

plaintiff, in an action against twenty-six persons, members of the Pioneer Threshing Syndicate of Clark Township, and against the Syndicate as an entity, to recover damages for the burning of the plaintiff's property—the plaintiff being himself a member of the syndicate.

The appeal was heard by MOSS, C.J.O., GARROW and MAC-LAREN, JJ.A.

I. F. Hellmuth, K.C., and Eric N. Armour, for the defendants.
D. B. Simpson, K.C., and A. J. Armstrong, for the plaintiff.

MOSS, C.J.O.:— . . . The plaintiff and twenty-six other farmers agreed to become the purchasers and proprietors of . . . a threshing machine outfit . . . paying therefor the sum of \$2,700. . . . As between themselves, they were the purchasers and owners of the machinery, contributing the purchase-money in equal shares. The object and intention of the purchase was to carry on the business of threshing grain for farmers and others, in their neighbourhood and elsewhere, by whom they might be engaged or employed for the purpose. It may be that some, if not all, had also in their minds the convenience in getting their own threshing done likely to result to themselves from the ownership of the outfit. From the beginning there was the intention of carrying on the business; but each was not to be personally concerned in the actual work to be done.

They agreed upon and adopted certain rules and regulations for the management of the general affairs. They agreed to choose and at their first meeting did choose from amongst themselves a committee or board of management, consisting of a secretary, a treasurer (who was also appointed president), and three directors, who were to be the executive body under whose direction the business was to be carried on. They adopted for use in business the firm name of the Pioneer Threshing Syndicate of Clark Township. From time to time they held meetings at which directions were given with regard to the business. At one of these meetings one Dowson was appointed manager. Some question has been raised as to the manner of his appointment, but for the purposes of this action it must be taken that he became and was an official of the firm, duly recognised and acting as a person authorised to transact the business of the firm, so far as making engagements to thresh, conducting the work thereof, and controlling and supervising the machinery and its workings, were concerned.