

that the will had been duly executed, but it could not be found after the testator's death. The Courts of New Zealand held that the onus of rebutting the presumption that the testator had destroyed the will *animo revocandi* was upon the plaintiff who sought to establish the will, and that he had failed to discharge it. The plaintiff appealed, and contended that the will having been proved to have been duly executed, the onus is then on those who allege it was destroyed *animo revocandi* to prove it. The will was traced to the testator's possession, but on his death the envelope in which it had been kept was found in a tin box, but the will had disappeared. Evidence was given that a few days before his death the safe in which it was kept was opened by an attendant, who left the room, and who subsequently was summoned to shut it again, and that at that time the testator was there and had a fire in the room. The Judicial Committee (Lords Davey, Robertson and Lindley and Sir H. De Villiers and Sir F. North) were of the opinion that the judgment of the Court below was right and dismissed the appeal.

PARTNERSHIP—DISSOLUTION OF FIRM—ACTION AGAINST PARTNERS—RULE 648A
—(ONT. RULE 222).

In re Wenham (1900) 2 Q.B. 698, although a banking case is one that deserves a brief notice, inasmuch as the Court of Appeal (Lord Alverstone, M.R., and Rigby and Collins, L.JJ.) incidentally affirm the practice that under Rule 648a (Ont. Rule 222) a firm may be sued in its firm name notwithstanding it had been dissolved prior to the commencement of the action.

ORDER, ACTION ON—RULE 602—(R.S.O. c. 80, s. 10).

In *Furber v. Taylor* (1900) 2 Q.B. 719, the Court of Appeal (Smith and Williams, L.JJ.) held that although under Rule 602 (R.S.O. c. 80, s. 10), which provides that an order may be enforced in the same way as a judgment, an action is maintainable upon an order of the High Court: see *Godfrey v. George*, (1886) 1 Q.B. 48 (noted ante, vol. 32, p. 106); *Pritchett v. English and Colonial Syndicate*, (1899) 2 Q.B. 428 (noted ante, vol. 35, p. 683), yet, in the absence of such a Rule or statutory provision in regard to orders of the County Court, an action on a County Court order is not maintainable, and it can only be enforced by application to the