

jurisdiction; and the Court of Appeal (Cotton, Lindley, and Bowen, L.JJ.) thought, irrespective of the question whether the father had not been duly naturalized, that as the children had been born in France and were resident in France, and the French Court had assumed jurisdiction over them by appointing guardians for them, the English Courts should not interfere.

PRACTICE—SOLICITOR—ACTION ON UNTAXED BILL.

In *Lumley v. Brooks*, 41 Chy.D. 323, a question was raised as to the proper form of a judgment to be entered in the action, which was brought on a solicitor's untaxed bill. The defendant had pleaded a counter claim, but no one appeared for him at the trial. The plaintiff proved his retainer. Kay, J., held that the bill must be taxed, and to this the defendant did not object, but asked to have judgment for the amount to be found due; but Kay, J., made a simple order for the taxation, reserving further directions and costs. This the Court of Appeal (Cotton, Lindley, and Bowen, L.JJ.) were of opinion was less than the plaintiff was entitled to, and they varied the judgment by dismissing the counter claim with costs, ordered the bill to be taxed, and defendant to pay plaintiff the amount the master should certify to be due, together with the plaintiff's costs of the action.

SOLICITOR—COSTS—TAXATION—BILL DELIVERED MORE THAN TWELVE MONTHS—SOLICITOR'S ACT, 6 & 7 VICT., c. 73 s. 37—R.S.O., c. 147, s. 34.

In *re Park, Cole v. Park*, 41 Chy.D. 326, is another decision relating to the taxation of a solicitor's bill. In this case the action was brought to administer a deceased person's estate; and a firm of solicitors brought in a claim for £221, 3s. 1d., as the balance due on certain bills of costs delivered by them to the testator more than twelve months before his decease. The executor disputed some of the charges, and the Chief Clerk decided to refer the bill to a taxing master, from which decision the solicitors appealed, and Sterling, J., though of opinion as twelve months had elapsed since delivery and no special circumstances were shown, the bill could not be referred to taxation under the Solicitor's Act; yet, notwithstanding, it should be referred to the Taxing officer to inquire and state whether any and which of the particular items objected to, were fair and proper to be allowed, and to what amount. The Court of Appeal (Cotton, Lindley, and Fry, L.JJ.) sustained his order.

PRACTICE—AMENDMENT—ADDING PLAINTIFF—ORD. 16, r. 2—(ONT., RULE 445).

In *Ayscough v. Bullar*, 41 Chy.D. 341, the Court of Appeal (Cotton and Lindley, L.JJ.) reversed a decision of North, J., on a point of practice. The action was brought to enforce a restrictive covenant against building in a particular manner. After the commencement of the action, the plaintiff was advised that as her property had, after the making of the covenant in question, become vested in the covenantor through whom she derived title, there might be some difficulty on that account, in the way of her maintaining the action, and she applied for leave to amend by adding as a co-plaintiff the proprietor of an adjoin-