PRACTICE—PARTIES—PARTITION—PLAINTIFF OF UNSOUND MIND.

In *Porter* v. *Porter*, 37 Chy. D. 420, it was held that a partition action may be brought by a person of unsound mind by his next friend ; but that the court at the trial ought not to act upon the request for sale made by such a plaintiff, without being first satisfied that the sale would be for his benefit. The case of *Halfhide* v. *Robinson*, 9 Chy. 373, in which James, L.J., said : "I wish it to be understood that a bill cannot be filed by a next friend on behalf of a person of unsound mind not so found by inquisition, for dealing with his real estate," was considered by Cotton, L.J., only to mean that the course taken in that particular case was not proper, and that there should have been an application in lunacy.

SOLICITOR AND AGENT—COSTS—TAXATION OF PART OF BILL.

In re Johnson & Weatherall, 37 Chy. D. 433. London agents delivered to their country principal, a bill of agency charges which included a number of distinct actions and matters, in which they had acted as agents. The charges relating to each distinct action or matter, were made out separately under the head of that action or matter, though the whole of the charges were included in one bill. On an application by the principal to tax the charges relating to one of the actions only, North, J., held that the bill was one bill, and that the principal was not entitled to have part of it taxed; but the Court of Appeal (Cotton, Lindley and Bowen, L.JJ.), were of a different opinion, and held that though the taxation of a part of a bill could not be ordered under the Solicitors' Act, 1843, yet that the court, under its general jurisdiction, had power to order taxation of part of a bill, and that in this case it was right that such jurisdiction should be exercised, and taxation of the charges relating to the one action was therefore ordered on the principal undertaking to pay the balance claimed by the agents within a short time (subject to an undertaking to refund), and as the appellant had not previously offered this undertaking, he was ordered to pay the costs of the appeal, and the rule as to the result of one-sixth being taxed off was not to be followed.

MARRIED WOMAN—RESTRAINT ON ANTICIPATION, DURATION OF—VENDORS' AND PURCHASERS' ACT—(R. S. O. c. 112, s. 3).

Perhaps the only points for which it is necessary to notice *In re Tippetts and Newbould*, 37 Chy. D. 444, are these, viz.: That it was held by the Court of Appeal that when on a sale of a married woman's interest in a leasehold vested in trustees, a question arose as to whether the property was subject to a restraint on anticipation, such a question could not be determined upon an application under the *Vendors' and Purchasers'* Act (R. S. O. c. 112, s. 3), because that was a question in which the purchaser was not interested; but the Court of Appeal (Lord Coleridge, C.J., and Cotton and Bowen, L.JJ.), permitted the application to be turned into an application for the construction of the will; and upon such application it determined (affirming Kay, J.), that when a fund subject to a particular estate is given to a married woman absolutely, but subject to a restraint on anticipation, such restraint is not, in the absence of any other ground, confined to the duration of the particular estate.