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KING'S BENCH.

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Mathers, J.]

WATT v. POPPLE.

[Nov. 3, 1906.

*Practice—Adding party as co-plaintiff—Consent in writing must be signed personally—King's Bench Act, Rule 242 (b).*

The plaintiff applied for leave to add his former co-partner as a party plaintiff in the action. The co-partner had absconded and the plaintiff signed for him a consent in writing to be added as a plaintiff, relying on the authority of a partner to sign such name.

The referee dismissed the motion. Rule 242 (b) of the King's Bench Act provides that "No person shall be added or substituted as a plaintiff . . . without his own consent in writing thereto to be filed."

*Held*, following *Fricker v. Van Grutten* (1896) 2 Ch. 649, that the personal signature of the party is required by the rule and the signature of an agent, however undoubted his authority, is not sufficient.

Appeal from referee dismissed with costs in the cause to the defendant in any event. A substantive motion for leave to amend by adding the co-partner as a defendant was granted on the same terms as to costs.

*Mulock*, K.C., for plaintiff. *McKerchar*, for defendant.

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Mathers, J.]

FRASER v. C.P.R. Co.

[Nov. 8, 1906.

*Examination for discovery—Duty of officer under examination to obtain information to enable him to answer questions on oath.*

On his examination for discovery, one of the defendant company's officers, in answer to the questions asked, proceeded to read from a memorandum prepared beforehand by one of the defendants' solicitors and purporting to contain the information asked for. The memorandum had been placed in his hands about an hour previously. He knew nothing of the facts otherwise than as stated in the memorandum and he had not verified its accuracy. The plaintiff's solicitor objected to the evidence being given in that way, when the officer refused to answer without the memorandum because he had no knowledge of the facts apart from its contents.