

fied ratepayers of the city of Ottawa, a power to compel the municipal council to commit the city irrevocably to the Bennie waterworks scheme, pass the by-law, borrow the money, invade a sister province, and enter at once upon this gigantic work; and this without profiles, drawings, plans, specifications, or specific information of any kind. I say "a power in anybody to compel the council to pass this by-law" because it is not suggested that it can be upheld as the voluntary act of the council. On the contrary, upon the argument of this motion, it was frankly admitted that the right of the council, of their own motion, to withdraw the decision of this matter from the ratepayers was conclusively negatived and set at rest by the proceedings against the former by-law (see ante 370); and the sole ground upon which it is urged that this by-law is valid is that the Chief Officer of Health for Ontario has power to order, and has ordered, this thing to be done. I pass over the strenuous effort of Mayor Ellis to make sure of being "compelled to pass the by-law," as, whatever opinion I may have of the propriety of tactics of this kind, I require no argument to convince me that in this, as in all cases, Dr. McCullough was actuated solely by what he conceived to be in the public interest.

When it was proposed a few years ago by a Federal Government, strongly entrenched in the confidence of the Canadian people, to inaugurate a great national work, at an estimated cost to the country (I do not mean a total expenditure) of about \$13,000,000, it was not for one moment pretended that this could be done without the sanction of the people's representatives in Parliament, and weeks and months were consumed in investigation and discussion before the expenditure was approved. It is a startling proposition then that, although the administration of the Dominion is controlled in the expenditure of money in the way I have intimated, yet one man, the Chief Officer of Health for Ontario, despite the protest, it may be, of any majority of her citizens, has the power to compel a small community like Ottawa to assume a burden of \$8,000,000, or, for that matter, of \$13,000,000 or more; and yet I have no doubt at all that, if the proper steps and proceedings are taken to this end, this officer has this power; and further, although it may be said that this is a long step from government of the people by the people, yet, in view of the criminal negligence of some municipalities, it cannot be said that the provisions of the Public Health Act are too arbitrary or drastic in this regard.

But, being an exceptional and drastic power, it is obviously