

others, of what he termed "a scientific expedition in Africa for the purpose of obtaining photographic records of the fauna and flora there."

The affidavit appeared to have been designed to create an impression that this so-called expedition was more than a purely personal affair, whereas it was solely a personal matter and really a pleasure-trip or one for personal profit.

The arrangements for this expedition were made in April, 1920. His matured plans having included his absence at the time fixed for the trial, why did he not do what was reasonable and facilitate the trial, or the taking of his evidence on commission before his departure? He had acted with evident disregard of the plaintiffs' right to have the matter in dispute determined at a trial, and as if his desires were paramount to the rights of the plaintiffs and the convenience of Courts and counsel.

The learned Judge finds no reason why there should be any interference with the trial of this action in the usual course of the Court's proceedings, or why the defendant should expect or be accorded consideration greater than is given to other litigants in similar circumstances, or that the plaintiffs should be subjected to further delay.

The application should be dismissed with costs.

MIDDLETON, J.

JANUARY 18TH, 1921.

\*MILLAR v. THE KING.

*Solicitors—Retainer by Crown—Claim for Value of Services—Purchase by Ontario Government of Undertakings of Power Companies—Validating Act, 6 Geo. V. ch. 18—Rendering by Solicitors of Detailed Statement of Services in Searching Titles and Carrying out Purchase—Necessity for Services—Secs. 3 and 8 of Act—Lump-sum Recommended by Counsel Employed by Government—Order in Council Directing Payment out of Particular Fund—Agreement—Necessity for Bill of Costs—Solicitors Act, secs. 48, 56, 66—Acceptance of Statement as Bill—Petition of Right—"Action"—Taxation of Bill—Evidence—Assessment of Value of Services.*

A petition of right by a firm of solicitors to recover \$24,589.33, claimed as a balance in respect of services rendered in connection with the purchase of the assets, undertakings, lands, plants, etc., of certain power companies, 22 in all, for the price of \$8,350,000.