

## PROMISES OF COUNCIL

Deputations to the City Council and Board of Control made year after year by Local Ratepayers resulted in resolutions being passed over and over again that the nuisance be abated, but nothing tangible ever resulted.

## FIELDHOUSE v. TORONTO

The people having suffered for years, at last had recourse to the Courts of Justice. Samuel Fieldhouse, a resident and owner of property in the district, commenced an action against the City in 1915 asking for damages and for an injunction.

## TRIAL DECEMBER, 1917

After great delay, Mr. Fieldhouse forced the City to trial in December, 1917, and after a hearing, which occupied six days, the Chief Justice of the Exchequer, Sir William Mulock, delivered judgment granting an injunction to restrain the City from continuing the nuisance, and directed a Reference as to damages which Mr. Fieldhouse had sustained to his property.

## CITY'S APPEAL DISMISSED

The City appealed to the Appellate Division of the Supreme Court, and after a very lengthy hearing, the whole Court, consisting of four Judges, agreed that the Appeal should be dismissed.

## APPLICATION TO THE LEGISLATURE

Finding itself defeated in the Courts, the City—in spite of the resolutions of the City Council and the Board of Control to abate the nuisance—is now having recourse to the Legislature, and is endeavoring to put through an Act, which, if passed, would have the effect of depriving the citizens affected of the benefits to be derived by the Judgment.

## FINDINGS OF FACT BY THE COURT

The texts of the various Judgments of the Supreme Court are printed below, and it will be seen therefrom that the following facts were proved to the satisfaction of the Courts:—

(1) The Legislature when giving powers to the Municipal Authorities for the establishment of Sewage Disposal Plants directed that By-laws should be passed for the purpose.

**NO BY-LAW** was ever passed for the erection of the Toronto Sewage Disposal Plant.

(2) The Public Health Act requires that all plans for the erection of a Sewage Disposal Plant shall be enquired into and approved by the Provincial Board of Health before acted upon.

**NO SUCH APPROVAL** was obtained for the erection of the City of Toronto Sewage Disposal Plant.

(3) Section 122 of the Public Health Act provides as follows:—

"No person shall within this Municipality suffer the accumulation  
"upon his premises or deposit or permit the deposit upon any lot  
"belonging to him, of anything which may endanger the public  
"health, or deposit on or into any street, square, lane, river, stream,