

MEREDITH, C.J.O., read a judgment in which he said that the controversy between the parties was as to the ownership of an invention for improvements in the process of treating molybdenite ores and the patents obtained for the invention in the name of the appellant.

The respondents claimed a half interest in the invention and patents, upon the grounds: (1) that the discovery of the process was made by the appellant, in so far as he was an inventor of it, while he was employed by the respondent company as manager of its mine and charged with the duty of endeavouring to find means for increasing the percentage of the ore produced from it; (2) that the discovery was the result of the joint efforts of the respondent company's officers, and particularly of A. E. Goyette, the then president of the company, and of the appellant; (3) that it was agreed between the appellant and Goyette, acting on behalf of the respondent company, that the appellant and Goyette, acting for the company, should be joint owners of the invention and patents, each being entitled to a half interest in them.

The trial Judge found in favour of the respondents on the second and third grounds, and did not deal with the first.

There was evidence which warranted the conclusions of the Judge, although it was contradicted by the appellant, and he was to some extent corroborated by another witness. The appellant and this witness were discredited by the Judge. There was no ground for reversing the judgment on the second branch of the case.

Upon the third ground the Judge accepted the testimony of Goyette, which was that it was all along agreed that he, acting for the company, was to be jointly interested with the appellant in the invention and patents; there was much in the testimony of the appellant himself to support the finding on this branch of the case; and the Judge rightly accepted Goyette's testimony in preference to that of the appellant. It could not be said that the learned Judge's finding that the agreement was that Goyette and the appellant should share equally, was wrong.

It was contended for the appellant that Goyette was improperly added as a plaintiff by counterclaim and that the appellant was prejudiced by the addition of Goyette during the trial. This objection was not well-founded. Goyette testified that in what he did and in making his arrangements with the appellant he was acting for the company; and, that being the case, and the claim of the company being based not only on the rights that Goyette had obtained for it but upon its own right, it was proper to add Goyette as a counterclaiming plaintiff. The appellant was not prejudiced by Goyette being added at the stage at which he was added. Both he and the appellant were present, and both or