

Such a motion would not appear to be possible under Ont. Rule 756, as under that Rule the admission must be found either in the pleadings or in the examination of the party.

SOLICITOR AND CLIENT—COSTS—TAXATION BETWEEN SOLICITOR AND CLIENT—
ABORTIVE ORDER OF COURSE—RIGHT TO ISSUE SECOND ORDER OF COURSE.

In re Taylor, (1894) 1 Ch. 503, on 24th October, 1893, a client obtained a common order to tax his solicitors' bill of costs delivered on 10th May, 1893, and also another bill alleged to have been delivered 27th October, 1892. The taxing officer decided that the alleged bill of 27th October, 1892, was not a bill of costs, but merely a list of disbursements, and as the order directed him to tax two bills he declined to act at all on the order. Subsequently, the solicitor applied to tax his costs of this abortive order, which the Master declined to do, because the order fixed a time for him to make his report, which had expired; but he intimated that it would be fair for the client to pay the solicitors £2 2s. for the costs, which the client's solicitors agreed to do; but before their offer was accepted they issued a second order of course to tax the bill of 10th May. On motion of the solicitors this was held by North, J., to be irregular, on the ground that after the first order had become abortive the client was not entitled to issue a second order of course, but ought to have made a special application, which would not have been granted except on the terms of paying the solicitors' costs of the first order. He, however, refused to discharge the second order, but directed the Master to tax the bill, and also to tax the solicitors' costs of the former proceedings, and of the motion, and bring them into the account.

PARTITION—PARTY WALL—TRESPASS—MANDATORY INJUNCTION—REVERSIONER.

In Mayfair Property Co. v. Johnston, (1894) 1 Ch. 508, two points are discussed. The plaintiffs and defendants were tenants in common of a party wall which divided the gardens at the rear of their respective houses. The plaintiffs pulled down part of the wall, and subsequently re-erected a wall in its place as part of the wall of a new house which they erected on their premises. The defendants brought an action to restrain them from so doing, and thereupon the plaintiffs brought the present action for partition of the party wall. North, J., held that the plaintiffs were entitled to a partition of the wall, which he decreed to be made vertically