

*Recognizance—Sufficiency of—Motion for certiorari—
Criminal Code s. 892.*

Where a recognizance filed on a motion for a *certiorari* to remove a conviction did not negative the fact of the sureties being sureties in any other matter, and omitted to state that the sureties were worth \$100 over and above any amount for which they might be liable as sureties, it was held insufficient.

The rule in force as to recognizances prior to the passing of the Criminal Code, is still in force, and therefore there is no necessity for passing a rule under s. 892 of the code.—*Regina v. Robinet*, do., Feb. 12, 1894.

CHANCERY DIVISION.

LONDON, March 13, 1894.

Before NORTH, J.

In re ALDRIDGE.—ALDRIDGE v. ALDRIDGE.

Partnership—Death of partner—Business carried on by surviving partner at a loss—Remuneration for services.

This was a summons by the executors and trustees of a testator against his brother and the beneficiaries under his will, raising (amongst others) the question whether the brother was entitled to remuneration for his services in carrying on the business of the partnership after the death of the testator.

The brother, the surviving partner, had for nearly two years after the testator's death carried on the business, with the concurrence of the executors, with a view to its being sold as a going concern. Ultimately the brother withdrew from the business premises, and the executors realised the assets; but the sum realised was not sufficient to pay the capital due to the testator.

The brother had no capital of his own in the business.

He claimed remuneration for his services in carrying on the business after the death of the testator. The business had been carried on at a loss.

NORTH, J., held that, as the business had been carried on at a loss, the surviving partner was not entitled to any remuneration for his services.