

SEPTEMBER 22ND, 1904.

DIVISIONAL COURT.

RE SOLICITORS.

*Solicitor—Delivery and Taxation of Bill of Costs—Præcipe Order—Agreement with Clients—Special Order.*

Appeal by clients from order of TEETZEL, J., 3 O. W. R. 771, reversing order of Master in Chambers, 2 O. W. R. 1082, and setting aside a præcipe order for delivery and taxation of a bill of costs, without prejudice to a special application, upon notice, for an order.

W. E. Middleton, for appellants.

E. E. A. DuVernet, for solicitors.

THE COURT (MEREDITH, C.J., IDINGTON, J., MAGEE, J.), suggested a different order from that appealed against, and the order suggested was accepted by counsel. It was as follows. The præcipe order to stand, a provision being added making it clear that the solicitors may raise the question of the agreement set up and their not being liable to render a bill, and the taxing officer to report specially. Costs, including the costs of the motion to set aside the præcipe order and of the two appeals, to be disposed of by a Judge in Chambers after the taxing officer's report.

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MEREDITH, J.

SEPTEMBER 27TH, 1904.

CHAMBERS.

CANTIN v. NEWS PUBLISHING CO. OF TORONTO.

*Discovery—Examination of Past Officer of Company—Rule 439a—Rule 485.*

Appeal by plaintiff from order of Master in Chambers, ante 162, dismissing motion by plaintiff for an order to examine for discovery, under Rule 439 (a), as amended by Rule 1250, a person who was formerly a servant of the defendant company, but had ceased to be so.

W. N. Ferguson, for plaintiff.

Casey Wood, for defendants.

MEREDITH, J., agreed with the Master's opinion, and dismissed the appeal with costs to defendants in the cause.