

as indicated by the discharge erroneously given. Down to the time of its registration the discharge was merely a receipt—but a receipt given in error for moneys which never were paid on that mortgage. Assuming that the legal effect of the registration of the discharge was to re-vest the title (subject to the first mortgage) in the owner of the equity of redemption, he thereby acquired no additional beneficial interest in the land, but became a holder of whatever title was then re-vested in him, for the real holder of that mortgage, to the extent of the moneys erroneously paid thereon; and the conditions on which he had the right to redeem were not altered. He was still bound to pay, as a condition of redemption, the amount found due by the Master's report. The objection was not one on which the purchaser could insist.

KELLY, J.

AUGUST 2ND, 1919.

RE LAKE AND CITY OF TORONTO.

*Municipal Corporations—City By-law Appointing Housing Commission and Authorising Borrowing of Money for Purposes thereof—Motion to Quash—Ontario Housing Act, 1919—Failure to Pass By-law Applying Act to Municipality—Urgent Need for House Accommodation—By-law Passed in Contemplation of Special Act to be Obtained—Status of Applicant—Special Damage not Shewn—Unusual Conditions—Large Expenditure—Municipal Act, sec. 250—Delay in Moving—Discretion of Court—Adjournment of Motion until after Next Session of Legislature—Costs.*

Motion by Byron Earl Lake, a resident and ratepayer of the City of Toronto, to quash by-law 8122 passed by the city council on the 9th May, 1919, intituled "A By-law to appoint the Toronto Housing Commission and to authorise the Borrowing of Money for the Purposes thereof," on the ground that the council had never passed a by-law declaring that the Ontario Housing Act, 1919, should apply to the city, and without such a by-law the council had no power to pass by-law 8122.

The motion was heard in the Weekly Court, Toronto.

W. A. McMaster, for the applicant.

G. R. Geary, K.C., for the city corporation.

KELLY, J., in a written judgment, said that the by-law attacked recited that the city corporation intended to apply to the Ontario