

Prendergast, J.]

CARON v. BANNERMAN.

[Jan. 17.]

*Costs—Taxation—Appeal from—Extraordinary circumstances  
—Inherent power of court to remedy case of hardship.*

There is no right of appeal, under Rule 684 or any other Rule of court, from a taxation of costs in respect of items which have not been objected to in accordance with Rule 968: *Snowden v. Huntingdon*, 12 P.R. 248; but the court, under its inherent power over procedure, may grant relief from any manifest hardship to any party due to circumstances for which he is in no way responsible.

The plaintiff's action, which was for the cancellation of an agreement of sale, was dismissed with costs, and the defendant's counterclaim for specific performance of the agreement was allowed with costs. On the taxation the plaintiff was not represented, as his solicitor was seized with a sudden and very grave illness preventing him from attending or instructing any person for him; and the taxing master allowed defendant two sets of costs of \$300 each, besides disbursements including \$1,524, for a medical witness from Toronto and other witness fees objected to on the appeal.

*Held*, that, whilst the court could not review the taxation on the merits, it was proper under the circumstances to make an order vacating the certificate of taxation and giving the plaintiff time to prepare and put in his objections to the taxation under Rule 968.

*Phillipps*, for plaintiff. *O'Connor*, for defendant.

Macdonald, J.]

WHALEY v. O'GRADY, ANDERSON CO.

[Jan. 24.]

*Company—Contract—Seal—Manitoba Joint Stock Companies Act, R.S.M. 1902, c. 30, s. 64—Agreement to re-purchase shares.*

The vice-president of the defendant company authorized an agent employed to sell certain shares of stock in another company to give the defendant's agreement to re-purchase the shares at the buyer's option on a certain date, but there was no evidence that the vice-president had been authorized by the company to enter into such an agreement.

*Held*, that such an agreement was not in general accordance with the powers of the vice-president and the necessity of the