Fry, L. J., thus summed up the principle of construction laid down in *Watts* v. *Kelson* and *Kay* v. *Oxley*. "If one person owns both Whiteacre and Blackacre, and if there be a made and visible road over Whiteacre, and that has been used for the purpose of Blackacre in such a way that if two tenements belonged to several owners, there would have been an easement in favour of Blackacre over Whiteacre, and the owner aliened Blackacre to a purchaser, retaining Whiteacre, then the grant of Blackacre either 'with all rights usually enjoyed with it,' or 'with all rights appertaining to Blackacre,' or probably the mere grant of Blackacre itself without general words, carries a right of way over Whiteacre."

This decision would, no doubt, be deemed an authority for the construction of a conveyance under the Short Forms Act, R. S. O. c. 102, s. 4.

COSTS—TAXATION BETWEEN SOLICITOR AND CLIENT—NEGLIGENCE.

The next case which it is necessary to notice is another decision of the Court of Appeal. *In re Massey* and *Carey* (26 Ch. D. 459 C. A.) In this case, the Court held, affirming the decision of the Chancellor of the County Palatine, of Lancaster, that upon a taxation of a bill between solicitor and client the taxing officer may disallow the costs of particular proceedings in an action occasioned by the negligence or ignorance of the solicitor. Cotton, L.J., in delivering judgment, remarked:—"It was said that the taxing master had no jurisdiction to disallow charges on the ground of negligence, but that an action for negligence ought to be brought by the client against the solicitor. In my opinion the question here, is not the same as that which would arise in an action of negligence. The question here is, whether the client should be charged with costs which are referable only to amending a slip made by the solicitor. We have made inquiries of the taxing masters both of the Chancery, and Common Law, Divisions, as to what has been the practice in such matters. Undoubtedly the taxing master, in the Chancery Division have been more liberal in entertaining objections on the ground of negligence, perhaps because the order for taxation in the Chancery Division directs payment on taxation, while the order in the Common Law Division is only for a stay of proceedings on payment. Probably at common law if the objection was that the *whole action had failed* by reason of the negligence of the solicitor that would be considered a proper question to be decided not by the master, but in an action for negligence. Whether that would be so in the Chancery Division I do not know." This latter point we may remark was considered by Mowat, V.C., in *Thompson* v. *Milliken*, 13 Gr. 104 and he held that not only particular items might be struck off for negligence, but also, when the objection went to the whole bill, the taxing officer might, on a taxation between solicitor and client, under the common order, disallow the whole bill, upon the authority of *Re Clark* 13 Beav. 173 S. C. 1 D. G. M. and G. 49; *Re Atkinson* 32 Beav. 486.

COSTS—APPORTIONMENT—DEFENDANT APPEARING IN TWO CAPACITIES.

The question of the apportionment of costs in a case where a defendant appears in two capacities, in one of which he is entitled to costs, and in the other of which he is not, was discussed by the Court of Appeal in *In re Griffiths, Griffiths v. Lewis*, 26 Ch. D. 465. The action was brought for the administration of the estate of D. Griffiths, and the defendant was the executor of T. Evans, a defaulting executor, whose estate was insolvent. Chitty, J., the judge of first instance, ordered that the defendant should have out of Griffiths' estate, his costs as between solicitor and client, of taking the accounts of the Grif-