

Held, that it should be resolved into details, and taxed in items.

An appeal from the certificate of taxation of a bill of costs between solicitor and client is to the Court as if it were an appeal from a Master's report.

Fullerton, Q.C., and *H. L. Drayton*, for the City of Toronto.

Shepley, Q.C., for the solicitor.

ROBERTSON, J.]

[January 9-

WRIGHT v. BELL.

Costs—Administration—Fixed costs in lieu of commission—Rule 1187—Labor and difficulty of reference.

This was an action for the construction of the will and administration of the estate of Thomas Bell, deceased.

A reference for administration was directed to J. S. Cartwright, official referee, and was begun on the 9th May, 1892.

Interim reports making distributions of the estate to the extent of \$31,560.27, were made on the 13th June, 1892, and 10th June, 1893.

By the final report dated 2nd November, 1895, seventeen persons were found entitled to share in the distribution of the estate per capita. These persons were represented by six different solicitors. No infants were in any way interested in the estate.

The whole value of the estate was \$41,500.

There were twenty-nine regular sittings in the referee's office, besides over two hundred ordinary attendances in the course of the reference, and two hundred and seventy-five letters written by the solicitors having the carriage of the proceedings.

In the course of the reference an unusual number of special matters of more or less difficulty came up for adjustment and determination, among which were the following :

- (1) The expropriation by a municipality of land belonging to the estate.
- (2) The opening up of certain streets through land belonging to the estate.
- (3) A claim made by a stranger to the action to the ownership of buildings upon the estate, which was contested and defeated.
- (4) A claim successfully prosecuted by the estate against such stranger for rents collected by him and for occupation rent.
- (5) A question whether the estate had acquired title by possession to certain land, which was carefully looked into, but ultimately dropped.
- (6) A claim made by two strangers of the right to remove two houses standing upon land belonging to the estate, which was litigated and resulted in favor of the estate.
- (7) The sale of land in Markham and Queen streets, in the city of Toronto, in seven parcels, for \$10,367, and the collection of rentals pending the sale.
- (8) The sale of fruit growing land in the township of Mersea, in twenty-one parcels, to eleven different purchasers, for over \$16,000.