personal chattels. They asked that the decree might therefore be limited to a decree for foreclosure of the leaseholds.

Wickens, for the defendant Stretton.

Stuart, V. C., without calling for a reply, said that Lord Eldon, in *Ex parte Sterling* (*ubi sup*), had laid down the rule that if the intention was to deposit papers for a particular purpose, and not to be subject to the general lien, that must be by special agreement; otherwise they were so subject. But there was no special agreement in the present case, and there was no doubt that it was a case in which the defendant Stretton had a right to a general lien until his costs were paid. With respect to the objection that some of the property did not pass by the mortgage deed, there was no evidence to justify the insertion in the decree of any particular direction respecting it. The ordinary form of decree was to give a right to foreclosure all the property comprised in the mortgage deed; but if a part of the property did not pass by the deed it would not be foreclosed. There would be the common decree of foreclosure, and an account of what was due to the plaintiff upon his security, and also of what was due to the defendant Stretton for costs; if nothing was due to Stretton, his lien would be at an end and he would have to pay his own costs, but if anything were due to him he would have a right to redeem, and if he did not redeem would be foreclosed.

Simons v. Bagnell.

Practice—Motion to dismiss for want of prosecution after decree.

Where a decree was made in an administration suit, directing the usual accounts and inquiries, and the plaintiff took no steps to prosecute the decree.

Held, that the defendant was not entitled to move to dismiss for want of prosecution, but ought to apply to obtain the conduct of the cause.

The cases where a bill will be dismissed for want of prosecution after decree considered.

Barton v. *Barton*, 3 K. & J. 512, 6 W. R. Ch. Dig. 101, explained.

[19 W. R. 217.]

This was an administration suit, in which a decree had been made directing the usual accounts and inquiries.

T. Smith Osler, on behalf of White, one of the defendants, now moved to dismiss the bill for want of prosecution, and cited *Barton* v. *Barton*, 3 K. & J. 512, where it was held that after a decree merely directing accounts and inquiries, the bill might be dismissed.

Carlisle for the plaintiff, was not called on.

Lord Romilly, M. R., said that the motion was radically defective, and could not be granted. After decree made, the Court could not dismiss the bill unless something came out in the proceedings under the decree to show that no decree ought to have been made. The ground for dismissing the bill in *Barton* v. *Barton* was, that the defendants had allowed the decree to be taken without discussion, instead of raising the objection at the hearing. It was a radically bad case of misjoinder, and the Vice-Chancellor decided that the bill ought to be dismissed, notwithstanding a decree had been made at the hearing. Another case where a bill might be dismissed after decree was the ordinary case of a suit for specific performance, where it was certified that a good title cannot be deduced; and in that case also the bill might be dismissed after decree. But where the plaintiff had obtained a decree, and took no steps to prosecute it, the proper course was, not to move to dismiss the bill for want of prosecution, but to apply to obtain the conduct of the cause.

Motion refused with costs.

Gardner v. Freemantle.

Club—Power of expulsion—Opinion of committee—Bona fide exercise of power—Jurisdiction.

When the committee of a club have power to expel any member whose conduct is in their opinion injurious to the interests of the club, and they exercise this power, all that is required is that the committee should form their opinion in a *bona fide* way, and the question whether their opinion is just or unjust is immaterial.

Two members of a club concerting together returned to a third member a number of circulars issued by him, sending them back in unpaid envelopes addressed in an annoying way; and one of the two members also sent one of the circulars unpaid to the committee of another club, to which the third member also belonged, and put the third member's initials outside the envelope. The third member complained to the committee of the club, charging one of the two members with the whole offence, and describing the last mentioned act as "forging his initials for an unworthy purpose." The committee having ascertained that the individual charged had only sent half the circulars to the complainant, and that the envelope bearing the complainant's initials was not sent by him nor with his express knowledge, expelled the complainant from the club.

The expelled member filed a bill and moved for an interlocutory injunction to restrain the committee from enforcing their sentence.

Held, that the Court had no jurisdiction to interfere.

[Dec. 15, 1870.—19 W. R. 256.]

The defendants to this bill were the committee of the Junior Carlton Club, who had expelled or affected to expel the plaintiff from the club; the bill was filed to have it declared that the sentence of expulsion was void, and the present motion was made to obtain an interlocutory injunction restraining the defendants from enforcing it.

The material rules of the Junior Carlton Club were as follows:—

1. The Junior Carlton shall be a political club in strict connection with the Conservative party, and designed to promote its objects.

45. In case the conduct of any member, either in or out of the club-house, shall, in the opinion of the committee, be injurious to the character and interests of the club, the committee shall be empowered to recommend such member to resign; and if the member so recommended shall not do so within a month from the date of the letter of such recommendation, it shall be competent to the committee to proceed to expel such member, and to erase his name from the list, and such member shall for ever afterwards be ineligible to enter the club-house: Provided that no such recommendation shall be sent to any member, and no such expulsion shall actually take place, unless the same shall be agreed to by three-fourths of the members of the committee present at a meeting specially summoned for that purpose: Provided also, that if, on the meeting of the committee specially summoned, they should be unanimously of opinion that the offence of a member is sufficient, for the interests of the club, to warrant his immediate expulsion,