

(*Per* KILLAM, J.) There may well be a case in which a master hires out a servant to do work for a third party, and in which there would be no contract at all between the third party and the servant, who would remain all the time in the original service, though bound to obey such commands of the third party as were implied by the nature of the employment or the terms of the agreement.

Carr v. Clarke, 2 Chitty, 260, commented on. *Hebb v. Lawrence*, 222.

SEPARATE PROPERTY.

See HUSBAND AND WIFE.

SERVICE OF EX JURIS WRIT.

See PRACTICE, 6.

SERVING NOTICES.

See REAL PROPERTY ACT, 3.

SHORT LEAVE.

See PRACTICE, 9.

SOLICITOR AND CLIENT.

Costs — Taxation — Solicitor's bill—When referred for taxation.]

—A solicitor rendered a bill containing charges for conveyancing and also a lump charge of \$1,000, commission on a purchase. He afterwards divided the account by rendering two separate bills, one containing the conveyancing items and the other the charge for commission. He then brought this action to recover the amount of the two bills, claiming the commission under the common counts.

The defendant applied to have both bills referred for taxation.

Held, (Reversing the decision of TAYLOR, C. J.)

(1) When a solicitor's bill contains one taxable item the whole bill is taxable.

(2) That the first bill was clearly taxable, and the statute can not be evaded by the device of dividing the one bill into two.

(3) When there is no prescribed tariff the taxing officer must inform himself in the best way he can as to the proper amount to allow. *Howard v. Burrows*, 181.

SPECIAL ENDORSEMENT.

See MOTION FOR JUDGMENT, 1.

STATUTES.

Administration of Justice Act, 1885, s. 52 457
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