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HIGH COURT DIVISION.

MIDDLETON, J., IN CHAMBERS.

MARCH 19TH, 1917.

*OTTAWA SEPARATE SCHOOL TRUSTEES v. QUEBEC BANK.

*OTTAWA SEPARATE SCHOOL TRUSTEES v. BANK OF OTTAWA.

*OTTAWA SEPARATE SCHOOL TRUSTEES v. MURPHY.

Consolidation of Actions—Addition of Parties—Attorney-General—Avoidance of Multiplicity of Actions—Judicature Act, R.S.O. 1914 ch. 56, sec. 16 (h)—Rules 66-69, 134, 320—Costs.

These three actions followed the determination by the Privy Council of three previous actions. In *Mackell v. Ottawa Separate School Trustees*, the judgment of the Appellate Division (1915), 34 O.L.R. 335, was affirmed by the Judicial Committee, which held that the regulations of the Ontario Department of Education governing separate schools were valid. In *Ottawa Separate School Trustees v. City of Ottawa* and in *Ottawa Separate School Trustees v. Quebec Bank*, the judgment of the Appellate Division (1916), 36 O.L.R. 485, was varied, and the Act of the Ontario Legislature appointing a Commission to manage the schools in place of the trustees was declared ultra vires and invalid, and liberty was reserved to the appellants (the trustees) to apply to the Supreme Court of Ontario for relief in accordance with this declaration. The trustees did not apply in the former actions, but brought three new actions, the third one being against Murphy and others, the members of the Commission appointed under the statute which was declared ultra vires, to recover \$84,000 paid to the Commission from separate school taxes collected by the

*This case and all others so marked to be reported in the Ontario Law Reports.