

a summary application, and the questions arising can only be properly determined in an action. The assignee may have leave (if necessary) to bring an action for administration, as well as for such special relief as he may be advised to claim. This motion was a proper step for him to take, and the costs of it may be costs in the action, and, if none is brought within 30 days, the motion will be refused without costs.

ANGLIN, J.

JANUARY 19TH, 1906.

WEEKLY COURT.

EDDY v. BOOTH.

*Parties—Action for Injunction—Interference with Supply of Water—Navigable Stream—Conflicting Leases from Dominion and Provincial Governments—Attorneys-General—Necessity for Consents—Scope of Action.*

Motion by defendants to stay or dismiss the action for failure of plaintiffs to bring in the Attorney-General for Canada and the Attorneys-General for Quebec and Ontario as parties, pursuant to an alleged order or direction of BOYD, C., and on the ground that without these parties the action should not be allowed to proceed.

The action was brought to restrain the defendants from prosecuting certain works upon the Ottawa river, which, as plaintiffs alleged, would unduly interfere with and lessen the supply of water to which they claimed to be entitled as lessees of certain water lots from the government of the province of Quebec. Defendants claimed the right, as lessees of the government of the Dominion of Canada, and acting with the sanction and approval of such government, to proceed with the undertakings to which plaintiffs took exception.

G. F. Shepley, K.C., and A. B. Aylesworth, K.C., for defendants.

I. F. Hellmuth, K.C., and W. Nesbitt, K.C., for plaintiffs.

ANGLIN, J.:—The action came on for trial before the Chancellor at Ottawa in December. He then expressed the view that it would not be possible to do complete justice or finally to dispose of the rights of all parties interested unless the Attorney-General for Canada were made a party to the litigation. He is also reported to have stated that "if the Crown (Dominion) and the provinces refuse to be-