

By Rule 5 of the Admiralty Rules, 1893, it is provided that the writ of summons shall be endorsed with a statement of the nature of the claim, and of the relief or remedy required, and of the amount claimed. The plaintiff's claim endorsed on the writ of summons was for damages for personal injuries caused to him by the defendant steamer. The Court negatived the action. The plaintiff then asked expenses incurred by him at hospital, under s. 207 of the Merchant's Shipping Act, 1894.

*Held*, that the claim could not be assessed under the endorsement of the writ of summons.

*A. A. Stockton, Q.C., and C. J. Coster, for plaintiff. J. R. Armstrong, Q.C., for defendant.*

## Province of Manitoba.

### QUEEN'S BENCH.

Dubuc, J.]

IN RE SOLICITOR.

[July 5.

*Costs—Taxation—Solicitor and client—Agency terms to solicitor abroad—Appeal from Master's finding as to facts.*

This was a taxation under an order of reference of bills of costs between solicitor and client. The solicitor had rendered his bills at \$769.59 being \$414.25 for fees, and \$355.34 for disbursements. He remitted one-half the fees or \$207.15 to the Toronto solicitors of the client through whom the solicitor had been employed, under an arrangement by which he was to allow them agency terms, and kept the balance of the bill, \$562.49, out of the money of the client in his hands. The taxing master deducted \$221.40 from the bills as rendered and certified that the solicitor should pay the costs of the reference, and should also pay the client the amount taxed off, namely \$221.40. On appeal from the report;

*Held*. 1. The rule of law requiring the solicitor to pay the costs of the reference if one-sixth or more is taxed off the bill is still in force in Manitoba.

2. Although the solicitor had remitted \$207.15 of the total bills to the Toronto solicitors of the client and only demanded the allowance of the balance, \$562.49, whereas the Master allowed him \$548.19, the bills to be taxed, for the purpose of the rule as to one-sixth, must be considered to be the full amount as rendered, and that the solicitor was liable for the costs of the reference, but not of the order of reference.

3. The Master's finding as to charges of negligence and mistakes on the part of the solicitor should not be interfered with.

4. The solicitor should have credit for the amount remitted to the Toronto solicitors as against the amount taxed off the bills, as they were