

come parties, that is a ground which may justify another course."

I have seen the Chancellor, and he tells me that it was his intention merely to refuse to permit the trial to proceed until plaintiffs should have taken such steps as were open to them to bring in the Dominion and the two provinces as parties. He did not determine nor intend to determine that, if plaintiffs should be unable to procure the addition of these parties to the record, their action might be perpetually stayed or dismissed. He intended, in that event, to leave it to the Judge before whom the action should be brought to trial to decide what course to pursue.

Meantime plaintiffs have applied to the Minister of Justice for his consent to add him as a party defendant representing the Crown in right of the Dominion. The letter of the Deputy-Minister in reply cannot, without hypercriticism, be deemed aught else than a refusal to give such consent. Without his consent, the Court will not make an order adding the Attorney-General as a party; and, whatever might be the effect of such an order if made *in invitum*, plaintiffs certainly cannot without it bring the Attorney-General in.

There is said to be a statutory obstacle which would prevent the Attorney-General for Quebec giving any consent to the addition of his name as a defendant.

The Attorney-General for Ontario has intimated that he, too, would refuse to consent to be added as representing the Crown in right of the province of Ontario. But, unless the Attorney-General for Canada should be made a party, there would be little, if anything, gained by having the provinces of Ontario and Quebec represented, and they, too, may not be added unless with their consent.

It is quite obvious that with the Crown in right of the Dominion and the Crown in right of the provinces not before the Court, the determination of several issues raised upon the record will be as difficult as it may be embarrassing and delicate, and that it will be, at all events directly, of little advantage to the parties. But the latter risk plaintiffs express their readiness to take.

If, as plaintiffs allege, defendants are, within the province, invading plaintiffs' rights, and are, to plaintiffs' disadvantage, diverting a portion of the natural flow of the waters of the river Ottawa, I do not think that such redress as this Court can give should be denied them, because in ascertaining whether plaintiffs are entitled to the relief they seek as against