

of his partner, and he is bound to account for it all on the basis of the agreement. It is simply a question of asking the defendant to fulfil his contract. The plaintiff is entitled, as representing the deceased partner, to ask for that.

There will be judgment for the plaintiff as follows:—

(1) A declaration that, under and by virtue of the said agreement, Clark J. Whitney in his lifetime was, and his estate is, a partner with the defendant in the operation and management of the opera houses, theatres, theatrical enterprises, and booking percentages in the agreement in the plaintiff's statement of claim mentioned, under any lease, agreement, or arrangement existing at the date of the said agreement or thereafter made in pursuance thereof, whether by renewal of any lease or new lease, within the terms of such agreement, and that the said Clark J. Whitney was, and the plaintiff is, entitled to one-half of all earnings and profits derived and to be derived therefrom.

(2) An order of reference to the Master in Ordinary to take an account of the profits and earnings of the said opera houses, theatres, theatrical enterprises, booking percentages and fees, from the commencement of the theatrical season of 1901-2.

(3) Payment by the defendant of the amount which may be found due upon the taking of the said account.

The Master shall report his findings. Costs and further directions reserved.

LENNOX, J.

OCTOBER 24TH, 1913.

*PORTERFIELDS v. HODGINS.

Assignments and Preferences—Assignment for General Benefit of Creditors—Wages-claims—Sale and Assignment of, before General Assignment—Right of Assignee to Preferred Claim on Assets of Insolvent—Wages Act, 10 Edw. VII. ch. 72—35 Vict. ch. 13.

Action by the assignee of the wages-claims of nearly one hundred employees of the Goderich Wheels Rigs, an incorporated company, against the assignee for the general benefit of creditors of that company, for a declaration that, under the provisions of the Wages Act, 10 Edw. VII. ch. 72, the plaintiff was en-

*To be reported in the Ontario Law Reports.