

on the same scale as the costs of the action. The correctness of that decision had been questioned in a late case, and it was also opposed to earlier decisions which were not referred to. The taxing officer taxed the costs of the reference on the High Court scale, and Bingham J. had confirmed his ruling. The Court of Appeal being of opinion that *Moore v. Watson* ought not to be followed, dismissed the appeal from Bingham J. Romer L.J. says that the arbitrator having simply awarded costs the proper inference is that he intended to award costs on the ordinary scale in High Court actions, namely, on the High Court scale, and not that he intended to award them on any special scale, such as the County Court scale.

BICYCLE—CARRIAGE—TOLL.

Cannan v. Abingdon (1900) 2 Q.B. 66, is a case which turns upon the question whether a bicycle is a "carriage" within the meaning of a Turnpike Act, and as such, liable to tolls. Bingham and Phillimore JJ. determine that question in the affirmative.

PARTY WALL—ADJOINING OWNERS—IMPLIED CONTRACT TO PAY HALF COST OF PARTY WALL.

Irving v. Turnbull (1900) 2 Q.B. 129, was an action brought by the plaintiff to restrain the defendants from using a certain wall as a party wall, or in the alternative to compel the defendants to pay half its value. The plaintiff had purchased the land on part of which the wall was built, as part of a building estate, subject to certain building conditions, one of which was, that the purchaser first building a party wall should be repaid half its current value by the purchaser of the adjoining site. The defendants purchased the adjoining site subject to the like conditions and made use of the wall built by the plaintiffs, predecessor in title, as a party wall. The defendants admitted that they were bound to pay some one for half the value of the wall, but denied any privity of contract with the plaintiff, or any liability to pay him. Darling and Channell JJ. were of the opinion that there was an implied contract on the part of the defendants to pay the plaintiff half the current value of the wall in question and affirmed the judgment of the County Court in his favour.