to do so, upon proper cause shewn, is given to the Railway Committee under sec. 189.

It may, perhaps, be proper to refer to an objection taken, that the order provides no proper place for the terminus of the bridge at its southern end, the locus at present being partly water in the slip between the wharves to the east and west of the present termination of Yonge street at the water front. One answer to this is that in point of fact the part now covered by water really forms part of Lake street under the Windmill agreement, and that all that is needed to secure a landing for the bridge is the extension of Lake street to the east in accordance with the terms of the agreement, and, no doubt, defendants will gladly do whatever may be their share of that work. But the question of the terminus of the bridge was for the Committee alone. There being jurisdiction to deal with the subject of a bridge, it is not for the Courts to enter into the question whether the work determined upon has been directed to be done in the most reasonable manner or in the way best adapted to carry into effect the end intended to be accomplished.

The appeals should be dismissed.

I may add that if the trial Judge had acted upon the conclusion he appears to have formed that the only relief