

THE
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TORONTO, JUNE 28, 1906.

No. 3

JUNE 16TH, 1906.

C.A.

RE CARTWRIGHT AND TOWN OF NAPANEE.

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Costs—Motion to Quash Municipal By-law—Intervening Statute Validating By-law—Costs Left to Discretion of Court—Costs in Court of Appeal.

Appeal by Sir Richard John Cartwright from order of MEREDITH, J. (6 O. W. R. 773), refusing to quash a by-law of the town of Napanee providing for the erection and equipment of a municipal electric light plant and for the issue of debentures; and appeal by Alfred Knight from order of MEREDITH, C.J., refusing Knight's application to quash the same by-law.

The appeals were heard by MOSS, C.J.O., OSLER and GARROW, J.J.A.

W. E. Middleton, for the appellants.

A. Bruce, K.C., and W. S. Herrington, K.C., for the town corporation.

Moss, C.J.O.:—After the argument on appeal, and while the cases were standing for judgment, the respondents procured the passage through the legislature of an Act, which has been duly assented to by the Lieutenant-Governor, and we have been furnished with a copy. There is a lengthy preamble, to which the curious may refer for a history of the proceedings up to and inclusive of the appeals to this Court.