

The petition was tried without a jury at a Toronto sittings.

W. N. Tilley, K.C., and T. R. Ferguson, K.C., for the petitioners.

Edward Bayly, K.C., for the Crown.

MIDDLETON, J., in a written judgment, said that the agreement of purchase and sale was printed as a schedule to the statute 6 Geo. V. ch. 18, by which it was validated and confirmed.

The retainer of the solicitors was not denied, and there was no dispute as to the services rendered by them. Several hundred titles of lands purchased were examined, in addition to some 500 agreements for easements. Full reports were made upon the titles examined; and the transaction was carried through to completion. In addition to the ordinary conveyancing, several difficult and important questions had to be considered and dealt with.

On the completion of the transaction, the solicitors made a copy of their docket entries, which shewed no money charges for services rendered, but gave full details of all disbursements, and forwarded it to the Minister of Lands Forests and Mines, in whose name the agreement had been made and who had given the instructions, suggesting that he should submit the copy of the entries to some competent person to settle the fee which should be paid. The Minister acted upon this suggestion, and referred the matter to Mr. K., a King's counsel, who reported that the proper value of the services rendered was \$25,900; that the cash disbursements amounted to \$5,689.33, and the total fees and disbursements to \$31,589.33, on which the solicitors had been paid \$7,000, leaving a balance of \$24,589.33 due.

By an order in council of the 4th May, 1916, under sec. 7 of the validating Act, the Hydro-Electric Power Commission of Ontario was appointed to administer the undertaking for the benefit of His Majesty; and by an order in council of the 4th November, 1918, the Commission was directed to pay the balance of \$24,589.33 to the petitioners, and charge the same against funds belonging to the Central Ontario system.

Nothing was paid, however; on the 29th October, 1919, the Attorney-General granted the petitioners a fiat for the presentation of a petition of right; and this petition was duly filed and served.

At the trial, the rendering of the services charged for was proved; Mr. K. shewed how he arrived at the amount which he recommended as fair remuneration for the services rendered; and two King's counsel of eminence testified that, having gone over the account with care, they found the amount claimed to be reasonable. No evidence was called for the Crown.