

amend the statement of claim by inserting a paragraph claiming special damages. *The Duke of Buccleuch* (1892) P.D. 201 cited and referred to.

*Seemle*, that while it may be convenient to submit a draft amendment it is not necessary so to do.

*Wadsworth*, for motion. *Riddell*, K.C., contra.

Cartwright, Master.]

[Nov. 28, 1903.

CANADIAN GENERAL ELECTRIC CO. v. TAGONA WATER & LIGHT CO.

*Motion for judgment under rule 603—Goods sold and delivered—Amount admitted—Defence—Company's indebtedness exceeding statutory limit—Directors' liability—Triable issue.*

In action against a company incorporated under R.S.O. 1897, c. 199, for goods sold and delivered, the amount claimed being admitted, in which the defendants set up that their indebtedness when the goods were purchased largely exceeded the limits prescribed by ss. 11, 40 of that Act and that the directors were personally liable and not the company, a motion for summary judgment was dismissed. *Jacob's v. Booth's Distillery Co.* (1901) 85 L.T.R. 262 followed.

*Long*, for motion. *Rain*, contra.

Cartwright, Master].

WILLIAMS v. HARRISON.

[Dec. 2, 1903.

*Writ of summons—Renewal—Statute of limitations—Ex parte order—Master in Chambers—Local judge.*

The Master in Chambers has jurisdiction to rescind an order made on the ex parte application of the plaintiff by a local judge for the renewal of a writ of summons if material evidence has, even unintentionally, been withheld.

Such an order was rescinded where on the ex parte application the facts that the writ had expired and that the Statute of limitations had run as against the claim were not brought to the notice of the local judge.

*T. P. Galt*, for application. *C. A. Moss*, for plaintiff.

Cartwright, Master].

APPLETON v. FULLER.

[Dec. 7, 1903.

*Parties—Joinder—Several torts.*

Claim against two or more defendants in respect of their liability for several torts cannot be joined in the same action. Where, therefore, an action was brought against an extra-provincial company for penalties for carrying on business in Ontario without a license, and against an individual for penalties for carrying on the company's business in Ontario during the