

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

DECEMBER 31ST, 1918.

LYNCH-STAUNTON v. SOMERVILLE.

Solicitor—Bill of Costs—Action to Recover Amount of—Solicitors Act, R.S.O. 1914 ch. 159, sec. 34—Services Rendered by Plaintiff in Capacity of Solicitor—Lump-sum Charged for Specific Items of Services—Compliance with Statute.

Appeal by the plaintiff from the judgment of MASTEN, J., 43 O.L.R. 282, 14 O.W.N. 282.

The appeal was heard by MULOCK, C.J. Ex., CLUTE, RIDDELL, SUTHERLAND, and KELLY, JJ.

Christopher C. Robinson, for the appellant.

H. S. White, for the defendants, respondents.

RIDDELL, J., in a written judgment, said, after stating the facts, that he agreed with the learned trial Judge that the bill of costs sued on was such as is covered by sec. 34 of the Solicitors Act, R.S.O. 1914 ch. 159, but was unable to follow him in his decision that the bill as rendered was not a sufficient compliance with the Act.

The present bill was easily distinguishable from those in question in *Gould v. Ferguson* (1913), 29 O.L.R. 161; *Philby v. Hazle* (1860), 8 C.B.N.S. 647, 7 Jur. N.S. 125; *Wilkinson v. Smart* (1875), 33 L.T.R. 573; *Blake v. Hummell* (1884), 51 L.T.R. 430.

In *Gould v. Ferguson* the Court did not—and did not affect to—overrule *Re R.L. Johnston* (1901), 3 O.L.R. 1.

Taking the lump-sum of \$700 in the present bill, there was a detailed chronological account of what was done by the plaintiff in his negotiation leading up to settlement, so set out that the client could have no difficulty in exercising a judgment whether to pay or to have the bill taxed; and there was ample to enable the Taxing Officer to determine what (if anything) ought to be taxed off; and, therefore, it was sufficient.