

it is not sufficient that the motion be made within one year from the registration, even though the statute then in force, R. S. O. 1877 ch. 174, sec. 507, provides that, before the by-law "becomes effectual," it shall be registered in the registry office. This legislation has been continued through 46 Vict. ch. 18, sec. 547; R. S. O. 1887 ch. 184, sec. 547; 55 Vict. ch. 42, sec. 547; R. S. O. 1897 ch. 223, sec. 633; and is now 3 Edw. VII. ch. 19, sec. 633. The provisions will be found practically identical through this whole period.

The Court in the Harding case seem to have considered that an application to quash might be made before the registration—and were the present case governed by the same legislation, I should follow the Harding case without further remarks.

But the legislation governing such cases as the present is different. This is found in 3 Edw. VII. ch. 19, sec. 660 (2), which comes from R. S. O. 1897 ch. 223, sec. 660 (2), and further back 55 Vict. ch. 42, sec. 567 (2); R. S. O. 1887 ch. 184, sec. 567 (2); 48 Vict. ch. 18, sec. 566 (2); R. S. O. 1877 ch. 174, sec. 525 (2)—and it provides that "no such by-law shall have any force, unless confirmed by a by-law of the council of the county in which the township is situated, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof."

However it may be in the case of a by-law which, to have full validity, needs only the act of registration—and such act may be performed at any time—I cannot think that the Court should interfere so long as there is another tribunal to whom appeal may be made. It is apparent, I think, that the intention of the legislature is that a second legislative body shall pass upon the propriety of such a by-law as this before it becomes law—and that body is expected to act in the public interest. I do not intend to decide how the case would be if there were delay in presenting the matter to the county council, or anything in the nature of fraud or collusion preventing an honest consideration of the by-law on its merits. I hope the arm of the Court would be found sufficiently long to reach any case of that kind. In the ordinary case, however, I think that before approaching the Court and asking the Court to exercise its discretion to quash a by-law, all the other remedies should be exhausted.