

the dock blocked the work is disproved. *Wright v. New Zealand*, 4 Ex. D. 165, is no longer law. See *Leigh Shipping Co. v. Cardiff*, [1900] 2 Q. B. 638. . . . The cargoes, upon the evidence, were discharged in a reasonable time, having regard to the appliances ordinarily at use at Hamilton and under existing circumstances, and it is not made to appear that any delay was caused or substantially contributed to by defendants. In the absence of any stipulation, this is now the limit of implied obligation upon the consignee as to the discharge of a vessel. Action dismissed with costs. Counterclaim for damages dismissed with costs. Costs to be set off pro tanto.

BOYD, C.

JUNE 24TH, 1903.

TRIAL.

ATTORNEY-GENERAL v. CITY OF TORONTO.

Municipal Corporation—Public Park—Dedication by By-law—Subsequent Conduct—Revocation—Building Leases—Injunction—Parties—Attorney-General—Plaintiff—Interest—Costs.

Action and information for an injunction restraining defendant city corporation from making a lease to defendant Lemon of certain land on "the Island," a part of the city of Toronto, upon the ground that the land proposed to be leased is part of the Island Park as set apart by the corporation.

J. T. Small, for the plaintiffs.

J. S. Fullerton, K. C., and W. C. Chisholm, for defendant corporation.

F. Denton, K.C., for defendant Lemon.

BOYD, C.—I am not able to see my way clearly to order an injunction as sought by plaintiffs. A by-law was passed in November, 1880, No. 1028, purporting to establish a park on the Island, and certain lots were designated therein, including those now in question, and it was enacted that these "together with such other lands as may hereafter be obtained from lessees or otherwise, shall be set aside, devoted to, and form, a park." Other lands were afterwards by by-law in May, 1887, and November, 1887, directed to be taken and expropriated in order to enlarge the Island Park. Yet the action of the city authorities was contemporaneously and for years at variance with the conclusion that these lots now in question were regarded or treated as actually forming parts of an existing park. A special committee was appointed in