

## QUEEN'S BENCH DIVISION.

LONDON, Feb. 5, 1891.

*In re* GRIFFITH et al.

*Solicitor—Refusal to Charge for Services rendered to Client—Power of Court to Order Delivery of Bill of Costs—6 & 7 Vict. c. 73, s. 37.*

Appeal from chambers.

Messrs. Griffith, Eggar & Griffith, a firm of solicitors, had conducted some proceedings in the Divorce Court on behalf of certain clients. The solicitors alleged that there was a verbal agreement that they should receive a sum of £1,000 for their services. After they had been employed a short time, the clients paid them £500 on account of expenses. Upon the termination of the proceedings, about two years later, the solicitors applied for the balance of £500. The clients demanded a bill of costs, with items, denying that they had ever entered into any agreement to pay £1,000. The solicitors thereupon refused to deliver a bill, paid the £500 they had received on account into the clients' bank, and wrote a letter refusing to make any charge for their services. The clients then applied for an order under 6 & 7 Vict. c. 73, s. 37, that the solicitors should deliver a bill of costs; but the master, on reading the letter of the solicitors repudiating all claim in respect of costs, refused to make the order. POLLOCK, B., affirmed the master's decision. The clients appealed.

The COURT (WILLS, J., and WILLIAMS, J.) were of opinion that the decision appealed from was correct; section 37 of 6 & 7 Vict. c. 73 had no application except in cases where there was a 'party chargeable,' and, after the solicitors' letter refusing to make any claim for costs, it was clear that the clients were not 'chargeable.' There was, therefore, no jurisdiction to make the order asked for, though the case might have been different if any misconduct had been imputed to the solicitors, by reason of the inherent power possessed by the Court over its officers.

Appeal dismissed.

## JUDICIAL SALARIES.

In the Senate, Sept. 24, Hon. Mr. Dickey rose to "call the attention of the House to the inadequacy of certain judicial salaries in the Superior Courts of the Dominion; and to enquire whether it is the intention of the Government to propose a remedy for the existing state of things?" He said: In calling attention to the insufficiency of the judges' salaries throughout the superior and higher courts of the Dominion, I wish to say that I do it on my own mere motion, and not on the suggestion of anyone. I have no personal interest in the matter beyond that which attaches to any member of this House who is interested in having an efficient administration of justice. Hon. gentlemen will all agree with me, I think, that this end will not be attained unless by an adequate and independent judiciary. The scale of salaries attached to those high offices was arranged shortly after Confederation, and I may say, speaking generally, without going into particulars, for I do not propose to quote figures, that the scale was made upon a basis of the salaries in the two larger provinces, being about \$1,000 above those of the smaller provinces. I do not stand up here to contend for a hard-and-fast uniformity in a matter of this kind, because the circumstances of the various provinces are somewhat different; yet, as the jurisdiction of the different courts is co-ordinate, I think some regard should be paid to this in any readjustment of salaries. A short time ago we had an hon. gentleman of this Senate called to a high position in Quebec. He was an ornament to this House, as I am quite sure he will be an ornament to the ermine that he wears. It has leaked out, and I presume it is correct, that his hesitation for a time in accepting that high position arose entirely upon the question of the insufficiency of the salary attached to the office and necessary to the maintenance of the high position which he occupies. That, I am prepared to say, is not a solitary instance. I am not standing here as an advocate of high salaries. I merely call the attention of the Government and the House to the position of this matter, and in connection with the fact that those salaries were arranged nearly a quarter of a century ago.