

PRACTICE—PARTIES—CLASS ACTION—JOINDER OF PLAINTIFFS—JOINDER OF SEVERAL CAUSES OF ACTION—RULES 123, 131—(ONT. RULES 185, 200).

In *Bedford v. Ellis* (1901) A.C. 1, (known in the courts below, as *Ellis v. Bedford*) the House of Lords have affirmed the decision of the Court of Appeal (1899) 1 Ch. 494, (noted ante vol. 35 p. 404). The action was brought by several plaintiffs suing on behalf of themselves and all others the growers of fruits, flowers, vegetables, roots and herbs within the meaning of a certain statute relating to Covent Garden Market to enforce various preferential rights to stands in the market which they alleged to have been given to the class of growers by the Act, the defendant being the lord of the market. Their lordships held that, without prejudging the construction of the Act, the plaintiffs had an interest in common, and that the defendant was not entitled to have the action stayed either on the ground that the plaintiffs had no beneficial proprietary right, or that the joinder of plaintiffs claiming different rights under the Act both personally and as representing a class would embarrass or delay the trial. Lord Brampton however dissented, and thought the plaintiffs could not be joined as their rights were separate and distinct, and we may remark that there has been a conflict of judicial opinion on this point of practice; Romer, J., Williams, L.J., and Lord Brampton being of the opinion that there was a misjoinder, and Lindley, M.R., Rigby, L.J., and Lords Halsbury, L.C., Macnaghten, Morris, and Shand, being of the contrary opinion.

COMPANY SHARES—CALLS PAID BY REGISTERED OWNER—INDEMNITY—BENEFICIAL OWNER OF SHARES, LIABILITY OF.

Hardoon v. Belilios (1901) A.C. 118, was an appeal from the Supreme Court of Hong Kong. The question at issue was whether a beneficial owner of shares in a joint stock company is or is not liable to indemnify the registered owner for calls paid by him in respect of such shares. The Judicial Committee of the Privy Council (Lords Hobhouse, Robertson, Lindley and Sir F. Jeune and Sir F. North) answered this question in the affirmative, overruling the Colonial Court, and their lordships held it to be immaterial whether the beneficial owner creates the trust himself, or accepts a transfer of the beneficial ownership with knowledge of the trust.