

HON. MR. JUSTICE BRITTON.

MARCH 5TH, 1914.

McKENZIE v. TEESWATER.

6 O. W. N. 32.

Municipal Corporations — By-law Authorising Deed of Lands to Library Board for Site—Special Act—58 Vict. c. 88 (O)—Public Libraries Act, 9 Edw. VII. c. 80, secs. 8, 12—Town Authorised to Sell but not to Deed — Substantial Compliance—Motion to Quash—Dismissal of.

BRITTON, J., *held*, that where a municipality was authorised to sell certain lands and to devote the proceeds to public library purposes, it was justified in deeding the lands directly to the Library Board without any effort being made to sell such lands.

Parsons v. London, 25 O. L. R. 173, and *Phillips v. Belleville*, 11 O. L. R. 256, referred to.

Ottawa Electric Light Co. v. Ottawa, 12 O. L. R. 290, distinguished.

Motion to quash a by-law of the town of Teeswater.

G. H. Kilmer, K.C., for applicant.

Wm. Proudfoot, K.C., for respondent.

HON. MR. JUSTICE BRITTON,—The by-law now attacked enacts that the corporation of the Village of Teeswater do grant and convey to the Teeswater Public Library Board, part of the parcel of land known as "Edmund Square" in said village, for the "purpose of a site for a public library building." The by-law was passed on the 23rd January, 1914, and apparently on the same day, the conveyance authorised by the by-law, was executed, and registered in the registry office for the County of Bruce. The title to the land in question now stands in the name of the Public Library Board.

An authority for the by-law, and as alleged by the applicant the only pretence of authority, is 58 Vict. ch. 88 (Ont. 1895) and the provisions of that Act are correctly set out in the preamble of the by-law. Of the objections taken to the by-law, the only one necessary to be specially considered on this application is the one raised by the question: "Can the corporation of the Village of Teeswater enact such a by-law as the one attached, and pursuant to it, convey the land directly to the Teeswater Public Library Board, or will it be necessary that the village corporation make an actual sale of the land, and, so far as relates to the "purpose of a public library" deal only with "the moneys realized." The