CHAMBERS—CHAN. DIV.

Boyd, C.] [Sept 5.

HOPKINS v. HOPKINS.

Partition under G. O. 640—Adverse title—Costs.

A partition matter. A defendant on reference before a master claimed title to the land in question.

This was a motion by plaintiff for leave to file a bill. It appeared in evidence that the plaintiff was aware prior to the taking of proceedings before the Master that the defendant in possession claimed the land.

Nesbit, for the motion.

J. H. Macdonald, contra, cited *Bennetto* v. *Bennetto*, 6 P. R. 145 ; *Macdonnell* v. *McGillies*, 8 P. R. 339.

BOYD, C., dismissed the application, and ordered the plaintiff to pay the costs of proceedings in the Master's office, and of this application.

Boyd, C.] [Sept. 26.

AITKIN v. WILSON.

Reference—Change of—Ontario Judicature Act—Effect of—Practice.

The decree directed a taking of partnership accounts. Reference to Master at Toronto. A motion before Mr. STEPHENS to change the reference to the Master at Barrie was refused On an appeal :

The CHANCELLOR, after ascertaining from the Master that the earliest time free for appointments in his office was in November, changed reference to Barrie, stating that but for this he would not have done so ; that in regard to the cases cited the O. J. Act had changed the principles on which they were decided. The policy of that act is to decentralize business and send local matters to local Masters ; that here the business of the partnership had been carried on in the county of Simcoe, and the parties reside there, so that the matter should properly come before the Master of that county. Order made changing reference ; costs to be costs in the cause.

Mulock, for the defendant, appellant.

Hoyles, contra, cited *Macara* v. *Gwynne*, 3. Gr. 310, and *Noad* v. *Noad*, 6 P. R. 49.

REPORTS.

RECENT ENGLISH PRACTICE CASES.

(Collected and prepared from the various Reports by A. H. F. LEFROY, ESQ.)

RICHARDS v. CULLERNE.

Imp. Jud. Act, 1873, *sec.* 89—*Ont. Jud. Act*, *sec.* 77.—*County Court—Committal fo disobedience.*

[Q. B. D., July 27—W. N. 120.

In this case a County Court had made in the course of an action an order on the plaintiff for production of documents, which order was disobeyed. The defendant applied to commit him, but the judge refused to commit him, being of opinion that he had not jurisdiction to do so. The defendant obtained a rule *nisi* for a mandamus, which was discharged by Denman and Williams, JJ., on the ground of an omission to produce certain exhibits, without any opinion being given on the merits.

THE COURT (Jessel, M.R., and Brett and Cotton, L. JJ.) held that the County Court had jurisdiction to commit, and that the case was governed by *Martin* v. *Bannister* 4 Q. B. D. 491 ; the fact that the order in that case was final, and in the present case only interlocutory, not making any difference.

[NOTE : *Imp. Jud. Act*, 1873, *sec.* 89, *and Ont. Jud. Act, sec. 77 are identical.*]

BURROWES v. FORREST.
FORREST v. BURROWES.

Action—Reference to arbitration—Enforcing award.

[M. R., July 22—W. N, 120.

All matters in difference between the parties to these actions were referred to an arbitrator who made his award, whereby (among other

* It is the purpose of the compiler of the above collection to give to the readers of this Journal a *complete* series of all the English practice cases which illustrate our present practice, reported subsequently to the annotated editions of the Ontario Judicature Act, that is to say since June, 1881.