

PARSONS V. CITY OF LONDON—MASTER IN CHAMBERS—SEPT. 18.

*Parties—Attorney-General—Addition of as Plaintiff—Con. Rule 185—Delay of Trial—Injunction—Cause of Action—Sale of Municipal Property—Right of Way.*—Motion by the plaintiff for an order adding the Attorney-General for Ontario as a co-plaintiff, in consequence of the question raised in the judgment of TEETZEL, J., 2 O.W.N. 1483, as to the right of the plaintiff to maintain the action, except so far as he sought to restrain the defendants the Corporation of the City of London from selling municipal property to the defendants the Royal Bank of Canada. The Attorney-General was willing to be added if, in the opinion of the Court, it was desirable in the interests of justice. Counsel for the defendants raised three objections to the motion. The first was on the ground of delay. As to this, the Master said that the action could be tried at the London sittings beginning on the 2nd October next, if expedition were used. The second objection was, that the plaintiff, so far as he sought to restrain a sale of the whole block, 110 feet square, and to sell the land in any case free from the right of the public to a passage-way over it from Richmond street to the market, set up a distinct cause of action from that on which the injunction had been granted. It was said in reply that Con. Rule 185 is sufficiently wide in its present form to allow this to be done. It was argued that *Ellis v. Duke of Bedford*, [1899] 1 Ch. 494, in appeal, [1901] A.C. 1, shewed that this was permissible. The Master said that the doubt expressed in that case as to the necessity for joining the Attorney-General would not seem to apply in the facts of the present case. To this second objection, therefore, he did not give effect, in view of the above case. The third objection was, that the action was premature, as no interference had as yet taken place with the alleged right of way—or was even threatened or intended, so far as was shewn. The Master said that the claim was to have a binding decision on the important questions raised by the plaintiff. These, in his view, should be decided now, in the interests of all parties, so that the city corporation might know exactly what they were able to convey, and the present or any future purchaser might know what he was getting. If there was no intention of interfering with the passage-way, now or at any future time, this could be so stated in the pleadings, and a judgment given to that effect. These serious questions having been brought before the Court, in an action in which all necessary persons were parties (or would be if the present motion were