

imperative that the conditions of its exercise must unquestionably exist, and be scrupulously observed.

About the 9th October last, Sir Alexander R. Bennie reported to the Municipal Council of Ottawa in favour of obtaining a water supply from Thirty-one Mile Lake and other lakes in the Province of Quebec, and, in a very general way, indicated the course of the pipe line and some of the outstanding features of the scheme; but, as the proposition might or might not be entertained, and it would occasion a delay of many months and an additional outlay of scores of thousands of dollars, the report was, of course, without designs, drawings, maps, plans, specifications, or detailed information of any kind. This report was sent to Dr. McCullough, Executive Officer, Chief Health Officer, and Secretary of the Provincial Board of Health. Immediately before the passing of by-law 3649 of the City of Ottawa, relating to this waterworks question, the council received a communication from Dr. McCullough, reporting the necessity for a new waterworks system for Ottawa and containing the following paragraph: "Under the authority of sub-sec. 1 of sec. 95 of the aforesaid Act (the Public Health Act), the Board hereby approves of the source of supply and of the establishment of the said works in accordance with the report thereupon made by Sir Alexander Bennie, dated October, 1913, and submitted to the Board for approval."

The report of the necessity for new waterworks is clearly covered by the statute, and nothing turns upon it except that a failure to appreciate the difference between the Board reporting the need of new waterworks of some kind and the Board approving of a matured and definite waterworks scheme, after examination of all plans, specifications, etc., is what probably led the council into the error of passing a second by-law. In the document forwarded on the 1st December, Dr. McCullough incorporated the one already quoted from, and directed the council to pass a by-law and proceed at once with the establishment of works "in accordance with the Bennie report."

With great respect, I am of opinion that, until plans and information of the character above indicated are submitted and dealt with, the Board has no power to approve of a waterworks system; that the Bennie system has not been approved of in fact or in law; that as yet there is no authority vested anywhere to order the council to proceed with the works in question; and that the council was not compelled to pass, or justified in passing, by-law number 3678.

The policy of the statute is clear, and its provisions are speci-