

known defendant for some years, but had never met Seiffert before; that defendant promised that the draft would be paid. Afterwards Seiffert, who lived in Detroit, became bankrupt, and defendant endeavoured to have plaintiff paid out of the estate as much as possible. Finally plaintiff received from Seiffert \$300 in cash and Seiffert's note for \$300, which was unpaid when the action was brought. Before that note matured, plaintiff asked defendant to give him the two \$50 notes sued on, as he wanted money and would discount them. As a matter of fact, plaintiff said, he wanted to get what he could from defendant on account of the debt.

G. Grant, for defendant.

W. W. Vickers, for plaintiff.

STREET, J.—The whole question turns upon whether the original loan was made to Seiffert alone, or to defendant and Seiffert; if the latter, then the conclusion was that the \$300 note of Seiffert and the two notes in question were collateral to the unpaid balance of the original loan; but if the original loan was to Seiffert alone, then there was no consideration for the two notes in question; the evidence was in favour of the first hypothesis, and the Judge below having so found, the finding should not be disturbed.

FALCONBRIDGE, C.J., agreed with the opinion of STREET, J.

BRITTON, J., dissented, giving reasons in writing.

Appeal dismissed with costs.

WINCHESTER, MASTER.

MARCH 12TH, 1903.

CHAMBERS.

OSHAWA CANNING CO. v. DOMINION SYNDICATE.

*Appearance—Action against Partnership—Appearance by Individuals  
—Form of—Amendment.*

Application by plaintiffs to add as defendants certain members of the defendant syndicate. An appearance had been entered in the names of these members, but for the defendant syndicate.

R. W. Eyre, for plaintiffs.

H. L. Drayton, for defendants.

THE MASTER.—The appearance must, under Rule 225, be for the individual partners in their own names. The appearance entered is not altogether of that character. While the names are given individually, the solicitors do not apparently appear for them, but rather for the syndicate. Any one of these persons could say that the appearance was not entered for him. Once the appearance is entered, the action proceeds against the firm in the firm name. The solicitor should