

such improvements thereon out of the surplus as they may think he requires." By a codicil the testator revoked the devise referred to in these words, by giving the lands to that grandson's mother, instead of to him, but the testator did not otherwise indicate any intention to recall, annul, or transfer the gift of \$500. The legacy does not fall with the devise. *Lockhart v. Hardy*, 9 Beav. 379, referred to.

"I give to my daughter Hannah . . . the sum of \$4,000 . . . being that amount of stock in the South Western Farmers and Mechanics' Loan and Savings Society as her own property absolutely." At the time of the making of the will and of the testator's death he owned 120 shares of the capital stock of the society, of the par value of \$50 each, in all \$6,000, but which were and are saleable at a premium. By the same codicil in which this bequest was made the testator gave to his grandson Ernest \$2,000 stock in the same society. The words are sufficient to indicate that the legatee was to take four-sixths of the testator's shares in the capital stock of the society. *Broadbent v. Barrow*, 20 Ch. D, 676, 8 App. Cas. 812, referred to.

Order accordingly. Costs of all parties out of the estate; those of the executors as between solicitor and client.

BRITTON, J.

FEBRUARY 16TH, 1903.

TRIAL.

HUTCHINSON v. McCURRY.

*Costs—Action for, by Attorneys—Costs Incurred in Quebec Court—Distraction in Favour of Attorneys—Rights against Unsuccessful Party—Interest.*

Action by attorneys in the Province of Quebec, who acted as attorneys for one W. G. Reed in an action brought against Reed by the present defendant, to recover the taxed costs of that action. The point raised was one entirely novel in this Province, viz., the right of attorneys of the Province of Quebec to bring an action, in their own name, without the intervention of their own client, who was successful in the action there, against the unsuccessful party for the taxed costs of the action.

W. E. Middleton and W. R. Cavell, for plaintiffs.

C. E. Hewson, K. C., for defendants.

BRITTON, J.—To entitle plaintiffs to succeed in this action they must have, either in form or by operation of law, a judgment in their own favour in the Province of Quebec. Section 553 of the Code of Civil Procedure of the Province of