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CARTWRIGHT, MASTER.

SEPTEMBER 17TH, 1906.

CHAMBERS.

BLACK v. ELLIS.

*Stay of Proceedings—Motion for—Other Actions Arising out  
of Same Contract—Different Causes of Action.*

Motion by defendant Ellis to stay the action until the disposition of other pending actions in which, as it was alleged, the same issue was raised.

W. R. Riddell, K.C., for defendant Ellis.

W. E. Middleton, for plaintiff.

THE MASTER:—The facts as they appear in the report of the case in 7 O. W. R. 490, shew the nature of this action. From defendant's affidavit filed in support of the motion it appears that on 6th August the Consumers Electric Co. commenced an action against the city of Ottawa, which, it is alleged, raises the same point as the present action, and is no doubt in respect of the same agreement. By agreement of the parties it seems that this later action will be set down for trial at Ottawa on the 24th instant. The present action was at issue in June, and has, I think, been already set down and notice of trial given.

It was contended by counsel for plaintiff (1) that there was no power to stay in such a case as the present; and (2) that even if the power existed it should not be exercised here.

As to the first objection it looks as if it was met by the case of *Lee v. Mimico Real Estate Co.*, 15 P. R. 288. But it is not necessary to decide this at present, for on the second