

Barker, J.] PARTINGTON v. CUSHING. [Aug. 28.

Practice—Dismissal of bill—Want of prosecution—Form of motion.

An objection on a motion to dismiss for want of prosecution a bill by a shareholder and the company which subsequently to the commencement of the suit went into liquidation, that the motion should have been for an order that unless the plaintiff obtained leave to proceed within a limited time, the bill should stand dismissed, overruled.

Barnhill, K.C., for application. *Teed*, K.C., contra. *Hazen*, K.C., for liquidators.

Barker, J.] SIMINDS v. COSTER. [Sept. 21.

Agent — Failure to account — Interest — Costs of preparing inventory of estate — Costs of suit.

An agent refusing to give an account and pay over balance is chargeable with interest.

Costs disallowed to an estate agent of preparing a receipt containing a schedule of leases and securities delivered up to the principal.

Costs of suit against an agent for an account ordered to be paid by him where he had disregarded requests for an account, and had filed an improper account in the suit.

Mullin, K.C., for plaintiff. *Earle*, K.C., for defendant.

Barker, J.] PETROPOULOS v. F. E. WILLIAMS Co. [Sept. 21.

Chattel mortgage — Coercion — Sale of chattels — Warranty — Breach — Executory contract — Return of chattel.

A lease of store premises was obtained by plaintiffs through a guarantee of payment of the rent by defendant. Subsequently at plaintiffs' request defendant took out in his own name a lease of the premises for a further term of four years upon an agreement to assign it to them in consideration of their purchase from him of an automatic electric piano. The purchase price was \$750, upon which a payment of \$100 was to be made. The cash payment subsequently was waived and notes for the full amount of the purchase money given. After the purchase, plaintiffs incurred an additional indebtedness to defendant of about \$400. This amount, together with the notes,