

wife to get whatever is necessary for the house, in which both were living, but not on friendly terms, and to pay for all such goods. *Snider v. Snider* (1885) 11 P.R. 140 distinguished.

Phelan, for the motion. *Hassard*, contra.

[Cartwright—Master.]

[Oct. 7.]

RE SOLICITOR.

Solicitor—Reference as to, and taxation of bill of costs—Change.

A deputy registrar to whom a reference had been made in respect to a solicitor's bill of costs fell sick after the evidence and arguments were all in, but before judgment was given and had not been able to attend to his duties for nearly a year. On application by the client to change the reference to one of the taxing officers at Toronto which was opposed by the solicitor, it was

Held, 1. The proper course was to refer the matter to the deputy registrar.

2. In answer to the objection on behalf of the solicitor, there was no medical evidence that the deputy registrar would not soon recover, and, that, if such evidence was attainable, it should properly come from the other side.

3. The deputy clerk should not be ordered to use the evidence already taken.

Martin Malone, for the motion. *Bicknell*, K.C., contra.

Province of Manitoba.

KING'S BENCH.

Richards, J.]

DAY v. CROWN GRAIN CO.

[Sept. 11.]

Mechanics' Lien Act—Time for filing lien of contractor on sub-contractor—Completion of contract.

The plaintiff in this case did work and supplied materials as a sub-contractor under the defendant Cleveland, who had contracted with the Crown Grain Co. for the erection and equipment of an elevator. The substantial defence was that the plaintiff had not registered his claim for a lien within thirty days after the completion of his contract, as required by s. 20 of R.S.M. 1902, c. 110. The findings of fact were that the plaintiff