

The
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APPELLATE DIVISION.

DECEMBER 21ST, 1914.

*MacMAHON v. TAUGHER.

*Solicitor—Agreement with Client Made in Foreign Country—
Foreign Law—Lex Loci Contractus — Contingent Fee —
Share of Estate—Agreement Made after Relationship of
Solicitor and Client Arose—Duty of Solicitor—Absence of
Independent Advice—Action to Set aside Agreement—Evi-
dence—Extortionate and Unconscionable Bargain.*

APPEAL by the defendant Taugher from the judgment of
KELLY, J., ante 9.

The appeal was heard by MEREDITH, C.J.O., GARROW, MAC-
LAREN, MAGEE, and HODGINS, JJ.A.

I. F. Hellmuth, K.C., for the appellant.

C. A. Moss and O. H. King, for the plaintiff, respondent.

C. S. MacInnes, K.C., for the defendant the National Trust
Company, respondent.

MEREDITH, C.J.O.:— . . . It is not necessary, in my view,
to decide whether the validity of the agreement in question and
the rights of the parties under it are to be determined by the
law of Ontario or by that of California, for in either case the
nature and terms of the agreement and the circumstances under
which it was entered into are such that it must be held to
be extortionate and unconscionable so as to be inequitable
against the respondent MacMahon and not binding upon her.

As I understand the testimony of the witnesses who gave

*To be reported in the Ontario Law Reports.