

and discussed the position of the case in a written opinion. He then referred to the provisions of Rule 507, and said that he was not aware of any conflicting decisions. He could not take a condition under (a) and combine it with a condition under (b) of clause (3) of the Rule, as a foundation for an order. The order must be made, if at all, under (b). He was not convinced of the correctness of the order made, having regard to the circumstances of the case. He had no hesitation in saying that the proposed appeal involved matters of great importance. Reference to *Stavert v. Campbell* (1912), 3 O.W.N. 641, 21 O.W.R. 172, and *Re Sovereign Bank of Canada, Clark's Case* (1915), 35 O.L.R. 448, 454. He had come to the conclusion, not without hesitation, that he should grant leave to appeal. The question involved was at least clearly arguable; the application was not vexatious; substantial interests of the defendant Forbes appeared to be imperilled; and it was not unreasonable to think that he might obtain relief of some kind from an appellate Court. Leave granted, and proceedings upon the reference stayed until the 27th June, 1916, or the hearing of the appeal, in the meantime. Costs in the cause unless otherwise ordered by the appellate Court. J. W. Bain, K.C., for the defendant Forbes. Harcourt Ferguson, for the plaintiff.

STIRTON v. DYER—LENNOX, J.—JUNE 22.

Partnership—Accounts—Reference—Appeals from Report—Findings of Fact—Costs.—Appeal by the defendant Dyer and cross appeal by the plaintiff from the report of the Local Master at London in a partnership action; heard at the London Weekly Court. The appeal and cross-appeal were upon questions of fact. The plaintiff's appeal as to what was called "the Savannah account" was dismissed with costs to the defendant Coles, fixed at \$25. As to an item of \$1,800 credited in the accounts of the partnership to the defendant Dyer, there was nothing to justify its being charged back against that defendant; and his appeal as to that should be allowed. His appeal as to the interest upon a sum of \$1,000 should also be allowed, and the interest reduced to \$202.10. In all other respects, the appeals were dismissed. Report amended accordingly; no costs of the appeals to the plaintiff or the defendant Dyer. T. G. Meredith, K.C., for the plaintiff. Sir George Gibbons, K.C., and E. W. M. Flock, for the defendant Dyer. C. H. Ivey, for the defendant Coles.