

sales were made in Canada prior to the 1st April, 1911, and subsequent thereto also—the latter inquiry being relevant to the damages, if the Court should hold the plaintiffs entitled to recover. It was said by the defendants' counsel that the plaintiffs should not be allowed to investigate the defendants' business and find out the names of their customers; but this objection could not prevail to defeat the plaintiffs' right to such discovery as might assist their case. The amount of sales made by the defendants and the prices obtained would be the best evidence as to the damages, if any, which the plaintiffs could recover. Such questions should be answered and information given, leaving it to the trial Judge to pass on the question of admissibility, as was said by Denman, C.J., in *Small v. Nairne* (1849), 13 Q.B. 840. M. L. Gordon, for the plaintiffs. W. Proudfoot, K.C., for the defendants.

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CLARKE v. BARTRAM—MIDDLETON, J., IN CHAMBERS—FEB. 14.

*Parties—Addition of Plaintiff—Assignment of Claim—Joinder of Parties and Causes of Action.*—An appeal by the plaintiff from an order of the Master in Chambers refusing to add Thomas Crawford as a co-plaintiff. MIDDLETON, J., said that Clark might have a cause of action or might not; it would be premature to discuss that question; but from what was said by Clarke during the examination of Crawford, it was clear that what was sought was to add Crawford so that he might in this action repudiate a release which, it was said, he gave Bartram of the personal claim against him. Crawford executed the assignment to Clarke, not for the purpose of enabling Clarke to attack Bartram upon any such ground, but to enable Clarke more effectually to assert his own claims; and Crawford did not now assert that he was in any way defrauded by Bartram; but, as Clarke said: "He does not know; when the facts come out it will shew he has a cause of action." The suggested cause of action is not one that can be properly joined with the main claim of Clarke. If the assignment from Crawford to Clarke was supposed to convey this cause of action, it, no doubt, failed to carry out this intention; and Clarke cannot successfully set up this claim; but he should not now be aided by the Court adding a plaintiff in an action brought by one without title—the plaintiff who alone can sue—particularly when this would result in an improper joinder. Appeal dismissed, with costs to the defendant in any event of the cause. J. Shilton, for the plaintiff. F. E. Hodgins, K.C., for the defendant.