

ing is by petition.

Owen v. Campbell,
In re Mills, Infants, 630.

MUNICIPAL COUNCIL- LORS.

See "Parties." "Trustees."
PARTIES.

1. A suit for the purpose of setting aside an election of directors of a corporation on the alleged ground of fraud, may be brought by some of the shareholders on behalf of all, and need not be in the name of the corporation itself.

Davidson v. Grange, 377.

2. To a bill filed by the municipal council of an incorporated town to prevent an injury to the property of the municipality, the Attorney General is not a necessary party.

Guelph v. The Canada Co. 632.

See also "Pleading."

PARTITION.

See "Will."

PARTNERSHIP.

Two merchants entered into partnership *inter alia* in the buying and selling of lands; and accordingly bought lands with partnership moneys, some of which were conveyed to each partner, and some so both jointly. *Held*, that, as between the real and personal representative of one partner who died, the land so bought were personal estate.

Wylie v. Wylie, 278.

PATENT.

(SETTING ASIDE)

Where a party having according to the custom of the clergy corporation, paid the patent fee for a lease, gone into possession and made large improvements;

and such custom being that the party so paying was considered as having a lease for twenty-one years, with a right of renewal and pre-emption (not materially varied by the orders in council subsequently passed regulating the sale of clergy reserves), and the crown having in ignorance of the facts, subsequently by letters patent granted the lands in question as a glebe for the Rector of Darlington, such patent was rescinded, as having been issued in error and mistake.

Martin v. Kennedy, 61.

PAYING MONEY INTO COURT.

When money has been paid into court as and for the price or value of land required by a railway company, the court will not upon an *ex parte* motion order it to be returned to the company.

In re O. S. H. R. U. Co. & Cotton,
101.

PLEADING.

A bill will lie by some of the inhabitants of a municipality alleging an illegal application of the funds by the mayor, which the council refused to interfere with. The Attorney General is not a necessary party to such a suit.

Paterson v. Bowes, 174.

PRACTICE.

1. Where a party neglects to comply with the terms of an order for the production of books and papers, the proper mode of proceeding is to serve, personally, a notice of motion to commit.

Paterson v. Bowes, 44.

[The practice now pursued is to obtain an order *nisi* to commit.]