

by-law was read a third time and ordered to be signed and sealed. The vote being four for the by-law and two against it, the Mayor presiding and ruling on the objection that there was not a two-third vote in favour of the resolution (out of the seven present of which he was one) but not voting. The by-law was signed and it was sealed next morning and a cheque issued to the Mayor.

The Council had under section 326 of the Municipal Act previously passed a by-law to regulate their proceedings which provided that any appropriation of money amounting to \$25 should be submitted to a committee of the whole; that after the passing of the estimates any by-law proposing an expenditure of money should receive a two-thirds vote of the members present; and that any member present who was interested should not vote. In an action for an injunction to restrain the Council from remunerating the Mayor and prevent its payment,

Held, (STREET, J., dissenting) that the plaintiff had no merits; that the case was not one in which it was just or convenient that an injunction should be granted; that the by-law was as fully considered by the Council and the same members as if considered in committee of the whole; that the money was on hand and the Council desired that it should be paid, that there was no evidence that the ratepayers were objecting to the payment; that the plaintiff was hostile to the Mayor and should not be allowed to thwart the will of the Council on account of a slip; that if there could be a case in which there is any discretionary power in the court this was one; that the action was not brought in the interest of the ratepayers but as a personal matter and in the exercise of discretion, and under the circumstances the appeal was dismissed.

Judgment of BOYD, C., affirmed.

Per STREET, J., The Mayor being precluded from voting as being interested his being present in the room made no difference, and the vote of four against two was a two-third vote, but the \$125 appropriation for the Mayor was not included in the \$300 appropriation for "law costs, etc.," in the estimates, and the provisions of the by-law regulating proceedings were binding upon the Council and could be insisted on by any member and a by-law passed in disregard of its provisions and of the protest of a minority should not be supported when it is promptly attacked.

J. E. Jones, for the appeal. *Shaw*, K.C., contra.

THE LIVING AGE adds another to its notable series on European politics by reprinting, in the number for June 13, the striking article from the last *Quarterly Review*, entitled "The Macedonian Maze." The writer is outspoken in his criticism of the methods of the Macedonian Revolutionary Committee. The carefully prepared article on the late Archibald Temple which has just appeared in *The Church Quarterly Review*, will interest many. The number for June 20 reproduces it.