

IN RE SOLICITOR.

Solicitor and client—Taxation of costs—Joinder of causes of action—Rule 300—Separate actions—Solicitor not entitled to costs of—Duty of solicitor.

A solicitor, acting on behalf of three clients, brought three separate actions for malicious prosecution against the same defendant. The three causes of action all arose out of an information for an assault laid by the defendant against the plaintiffs.

Held, that under Rule 300 the three causes of action could have been joined in one action, but it was the duty of the solicitor to have so advised his clients; and that not having done so he could not be heard to say that his clients had instructed him to bring three separate actions; and upon taxation of his bill between solicitor and client, he was allowed costs as of one action only.

Booth v. Briscoe, 2 Q.B.D. 496, and *Gort v. Rowney*, 17 Q.B.D. 625, followed.

Appleton v. Chapel Town Paper Co., 45 L.J. Ch. 276, not followed.

Masten for the solicitor.

J. B. O'Brien for the client.

BOYD, C.]

[June 15.

FISHER v. CASSADY.

Writ of Summons—Service out of jurisdiction—Rule 271 (e)—Breach of contract—Performance within Ontario—Sale of goods—Inspection of bulk.

The defendants in British Columbia by letter offered to sell the plaintiff in Ontario a carload of lumber, according to a sample previously furnished, at a certain price, free on board cars at Toronto. The plaintiff accepted the offer by letter, and it was agreed between the parties that the lumber was to be shipped at Vancouver and delivered at Toronto, upon which being done the price was to be paid by means of a draft. When the lumber arrived at Toronto the plaintiff inspected it, and refused to accept it or the draft on the ground that it was not up to sample. He then brought this action for damages for breach of the contract.

Held, that the plaintiff had the right to make inspection of the bulk at Toronto before accept-

ing or paying, and the contract was one which, according to its terms, ought to be performed within Ontario; and therefore service out of the jurisdiction of the writ of summons ought to be allowed under Rule 271 (e).

W. T. Allan for the plaintiff.

J. A. MacIntosh for the defendants.

Flotsam and Jetsam.

THE right of members of Parliament to payment has never been formally abolished, though no member of Parliament has received payment for 230 years. Andrew Marvell, the poet and contemporary of Milton, was the last paid member.—*Irish Law Times*.

IT is, perhaps, a little elementary, but vice and immorality are clothed with legal rights and are protected by the organic law of the land. A man has a right to drink alcoholic liquors whenever he chooses to do so; being sober to *get drunk*, but he has no right to *be drunk*. He may drink, get drunk, but must not *be drunk*; that is unlawful.—*Ex.*

NO fewer than five judges of the English High Court now living are old 'Varsity oars. The Master of the Rolls, Lord Macnaghten, Mr. Justice Denman, and Mr. Justice A. L. Smith represent Cambridge, and Mr. Justice Chitty represents Oxford. He is one of the few "Double Blues," *i.e.*, men who have both rowed for and played cricket for their own university against the sister rival.—*Irish Law Times*.

THE late Sir Thomas Chambers was not a wit, and laughter seldom entered the court over which he presided so solemnly. There is, however, one good story told of him in the Temple. It is to the effect that a prisoner, who was undefended, pleaded "guilty," and, counsel having been instructed to defend him at the last moment, withdrew the plea and substituted that of "not guilty," with the result that the jury acquitted him. In discharging the prisoner Sir Thomas is said to have remarked: "Prisoner, I do not envy you your feelings. On your own confession you are a thief, and the jury has found that you are a liar."—*London Star*.