Corporation of the City of Ottawa. The first action was to recover $107,000 paid by the Quebec Bank to the Commission, being moneys which stood to the credit of the trustees when the Commission took over the management of the schools, and some portion of which was used by the Commission in carrying on the schools pending the litigation. The second action was against the Bank of Ottawa in the same or similar circumstances. The banks, in paying over the money to the Commission, had the authority of the Provincial Executive, and an undertaking for indemnity.

The Attorney-General for Ontario desired to intervene in the present litigation; and Mackell and others, the ratepayers who were successful in their action, desired to be represented in the new actions to see that the money of the ratepayers was not sacrificed.

Three motions were now made: (1) by the Commission and Mackell et al., in the old action of Ottawa Separate School Trustees v. Quebec Bank and in the new action of the trustees against the same bank, for an order staying all proceedings in the second action until an application should be made pursuant to the leave reserved by the Judicial Committee or for an order adding as parties those interested in the fund; (2) a motion by the Quebec Bank for an order adding as defendants the Commission or the individual members and the Attorney-General; (3) a similar motion by the Bank of Ottawa.

The motions were heard in Chambers.

G. F. Henderson, K.C., for the Quebec Bank.

H. S. White, for the Bank of Ottawa.

A. C. McMaster, for the trustees.

W. N. Tilley, K.C., for the Commission and for Mackell and others.

McGregor Young, K.C., for the Attorney-General.

MIDDLETON, J., in a written judgment, said that the ends of justice required that the rights of all parties in respect to all questions which might arise by reason of the finding of the Judicial Committee that the legislation appointing the Commission was ultra vires should be determined in one action. The Rules and practice are sufficient to prevent a contrary result; and no cases stand in the way of an order which will enable all the matters to be dealt with at a single trial.

Reference to Smurthwaite v. Hannay, [1894] A.C. 494; Judicature Act, R.S.O. 1914 ch. 56, sec. 16 (*h*); Rules 66, 67, 68, 69, 134, 320; Byrne v. Brown (1889), 22 Q.B.D. 657; Barton v. London