

carried on as nearly as may be in the same manner as an ordinary suit, action or proceeding within the jurisdiction of the Court. (2) That the Winding-up Act does not apply to a company incorporated under the Joint Stock Companies Act of New Brunswick.

Objections overruled.

C. A. Macdonald, for petitioners.

S. B. Bustin and *J. J. Porter*, for company.

COUNTY COURT.

FORBES, J., }
in Chambers. }

[March 23.]

MALLISON *v.* HOFFMAN.

Practice—Common counts—Particulars.

In an action in the County Court for goods sold and delivered the writ containing the declaration had in addition to a count for goods sold and delivered, the common indebitatus counts for work and labor, money lent, money paid, etc., four hundred dollars. The particulars of claim indorsed on the writ contained an itemized account of goods sold and delivered, and also a repetition of the indebitatus counts.

Held, that the particulars given in support of the indebitatus counts were insufficient, and that they must be struck out, together with the indebitatus counts in the declaration, unless new particulars were put in.

Hanington, Q.C., for plaintiff.

Morrill, for defendant.

Province of Manitoba.

QUEEN'S BENCH.

DUBUC, J.]

[March 31.]

DOUGLAS *v.* MANN.

Practice—Amendment—Partnership accounts—Production of documents.

At the trial in this case defendants' counsel asked leave to amend the statement of defence, by alleging that the plaintiff and defendants had been in partnership in a skating rink business, and that at the dissolution of the partnership an account was taken by which it was shown that the plaintiff was indebted to the defendants.

The accounts of the partnership business had been kept in a set of books to which the defendants had access, although they were no longer in their possession or control, and in obedience to an order for production the defendant Mann had made an affidavit in which he stated that he had no documents relating to the matters in dispute in his possession or power; and although the plaintiff wanted to see and inspect the books he was refused access to them.

Held, following *Mertens v. Haigh*, 11 W.R. 792, that the defendants