

plaintiffs were equitable owners of the book accounts, and, after payment to their agent, their title was complete as against the debtors who paid Atkinson and the defendants who had notice of the equitable interest.

As to the \$107.61, cash, there was no evidence at the trial to shew how much, if any part, represented collection on book accounts and this part of the claim was not allowed.

R. McKay, for plaintiffs. Ludwig, for defendants.

Anglin, J.]

[Sept. 10.

IN RE BY-LAW NO. 204 OF THE TOWN OF GALT.

SCOTT v. PATTERSON.

Hydro-Electric Commission Act--Contract--Illegality--Not in accordance with by-law authorising it--Refusal of mayor to sign--Rights and liabilities of mayor as to.

The plaintiff, a ratepayer of the Town of Galt, applied on behalf of himself and all other ratepayers of that town, for an order in the nature of a mandamus commanding Thomas Patterson, as mayor of the town, to sign a contract between the Hydro-Electric Power Commission of Ontario and the town, for the transmission of electrical power to the town under a by-law passed Jan. 7, 1907, and approved by the ratepayers. The mayor objected to sign the contract on the ground that the contract did not conform in its terms to the provisions of the said by-law.

The Hydro-Electric Power Commission of Ontario was constituted by 6 Edw. VII. c. 15. Sec. 7 of that Act provides that the council of the municipal corporation may submit to the electors a by-law authorising it to enter into a contract for the supply of power, and in case such by-law receives the assent of the majority of the electors the contract may be entered into by the Commission and the municipal corporation.

Semble, although the statute does not in terms forbid municipal corporations to enter into contracts with the Hydro-Electric Power Commission for the supply of energy without first obtaining the approval of the electors such a prohibition is a necessary implication of the statute.

The by-law in question was for the supply of power at from \$17.37 to \$22 per horse power per annum ready for distribution