

Michigan Central R.R. Co. (1909), 19 O.L.R. 502, 506; and Continental Costume Co. v. Appelton & Co. (1919), 17 O.W.N. 258.

The appeal should be allowed and judgment should be entered for the plaintiffs with costs throughout.

RIDDELL and SUTHERLAND, JJ., agreed with MASTEN, J.

CLUTE, J., read a dissenting judgment. He reviewed the evidence, and stated that, in his opinion, there was nothing in the evidence to lead to the conclusion that the judgment of the trial Judge, who had all the facts before him and considered the whole question, was erroneous. The appeal should be dismissed.

MULOCK, C.J. Ex., agreed with CLUTE, J.

Appeal allowed (MULOCK, C.J. Ex., and CLUTE, J., dissenting).

SECOND DIVISIONAL COURT.

MARCH 26TH, 1920.

*MILLMINE v. EDDY.

Municipal Corporations—Payment out of Funds of Township Corporation of Expenses of Delegation to Dominion Government to Urge Repeal of Order in Council respecting Military Service—Farm-workers in Agricultural Township—"Matter Pertaining to or Affecting the Interests of the Corporation"—Municipal Act, sec. 427 (4 Geo. V. ch. 33, sec. 19)—Powers of Council—Action by Ratepayer qui tam—Parties—Refusal of Council to Permit Corporation to be Added as Plaintiff—Amendment—Addition of Corporation as Defendant.

Appeal by the defendants other than the defendant Barker from the judgment of the County Court of the County of Brant in favour of the plaintiff in an action to compel the restoration to the treasury of the Municipal Corporation of the Township of Burford of a sum of \$219.13 paid out of corporation funds, upon a resolution of the council, for the expenses of a deputation to Ottawa in support of the repeal of an order in council.

The appeal was heard by MULOCK, C.J. Ex., CLUTE, SUTHERLAND, and MASTEN, JJ.

W. S. Brewster, K.C., for the appellants.

Gordon Waldron, for the defendant Barker.

W. T. Henderson, K.C., for the plaintiff, respondent.