

ber Co. with costs. The plaintiff and other lien-holders who have proven their claims against Dinsmore will have judgment against him therefor, with costs to include the costs of the liens.

Province of Manitoba.

KING'S BENCH.

Mathers, J.]

[July 8.

BLACK v. WINNIPEG ELECTRIC RY. CO.

Injunction—Municipality—By-law or resolution—Approval of plans.

Motion to continue an ex parte injunction to prevent the defendants from constructing a loop line on certain streets of the City of Winnipeg which they had been authorized to construct by a resolution of the council, on condition that they should also construct another loop line on certain other streets of the city.

Held, 1. Notwithstanding the provision of s. 472 of the Winnipeg charter that "the powers of the council shall be exercised by by-law when not otherwise authorized or provided for," such an authorization may be given by resolution. *Toronto v. Toronto Ry. Co.*, 12 O.L.R. 534, followed.

2. It was not a valid objection to the resolution that it was an approval of a report of the Board of Control, even if such Board had no power to deal with the matter.

3. The council having approved of the construction and of the plan submitted, and the city engineer having also, except in one particular, approved of the details as required by law before construction should begin, it was not a sufficient ground for an injunction that the council had not passed the plans as varied by the engineer.

4. The council had power to give the conditional approval, and the fact that the city might be unable afterwards to enforce the condition would not make that approval void.

A. J. Andrews and Burbidge, for plaintiff. Munson, K.C., and Haffner, for defendants.