

. . . Ward v. Duncombe, [1893] A. C. 369, it is impossible to contend successfully that notice to one of several trustees, not himself the assignor, is not effective to secure the priority of the assignee who gives such notice over subsequent assignees.

There must, therefore, be judgment for defendant; and plaintiffs should pay her costs of this issue and of the application upon which it was directed.

CARTWRIGHT, MASTER.

NOVEMBER 23RD, 1906.

CHAMBERS.

HOWLAND v. CHIPMAN.

Parties — Joinder of Defendants — Pleading — Statement of Claim — Multifariousness — Embarrassment.

Motion by defendant Chipman for an order requiring plaintiff to elect whether he will proceed against the applicant or his co-defendant, or to strike out parts of paragraphs 15, 17, and 19 of the statement of claim.

C. A. Moss, for defendant Chipman.

W. H. Blake, K.C., for plaintiff.

THE MASTER:—The action is brought against Chipman and the executrix and sole devisee under the will of the late W. H. Howland, plaintiff's son and former partner.

The statement of claim alleges that plaintiff and his son were in partnership, under which plaintiff was entitled to be paid by his son two sums of \$85,000 and \$55,000; that as such partner and with the money of the firm, the deceased acquired stock in what is now the Crow's Nest Pass Coal Company; that he always admitted his liability for the two sums above mentioned (which were to be paid out of the proceeds of said stock), and also to convey to plaintiff half of the said stock; that the said son died in December, 1893, leaving these matters unsettled; that the deceased made his wife sole executrix and devisee; that she almost at once left this province and has never returned, the control