

witnesses at a trial. The defendants were willing that the two officers should be examined this week, and offered to produce them. The Master said that if the two officers were examined early next week, and Stewart the week following, each side would have all they could reasonably ask. On this understanding, an order was made for the issue of a commission to examine Stewart. Costs of the motion and of the commission to be left to the Taxing Officer unless disposed of by the trial Judge. W. J. Boland, for the defendants. F. Arnoldi, K.C., and F. McCarthy, for the plaintiffs.

BROOM V. TOWN OF TORONTO JUNCTION—DIVISIONAL COURT—
MAY 14 AND 15.

Parties—Addition of Defendant—Terms—Statute of Limitations—Motion to Reopen Appeal.]—On the 10th May, 1912, BRITTON, J., upon the application of the plaintiff for leave to appeal from the order of MIDDLETON, J., ante 1228, affirming the order of the Master in Chambers, ante 1158, refusing the plaintiff's application to add A. J. Anderson as a party defendant, made an order in the following terms: "Leave granted to the plaintiff to appeal from the order of Mr. Justice Middleton, dated the 7th May, 1912; the plaintiff consenting that, if the appeal be allowed, and if A. J. Anderson be added as a party defendant, and if he pleads any statute of limitations as a bar to the plaintiff's recovery, such statute shall be a complete bar as against Anderson, if such statute would have been a bar in case an action against him had been commenced by writ of this date. Let the case be set down for Tuesday the 14th May, 1912." On the 14th May, 1912, the appeal came before a Divisional Court composed of BOYD, C., TEETZEL and KELLY, JJ. The plaintiff appeared in person. No one appeared for the defendant. The Court pronounced an order adding Anderson as a defendant, upon the terms contained in the order of BRITTON, J.; costs in the cause.—On the 15th May, 1912, W. A. McMaster appeared for Anderson, and asked the same Court to reopen the appeal, stating that he had made a mistake as to the day. The Court refused to reopen the appeal, saying that Anderson was protected by the terms of the order, and that, if he wished to move against the order pronounced yesterday, he must launch a substantive application.