

action as that between solicitor and client it is the solicitor's duty to shew that he made clear to his client its necessary result."

Now the affidavit of the solicitor filed in answer to this motion does not touch that point. It does not contain any reference to such an explanation as the Lord Justices said was necessary if the right to tax was to be taken away, nor is it shewn if any, and if so what, receipt was given to the clients when the notes were taken. That this right is jealously preserved to the client in this province is shewn by the well-known cases *Re Pinkerton and Cooke*, 18 P. R. 331, and *Re McBrady and O'Connor*, 19 P. R. 37. The last paragraph of the judgment in this latter case seems to shew that the Court will always be astute to grant taxation if it is considered reasonable so to do.

The material is not as full as it might have been. If the clients will make an affidavit that there never was any such agreement as is said to be necessary in *In re Romer*, supra, then the usual order may issue for taxation, after they have been cross-examined, if the solicitors desire to do so, and the clients do not admit sufficient to justify the position taken by the solicitors.

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MULOCK, C.J.

MARCH 16TH, 1909.

CHAMBERS.

HEBERT v. EVANS.

*Parties—Joinder of Plaintiffs—Rule 185—Right to Relief in Respect of same Series of Transactions—Claims by Miners against Directors of Mining Company for Wages—Joining 16 Claims in One Action—Judgments Recovered against Company by 14 Plaintiffs—Position of Plaintiffs who have not Recovered Judgments.*

Appeal by defendants from order of Master in Chambers, ante 632.

F. J. Roche, for defendants.

A. G. Ross, for third parties.

McGregor Young, K.C., for plaintiffs.