

SHEPPARD v. DAVIDOVITCH—MIDDLETON, J.—APRIL 15.

*Mechanics' Liens—Proof of Lien Made in Action of another Lien-holder—Independent Action afterwards Brought—Claim against an Additional Parcel of Land—Building Partly on two Parcels—Validity of Lien—Multiplicity of Actions—Consolidation—Statement of Claim—Service—Extension of Time.*—Motions by the defendants William and Letitia Hearn and the defendant Joseph Broderson for orders striking out the plaintiff's claim or dismissing the action, on the ground that it was frivolous and vexatious and against the policy of the Court to prevent multiplicity of suits. The action was brought to enforce a mechanic's lien; there was another action pending brought by one Rogers, to enforce his lien; and there were other liens. The building in respect of work upon which the liens were claimed was chiefly upon lot 4, but extended into lot 5. The action brought by Rogers related to lot 4 alone. The plaintiff in this action (Sheppard) proved his lien in the Rogers action; he proved it, as it was registered, against both lots, and it was so allowed. But a contention arose in the Rogers case as to the effect upon the lien when it is registered against part only of the land upon which the building stands. To be clear of this controversy, Sheppard proceeded independently to enforce his claim by this action. The motions were heard in the Weekly Court at Toronto. The learned Judge said that he could see nothing in the defendants' contention, and he thought that Sheppard should be allowed to proceed to enforce his lien as he proposed. An order for consolidation of the actions could not be made, as the parties were not all before the Court upon this motion. An order should be made extending the time for service of the statement of claim. The costs of the motions should be paid by the applicants to Sheppard in any event of the proceedings. H. Howitt, for the Hearn defendants. J. Finberg, for the defendant Broderson. G. C. Campbell, for the plaintiff.

## CORRECTION.

IN RE REX EX REL. STEPHENSON v. HUNT, ante 105, the County Court Judge referred to was the Judge of the County Court of the County of Middlesex, not of York.