

due to them, and directing him to hand over to the said solicitors all title papers and other documents in the hands of the said solicitor, and in the alternative for an order striking the solicitor off the rolls.

A. J. Brady, for clients.

Solicitor, in person.

HON. MR. JUSTICE MIDDLETON:—The answer made by the solicitor is that the applicant, Michael McGrath, who is at present ill in St. Michael's hospital, does not desire this motion to be made, and that in an interview with the applicant Michael he expressed his desire for the solicitor to retain control of his papers and funds.

I do not think this objection can be taken as an answer to the motion, as in the absence of some direct attack the applicants must conclusively be taken to have authorised the proceeding launched in their name by their present solicitors. But as the matter was represented to me as being urgent, I thought it better to have enquiry made by the Official Guardian to ascertain the real wishes of this man, who is said to be in an extremely precarious condition of health.

The Official Guardian now tells me that he has seen Michael McGrath, that he is apparently upon his death bed, but is conscious, and has no hesitation in saying that he does not desire his funds or papers to remain with the solicitor, and that he has authorised the present proceedings.

I therefore make the order sought, directing the solicitor to at once hand over the papers and funds. I do not think that it is necessary to embody in the order the other direction sought; but of course, if the solicitor does not comply with the order made, this will follow in due course.

The solicitor must pay the costs of the application.