

the payment to them of the costs they had incurred could not be directed. The learned Judge suggested, however, that before the entry of judgment the counsel might devise some plan to prevent the said defendant George R. Buchan's sisters from losing the money they paid out upon the mortgage, while they were wholly ignorant of the state of the title. It would be a cruel thing if they were not only not to benefit, but actually to lose, by their father's will. F. L. Pearson, for the plaintiff. P. McDonald, for the defendants.

RICHMAN V. BRANDON—SUTHERLAND, J.—MAY 28.

Partnership — Contribution of Capital — Construction of Written Agreements—Evidence to Vary.]—Appeal by the plaintiff from the ruling of the Master in Ordinary, in the course of a reference for the winding-up and taking of the accounts of a partnership, that the effect of the written agreements between the partners was that each was to contribute capital in equal shares, and that the plaintiff was not at liberty to adduce oral testimony to contradict the writings. There were two writings. The first did not explicitly state that the contribution of capital by both partners was to be the same, but it provided for "a mutual investment not to exceed \$2,500." Held, that this meant an investment of capital towards which each was to subscribe an equal portion. In the second writing there was nothing about capital or investment; it provided for a variation or extension of the business. In each agreement there was a provision for dividing the profits equally. Held, that the first writing contained the whole bargain on the subject, and the ruling of the Master was right: Wigmore on Evidence, Can. ed. (1905), vol. 4, para. 2430 (3), p. 3427. Appeal dismissed with costs. G. H. Hopkins, K.C., for the plaintiff. W. Laidlaw, K.C., for the defendant.

RE HUNT AND BELL—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—
MAY 29.

Appeal—Failure to Set down in Time—Order Extending Time—Special Circumstances.]—Motion by the vendor to extend the time for appealing from the order of MIDDLETON, J., ante 424, to a Divisional Court. The Chief Justice said that