

*Held, per BOYD, C., in Chambers:* That they were entitled to tax the costs of one affidavit only, with extra folios for the additional matter contained in the subsequent affidavits.

*Held, also, per BOYD, C.:* That, upon the taxation "between solicitor and client" of the plaintiffs' costs, they were not entitled to the costs of a motion for summary judgment under Rule 739, which was useless, and not according to the practice, and was refused because the indorsement on the writ of summons claimed "interest on arrear. of rent," and was, therefore, not a good special indorsement.

*J. T. Small* for the plaintiffs.

*C. Millar* for the defendants.

BOYD, C.]

[Oct. 15.]

RYAN v. CAMERON.

ATTORNEY-GENERAL FOR CANADA v. ONTARIO AND WESTERN LUMBER COMPANY.

*Consolidation of actions—Application by plaintiffs—Identity.*

The practice at law was not to consolidate actions unless the plaintiffs were the same, the questions the same, and the evidence the same, and, as a matter of form, actions could only be consolidated at the instance of the defendants; but the court may give relief, in proper circumstances, even to a plaintiff, where the actions are so germane that one may serve as a test for all.

Where the plaintiffs were different, the defendants different, and the relief sought entirely different, though part of the evidence in the one action might be available in the other, an application by the plaintiffs conjointly for an order consolidating the two actions was refused.

*Semble*, the defendants would be entitled to an order to have the actions tried together in case the plaintiffs were bringing them on at different courts.

*W. R. Riddell* for the plaintiffs.

*Hoyles, Q.C.*, for the defendants.

ROSE, J.]

[Oct. 16.]

IN RE SOLICITOR.

*Solicitor—Striking name off roll—Procedure—Order for payment over—Court or Chambers—Subsequent application—Costs.*

Where a client applies to strike the name of a solicitor off the roll for misconduct in neglecting to pay over the client's money in his hands as solicitor, the first application should be made to a judge in court, whereupon, in a proper case, an order will be made requiring the solicitor to pay over the money by a named day, and, in default, that his name be struck off. Upon default, no further application is necessary, except an application to have the roll brought into court for the purpose of having the name struck off, and this should be on notice to the solicitor.