

amend by adding as defendant their own officer, under whose orders the defendant said he acted in the matters in question. The action began nearly two years ago and was brought to recover from the defendant a sum which with interest amounts to over \$50,000. Judgment: It does not appear why the case has never gone to trial as the last of the examinations for discovery was finished in February of this year, nor does it appear why the motion to add Mr. Kirkwood was not made earlier. It seems difficult to understand how the plaintiffs can really hope to benefit by adding him as a defendant when he was put forward by them, and has been examined as their representative for discovery, and they may therefore be held to have confidence in his veracity. He most positively denies that Molson was in any way acting under his directions in this matter. The evidence of Street to whom the loan was made, has been taken on commission at Vancouver. He most emphatically contradicts Kirkwood and corroborates Molson on this question. . . . In view of the difficulty in which the plaintiffs are put by this evidence, and of the decision so lately given in *McNabb v. Toronto Construction Co.*, 2 O.W.N. 1086, and yielding to that authority, I think the plaintiffs' motion must be allowed, and the defendant's motion dismissed. The trial should be expedited as much as possible and proceedings be taken in vacation if the defendant so desires. The costs of both motions, as well as those lost by reason of Kirkwood not having been a party in the first instance, will be to the defendant in any event. I make this disposition of the costs because I think the plaintiffs should have acted more promptly, though it is true that the defendant might have set the case down if anxious for its termination. But he is not bound to do so. The plaintiffs should amend the writ, and serve same and statement of claim in a week. A. C. McMaster, for the defendant. James Parker, for the plaintiffs.

GOODALL v. CLARKE—MOSS, C.J.O., IN CHAMBERS—MAY 30.

Leave to Appeal.]—In this case, leave to appeal direct to the Court of Appeal from the judgment of MIDDLETON, J., on hearing on further directions was allowed on the usual terms, costs in the appeal. W. H. Wallbridge, for the defendant. R. S. Cassels, K.C., for the plaintiff.