

co-partner, with excluding the latter from access to the books and papers of the partnership, and with not delivering to him accounts of the state of the business, which the partnership articles had stipulated for—an injunction and a receiver were granted against such managing partner, though the latter in his affidavit denied the principal charges against him, but not satisfactorily.—*Prentiss v. Brennan*, 371.

59. Where to an action on a bond for the rents of certain market dues and fees, fraud, &c., were pleaded, and upon the trial a verdict passed against the defendants, who, after execution had been issued, filed a bill in this court for the purpose of having the bond declared void, on the ground of fraud, &c., and for an injunction restraining proceedings on the execution; to this bill the defendants in equity put in an answer denying the allegations of fraud, whereupon the plaintiffs amended their bill, introducing further charges of fraud, filed affidavits verifying those further charges, and moved for the injunction prayed by the bill; the motion was refused with costs.—*Walker v. City of Toronto*, 502.

ORDERS OF COURT.

60. 33rd order.—Where after notice of motion, under the 33rd order [of May, 1850] is served, and before the motion day, the answer is filed, the plaintiff is entitled to his costs of the motion.—*Anonymous*, 423.

61. 75th order.—Where a plaintiff endorses on the copy of the subpoena served on the defendant the notice prescribed by the 75th [old] order of this court, he cannot afterwards proceed by attachment to compel an answer.—*Meyers v. Robertson*, 55.

4 H

62. Where the plaintiff had proceeded under the 75th order of this court, had obtained a decree *pro confesso* and the master's report; all the proceedings taken in the master's office having been *ex parte* and without any notice served on the defendant; the court refused to confirm the master's report absolutely in the first instance, notwithstanding that it had been the constant practice of the court to do so ever since the making of the order referred to.—(*ESTEN, V. C., dissentiente.*)—*Buchanan v. Tiffany*, 98.

See to same effect—*Walsh v. Bourke*, 105; affirmed on appeal in *Hawkins v. Jarvis*, 257.

63. 77th order.—Under the 77th order of May, 1850, the court will decree a reference without prejudice to an injunction previously obtained.—*Prentiss v. Brennan*, 434.

64. 188th order.—Upon the sheriff's return of *non est* to a warrant for the committal of a party, and an affidavit to the effect, required by the 188th of V. C. Jameson's orders, a sequestration will issue at once.—*S. C.* 497.

PETITION.

65. On an application by the executor of a mortgagee, for the infant heir of a mortgagee to convey after the executor has obtained a final order for foreclosure; the petition and affidavits should be entitled, not in the cause, but in the matter of the infant.—*Re Hodges*, 285.

66. Where a testator devised his estate (real and personal) upon trust, amongst other things, for the support, &c., of his children until they should attain the age of twenty-one, or marry, and so soon as the youngest attained the age of twenty-one, or married, then to