

the use of a few of these ratepayers and perhaps for some of those who are not ratepayers at all? Why should the real estate of all ratepayers be mortgaged for the benefit of a few of them, or for those who had no property to be mortgaged; and it is not material in principle whether this mortgage will eventually be paid out of the receipts from the ratepayers and others who use light and power. If it should happen (a very likely contingency) that there was a deficit, this deficit would have to be paid out of the general taxes. Surely this would be illegal. It might possibly fall upon the shoulders of the members of the municipal council.

There are no end of difficulties and dangers to be encountered in this perilous voyage in search of the golden fleece phantom of municipal cheap power. Let another of them be suggested. Sec. 92 of the B.N.A. Act says that "In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say, (13) property and civil rights in the province." If the power claimed by the legislature and the municipal councils does not come in under this section there is no such power. Upon what principle can a municipality, expressly created for other purposes, and with other objects, enter into business of a private commercial character? If there is a deficit, who is to pay the loss, and if there is a profit how is it to be applied? And going back further, what right has a provincial legislature with its limited jurisdiction to assume to give a municipality such power? There seems to be no answer to these questions.

The subject is one of vast importance and so far-reaching that the legislature may well pause before going further.

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