

RE-BUILDING.

See "Lease."

REFERENCE.

See "Arbitrators."

RE-SALES.

See "Practice," 13.

RESTS.

See "Principal and Agent."

RIPARIAN PROPRIETORS.

The plaintiff and defendant were owners of mills on the same stream, the defendant's being lower down than, and erected before that of the plaintiff. By the erection of the dam of the defendant, it was alleged that the plaintiff's mill privilege was effected injuriously. Although it was shewn that the plaintiff, in order to work his mill, was compelled to dam back the water so as to overflow lands higher up, the property of the defendant, the title to which he had obtained after the commencement of this suit, the court (*Esten, V. C., dissentiente*) held the plaintiff was entitled to an injunction against the defendant, restraining him from damming the water back upon the plaintiff's property.

Graham v. Burr, 1.

SALES.

The signed contract and other papers mentioned in section 9 of the thirty-sixth of the general orders must, in order to the confirmation of a sale, be filed with the registrar, whether the sale has been conducted before a Judge in chambers or the Master of court.

Patterson v. Staunton, 100.
See also "Infant." "Mortgage."

SAW-LOGS.

1. Saw-logs cannot be intended *prima facie* to be of "peculiar value" without any evidence that they are so. But they are more likely to be of peculiar value than most other descriptions of chattels, and specific relief may be given with respect to them in more instances than almost any other sort of chattel property. The relief however must be applied for promptly.

Flint v. Corby, 45.

2. The court, in a proper case, will compel the special performance of an agreement to manufacture and deliver saw-logs.

Fuller v. Richmond, 657.

See also "Specific Performance," 5.

SEQUESTRATION.

See "Member of Parliament."

SERVICE.

(AFFIDAVIT OF, ABROAD.)

It is not necessary to issue a commission for the purpose of taking the affidavit of service in a foreign country.

Snyder v. O'Lone, 148.

SETTING OFF JUDGMENTS.

See "Judgments."

SOLICITOR AND CLIENT.

Where a solicitor had irregularly proceeded to tax his costs as between solicitor and client, in the absence of the client; the court, upon a petition presented seven years afterwards, ordered a taxation of the costs; treating the taxation which had taken place as a void proceeding, and ordered the solicitor to pay the costs of the application.