

DAVIDSON v. GOODWILL—ORDE, J.—MARCH 12.

*Solicitor—Action against, for Negligence in Giving Bad Advice—Evidence—Retainer or Employment not Shewn—Finding of Fact of Trial Judge—Dismissal of Action.*—An action for damages alleged to have been sustained by the plaintiff as the result of the alleged negligence of the defendant in advising the plaintiff as his solicitor. The action was tried without a jury at Peterborough. ORDE, J., in a written judgment, said, after making a full statement of the evidence, that he had come to the conclusion that the plaintiff never employed the defendant as his solicitor, and that there was nothing in the course of the negotiations to justify the inference that the defendant was employed or retained by the plaintiff either as a solicitor or in any other capacity. The plaintiff said that the defendant advised him to take cash for certain shares in an industrial company. It was that advice which the plaintiff pointed to as being negligently given. The defendant denied that he gave the advice. The learned Judge said that, upon all the evidence, it was not clear that the advice, if it ever was given, was not, in all the circumstances, quite proper and sound. Action dismissed with costs. R. R. Hall and C. R. Widdifield, for the plaintiff. J. F. Strickland and V. J. McElderry, for the defendant.