

firm of Rowsell & Hutchison in any sum whatever in respect of the matters in question, and, in the alternative, that if they had become indebted, they had, before the assignment by Clarkson of the company, a right of set-off against Rowsell & Hutchison on other accounts to a much higher sum, and they denied the validity of the alleged assignment by Clarkson to the company. The plaintiff then applied for leave to add Clarkson as a defendant, alleging that he had warranted the existence of the debt, and Clarkson applied at the same time, in the event of his being added, for leave to serve a third party notice on the Bank of Hamilton, alleging that in assigning the debt to the company he had acted as agent for the bank and had paid the proceeds to them. The Master in Chambers granted both applications, and an appeal by the Law Society was argued before MEREDITH, J., on the 10th January, 1902.

Hamilton Cassels, for appellants.

George Bell, for Clarkson.

C. D. Scott, for plaintiff.

MEREDITH, J.—The questions for consideration are, whether the Master had power to make such an order, and, if so, whether he ought to have made it. The first step in the trial will be the determination of the question whether the defendants, the Law Society, are indebted as alleged, and in that all parties are directly concerned. . . . Again, the Law Society are directly concerned with each of the other parties in some of the matters in issue. . . . And lastly, there can be no wrong, nor need there, indeed, be any inconvenience to the alleged debtors in a trial of the action with the added parties. . . . The order ought to be upheld if the practice warrants it. . . . Rules 186, 192, and 187, read together, seem to me broad enough to cover this case.

If the Master's order cannot stand, I am unable to perceive how the law of *Tate v. Natural Gas and Oil Co.* (1898), 18 P. R. 82, can have been well decided. It is the judgment of a Divisional Court of the High Court, affirmed by the Court of Appeal. It seems to me to give even a broader effect to the Rules than is necessary to sustain that order.

And it is, I think, supported by such cases as *Honduras R. W. Co. v. Tucker* (1877), 2 Ex. D. 301; *Bennetts v. McIlwraith*, [1896] 2 Q. B. 464; *Child v. Stenning* (1877), 5 Ch. D. 695, and *Frankenburg v. Great Horseless Carriage Co.*, [1900] 1 Q. B. 504.