of race track gambling, and to this end claim unlawfully the right to exclude from all race meetings such persons as the plaintiff, who they think would, in some way, interfere with this monopoly.

In each instance a declaration is asked that such exclusion is unlawful, as well as damages. Though the parties are obviously different, the strictness of proof of the identity of the claim in a second action to give effect to C. R. 1198 (d) is shewn by the case of *Lucas* v. *Cruickshank*, 13 P. R. 31.

Mr. Ritchie was unable to point out any case in which a motion like the present had been successfully made by a defendant who has been joined with three other different defendants in two actions.

The only case that looks that way at all is that of *Bynnter* v. *Dunne* (1883), 10 I. R. L. C. L. 380 (which I had some difficulty in finding) which was between a single plaintiff and defendant. There, however, the motion was refused. At p. 383 it is said, "Where judgment has been given for the defendant an application similar to the defendants' here has (never) been granted. The defendant could plead the judgment recovered in bar of the new action so far as the causes of action are the same. We cannot undertake to decide on motion whether these causes of action are or are not the same. We must leave it to the proper tribunal to decide this question. There is a good deal in both statements of claim which is confessedly the same, but there is something further than was relied on in the first action in any of its paragraphs." The Court made the costs to defendant in the cause, but refused the motion for security.

While this case was decided under the former practice the reasoning seems still cogent.

In *May* v. *Werden*, 17 P. R. 530, the whole question was as to the validity of a document purporting to be a will. There too the order was made in the inherent jurisdiction of the Court (see at p. 332) to grant a stay where the cause of action is substantially the same. But that power is not given to the Master-in-Chambers. The motion will be dismissed with costs to plaintiff in the cause, without prejudice, however, to any application to the Court as in *McCabe* v. *Bank of Ireland*, 14 App. Cas. at p. 415, cited on p. 532, *supra*, which defendant may see fit to make.