

the subject, I take to be the law in such cases. But what I cannot understand is the "principle" which both the learned Judges seem so satisfied is not being violated, and that, therefore, the whole question is one of amount. I could understand the use of the term as applied to items governed by an authorised tariff; but it is conceded that the items complained of are not tariff items; and the only principle applicable to them, so far as I am aware, is, that the solicitor shall recover the value of his services—in other words, he shall recover as upon a quantum meruit. What the value of the services is is a question of fact to be determined as in other cases by proper evidence, which means, of course, here, the evidence of experts of experience—the Taxing Officer being, of course, at liberty freely to apply his own special knowledge and experience in addition. And his result or conclusion in such a case must on principle be just as open to review as that of any other judicial officer dealing with a question of fact, just as, for instance, an assessment of damages by a Judge at a trial without a jury, for it would certainly be odd and not reassuring to the public that, while this Court may, as it constantly is called upon to do, review the findings of a trial Judge, or even of a Divisional Court, upon a question of the quantum of damages, it is powerless to act in such a case as this.

There does not appear to have been a large amount of evidence given before the learned Taxing Officer, and what was given does not seem to me to be very definite or conclusive. In the argument before us reference was made to other experienced gentlemen, familiar with the class of work in question, who might have been, but were not, called. And there must, we would think, be no dearth of such evidence.

Upon the whole, I have come to the conclusion, reluctantly I admit, that the clients are entitled to have the taxation at least partially re-opened for the purpose of shewing, if they can, that the bills in question should be still further reduced. The amounts, even as allowed, are certainly very large. They greatly exceed the amounts as entered in the solicitors' dockets, which, while not conclusive, ought to be at least *prima facie* evidence of what the correct charges should be. The whole account need not, of course, be gone into, but only those items of which the client still complains, which are all, I think, set out in the judgment of Riddell, J. Both parties, as to these, will be at liberty to call further evidence, and the clients will take the risk in costs, if in the end they fail to obtain a further reduction.