

STATEMENT OF MR. BARSS.

With regard to the matter in question, the business has been principally with Mr. King. The first I knew about the matter, Ferguson spoke to me on the Dartmouth boat. He told me that he was going to establish a Collection Office—that there would probably be accounts he would want to have sued. He asked if our firm could do it. I said he had better see Mr. King. I made no arrangement whatever with him. I never remember seeing any such card as the one in evidence. I have frequently seen his card published in the newspapers. I had nothing to do with issuing of card, and did not know till recently of its having been issued. No business has been solicited by Ferguson at my request, nor did I ask him to bring any to us. The advance was made by him in the first place. I never authorized him to sign my name or the firm's name, or Mr. King's name in blank, nor to use them in any way without our knowledge. I never knew of any contract being made with Ferguson, as stated in the Complaint, did not authorize it, and would not do it. I have been careful in every case to ask Ferguson, "Do clients want us to sue this?" He always replied that they did. In re Moseley vs. Hall, I saw Mr. Mosely; I am well acquainted with him, and had several consultations with him previous to trial. He knew we were acting for him.

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(Sgd.)

WILLIAM L. BARSS.

FINDINGS OF COUNCIL, AND KING & BARSS' COMMENTS THEREON.

RESOLUTION PASSED AT A MEETING OF THE COUNCIL OF THE BARRISTERS' SOCIETY, ON THE 15TH DAY OF APRIL INSTANT.

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A written Complaint, a copy of which is hereunder written, having, on the 18th day of February last, been made by Messrs. James J. Ritchie, N. H. Meagher and T. Ritchie, against Messrs. E. D. King & William L. Barss, and an investigation of such Complaint by this Council pursuant to the Bye-Laws having been demanded, and this Council having duly notified the parties complained of thereof, and the said complainants and the said E. D. King and W. L. Barss having appeared before the Council with their respective witnesses, and all the evidence offered having been taken, this Council do find that the following facts have been proved:—

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1. In the year 1883 one W. H. Ferguson established, on his own account and in an office of his own, an Agency at Halifax for the collection of debts. By advertisement and business cards he represented that he would make no charge against the persons employing him unless successful in collection.

COMMENT.—Finding No. 1 is misleading, and does not state the *whole* truth. The evidence shows that Mr. Ferguson's undertaking to "make no charge against the persons employing him unless successful," referred solely to *commission*, and that such persons agreed to pay, and in *numerous* cases *did* pay, Attorney's costs and Court fees *in full*, although no