

STATUTE—ACT COMMENCED UNDER STATUTE SUBSEQUENTLY REPEALED—COMPLETION OF ACT COMMENCED BEFORE REPEAL OF STATUTE AUTHORIZING IT.

Heston v. Grout, (1897) 2 Ch. 306, is deserving of attention, although it turns to some extent on statutory enactments not in force in Ontario. By a statute of 1875 a municipal body was authorized to give a notice to property owners to repair the street in front of their property, and in default of their executing the repairs the municipal body was empowered to perform them and apportion the expense. After the giving of the notice, the municipal body adopted another statute of 1892 which provided that after its adoption the former Act of 1875 should cease to apply, and notwithstanding this the municipal continued the proceedings commenced under the Act of 1875, and the Court of Appeal (Lindley, Lopes and Rigby, L.J.J.) agreed with North, J., that they had a right so to do even apart from the provision of a statute which expressly provided that the repeal of any Act is not to affect the previous operation of any enactments repealed, or anything duly done or suffered under the enactment so repealed. But the latter provision the Court held in any case enabled the municipal body to complete any proceeding begun under the repealed Act before its repeal.

COSTS—COMPROMISE TO DEFEAT SOLICITORS' LIEN—PRACTICE—RIGHT OF APPLICANT TO READ RESPONDENT'S AFFIDAVITS AS PART OF HIS OWN CASE.

In re Margetson, (1897) 2 Ch. 314. In this case Kekewich, J., reaffirmed the well settled rule that the parties to a litigation although at liberty to compromise their differences without the intervention of their solicitors, provided they do so honestly and without any intention to cheat the solicitors of their costs; yet wherever the compromise is effected for the purpose of cheating a solicitor, the latter will have a right to an order for payment of his costs, notwithstanding the compromise. In the present case Pugh retained Mr. Margetson to obtain the delivery of a bill of costs by Mr. Jones and a taxation thereof. Before the taxation was completed Jones, without Margetson's knowledge and with the intention of stopping the taxation and so defeating Margetson's lien for