

ing to submit to anything—could disregard a by-law of which he did not approve. It was well known that when judges looked over the forms of most by-laws of rural municipalities, they were found to be defective. It was to guard against unnecessary litigation, which would have the effect of preventing municipalities from entering upon necessary improvements, that he desired to have this amendment adopted.

Hon. Mr. CAMPBELL said there were many by-laws which affected individuals very closely, and which would render litigation necessary for the protection of their rights, which were not voted upon by the ratepayers. In such cases it would not be proper to debar individuals from the right of appeal.

Hon. Mr. BELLEROSE said there were great difficulties on the other side also, and some means should be found for doing justice to both parties. If a by-law were injurious to any one, he could go to the Superior Courts of his own Province and receive justice as well as he could in the Supreme Court. In the case of granting a bonus it was quite right that appeal to the Supreme Court should be allowed; but he did not think it should be the case with ordinary by-laws. He knew two or three counties in his own Province where the municipalities hesitated to make public improvements because they were afraid of two or three wealthy men who were determined to oppose them. That was a bad condition of affairs.

Hon. Mr. CAMPBELL hoped the hon. gentleman would not press his motion.

The amendment was declared lost on a division.

The Committee rose and reported the Bill with amendments, which were concurred in. The Bill was then read the third time.

Hon. Mr. SCOTT moved that the Bill do now pass.

Hon. Mr. BELLEROSE said he felt so strongly on the question he had presented to the House that he would like to

*Hon. Mr. Bellerose.*

have a vote taken upon it. He therefore moved the amendment which he had proposed in committee.

Hon. Mr. SCOTT hoped the hon. gentleman would not press his motion, which struck at a principle which was extremely dangerous to deal with.

Hon. Mr. BELLEROSE said by the clause as it now stood any by-law of a municipality might be brought before the Supreme Court, and small municipalities could not afford to run the risk of such litigation. The judges in the several Provinces would understand the laws of those Provinces better than the Judges of the Supreme Court. Surely an appeal to the highest Court in the Province ought to be sufficient.

Hon. Mr. SCOTT—If a municipality has right on its side, a party interfering with that right would have to pay the costs.

Hon. Mr. MILLER had a strong desire to allow these cases to go before a higher tribunal than other cases that the hon. gentleman had suggested, because there would be less danger of tyranny or injustice in the passage of municipal by-laws based on an electoral vote than in other by-laws, and although it might be the case that two or three wealthy men in certain counties might give a great deal of trouble and harrass poor municipalities, still there was another side to look at. He would be very sorry to do anything which might operate as a serious personal injustice. He could not support this amendment.

Hon. Mr. CAMPBELL hoped the hon. gentleman would not press his amendment, because there were numbers of by-laws involving dear rights, and it would hardly be right to prevent appeal in such cases. To limit the appeal as suggested by the hon. gentleman would be to confine it to one case in a hundred.

Hon. Mr. PENNY said where there happened to be one wealthy man who oppressed the municipality, there were many municipalities that harrassed poor men.

The motion was declared lost on a division.

The Bill then passed.