

unless they also come within the technical denomination of charitable purposes? If it might, consistently with the will, be applied to other than strictly charitable purposes, the trust is too indefinite for the Court to execute."

SOLICITOR AND CLIENT—COSTS—TAXATION—COMMON ORDER—MONEYS RECEIVED BY
SOLICITOR FOR CLIENT—COUNSEL FEES.

In re Le Brasseur, (1896) 2 Ch. 487, was an application by a client who was a barrister, to tax his solicitor's bill of costs. The common order for taxation was obtained, which included the usual direction to the solicitors to give credit for all sums of money by them received from or on account of the client. The client claimed that under this order the solicitors were bound to bring into their account certain counsel fees received by them for business (unconnected with the bill of costs) in which the client had been retained by them as counsel; but the Court of Appeal (Lindley, Lopes and Rigby, L.JJ.) agreed with Kekewich, J., that the solicitors could not be required to render any account of such fees. The Court of Appeal lays it down that the account which the solicitor is to render under the common order includes, and is confined to, all moneys which the solicitor in the character of solicitor or agent of his client has received, or is legally or equitably liable to pay over to the client, and against which (if sued by the client) he could set off his costs when taxed. The Court of Appeal reiterate the doctrine of *Kennedy v. Broun*, 13 C.B. (N.S.) 677, that the fees of counsel are an honorarium, and no action lies to recover them, and that the Court cannot and ought not to assist a barrister in recovering his fees.