

dealing with Robins Limited and Tanner and Gates; (6) to strike out such parts of those paragraphs as referred to the Toronto City Estates Limited and the Monarch Realty and Securities Corporation Limited, and alleged a consent; (7) to strike out paragraph 6 as unfair, irrelevant, and calculated to prejudice the trial; (8) to strike out paragraph 9 or stay the action until the Attorney-General should be made a plaintiff. The action was to restrain the defendants from continuing a nuisance. See the note of a motion before RIDDELL, J., ante 134. An appeal from the order of RIDDELL, J., was pending when the present motion was made. Dealing with the first, third, fifth, and sixth branches of the motion, the Master said that Robins Limited and Tanner and Gates alleged that they had a substantial interest in and were occupants of and had the management and sale of tracts of land within a mile of the defendants' factory; but it now appeared that the Robins block was vested in the Toronto City Estates Limited, and the Tanner and Gates blocks in the Monarch Realty and Securities Corporation. Both of these companies had signified their willingness to be joined as plaintiffs, and notice had been given of an application to the trial Judge for that purpose. As to the interest of Robins Limited and Tanner and Gates, it was understood that particulars had been given or would be given forthwith. It seemed, therefore, that no injury or embarrassment could accrue to the defendants by these allegations: *Warnik v. Queen's College*, L.R. 6 Ch. 716, cited in *Odgers on Pleading*, 5th ed., p. 21.—As to the second branch of the motion, it was argued that here there was no transaction or series of transactions within the meaning of Con. Rule 185, as shewn by *Mason v. Grand Trunk R.W. Co.*, 8 O.L.R. 28, where it was said by Anglin, J., that several plaintiffs cannot join "where the only connection between their several and distinct grievances is the motive or purpose by which they suggest that the defendant was actuated." The Master said that in that case the learned Judge approved of what was said on this point by Lord Macnaghten in *Bedford v. Ellis*, [1901] A.C. 1, 12; and a perusal of that case was conclusive against the present motion on this point.—As to the fourth branch of the motion, the Master said that it did not seem in accordance with the present practice to strike out any part of the first clause of paragraph 4 of the statement of claim. If the plaintiff Smyth had no "property rights" which were injuriously affected, this would appear at the trial and be dealt with accordingly. But to that tribunal it belonged, and there it must be sent. Nor did there appear to be any embarrassment to the defendants in the statement that, on the last occasion when