to a large extent within the last five years. The defendant took reasonable precautions to prevent his business from being injurious to his neighbours, but, notwithstanding, noxious gases emanated from his works, and the evidence established that a public nuisance was created. Kekewich, J., considered the question to be can a man reasonably create a nuisance? And he held that he could not, and that if he created a nuisance, long user of the premises in the same way, or proof that they were reasonably used, is no answer, and he granted an injunction as prayed.

MORTGAGE—TRANSFER OF MORTGAGE WITHOUT NOTICE TO MORTGAGOR—ASSIGNEE OF MORTGAGE—PAYMENT OF MORTGAGE—FRAUD—ASSIGNEE OF CHOSE IN ACTION TAKES SUBJECT TO EQUITIES.

Turner v. *Smith* (1901) 1 Ch. 213 is a very striking illustration of the danger of taking an assignment of a mortgage without notice to the mortgagor. In this case the mortgagor had handed her solicitor the money to pay off the mortgage, he misappropriated the money, and for some time continued to pay interest to the mortgagee, subsequently he obtained a transfer of the mortgage to himself, and then assigned it to the defendant for £1500. Upon the defendant applying to the plaintiff, the mortgagor, for payment, the fraud was discovered, and the present action was then brought, the plaintiff claiming that the mortgage was satisfied; and it was held by Byrne, J., that as soon as the mortgage was transferred to the solicitor it was, as between the plaintiff and him, satisfied, and that his assignee the defendant could acquire no better right than the solicitor had, and therefore the plaintiff's contention prevailed.

ADMINISTRATOR—DISTRIBUTION OF ASSETS.

In re Rendell, Wood v. *Rendell* (1901) 1 Ch. 230, the point decided by Cozens-Hardy, J., is, that where a person obtained letters of administration as the attorney of the widow of a deceased person, and who was not legal personal representative of the deceased in any country, such administrator is responsible for the due distribution of the assets, and that his principal could not give a discharge that would relieve him of the liability.

SOLICITOR AND CLIENT—COSTS—TAXATION—THIRD PARTY—OBTAINING ORDER TO TAX—(R.S.O. c. 194, s. 47).

In re Gray (1901) 1 Ch. 239, decides that a third party obtaining an order for taxation of a bill of costs is not thereby precluded