

PRACTICE—APPLICATION OF DEFENDANT TO ADD DEFENDANT—NON-JOINDER—FOREIGNER RESIDENT OUT OF JURISDICTION—ORD. XVI., R. 11—(ONT. RULE 324).

*Wilson v. Balcarres Brook Co.*, (1893) 1 Q.B. 422, was an action brought by the plaintiffs against one of two joint contractors, the other being a foreigner resident out of the jurisdiction. The defendant applied to have his co-contractor added as a defendant; but the Court of Appeal (Lord Esher, M.R., and Bowen and Smith, L.JJ.) affirmed the decision of Day and Collins, JJ., that under Ord. xvi., r. 11 (Ont. Rule 324), the defendant was not entitled as of right to have the other joint contractor added as a defendant, and that under the circumstances, as a matter of discretion, the court ought not to order him to be added.

PRACTICE—SERVICE OUT OF JURISDICTION—ORD. XI., R. 1 (G)—(ONT. RULE 271 (G)).

*Witted v. Galbraith*, (1893) 1 Q.B. 431, is another case upon the construction of Ord. xi., r. 1 (g) (Ont. Rule 271 (g)). The action was brought under Lord Campbell's Act to recover damages for causing the death of the plaintiff's husband. The writ was in the first instance served on Galbraith & Co., who were shipbrokers, carrying on business in London. The defendants, Dunlop & Co., were the owners of a vessel, the *Queen Adelaide*, on which the deceased was killed by falling down a hatchway. The deceased was a servant of a dock company employed by Galbraith & Co. to unload the vessel. The plaintiff having obtained leave to serve Dunlop & Co. out of the jurisdiction, these defendants then moved to set aside the writ and service; but Lord Coleridge, C.J., and Hawkins, J., refused the application, holding that Dunlop & Co. were properly made parties under Ord. xi., r. 1 (g) (Ont. Rule 271 (g)).

PRACTICE—PARTIES—DEFENDANTS SUED IN REPRESENTATIVE CAPACITY—SUING ONE OF A NUMBER OF PERSONS ON BEHALF OF ALL—TRADES' UNION—ORD. XVI., R. 9 (ONT. RULE 315).

In *Temperton v. Russell*, (1893) 1 Q.B. 435, an unsuccessful attempt was made to stretch the provisions of Ord. xvi., r. 9 (Ont. Rule 315). The action was brought against the presidents and secretaries of several trades' union societies, as representing not only themselves, but all the members of each of the societies, for maliciously procuring persons to break their contracts with the plaintiff. The judgment of the Court of Appeal (Lord Esher,