

the defendant company, whose chief, if not its only, market is in the cities and larger towns. The business could not be successfully carried on without agents or (to use their own word) "representatives" in such places.

The order will go requiring Holloway to attend again at his own expense.

As the exact point is novel, the costs of the motion will be in the cause.

MEREDITH, C.J.C.P.

MARCH 25TH, 1913.

HANEY v. MILLER.

*Partnership—Account—Reference—Method of Proceeding—
Con. Rule 683.*

Appeal by the plaintiff from an order or ruling of the Master in Ordinary requiring the plaintiff to bring in further accounts.

H. A. Burbide, for the plaintiff.

G. H. Kilmer, K.C., for the defendant.

MEREDITH, C.J.C.P.:—This is a partnership action, in which the plaintiff, on the 19th September, 1912, recovered a judgment against the defendant for the taking of the partnership accounts and the winding-up of the partnership affairs.

By this time it might, not unreasonably, have been expected that all that would have been done, and the purposes of the litigation attained; but, instead of that, the parties are yet little, if any, further advanced than they were when the judgment was signed: the months between have been given over to fruitless contention as to the bringing into the Master's office of partnership accounts, the character of such accounts, and by whom they should be prepared and brought in.

In their general outlines the accounts are quite simple; the parties were co-partners in three public works' contracts only; each had other things to attend to, and so a manager—under the name of "controller"—was appointed to carry on this business in their places; and that was done.

So that the mere taking of the accounts seems to involve the amount of profit or loss on each of these three contracts, and the amount paid into the concern by each of the partners, and the amount paid out, if any, to each of them. With these