

LOCAL LAW CASES.  
COURT OF CHANCERY, WEDNESDAY.  
(Before the MASTER OF THE ROLLS.)  
JOHNSON v. HOWGATE.

The plaintiff in this case was Joe Marshall Johnson, of Mirfield. He sought to have the respective rights and interests of himself and the defendant, in the Gregory Spring Colliery, ascertained and declared. In 1873 plaintiff carried on the business of a cotton spinner, at Mirfield, Yorkshire; and the defendant, Edward Smith Howgate, was a partner in a firm of Day, Howgate, and Holt, woollen manufacturers, at Dewsbury. The other defendant, Wm. Howgate, was a partner in a firm of Jas. Howgate and Sons, woollen manufacturers at Ravens-thorpe. The Gregory Spring Colliery, near Mirfield, was at that time the property of Mr. Joe Sheard, by whom also it was worked. In February, 1873, he offered to dispose of his interests in it for £10,000. The plaintiff then consulted the defendants, and they joined him in purchasing the colliery by an agreement dated 18th February, 1873. Thenceforward to the present time the colliery had been worked by them in partnership as the Gregory Spring Colliery Company, the plaintiff acting as managing partner. On 30th May, 1874, the defendants advertised the formation of a limited company, under the name of Howgates, Day, and Holt Limited. It was stated that the company acquired, besides the woollen businesses of the Howgate's, their two-third interests in the Gregory Spring Colliery. It was the contention of the plaintiff that a partnership existed between himself and the defendants, and that the defendants were not at liberty to transfer their interests as they professed to do. The defendants' contention was that they were simply co-owners with the plaintiff in the colliery.

After some discussion, his HONOUR directed an account of the partnership dealings and transactions, the sale of the colliery as a going concern; and referred it to Chambers to appoint a receiver and manager until the sale; the costs of all parties to be costs in the cause, and all to have liberty to bid for the colliery.

Mr. CHITTY, Q.C., and Mr. CALDECOTT were for the plaintiff; Mr. MARTEN, Q.C., for the defendants.