

of the facts admitted. The plaintiffs to have such further time to reply as they may require, and the costs lost or occasioned by this motion to be to them in any event. H. W. Mickle, for the defendants. R. B. Henderson, for the plaintiffs.

GERRY V. WATER COMMISSIONERS OF LONDON—SUTHERLAND, J.—
APRIL 7.

Water Works Commissioners—Expropriation Proceedings—Injunction to Restrain—Motion to Continue till Trial—Defendants not Really Concerned in Arbitration.]—Motion for an order to continue until the trial of the action, an interim injunction, restraining the defendants from proceeding with the arbitration instituted by them, for the compulsory expropriation of the plaintiff's lands. The contention was put forward by the plaintiff on this application, that there is a valid and subsisting agreement between the Board of Water Commissioners and the Hon. Adam Beck, under which Mr. Beck is to acquire the lands in question, and convey them to the corporation of the City of London, that it was no part of that agreement that the defendants should acquire those lands, and that the defendants' by-law directing expropriation, while ostensibly passed to acquire for the purposes of their water works the lands and premises in question, was really passed at the request of Mr. Beck, and so as to enable him indirectly to compel the plaintiff, by arbitration with the Board of Water Commissioners, to give up his land, instead of Mr. Beck himself acquiring the lands. It was contended on behalf of the defendants that as the Board of Water Commissioners had the right to acquire the lands in question for water works purposes, and as the proceedings being taken are regular, it is not proper that the arbitration proceedings should be stayed. It was contended on the part of the plaintiff in this connection, that the rights of the Board are curtailed by its act of incorporation to the works therein mentioned, and thereunder provided for. The learned Judge stated that he would be inclined to think that the Board is properly authorised to acquire the lands for water works purposes if they so desired, apart from the agreement in question; but that in the face of the terms of the said agreement, and of the opinion which the plaintiff had obtained from a solicitor that the Board has no right to proceed with the arbitration, and of the fact that he desires to have that question first settled in an action, he does