

MACDONELL V. BLAKE—COSTS OF SOLICITOR AND COUNSEL ACTING IN PERSON.

by the communication laid before Convocation by the treasurer, Mr. Macdonell be informed that he must submit the charge indicated by him to Convocation in a formal shape in writing, with such verification as he thinks fit, before any action can be taken thereon.

At a meeting of Convocation held 27th May, 1884, it was

Moved by Mr. Murray, seconded by Mr. MacKelcan, and carried—

That Convocation is of the opinion that the charge of Mr. Macdonell against Mr. S. H. Blake is of such a character that it should be and is hereby referred to the Committee on Discipline, to investigate and to report thereon to Convocation.

At a meeting of Convocation, held on 7th of June,

The Committee on Discipline, to whom the complaint of Mr. Macdonell against Mr. Blake was referred for consideration, beg to report to Convocation that they notified these gentlemen to appear before them with their evidence, and that they appeared accordingly. Your committee heard the evidence adduced, considered the matter, and unanimously find that the complaint in question was utterly groundless, and that no case of professional or other misconduct has been made out against Mr. Blake.

The report was adopted.

Moved by Mr. L. W. Smith, seconded by Mr. James Bethune, Q.C., and carried,

That inasmuch as garbled statements of the proceedings before the Discipline Committee in the matter of the charges made against the Honourable S. H. Blake, seriously affecting that gentleman's position and standing, have found their way into the public press, the secretary be authorized to furnish such of the papers as may desire to publish an authentic statement of the facts a copy of the report of the committee as adopted by Convocation.

We do not know whether the Benchers propose to take any further action in the premises, but it certainly seems only reasonable when one member of the Bar is wantonly assailed and publicly libelled as a disgrace to his cloth by another member, and the charge is shown to be false, that the latter should be visited with the same punishment that he has sought to inflict on the former.

If the charge had been made to the governing body of the Law Society in the

first instance, and under different circumstances, we would have commended even misconceived and intemperate zeal for the honour of our profession; but it is difficult to believe that this was the motive that prompted the action taken.

The result of this fiasco is not merely that an innocent person has been wronged, but the whole profession has also been more or less brought into disrepute. We can fancy that Mr. S. H. Blake is not much troubled about the matter; it is the Bar that is most concerned.

It is possible that Mr. Macdonell may have been, from improper motives, wrongfully charged with presenting outrageous and excessive bills of costs. There was one simple way of setting himself right in this respect, and of showing to the world that Mr. Mulock and Mr. Edward Blake had wantonly assailed his professional reputation, and that was to have his bills of costs taxed by the proper officer. This does not seem to have occurred to him; but it is not too late even now to take this course; when this has been done the blame will rest on the right shoulders.

COSTS OF SOLICITOR AND COUNSEL ACTING IN PERSON.

The question as to the right of a solicitor suing or defending in person to recover profit costs was recently before the English Queen's Bench Division in the case of *London Scottish Permanent Benefit Society v. Chorley*, 12 Q. B. D. 452, 50 L. T. N. S. 265, in which the right was contested, and the Court (composed of Denman, Manisty, and Williams, J.J.) unanimously held that the solicitor had the right to recover such costs. The same point was also up before Hagarty, C.J., not long ago in *King v. Moyer* 9 P. R. 514, when the same conclusion was arrived at. Indeed, so long ago as *Smith v. Graham*, 2 U. C. R. 268 this