

italics are theirs) is authorized by this Rule, *and the Rule applies to tort as well as contract.*" If this be the case, the general principle governing the joinder of defendants would seem to be that there must be a cause of action, i.e., the subject matter or grievance founding the action (see p. 165), in which all the defendants are more or less interested, although the relief asked against them may vary; but that separate causes of action against separate defendants, quite unconnected and not involving any common question of law or fact, cannot safely be joined in one action.

While the judgment in that case on this point was technically obiter, yet it seems proper to follow it, in view of the above citations and of the judgment of the Divisional Court in *Collins v. Toronto, Hamilton, and Buffalo R. W. Co.*, *supra*.

The motion will be dismissed, with costs in the cause.

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BRITTON, J.

DECEMBER 22ND, 1908.

ELECTION COURT.

RE WEST PETERBOROUGH DOMINION ELECTION.

BURNHAM v. STRATTON.

*Parliamentary Elections—Petition—Preliminary Objections—Hearing—Jurisdiction of Single Judge—Service of Petition—Order Extending Time for, after Expiry of Statutory Time, and for Substituted Service—Objection to Service—Whether Preliminary Objection—Waiver of other Objections—Jurisdiction to Extend Time—Proper Case for Extension and Substituted Service.*

Hearing of preliminary objections.

G. H. Watson, K.C., and Grayson Smith, for respondent.

J. E. Jones, for petitioner.

BRITTON, J.:—The petition was filed on 21st November, 1908. The 10 days allowed by sec. 18 of the Controverted Elections Act for service expired on 1st December, without service having been made.