

The second item of the claim, "plant and equipment" was put at \$1,075. This consisted of models for rings, brooches, pins, and the like, said to have cost originally \$1,535. No such sum as \$1,075 should be allowed: some of the models were admittedly out of date, and some were uninjured.

There was no such term as "plant and equipment" in the policy, but those models should be regarded as covered by the word "implements."

The sum of \$300 should be allowed on this head.

Upon the item "furniture and fixtures" \$100 should be allowed.

The total loss being fixed at \$3,505.48, the defendant company's proportion was \$221.95.

Judgment for the plaintiffs for that sum, with costs on the Supreme Court scale.

WENTWORTH RANCH LIMITED v. NATIONAL LIVE STOCK ASSOCIATION—CAMERON, MASTER IN CHAMBERS—JAN. 9.

Partnership—Unincorporated Association—Service of Process on Individuals as Partners—Appearances under Protest—Denial of Status as Partners—Separate Service on Association—Statement of Claim—Particulars.—Motions on behalf of two sets of defendants, Monteith and others and McKeown and others, for particulars of the statement of claim. The learned Master, in a written judgment, said that the applicants were served, as partners, with the writ of summons by which this action was commenced, and entered appearances. In their appearances they all denied that they were partners in the defendant association. The fact that the writ was served on the applicants personally, on the supposition that they were partners, did not preclude the plaintiffs from otherwise serving the writ on the defendant association; nor, in the event of default of appearance—provided no partner had entered an appearance in the ordinary form—would it prevent the plaintiffs from signing judgment by default. The applicants denied that they were partners in the defendant association; and this issue, as the action was at present constituted, was the main one to try. At this stage, and taking into consideration the fact that the appearances were entered under protest, particulars should not be ordered, as they are not required for the purpose of pleading. Motions dismissed with costs. A. J. Anderson, for the defendants Montieth et al. G. S. Hodson, for the defendants McKeown et al. S. F. Washington, K.C., and L. F. Stevens, for the plaintiffs.