

## MOORE V. MOORE—CLUTE, J.—MARCH 1.

*Costs—Reference—Account—Partnership—Death of Partner—Administration—Costs of Reference.*]—Motion by the plaintiffs, the executors of Susan Moore, deceased, for judgment on further directions and as to costs subsequent to the hearing, after the report of a Master upon a reference to take accounts. The questions which arose upon the reference were with regard to a lumber business carried on by the defendant and the plaintiff's testatrix up to the time of her death, and the winding-up of that business by the defendant after her death. The motion was heard in the Weekly Court at Toronto. CLUTE, J., said that the business extended over many years, and it was clear from the nature of the case that administration was necessary except in regard to a few small items aggregating some hundreds of dollars out of accounts exceeding \$70,000. No fraud or misconduct of any kind was found against the defendant; and, but for his management of the business on behalf of himself and the testatrix and her estate, there would have been a heavy loss to both parties. The balance found due had been exhausted, as counsel stated, in the payment of costs directed to be paid by the judgment at the hearing. In all the circumstances, neither party was entitled to costs as against the other. Had there been an estate out of which the costs could have been paid, payment out of that estate would have been ordered; but, there being no estate, each party should bear his own costs subsequent to the hearing. Judgment in terms of the report without costs subsequent to the hearing to either party. A. C. Heighington, for the plaintiffs. T. Johnson, for the defendant.

RE CROWN CHARTERED MINING CO. OF PORCUPINE LAKE LIMITED  
—CHAMBERS V. CROWN CHARTERED MINING CO. OF PORCUPINE  
LAKE LIMITED—SUTHERLAND, J., IN CHAMBERS—MARCH 2.

*Company—Winding-up of Mining Company—Sale of Mining Claims—Offer to Purchase—Approval by Referee—Opposition—Status of Opposants—Appointment and Subpœna for Examination of Assignee of Charges on Mining Claims—Motion to Set aside.*]—The company was, by an order duly made, directed to be wound-up. In the action the plaintiff sued as assignee of certain liens or charges on mining claims. There was a reference and a report. By the latter it was found that the plaintiff was entitled to a lien for a substantial sum, and a sale of the claims