

PREFACE.

The preface to a law book is the legal writer's opportunity, he can there stand aside and say what he thinks and feels about the subject of which he has been treating. Within he is treading on sacred ground where he is surrounded by precedent to which he must bow, and if here and there he finds a gap to be filled, or a remark is called for upon conflicting decisions, he must do what is necessary in a humble spirit. The comparative antiquity of interpleader and its continuous and increasing growth, make the author feel that he has been in the company of a living organism in the great and growing body of the law. Its development goes on, and every day he enters a law library he finds something new in the last digests or reports, and the question when to stop becomes a serious one. All this makes him convinced that no law book is perfect, for the legal growth continues, and new editions are necessary, not always because the last one is out of print, but, because it is not up-to-date. It is with this feeling that the author gives the result of his labour to the profession.

Several centuries ago in England, the double vexation of some individual in respect of a single liability, caused the jurists of that day to devise for the relief of future stakeholders a legal remedy which became known as "interpleader." This grew and flourished in the Courts of Law for a time, and then became obsolete. The Court of Chancery, also at an early period, assumed jurisdiction to provide a remedy and widened and fostered it, naming it interpleader, and wherever at any time equitable principles have