

transfer of the shares within Ontario, it is one in which service may be properly allowed out of Ontario under Con. Rule 25(g). Is the claim against Patton cognate to the claim against him and the Dominion Manufacturers Limited jointly? An additional claim may be made against a defendant not within the jurisdiction if cognate to the primary cause of action: *Bain v. University Estates Limited* (1914), ante 79.

No fraud or misrepresentation on the part of the Dominion Manufacturers Limited is alleged. The primary cause of action is against Patton and his associates, and only in the event of Marshall succeeding in his contention will an injunction be granted against the Ontario defendants. The injunction may be cognate to the relief sought against Patton, but the relief sought against Patton cannot, in my opinion, be said, upon the material before me, to be cognate to the injunction. The case is one which must go to trial here, and, when fully presented, will enable the presiding Judge to determine whether there is jurisdiction or not as to the principal issue involved. In the meantime the safe course is to afford the defendant Patton an opportunity to shew at the trial that the order for service out of Ontario on him should not have been made.

Appeal dismissed. Costs in the cause.

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BOYD, C., IN CHAMBERS.

MAY 27TH, 1914.

WAGNER BRAISER & CO. v. ERIE R.R. CO.

*Writ of Summons—Action against Foreign Corporation—Service on Agent in Ontario—Rule 23—Transacting Business for Company—“Traffic Soliciting Representative.”*

Appeal by the defendants from an order of the Master in Chambers dismissing their application to set aside the service of the writ of summons upon one McGregor for the defendants, a foreign corporation.

R. C. H. Cassels, for the defendants.

H. E. Rose, K.C., for the plaintiffs.

BOYD, C.:—The defendants are an American corporation, and have an office in the city of Toronto, in the Board of Trade