

dence that both companies form only one in reality, this last company may form a *tierce opposition* against the judgment condemning the defendant, and the judgment dismissing this opposition shall be set aside.

The judgment of the Superior Court which is reversed, was rendered by Mr. Justice Mercier, on July 25, 1916.

Action under The Workmen's Compensation Act. The defendant was described in the writ as "The Canadian Rubber Company of Montreal Limited." The defendant pleaded "that the plaintiff never worked for, nor was in the employ of the defendant company". During the trial, the plaintiff, notwithstanding the objection of the defendant attorney and his declaration that both companies were distinct, obtained the permission to make an amendment by changing the name of the defendant into: "The Canadian Consolidated Rubber Company of Montreal Limited."

Finally, the 29th June 1916, the defendant company was condemned to pay plaintiff the sum of \$1886 with costs.

Thereupon the defendant made an opposition to the judgment (*tierce opposition*) alleging the facts and praying that all proceedings in execution of the said judgment be stayed and the judgment itself declared null and void.

This opposition was dismissed by the Superior Court. In appeal:

*M. le juge Pelletier*: S'il était établi au dossier, d'une manière satisfaisante et conclusive, que les deux compagnies n'en sont qu'une en réalité, et qu'il ne s'agissait que de réparer une erreur de désignation, il n'y aurait pas de difficulté; mais cette preuve conclusive, nécessaire, n'existe pas au dossier. Il en résulte que le jugement rendu