

case set down on the 1st June, and to be then deemed ready for trial. The examinations already had to stand for discovery with the right to either party to examine on other points. The payment into Court of the assessment to be no admission by the plaintiff of any right. The costs of the motion will be costs in the cause unless otherwise ordered by the trial Judge.

This order ought to meet the objection of the defendants that they will be unable to collect assessments if an injunction is granted, for it is granted only in terms that the plaintiff pay meanwhile, while the latter is protected, as the Court will see that his money is applied according to the result of the case. I refer to *Shaw v. Earl of Jersey* (1879), 4 C. P. D. 120, 359; *East Lancashire Rv. Co. v. Hattersley* (1849), 8 Hare, 72, 94; *Newson v. Pender*, 27 C. D. 43, and *Jones v. Pacaya Rubber & Produce Co.*, [1911] 1 K. B. 455.

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HON. MR. JUSTICE BRITTON, IN CHRS.      MAY 22ND, 1914.

REX EX REL SULLIVAN v. CHURCH.

6 O. W. N. 365.

*Election—Municipal—Deputy Reeve—Right of Town to—Municipal Act R. S. O. (1914), c. 192, ss. 51, 161—Parties—Notice to Municipality.*

Application under Municipal Act, R. S. O. c. 192, s. 161, to have determined the right of a town to a deputy reeve.

BRITTON, J., *held*, that the town had over 1,000 municipal electors and was, therefore, under s. 51 of the above Act entitled to a deputy reeve.

That it was not necessary in said proceeding either to give notice to nor add the municipality as a party.

Order of MASTER-IN-CHAMBERS reversed.

Appeal from an order of the Master-in-Chambers, 26 O. W. R. 121; 6 O. W. N. 116, setting aside the election of Thomas S. Church, to the office of deputy reeve of the municipality of the town of Arnprior.

Geo. A. Watson, K.C., and J. E. Thompson, for Church, appellant.

E. A. DuVernet, K.C., and R. J. Slattery, for relator, respondent.