member of the council who is an open and strong supporter of local option, and was passed without any opposition.

No authority was cited which would authorise the making of the order now sought. Re Mace and County of Frontenac, 42 U.C.R. 70, manifestly falls very far short of what is now desired.

Upon principle, I think the motion fails. Under our municipal system, the municipality is represented by the municipal council. Municipal action or inaction must be determined by its voice alone; and where a municipality has by its municipal council determined upon the course to be taken in connection with a particular piece of litigation, that determination binds all the ratepayers.

There is nothing unique or peculiar in this particular action to take it out of the general rule. The council, elected by a majority of the electors, has determined against an appeal. It is not open to an individual ratepayer or to a group of ratepayers, even if they constitute a majority, to overrule the decision of the constituted authority. The whole idea is repugnant to the established system of municipal government. If I allowed intervention here, why might I not allow a ratepayer to intervene in a "damage action" where he thought the verdict against the municipality was unjust—if the council determined not to appeal?

The motion fails, and must be dismissed with costs.

RIDDELL, J. OCTOBER 26TH, 1912.

McLARTY v. TODD.

Assignments and Preferences—Assignment for Benefit of Creditors—Claims on Estate—Wages—Preferential Claim—Extent of—10 *Edw. VII. ch.* 72, *sec.* 3.

An action brought by the assignee of a claim for wages against two companies and their assignee for the benefit of creditors.

L. F. Heyd, K.C., for the plaintiff.
J. P. MacGregor, for the defendants.

RIDDELL, J.:—I held that the plaintiff had established by evidence that his assignor had been duly employed by the com-