

s. 23, and so our present Act and the Eng. Stat. 6 & 7 Vic. cap. 73 are substantially the same.

It is enacted by our present Statute as follows :

"1. That no suit at Law or Equity shall be brought for the recovery of *fees, charges or disbursements* for business done by any Attorney or Solicitor *as such* until one month after delivery of bill, &c. (as before), (s. 27).

"2. That upon the application of the party *chargeable* by such bill within such month any of the Superior Courts of Law or Equity, or any Judge thereof, &c., without any money being brought into Court, may refer the bill, &c., to be taxed by the proper officer of any of the Courts in which any of the business charged for in such bill was done (s. 28).

"3. That in case no application be made *within* the month, then the Court or Judge, upon the application of either party, may order a reference with such directions and conditions as he may deem proper, and may upon such terms as may be thought just restrain any suit for such demand pending the reference (s. 29).

"4. That no such reference shall be directed, &c, after a verdict obtained or writ of enquiry executed, or after twelve months from the time such bill was delivered, &c., *except under special circumstances* to be proved to the satisfaction of the Court or Judge to whom the application for the reference is made (s. 30).

"5. That in case either party having due notice refuses or neglects to attend the taxation, the officer, &c., may tax the bill *ex parte* (s. 31).

"6. That in case the reference is made upon the application of either party, and the party chargeable with the bill attends the taxation, the costs of the reference shall be paid according to the event of the taxation, except that if a sixth part be taxed off the costs *shall* be paid by the party by whom or on whose behalf such bill was delivered, and if *less* than a sixth part be taxed off thereby the party chargeable with such bill, *if he applied for or attended the taxation* (s. 31).

"7. That every order of reference shall direct the officer, &c., to tax the costs of the reference and to certify what upon the reference he finds to be due to or from either party, &c. (s. 32.)

"8. That such officer may certify specially any circumstances relating to such bill or taxation, and the Court or Judge may thereupon make such order as may be deemed right respecting the payment of the costs of the taxation (s. 33).

"9. That in case such reference be made when the same not authorized, except under special circumstances as hereinbefore provided, the Court or Judge in making the same may give any special directions relative to the costs of the reference (s. 34.)

"10. That where no bill has been delivered, &c., and where such bill if delivered, &c., might have been referred as aforesaid, any such Court or Judge may order the delivery of a bill and may also order the delivery up of deeds or papers, &c. (s. 35).

"11. That in proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of the bill delivered, &c. (s. 36).

"12. That any Judge, &c., on proof to his satisfaction that there is probable cause for believing that the party chargeable, &c., is about to quit Upper Canada, may authorize an Attorney, &c., to commence an action for the recovery of his fees, &c., although one month has not expired since the delivery of his bill, &c. (s. 37).

"13. That when any person not being chargeable as the principal party is liable to pay or as paid any bill, &c., the party so paying, &c., may make the like application for a reference, &c., as the party chargeable therewith might himself have made, &c. (s. 38).

"14. That in case such an application is made when under the provisions hereinafter contained, a reference is not authorized except under special circumstances the Court, &c., may take into consideration any additional special circumstances applicable to the person making it, &c. (s. 39).

"15. That for the purpose of any such reference, &c. such Court or Judge, &c., may order the Attorney, &c., to deliver to the party making the application a copy of the bill *upon payment of the costs of the copy* (s. 40).

"16. That no bill previously taxed shall be again referred, unless under special circumstances the Court or Judge, &c., thinks fit to direct a retaxation (s. 41).

"17. That payment of any such bill shall in no case preclude the Court or Judge, &c., from referring such bill for taxation if the application be made within twelve months after payment, and if the special circumstances of the case in the opinion of such Court or Judge appear to require the same, upon the terms and subject to the directions which to the Court or Judge seem meet (s. 42).

"18. That in all cases in which a bill is referred, &c., the officer, &c., may request the proper officer of any other Court to assist him in taxing any part of such bill, &c. (s. 43).

"19. That all applications made to refer any bill, &c., or for the delivery of a bill, &c., shall be made 'In the matter of such Attorney or Solicitor,' &c." (s. 44).

If space permitted we might make many observations in explanation of the above statutory provisions, but at present must briefly confine our remarks to two points. 1. Cases within the Act. 2. Effect of the Act upon special agreements.