

report, i.e., the confirmation thereof. Interest after confirmation could only be obtained upon the hearing on further directions: Tudor & Venables' Chancery Practice, p. 368.

The mortgagee never took judgment for the amount of his debt against the mortgagor or waived the covenants in his mortgages. Interest therefore at the rates reserved in the mortgages should be allowed him until confirmation of the report.

There should be no order as to the costs taxed by the Master—no principle being in question.

The report should go back to the Master for amendment in accordance with the above.

The plaintiff and the Official Guardian were entitled to their costs of the appeal.

LATCHFORD, J., IN CHAMBERS.

MARCH 12TH, 1920.

#### LAWRASON v. TOWN OF DUNDAS.

*Municipal Corporations—By-law Authorising Execution of Contract—By-law Acted upon by Execution of Contract by Proper Officers—Attempted Repeal of By-law by By-law Passed in Following Year—Illegality or Ineffectiveness of Repealing By-law—Action to Set aside Repealing By-law, and for declaration of Validity of Original By-law—Municipal Act, sec. 283—Change in Personnel of Council—Corporation Bound by Contract—Reasonable Cause of Action Disclosed by Statement of Claim.*

Motion by the defendants for an order striking out the statement of claim, on the ground that it disclosed no reasonable cause of action and was frivolous or vexatious.

H. M. Mowat, K.C., for the defendants.

M. H. Ludwig, K.C., for the plaintiff.

LATCHFORD, J., in a written judgment, said that the grounds of the motion were: (1) that the procedure for setting aside a by-law is restricted to that provided by sec. 283 of the Municipal Act, R.S.O. 1914 ch. 192; (2) that the municipal council for one year is not bound by the action of the municipal council for another year; (3) that the plaintiff's remedy, if any, is not by action but under the arbitration clauses of the Municipal Act.

On the 13th August, 1918, the defendants' municipal council passed a by-law, No. 828, empowering the mayor and clerk to