

were reasonably "necessary for the due understanding of the evidence," so as to warrant an allowance of a reasonable sum for the preparation of them, under the Rule of the 24th December, 1913 (Holmsted's Judicature Act, p. 1556), was something to be determined upon the taxation. Other photographs were of documents which, apparently, were in the custody of a bank and could not be produced at the trial. If it would have been proper to use the documents, had they been available, it was proper to use the photographs; and the officer ought to have dealt with each of them upon the merits. This item must be reconsidered.

Item 14. Moneys paid to detectives. The appeal as to this was abandoned upon the argument.

Item 15. Fees paid to foreign witnesses, November, 1916, January, 1917, and May, 1917. For the reasons already given, the fees of the foreign witnesses brought to the November sittings could not be allowed. The defendant was, however, entitled, under the order of Latchford, J., to the costs thrown away in January, 1917, and, under the judgment, to the costs of the trial held in May, 1917. These costs the officer taxed, and professed to apply the rule stated in *Ball v. Crompton Corset Co.* (1886), 11 P.R. 256. But confusion seemed to have arisen in applying the rule; and this item must be reconsidered. Further evidence might be adduced; and the officer should consider, in the case of each witness, whether he ought to have been brought to the trial or whether it would have been more reasonable to examine him upon commission.

The bill should be referred to the Taxing Officer at Toronto to consider and report upon such items as had been directed to be reconsidered. Further consideration of the appeal and the question of the costs of the appeal and of the review were reserved to be disposed of in Chambers after the Taxing Officer had made his report.

ROSE, J.

JANUARY 4TH, 1919.

ALEXANDER v. CITY OF LONDON.

Municipal Corporations—Action against City Corporation and Public Utilities Commission for Loss by Fire—Failure of Water Supply—Order of Ontario Railway and Municipal Board—Absence of Pressure at Outbreak of Fire—Duty to Maintain Supply—Negligence—Obligation to Protect Property of Rate-payers.

Action against the Corporation of the City of London and the Public Utilities Commission of London for damages for the loss