

of his misconduct. The Master said that, in these circumstances, this case did not differ from *Nesbitt v. Galna*, 3 O.L.R. 429; and the order for security must issue within four days, unless it was thought worth while to cross-examine the president on his second affidavit, in which case the motion should be spoken to again. Costs of the motion to be in the cause. H. S. White, for the defendants. J. F. Boland, for the plaintiff.

JACKMAN v. WORTH—MASTER IN CHAMBERS—MARCH 8.

Pleading—Statement of Claim—Joinder of Causes of Action—Parties—Different Capacities.—This action was brought by the plaintiff on behalf of himself and all other shareholders of the Seneca Superior Silver Mines Limited, except the individual defendants, against those defendants and the company, to set aside certain dealings with the shares of the company, which, he said, were in fraud of the company, as being sales of treasury stock for "a price infinitely below their proper value." The relief claimed was in substance to have these sales declared void, and to have the certificates in respect thereof cancelled; and to have the directors and shareholders and the company restrained from dealing in any way with these shares or attempting to validate the transfers and pretended sales thereof. The plaintiff also claimed \$500,000 damages against three of the personal defendants for fraud and conspiracy. The plaintiff also claimed \$500,000 damages against the company and Worth, one of the personal defendants, for breach of an agreement of the 29th February, 1912, to which he and the company and the plaintiff were parties, authorising a sale to Worth (on certain terms only) of these shares. This latter claim was made by the plaintiff in his personal capacity and for his own benefit. The defendants moved to strike out this latter claim. The Master said that it was clear from *Stroud v. Lawson*, [1898] 2 Q.B. 44, that in an action of this character, where different reliefs were sought, there must be two plaintiffs, though they might be the same person suing in different capacities. Here the plaintiff was acting only in his capacity as shareholder, bringing his action on behalf of the company. In that form he could make any claim for his sole personal benefit, and certainly he could not be suing on behalf of the company and for relief against it in the same action. The plaintiff must, therefore, amend by claiming on his own behalf for any damages accruing to himself