(8) and (9) Counsel fees on the argument before the appellate Court on appeal from the order made at the trial, first counsel $200, second counsel $50. This appeal was of course argued with the appeal from the judgment of the trial Judge in the action; and on that appeal only one counsel fee of $80 was allowed. In view of the two notices of appeal and the two orders taken out, an additional fee of $25 should be allowed.

(10) The remaining items had reference to a motion made to the Appellate Division for leave to appeal to the Supreme Court of Canada. The learned Judge agreed with the view of the Taxing Officer that these items, if allowable at all under the order made, should have been included in the costs taxed in the Supreme Court of Canada.

The appeal from the taxation was, therefore, allowed to the extent of $25 under items 8 and 9, and dismissed as to the other items. No costs of the appeal.

MIDDLETON, J. JANUARY 26th, 1918.

BAILEY v. BAILEY.

Partnership—Dissolution—Reference for Accounting and Sale—Sale of Land of Partnership Deferred until after Accounts Taken—Possession—Occupation-rent.

Appeal by the defendant from a direction of the Master in Ordinary for an immediate sale of the land forming part of the partnership assets.

The appeal was heard in the Weekly Court, Toronto.
F. Arnoldi, K.C., for the defendant.
M. L. Gordon, for the plaintiff.

MIDDLETON, J., in a written judgment, said that the action was for dissolution of a partnership, and the ordinary judgment had been pronounced for an accounting and a sale.

There were no creditors, and the brick-plant, which constituted the sole asset, could not now be sold to advantage. The judgment was pronounced on the 27th May, 1917, but the accounts had not yet been taken.

The defendant asserted that, on the accounting, the great portion of the assets would be found to be due to him—this was denied.