

It is not necessary that I should discuss cases of less authority than these, which (if there be any) conflict in principle with these.

And of those of equal or greater authority it is needful to refer to two only.

Of *Smurthwaite v. Hannay*, [1894] A. C. 494, it may perhaps be enough to say that that was a case of misjoinder of plaintiffs, a case to which Con. Rules 187 and 192 were inapplicable; but it was also a case in which it was held that the claim of each plaintiff was upon a contract separate and distinct from that of each of the others. There was no connecting link between any of the claims, though they were all against the same defendants, and arose out of, mainly, the same circumstances.

The case of *Thompson v. London County Council*, [1899] 1 Q. B. 840, is the strongest for the appellants, but that was held to be a case of joining two separate and distinct actions for different wrongs against different defendants. And in that case the case of *Bennetts v. McIlwraith* was not found fault with, but was spoken of with approval.

The effect of the *Smurthwaite* and *Thompson* cases is lucidly exemplified by *Romer, L.J.*, in the *Frankenburg* case.

Neither the *Smurthwaite* nor the *Thompson* case is in fact or in principle like this case, but the case of *Bennetts v. McIlwraith*, in a measure, is.

Of the latest cases in this Court, *Quigley v. Waterloo Manufacturing Co.*, 1 O. L. R. 606, was governed by the *Thompson* case. . . . But in this case relief over is sought, and, in addition, there is the connection between all the parties which the transfers of the alleged debt made. All claims are upon contract and in respect of the same subject-matter.

And *Evans v. Jaffray*, 1 O. L. R. 614, is a strong case of allowing a joinder of defendants and causes of action: and one which is more than merely broad enough to support the order here in question.

The contention that the practice as to joinder of defendants stands in the same position as that of joinder of plaintiffs did before the amendment of Con. Rule 185, because Rule 186 was not also amended, seems to me quite fallacious. It leaves out of consideration altogether the important Rules 187 and 192.

It would be a curious anomaly if several plaintiffs might sue one defendant, whilst one plaintiff might not sue several defendants, under the like circumstances.