

by-law might have been passed amending the by-law passed by the Board on the 2nd February, 1911.

I think that, under the circumstances, the reasonable thing to do is to make a declaration that the Board is not further to act under the terms of the said resolution: *Pringle v. City of Stratford*, 20 O.L.R. 246. All other claims mentioned in the plaintiff's statement of claim are dismissed.

The plaintiff failed to shew at the trial that he was in any way injured as a result of the passing of the resolution. While he has partly succeeded on a technical question as to the validity of the resolution, he has failed in other respects as against the individual defendants—and that, too, after making somewhat reckless and damaging statements as against them.

The defendant Boulter, one of the Board of Water Commissioners elected in January last, in his defence says that he is "opposed to the reduction of water rates charging only \$12 for a full house service," and by his defence appears to be in sympathy with the action that has been taken by the plaintiff herein. Considering that the questions involved are largely matters of administration, and that the action partakes somewhat of the nature of a meddlesome one, I think that the costs may well be disposed of as follows. The Dale estate will have its costs as against the plaintiff. As between the defendants, other than the defendant Boulter, and the plaintiff, I make no order as to costs. The defendant Boulter, who was not represented by counsel at the trial, but appeared in person and by his pleading submitted his rights to the Court, will have such costs as he has incurred paid by the plaintiff.

MIDDLETON, J., IN CHAMBERS.

OCTOBER 17TH, 1911.

RE TOWN OF SARNIA AND SARNIA GAS AND ELECTRIC
LIGHT CO.

Arbitration and Award—Municipal Act—Alleged Disqualification of Arbitrator—Motion to Remove—Practice—Membership in School Board—Bias.

Summary motion by the company for an order declaring that Mr. Archibald Weir is disqualified from acting as arbitrator for the Town of Sarnia upon an arbitration between the town and the company under the Municipal Act.