

indicated. Roberts, one of the defendants, was called and testified that the change from \$17 to \$12 was the result of discussion among the members of the Board and of interviewing people on the question and a ventilation of the matter at a public meeting in the town before the resolution was passed. He also calls attention to the fact that formerly, under by-law No. 250, already in part recited, water was "supplied for house, bath, and lawn for the sum of \$12 per annum, payable quarterly in advance," and says that the resolution of the 8th June, 1910, was a practical recurrence to the rates under that by-law. He says that the majority of the Board passed the resolution in good faith and because they thought it was right. They considered that it was reasonable to encourage water-users to take the whole service if possible, that there was no discrimination, that everyone had a right to take advantage of the same regulation. In his opinion, the man who was having the \$5 kitchen service was, if anything, getting the cheapest service, under the conditions in which it was used. He denies that they were allowing any greater discount to one user than another. In a word, he thought that the Board was doing what was right and reasonable in making the change. Upon such evidence as was offered at the trial, I came to the conclusion that the action of the Board in passing the resolution was taken in good faith and was a matter of administration and discretion with which I had no right to interfere, provided that such action could be taken by resolution and not by by-law.

I cannot see either that there is any discrimination between one class of ratepayers and another, such, for example, as was shewn in the case of *City of Hamilton v. Hamilton Brewing Association*, 38 S.C.R. 239. Every ratepayer is at liberty to take the full service for a private residence on the same terms, and every ratepayer is in like manner on an equality as to rates in taking any less service than a full one. The question of the adjusting of the rates from time to time is a matter which is within the discretion of the Board, so long as there is no unjust discrimination. The Board has been created by the Act of 1910 a corporation.

Before the resolution of the 8th June, 1910, the Board had passed its by-law fixing the water rates. I do not think that that by-law could be validly altered or amended, as is attempted, by a bare resolution of the Board. If the resolution after having been passed had been duly signed and sealed, it might possibly have had the virtue and effect of a by-law, but this is not shewn to have been done. This might have been done at any time, or a