

J. H. Fraser, for the plaintiff, contended that there was but one set of facts, and that the witness must tell all the facts in his personal knowledge as an individual and as an officer of the defendant companies. The statement of claim alleged a series of transactions tainted with fraud and collusion participated in by each of the defendants and asked substantial relief against each of them.

W. M. Douglas, K.C., and W. H. Clipsham, for the defendants, contended that, as the defendant Suydam had disclaimed any interest in the transactions in question, the plaintiff was not entitled to examine him, and further took the same objections that had been raised before the special examiner.

MIDDLETON, J., held that merely by disclaiming interest the defendant Suydam could not escape liability; that the plaintiff was entitled to examine the said defendant; and that he must tell all the facts in his personal knowledge, without regard to the capacity in which those facts came to his personal knowledge; and directed that he should attend to be examined at his own expense, pursuant to the ruling made by the special examiner.

Costs in the cause.

LENNOX, J., IN CHAMBERS.

MARCH 8TH, 1915.

VOLCANIC OIL AND GAS CO. v. CHAPLIN.

*Costs—Taxation between Party and Party—Appeal—Counsel Fees—Discretion—Application of Tariff of 1913 to Costs Previously Incurred.*

Appeal by the plaintiffs from the taxation by the Senior Taxing Officer of the defendants' costs of the action and appeals therein, as against the plaintiffs.

H. S. White, for the plaintiffs.

Forgie (Bain, Bicknell, & Co.), for the defendants.

LENNOX, J.:—I am not satisfied that good reason has been shewn to support the 2nd, 3rd, and 4th objections to the taxation of the Senior Taxing Officer of this Court. The circumstance that he taxed \$300 for counsel fees to the plaintiffs, when they appeared to be successful, does not shew that a subsequent