

I give judgment for plaintiffs for \$2 without costs. I would have given defendant at least a set off of High Court costs, but that he could have avoided all this trouble by giving notice to plaintiffs when he was going to take his measurements and make his excavations which destroyed or covered up the ancient landmarks.

Thirty days' stay.

HON. R. M. MEREDITH, C.J.C.P.

MARCH 25TH, 1913.

HANEY v. MILLER.

4 O. W. N. 992.

Partnership — Taking of Accounts — Mode of Procedure — Simplest Methods to be Adopted.

MEREDITH, C.J.C.P., set aside an order of the Master in Ordinary requiring the plaintiff, in a partnership action, to furnish further accounts upon a reference, holding that the method adopted by the Master upon the reference was not the simplest or most speedy method of proceeding.

Appeal by plaintiff from an order of the Master in Ordinary requiring plaintiff to bring in further accounts.

H. A. Burbidge, for the appeal.

G. A. Kilmer, K.C., contra.

This is a partnership action, in which the plaintiff on 19th September, 1912, recovered a judgment against the defendant for the taking of the partnership accounts, and the winding up of the partnership affairs.

Bp this time it might, not unreasonably, have been expected that all that would have been done, and the purposes of the litigation attained; but, instead of that, the parties are yet little, if any, further advanced than they were when the judgment was signed; the months between have been given over to fruitless contention as to the bringing into the master's office of partnership accounts, the character of such accounts, and by whom they should be prepared and brought in.

In their general outlines the accounts are quite simple: the parties were co-partners in three public works' contracts only; each had other things to attend to and so a manager—