

RE SOLICITORS—FALCONBRIDGE, C.J.K.B.—JAN. 12.

Solicitors — Costs — Taxation — Order for, Obtained by Solicitors—Ambiguity—Liability of Estate of Deceased Person—Amendment.]—Appeal by the solicitors from the taxation of their costs by the principal Taxing Officer. Upon the hearing in the Weekly Court, the solicitors asked to have the order for taxation amended. The learned Chief Justice, in a written judgment, said that the order, as issued by the solicitors, was ambiguous. It did not expressly require the Taxing Officer to determine what right, if any, the solicitors had against the assets of the estate, and the Taxing Officer had not entered upon any such inquiry. The amendment sought was apparently with the view of continuing the ambiguity and of enabling the solicitors to suggest that they now have an adjudication upon a question not yet determined; this should be refused. The right of the solicitors against the estate could be no greater than the right of their client (an executor), which depended upon many things, and should in no case be entered upon in the absence of those beneficially interested in the estate. Appeal dismissed with costs. R. H. Holmes, for the solicitors. T. N. Phelan, for the client.

 RE McFARLANE—FALCONBRIDGE, C.J.K.B., IN CHAMBERS—
 JAN. 13.

Will—Identity of Legatee—Order Declaring—Payment of Legacy by Executors.]—Motion by Peter Bartley for an order declaring that his identity with a legatee mentioned in the will of Peter McFarlane, deceased, was established upon evidence submitted. The learned Chief Justice, in a brief memorandum, said that it might be declared that the applicant was the legatee mentioned in the will and that the executors might pay over to him the amount of the legacy. Costs out of the estate, if the parties desire. J. P. MacGregor, for the applicant. A. E. Knox, for the executors.