

HON. MR. JUSTICE MIDDLETON,

MAY 23RD, 1914.

RE JOSEPH S. MARTIN ESTATE.

6 O. W. N. 404.

*Solicitor—Fees for Surrogate Work—Tariff—Recommendation by
Surrogate Judge for Increase.*

MIDDLETON, J., *held*, that the tariff was intended to fix solicitor's fees at the sums named, and an increase should be only sanctioned in exceptional cases, "of an important nature."

This was the first application under the new Surrogate Court tariff for the allowance of an increased fee. The application was in re the estate of the late Joseph S. Martin.

HON. MR. JUSTICE MIDDLETON:—This is the first application under the recent Surrogate Court tariff for the allowance of an increased fee. The estate in question is comparatively small—\$8,500. The accounts are simple. There was no contest of any kind. The executors appear to have done their duty satisfactorily, and no one was disposed to complain.

The learned Surrogate Court Judge has certified, pursuant to sec. 5 of the tariff, for an increase of the fee allowed by the tariff from forty dollars to one hundred dollars, basing his recommendation upon the large number of beneficiaries and upon a hypothetical bill purporting to be made under the old tariff, which would amount to \$78 without any reduction on taxation, and upon the statement "my idea being that the new tariff was certainly not intended to reduce the amount of solicitors' fees."

The new tariff was intended to fix the fees at the sums named, an increase being only sanctioned where the case was one "of an important nature." This case was not either important or difficult in any way. After payment of debts and some legacies, the residue is to be divided equally between the testator's brothers and sisters and his wife's brothers and sisters; the children of any who are dead taking the parent's share. The will had been interpreted upon an application to the Court. It appears that no less than thirty copies of the appointment and fourteen copies of the accounts were sent by mail to the persons who were sup-