

A. B. Morine, for defendants Ulrey and Marskey.

G. B. Strathy, for defendant Barber.

E. Gillies, for defendants Lennox and Ryerson.

Casey Wood, for plaintiffs.

THE MASTER:—After reading through the statement of claim as now amended, and considering the arguments of counsel, I am of opinion that it should not be interfered with. The basis of the action is the allegation in the 3rd paragraph that “the plaintiffs and the defendants Ulrey and Marskey agreed to join together as a syndicate for the purchase or acquisition of options or mining claims in the Larder Lake district, the said parties to be equally interested in the said syndicate.” Then follows an account of what was done by these two defendants in pursuance of that agreement, which resulted in the formation of a company, of which the defendants Lennox were two of the incorporators; how that certain localities were sold to the company for \$126,000 cash and 1,100,000 of the shares in the said company, as fully paid up, and that plaintiffs are entitled to a share in these transactions. There are then allegations that these two defendants, Ulrey and Marskey, issued shares to the defendants Lennox, Ryerson, Barber, and the other defendants, without consideration, and that such shares were taken by them all with knowledge on their part of the matters hereinbefore set forth, and with notice of the plaintiffs’ rights. Barber is also made a defendant, on the allegation that Ulrey and Marskey, or the directors, at their instigation, gave him, as managing director of the Canada Mines Limited, an option for 8 months (from 11th February, 1907) on 800,000 shares at 25 cents a share, and that Barber was given 194,319 shares on condition of his sharing any profit he might make on the 800,000 shares with Ulrey and Marskey, in which profits plaintiffs claim to share.

In view of the case of *Evans v. Jaffray*, 1 O. L. R. 614, it does not seem that this statement of claim is in any sense multifarious.

The plaintiffs claim to be entitled to relief in respect of all these shares and of the moneys realized by Ulrey and Marskey. Therefore, all the present defendants must necessarily be before the Court if the plaintiffs are found entitled to the relief asked for.