

## HIGH COURT OF JUSTICE.

MEREDITH, C.J.C.P.

DECEMBER 2ND, 1909.

## ROBERTSON v. CITY OF TORONTO.

*Municipal Corporations—Sale of Corporation Lands—Action by Ratepayer to Set aside—Sale at Less than Value Placed upon it by Assessor—Fair Value—Absence of Fraud.*

Action brought by John Ross Robertson, on behalf of himself and all other ratepayers of the city of Toronto, to have it declared that a certain sale made by the defendants the Corporation of the City of Toronto to the defendants the National Iron Works Limited, of certain lands in the city of Toronto, being part of what was known as Ashbridge's Bay, was a violation of the provisions of the Municipal Act, as being in the nature of a bonus granted by the council without the assent of the ratepayers, and that the by-law and resolution of the council were void, and for an order that they should be quashed and set aside, and for judgment quashing the same accordingly, and for an injunction restraining the defendants the city corporation, their officers, servants, and agents, from consummating the sale, and from delivering possession of the lands to the defendants the National Iron Works Limited, and for judgment setting aside the conveyance to the defendants the National Iron Works Limited, of the said premises.

Some weeks before the trial, the plaintiff moved for an interim injunction to restrain the defendants as above, but his motion was unsuccessful. Before the trial the sale was completed by the delivery of the deed, payment of the purchase money, and the defendants the National Iron Works Limited taking possession of the property.

The action was tried before MEREDITH, C.J.C.P., without a jury.

James Bicknell, K.C., and F. R. Mackelcan, for the plaintiff.

I. F. Hellmuth, K.C., and H. Howitt, for the defendants the city corporation.

G. F. Shepley, K.C., and C. Millar, for the defendants the National Iron Works Limited.

Bicknell. The question is whether the aldermen knew they were selling the land for less than its value. Under the Municipal Act no bonus is to be given for the purpose of bringing industries to the city, and to the extent to which the value of the