

High Court, disposing of the costs in two actions on bills of costs brought by solicitors against their clients. A reference was directed to the local taxing officer at Windsor to tax the bills, and further directions and costs of the action and reference were reversed. The local officer made his report, from which both plaintiffs and defendants appealed. Upon the appeals MEREDITH, J., sent the bills for revision to Mr. Thorn, senior taxing officer at Toronto, and afterwards adopted his report and disposed of the appeals. Upon motion for judgment on further directions GARROW, J.A., gave judgment in terms of the report as varied upon the appeal, and awarded plaintiffs the costs of the action and reference.

The appeal was heard by BOYD, C., MEREDITH, J.

R. U. McPherson, for defendants.

F. A. Anglin, K.C., for plaintiffs.

BOYD, C.—I think the disposal of the costs of reference came up to be dealt with as on further directions by the Judge, and were not subject to the provisions of Rule 1185, which applies to summary proceedings, and not to cases where a writ has been issued and a judgment given in which the costs of action are reserved till after the report of the taxing officer.

This indeed has been already determined in this case upon the appeal to my brother Meredith.

The costs of reference as part of the costs of action have been given to the solicitor by my brother Garrow, and no ground has been pointed out which would justify us in interfering with his discretion.

The costs of that reference should be subject to close scrutiny, as it appears inexplicable why 27 days as alleged should have been occupied in taxing the bills of costs now in question.

In view of this burden to be borne by the client, I would not give costs of this appeal to the solicitors.

MEREDITH, J.—I agree in the result.