

interference of the Court: *Yemen v. Johnston* (1884), 11 P.R. 231.

The solicitors did not, by taking security from the client, abandon their claim to the equitable interference of the Court; but it was not shewn that the defendant would not ultimately be able to pay the full amount of the costs in question.

Again, the fund was much more the result of the endeavours of the solicitor for the third parties *Medcalf* and *Poutney* than of what was done by the defendant's solicitors. In no case has a lien been given upon the property of another for the costs of the litigation where that other has been independently represented by his own solicitor.

Order directing that the moneys in Court be paid out as ordered by the judgment, without regard to the solicitors' claim; no costs.

LATCHFORD, J.

JUNE 14TH, 1916.

WATSON v. TORONTO AND YORK RADIAL R. W. CO.

*Highway—Assumption by County Corporation—Changes of Grade—Injury to Abutting Land—Remedy against County Corporation—Compensation under Municipal Act, sec. 325—County and Township Corporations Permitting Street Railway Company to Obstruct Access to Highway—60 Vict. ch. 92, secs. 2, 7 (9)—Laying Rails in Conformity with Grade of Highway—Claim against Railway Company—Slight Changes in Elevation of Rails—Absence of Appreciable Damage.*

Action against the railway company and the Municipal Corporations of the County of York and the Townships of Markham and Vaughan for an injunction, a mandamus, a declaration of right, and damages, in respect of changes made in a highway, Yonge street, in the township of Markham, injuriously affecting the plaintiff's land bordering on the highway.

The action was tried without a jury at Toronto.

R. McKay, K.C., and Grayson Smith, for the plaintiff.

J. H. Moss, K.C., for the defendant railway company.

T. H. Lennox, K.C., and C. W. Plaxton, for the defendants the Municipal Corporations of the County of York and Township of Markham.

W. Proudfoot, K.C., for the defendants the Municipal Corporation of the Township of Vaughan.