

RIDDELL, J.

JULY 3RD, 1907.

WEEKLY COURT.

RE CAMERON AND UNITED TOWNSHIPS OF
HAGARTY, SHERWOOD, JONES, RICHARDS,
AND BURNS.

*Costs — Motion to Quash By-law of Township Corporation
Closing Road — Necessity for Confirmation by County
Council — Statutes — Appeal to County Council — Exhaust-
ing Other Remedies before Moving to Quash.*

Motion by the applicant upon an application to quash a
by-law for an order for the costs of the application.

C. A. Moss, for the applicant.

W. E. Middleton, for the municipality.

RIDDELL, J.:—By-law No. 188 was passed 15th Decem-
ber, 1906, by the municipality of Hagarty, Sherwood, &c.,
for the closing of a road allowance. The particular facts
leading up to the passing of this by-law are not material, as
on the 17th June, 1907, this by-law was repealed. In the
meantime, however, an application had been made to quash,
and the matter reduces to a question of costs—no unim-
portant matter.

There was "a saying of the late Mr. Jacob, that the im-
portance of questions was in this ratio: first, costs; second,
pleading; and third—very far behind—the merits of the
case:" per James, L.J., at pp. 344, 345, of *Hall v. Eve*, 4
Ch. D. 341. But I cannot continue with the Lord Justice
and say, "The time employed in the argument of the present
case has been wholly disproportionate to its importance,"
as Mr. Middleton, upon my intimating an opinion that the
by-law could not have stood an attack, contented himself
with arguing that the application was premature, as the by-
law had not been confirmed by a by-law of the county coun-
cil, under sec. 660 (2) of the Consolidated Municipal Act,
1903—while Mr. Moss argued *ab inconvenienti* and upon
the case of *Harding v. Cardiff*, 2 O. R. 329. This case
decides that in the case of a by-law opening a street upon
private property, the application to quash must be made
within one year from the actual passing by the council, and