

to defendant by her husband as fraudulent against his creditors.

G. H. Kilmer, for plaintiff.

C. R. McKeown, Orangeville, and J. M. Kearns, Arthur, for defendant.

The Court (MEREDITH, C.J., MACLAREN, J.A., TEEZEL, J.), dismissed the appeal with costs.

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CARTWRIGHT, MASTER:

MARCH 16TH, 1906.

CHAMBERS.

IMPERIAL PAPER MILLS OF CANADA v. McDONALD.

*Parties—Motion to Add Defendant—Replevin—Counterclaim—Third Party Procedure—Rules of Court.*

This was a replevin action. Plaintiffs asked the return of 20 horses and 7 sets of harness, which, as they alleged, were wrongfully sent by one John Gray to defendants on 30th June or 2nd July last. The writ of summons was issued on 28th July. Negotiations for settlement were in progress for some time. These, however, were abortive, and the statement of claim was served on 7th December. After this, negotiations were resumed, which were also fruitless. On 25th January defendants served notice of motion to have Gray added as a defendant, alleging (1) that Gray was the real owner of the horses, and (2) that the rights of the parties and the ownership of the horses could not be determined without having him added as a defendant.

J. W. McCullough, for defendants.

C. Swabey, for Gray, consented to the order.

L. G. McCarthy, K.C., for plaintiffs, objected to Gray being added as a defendant, as it was well understood that he wished to be able to counterclaim against plaintiffs and to embarrass and delay them in the action.