

There was, therefore, we think, nothing upon which a finding could be based of conditions raising a duty on the part of plaintiff to make inquiries. There was, in our opinion, no evidence proper to submit to the jury upon the questions which counsel for the defendants urges should have been put to them.

It is unnecessary, therefore, to consider the other points raised at bar, though we should, perhaps, state that, after considering the evidence, we remain unconvinced that any of the findings of the jury should be disturbed because against the evidence.

The defendants' motion fails and will be dismissed with costs.

BOYD, C.

SEPTEMBER 21ST, 1906.

CHAMBERS.

WOODRUFF CO. v. COLWELL.

Company—Parties to Action—Authority to use Name—Solicitor—Meeting of Shareholders.

Appeal by defendant from order of Master in Chambers (ante 302) dismissing motion to strike out the name of the company as plaintiffs, and for security for costs.

C. A. Moss, for defendant.

W. E. Middleton, for plaintiffs.

BOYD, C., dismissed the appeal; costs in the cause. If defendant gives security, plaintiffs to give security in like amount.

BOYD, C.

SEPTEMBER 21ST, 1906.

CHAMBERS.

McRAE v. BALLANTYNE.

Writ of Summons—Service out of Jurisdiction—Motion to set aside—Grounds—Res Judicata—One Defendant in Jurisdiction—Conditional Appearance.

An appeal by defendants Ballantyne and Lowell & Christmass from order of Master in Chambers (ante 289) dismissing