

THE MASTER:—The action was begun pursuant to instructions and retainer on 14th August. The writ of summons was issued and served on 16th, on which day defendants were notified by plaintiffs' solicitor that he claimed a lien for his costs on any fruits of the action.

The next day defendants' solicitors wrote to plaintiffs' solicitor stating that the action had been settled, and continued: "The company, however, protected you as to your costs, if any, and if you will be good enough to forward us a memorandum of same, we will endeavour to adjust them as between yourself and defendants" (sic).

In reply plaintiffs' solicitor wrote to defendants' solicitors on 20th August, saying: "Inclosed herewith I send you a memo. of my costs as solicitor for the Majorams, amounting to \$40.70. Your cheque for this will oblige."

To this no answer was sent, and on 28th August plaintiffs' solicitor wrote again asking for cheque as above.

This was not answered, but, after a third letter to the same effect, defendants' solicitors wrote on 5th September saying that the Marjorams had been in to see about the costs, and offering \$15 in full without taxation.

On 6th September plaintiffs' solicitor wrote declining this offer, and asked defendants' solicitors to consent to an order for taxation, which he inclosed or sent later, and to have his bill returned so that he might add his subsequent costs and proceed in the regular way to obtain taxation.

Defendants' solicitors replied on 13th September, in a half-hearted way, speaking of raising their offer to \$17.70 (apparently), but ignoring the other two requests.

Nothing further was done until, on 19th September, plaintiffs' solicitor served on defendants' solicitors a notice of motion for an order directing defendants to pay him "forthwith after taxation all such costs as the plaintiffs would have to pay" him.

On the next day defendants' solicitors took out a præcipe order, on the application of one of the plaintiffs, for taxation of the bill delivered to the applicant, and next day obtained an appointment to proceed thereon on 1st October.

Plaintiffs' solicitor thereupon moved to set this præcipe order aside, because: (1) no bill had been rendered to the applicant; and (2) because having elected, at the invitation of defendants' solicitors, to apply for an order for taxation in the cause, the præcipe order was irregular. . . .