

*quo*, dismissing plaintiff's action on this head, and I should reverse the finding and give the plaintiff judgment.

"As to the question of the *quantum* of the bill, I am of opinion that the plaintiff had proven his claim.

"The actions were serious, and seriously contested. The charge in the Criminal Court was a serious charge, the preliminary investigation and subsequent trial extended over considerable period of time, and an examination of the plaintiff's bill read with the proof made, convinces me that his claim is not exaggerated, but is a fair claim for the services rendered. The charges was so serious in its nature that although the plaintiff was assisted by able counsel, conviction intervened against the defendant.

"I should reverse the judgment and give plaintiff judgment as sued for.

"I should be inclined to interpret articles 259 et seq. of the Code of procedure some what differently from the learned trial judge.

"The notice required to be given, in my opinion, under these articles, is for the protection of the adverse party, and in order that the suit may not be delayed, but at the same time protect the interests of the party whose attorney withdraws from the case; but I do believe that a statement by an attorney to his client that he will not further continue to represent him, and where that is acquiesced in by the client, that there is a complete surrender of the attorney's mandate, and as stated, the relationship of solicitor and client thereupon ceases, and it is open to the attorney to recover what may be due him for services rendered up to that time.

"It may be a correct statement as made by the learned trial judge, that it is incompatible with the relationship of