

The
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TORONTO, AUGUST 23, 1911.

No. 46.

COURT OF APPEAL.

MAGEE, J.A., IN CHAMBERS.

AUGUST 14TH, 1911.

RE SOLICITORS.

*Appeal—Court of Appeal—Leave to Appeal Directly from
Order of Single Judge—Taxation of Costs—Quantum of Al-
lowances.*

Motion by the clients for leave to appeal to the Court of Appeal from the order of BRITTON, J., ante 1421, dismissing the clients' appeal from the taxation by the Senior Taxing Officer of the solicitors' bill of costs and charges for services rendered to the clients.

J. A. Macintosh, for the clients.

J. A. McAndrew, for the solicitors.

MAGEE, J.A.:—The bills of costs are in respect of separate business; and, although it is said that Beach Brothers are by agreement liable to the Cobalt Power Company to indemnify the latter in respect of the amount found due from them to the solicitors, yet the solicitors have to look to the company for payment. The amounts at which the bills against both clients have been taxed are very considerable, and, although they are largely reduced by moneys credited by the solicitors as received, yet an amount remains due from each client exceeding \$2,000. The clients contend that the bills should be reduced to the extent of the whole balance found owing from each. Thus a considerable sum, exceeding \$2,000, is in question upon each appeal, and the clients wish to go direct to the Court of Appeal, instead of through the Divisional Court. But it is conceded that there is no question of principle involved in either appeal, and that it is sought only to reduce the bills by reducing the amounts allowed by the Taxing Officer, as being excessive—in other words, that it is the quantum meruit upon each item which is in dispute.