mortgagees should be charged with the amount of damages in the foreclosure account.

EASEMENT—BUILDING—LIGHT AND AIR—PRESCRIPTION ACT—2 & 3, W. IV. c. 71 (R.S.O. c. 108, s. 36).

The case of *Harris* v. *De Pinna*, 33 Chy. D. 238, turns upon the construction of the 2 & 3 W. IV., c. 71, s. 3 (R. S. O. c. 108, s. 36). The plaintiff brought the action to restrain the defendant from building so as to interfere with the access of light and air to the plaintiff's building in respect to which the plaintiff claimed to have acquired an easement over the defendant's premises. The building in respect of which the plaintiff claimed the easement was a skeleton structure used for storing and drying timber, which had openings at the sides through which light and air could enter, but these openings were from time to time blocked up by the timber stored. Chitty, J., was of opinion that the structure was not a "building" within the meaning of section 3 (R. S. O. c. 108, s. 36), and that the building intended by that section must be a building of a like character as a "dwelling house or workshop," and the Court of Appeal, without pronouncing on this point, were of the opinion that the plaintiff failed because he had failed to prove an uninterrupted access of light by any one aperture for the statutory period. It was further held by the Court of Appeal, on the authority of *Webb* v. *Bird*, 13 C.B.N.S. 841, that a right to the uninterrupted access of air over the general surface of the alleged servient tenement cannot be acquired under the Prescription Act; and the fact that the alleged servient and dominant tenements were both held under a common lessor, coupled with the fact that the lease of the servient tenement was earlier, negatived any claim to the easement as arising out of an implied covenant.

SOLICITOR AND CLIENT—COSTS—TAXATION.

The principal point determined in *Re Hill*, 33 Chy. D. 266, was a question as to the costs taxable under an order directing the costs "properly incurred" by the plaintiff's solicitor in "recovering a fund" to be taxed; and it was held by the Court of Appeal (affirming Kay, J.,) that the costs incurred by the solicitor in establishing against the plaintiff his retainer as solicitor, upon an application made by the plaintiff to set aside the proceedings in which the fund was recovered, on the ground that the plaintiff had not retained the solicitor, were properly taxable; and also the costs of an appeal from the order by which the solicitor's retainer was established, which had come on and been dismissed after the making of the order for taxation.

MORTGAGEE IN POSSESSION—LOSS IN MANAGEMENT OF MORTGAGED PROPERTY.

Bompas v. *King*, 33 Chy. D. 279, was an action by a second mortgagee against the first mortgagee for an account of the proceeds of the sale of the mortgaged property, which consisted of a block of buildings let out as residential apartments to tenants, some of whom were supplied with food and attendance. The first mortgage contained a power to the mortgagee upon default to enter into possession and "manage" and receive the rents of the mortgaged property. Default having been made the first mortgagee entered and managed the property at a loss, and it was held by the Court of Appeal (affirming Kay, J.,) that the first mortgagees were entitled to be allowed the losses thus sustained out of the rents of the property, and, so far as they were deficient, out of the surplus proceeds of the sale.

COPYRIGHT—REGISTRATION OF COPYRIGHT.

In *Thomas* v. *Turner*, 33 Chy. D. 292, which was an action to restrain the infringement of a copyright, the Court of Appeal reversed the decision of Bacon, V.-C. The first edition o the plaintiff's book was published in November, 1881; neither this nor a second edition had been entered at Stationers' Hall before action, but the plaintiff had registered a third edition which was in fact a reprint of the first edition, describing it in the entry as the thir editicn, and giving the time of the first publication as 22nd April, 1885, which was the date at which third edition was published. Bacon, V.-C., had held this to be a sufficient entry, but the Court of Appeal decided that the plaintiff had not truly stated the time of the first publication within the meaning of section 13 of the Copyright Act, 1842, and was consequently precluded by section 24 from maintaining the action.

MARRIAGE SETTLEMENT—AFTER-ACQUIRED PROPERTY.

In re Garnet, Robinson v. *Gandy*. 33 Chy. D. 300, the Court of Appeal reversed the decision of Kay, J., in 31 Chy. D. 648, noted *ante*, p. 203, holding that the setting aside of the re-