

the plaintiffs attempting to enforce the part of the judgment in their favour directly against him, he moved to set aside that part of the judgment. The Master ordered that the judgment should be amended to meet Brennand's objection, following *Cousins v. Cronk*, 17 P. R. 348, but ordered the defendant Brennand to pay the costs of the application and all proceedings properly taken under the judgment. A. R. Hassard, for the defendant Brennand. F. E. Hodgins, K.C., for the plaintiffs.

PARROTT v. McLEAN—DIVISIONAL COURT—FEB. 1.

Promissory Note — Liability—Partnership.—Appeal by the plaintiff from the judgment of the District Court of Rainy River dismissing an action brought to recover from the defendants McLean and Gordon and the F. C. Brewer Boat Manufacturing Co. the amount of a promissory note for \$1,500 made on the 3rd September, 1907, payable 30 days after date. The plaintiff sought to make these defendants liable as individual makers of the note, and also, together with Johnston Douglas and R. R. Scott, as members of a firm or company or partnership. The Court (FALCONBRIDGE, C.J.K.B., BRITTON and SUTHERLAND, JJ.), agreed with the findings of the District Court Judge upon the facts and the construction of an agreement under which the plaintiff sought to establish the liability of the defendants, and dismissed the appeal with costs. G. R. Geary, K.C., for the plaintiff. W. E. Middleton, K.C., for the defendants.

CICCHETTO v. CITY OF GUELPH—MASTER IN CHAMBERS—FEB. 3.

Security for Costs — Plaintiff Leaving Jurisdiction — Foreign Commission.—Motion by the plaintiff for a commission to Italy to take evidence in support of the plaintiff's case; and motion by the defendants for security for costs, on the ground that the plaintiff resides out of the jurisdiction. The action was by the administrator of the estate of one Fantin, deceased, to recover damages for his death, he having been killed while working for the defendants in a sewer. The evidence sought was as to the support given by the deceased to his relatives in Italy. The plaintiff was in Ontario when the action was brought, and, being cross-examined on his affidavit in support of the motion for a commis-