

could have earned in connection with the sand business which they were carrying on to the knowledge of the defendants. It is not clear that they could not have done some of the work as it was. Under all the circumstances I am not disposed to allow anything on this account.

I think the plaintiffs, however, are entitled to judgment for the respective sums of \$485.15, \$121.25, \$105.40, and also for the sum of \$500 for permanent injury to the scow, amounting in all to \$1,211.80, with interest on all said sums from the date of the writ and their costs of suit.

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HON. MR. JUSTICE SUTHERLAND.

JULY 9TH, 1912.

GROCERS WHOLESALE CO. LTD. v. BOSTOCK.

3 O. W. N. 1588.

*Solicitor—Lien for Costs—Judgment—Settlement or Compromise without Providing for Costs—Absence of Collusion or Improper Conduct—Jurisdiction—Costs of Petition.*

Petition by plaintiffs, a firm of solicitors, for a declaration that they were entitled to a lien on a judgment and that the Canadian Canning Co. be directed to pay their costs of the action in which the judgment was obtained. Petitioners had acted for defendant Bostock in the action of *Grocers' Wholesale Co. v. Bostock*, 17 O. W. R. 128, and after the judgment was pronounced the defendant company had come to a settlement with Bostock which petitioners alleged had had the effect of collusively depriving them of their costs incurred as solicitor for Bostock in the said action.

SUTHERLAND, J., *held*, collusion and improper conduct had not been proven though the surrounding circumstances were suspicious. *Reynolds v. Reynolds*, 26 T. L. R. 104, referred to. Petition dismissed but without costs.

This was a petition by the plaintiffs, a firm of solicitors, in which they asked for a declaration that they were entitled to a lien on a judgment, and that the Canadian Canning Company Limited, be directed to pay the amount of their costs in connection with the action in which said judgment was obtained.

M. Lockhart Gordon, for the petitioner.

H. E. Rose, K.C., for The Canadian Canning Co.

HON. MR. JUSTICE SUTHERLAND:—The action was commenced about July, 1908, by the Grocers Wholesale Company