

elaborate work of Mr. R. J. Maclellan on Interpleader: see p. 86, where the cases are collected.

Then the very salutary provisions of the Ontario Judicature Act, sec. 57 (12), are always to be applied "so that as far as possible all matters so in controversy between..... parties..... may be completely and finally determined and all multiplicity of legal proceedings concerning any of such matters avoided."

In the present case it would seem discreditable to our system if one action could be proceeding in Toronto, a second at Berlin, and a third at Bracebridge, all involving the same initial question.

Here Elgie & Co. were the first to take proceedings, and if they can prove their claim to a judgment that defendants must interplead, they should certainly be allowed to do so, unless the defendants Clemens and Edgar will in any way be prejudiced thereby.

But I do not see how this can be the case. The powers of the Court were thought sufficiently wide to determine in one action all the matters arising in the curious case of *Morton v. Grand Trunk R. W. Co.*, 8 O. L. R. 370 (see at p. 381), against the opposition of the plaintiffs in the two actions. These powers will certainly have no great difficulty in this case in "the determination of all the matters which must be dealt with before the rights of the parties are finally settled, and that without doing any injustice to any of them:" per Meredith, C.J., at p. 381, *supra*. See, too, Maclellan, at p. 13.

The proper order to make, as I understand it, is as follows. The motion to stay the Edgar and Clemens actions is granted. The defendant Edgar is to be at liberty to deliver such a statement of defence as he may be advised, in 10 days. The defendant Clemens may amend his statement of defence by counterclaim or otherwise as he may desire to do, within the same time.

The costs of this motion will be, as the matter is novel, in the cause, except so far as they have been increased by allowing Edgar in to defend, which must be to plaintiffs in any event.

This order is not to have the effect of delaying the trial of the plaintiffs' action, and the record can be taken out and