

two and three o'clock in the afternoon, two of the defendants having been examined, the third being under examination, and the fourth, this defendant, still waiting to be examined, objection was made by counsel for defendants to the presence of one Peter Campbell at the examination, and, the examiner refusing to exclude him, counsel for defendants refused to proceed, and he and the defendant under examination left the room, and being joined by this defendant, all left the Court house. Under these circumstances, the defendant MacTavish was properly ordered to attend for examination at his own expense. Appeal dismissed with costs.

WINCHESTER, MASTER.

FEBRUARY 19TH, 1903.

CHAMBERS.

LIDDIARD v. TORONTO R. W. CO.

*Parties—Joinder of Plaintiffs—Distinct Causes of Action—Injuries Received in Same Collision—Adding Plaintiff.*

Motion by plaintiff to add his infant son as a co-plaintiff. The action was brought for damages for personal injury to plaintiff and for injury to his horse and waggon by the negligence of the servants of defendants in running an electric car into and colliding with plaintiff and his horse and waggon. The plaintiff's son was with his father on the waggon, and it was said that he received serious injury.

J. E. Cook, for plaintiff.

J. W. Bain, for defendants, contended that the son had a distinct cause of action, if any.

THE MASTER.—Rule 206 is to be read in connection with Rule 185: *Edwards v. Lowther*, 24 W. R. 434; *Smith v. Haseltine*, W. N. 1875, p. 250; *Long v. Crossley*, 13 Ch. D. 388. The facts stated shew that the right to the relief claimed arose out of the same transaction or occurrence, and that there is a common question of fact or law, and the case is within Rule 185: *Stroud v. Lawson*, [1898] 2 Q. B. 44; *Universities of Oxford and Cambridge v. Gill*, [1899] 1 Ch. 55; *Walters v. Green*, [1899] 2 Ch. 696. Order made as asked upon filing the consent of the proposed plaintiff and his father as next friend. Costs of application and amendment to defendants in any event.

MACMAHON, J.

FEBRUARY 19th, 1903.

TRIAL.

HENEY v. OTTAWA TRUST & DEPOSIT CO.

*Mortgage—Action to Enforce—Defence—Collateral Security—Acceptance of other Security—Reservation of Rights—Intention*

Action by executors of will of John Heney against the