

REPORTS AND NOTES OF CASES

Province of Ontario.

HIGH COURT OF JUSTICE.

BOYD, C., FERGUSON, J., }
ROBERTSON, J.

[April 8.]

MCALLISTER v. O'MEARA.

Security for costs—Class suit—Insolvent plaintiffs.

Security for costs was refused in an action brought by four ratepayers of a municipal corporation, on behalf of themselves and all others, against the corporation and reeve for an account of moneys received by the latter from the former, in spite of the financial incompetency of the plaintiffs, and the slight interest they possessed in the properties for which they were assessed, where the action was virtually the plaintiffs' action, and not that of third persons who were alleged to be putting the plaintiffs forward, and there was no contention that the action was frivolous.

Clark v. St. Catharines, 10 P.R. 205, distinguished.

Watson, Q.C., for the plaintiffs.

W. H. P. Clement, for the defendants.

BOYD, C., FERGUSON, J., }
ROBERTSON, J.

[April 10.]

IN RE SOLICITOR.

Solicitor—Special journey—Authority—Ratification—Bill of costs—Block charge—Taxation—Items—Appeal—Certificate.

The solicitor acted for a municipal corporation as solicitor and sole counsel in a matter in litigation which was contested in the High Court, Court of Appeal, and Supreme Court of Canada. The municipal council passed a resolution authorizing an application for leave to appeal to the Privy Council, a copy of which was forwarded to the solicitor, who thereupon, without specific instructions, proceeded to England for the purpose of obtaining leave, and while there drew upon the treasurer of the corporation a bill for part of his expenses, which was honored.

Held, that the resolution, the payment on account of expenses, and other acts of ratification, without protest as to the solicitor's course, were sufficient authority to him; and he was entitled to tax against the corporation his expenses in transit and in residence in England, an allowance for services rendered in England as solicitor and counsel, and a per diem charge for waiting, having regard to his being absent from his own business.

The solicitor made a block charge of \$1,400 for his services, time, and expenses.