

for some time. The same rate apparently has been continued since the Board of Water Commissioners was established. I do not think that the plaintiff can have any ground of complaint as to this motor, although it would perhaps now be better for the new Board to fix a general and definite rate for similar motors.

But more definite complaint is made on the part of the plaintiff as arising under a resolution passed by the new Board of Water Commissioners on the 8th June, 1910, to the following effect: "That a full service for a private residence shall be charged \$13.40 and to include the following services: kitchen, bath, basin, closet, stationary washtubs, and lawn not exceeding 1,000 feet; other services to be additional."

This resolution was passed by the defendants Roberts and Thauburn against the opposition of the other member, Justin. In consequence the latter resigned from the Board as a protest. . .

A copy of what the Board had printed was put in as exhibit No. 9. It does not purport to be a copy of any by-law, but is called "Rules and Regulations for the Brampton Waterworks." It is not under seal. There is included with it a schedule of water rates for the town of Brampton, identical in all respects with the schedule attached to the by-law No. 272, except that the first two items under the heading "for private dwellings," instead of being as follows, "not exceeding 8 rooms, one faucet, \$5.56, over 8 rooms, one faucet, \$6.67," is as follows: "full house service not over 10 rooms and lawn not exceeding 1,000 square feet, \$13.40, not exceeding 10 rooms, one faucet, \$5.56." These alterations were made, no doubt, in conformity with the resolution already referred to.

The contention of the plaintiff is, first, that the resolution of the 8th June, 1910, has not been authorised by any by-law of the Board, and, second, that the result of such a resolution, when worked out, is, that there is a discrimination between the man who takes the full house service (not over 10 rooms and lawn not exceeding 1,000 square feet and pays therefor \$13.40) and other users who take individual services, as, for example, one man a lawn service, another man a bath-room service, and another man a kitchen service. It is said that the man who takes the full service at \$13.40 pays net, after the allowance of the 10 per cent. discount, about \$12, while three men separately taking the other three services indicated pay \$5, \$7, and \$5 net, respectively. The plaintiff says that this is a discrimination. He says that it is unreasonable to give a full house service, which ought to be \$17, for \$12, and that it works a discrimination as