

with him. Whether the result would have been the same if the claim had been based merely on the right to contribution seems doubtful.

PRACTICE—ORDER FOR PAYMENT INTO COURT—ADMISSION BY DEFENDANT—
ORDERS LV., R. 41, XXXII., R. 6—(ONT. RULE 756).

Nutter v. Holland, (1894) 3 Ch. 408; 7 R. Nov. 158, is a case on a similar point to that involved in *Neville v. Matthewman*, *supra* p. 83. The defendant, a trustee, had admitted, in an account rendered by him, that he had received £809 of the trust estate, but there was no admission that the money was still in his hands. The plaintiff made an application for an order on the defendant to pay the £809 into court; the defendant claimed that an account should be taken in the ordinary way. In this case the application was made under the English Rule Ord. lv., r. 4, which authorizes an originating summons to be issued for payment into court of money in the hands of trustees. Of this Rule there is no counterpart in Ontario (but see Rule 756). The Court of Appeal (Lindley, Lopes, and Davey, L.JJ.) held that the Rule only applied to money actually in the hands of the trustee, and if it is not in his hands, though he may be responsible for it, the Rule does not apply; they therefore made an order simply for administration of the trusts.

COPYRIGHT—SLEEVE PATTERN AND SCALE—MAP, CHART, OR PLAN.

In *Hollinrake v. Truswell*, (1894) 3 Ch. 420; 7 R. Dec. 134, the Court of Appeal (Lord Herschell, L.C., and Lindley and Davey, L.JJ.) have been unable to agree with the decision of Wright, J., (1893) 2 Ch. 377 (noted *ante* vol. 29, p. 514), that a cardboard pattern sleeve containing upon it scales, figures, and descriptive words for adapting it to sleeves of different dimensions, can be the subject of copyright as being a map, plan, or chart, but they thought it might possibly be the subject of a patent as an instrument or tool.

STATUTE OF LIMITATIONS—PARTNERSHIP—PAYMENTS BY FIRM AFTER RETIREMENT
OF PARTNER—MERCANTILE LAW AMENDMENT ACT (19 & 20 VICT., c. 97),
s. 14—(R.S.O., c. 123, s. 2).

In *re Tucker, Tucker v. Tucker*, (1894) 3 Ch. 429, the defendant William Tucker appealed from the decision of Romer, J., (1894) 1 Ch. 724 (noted *ante* vol. 30, p. 500). As will be seen from that note, William Tucker was liable to the plaintiff for a debt as a member of a firm of Baker, Tucker & Co., from which he retired