

ANGLIN, J.

DECEMBER 2ND, 1907.

CHAMBERS.

RE SOLICITORS.

Solicitors—Taxation of Costs—Order for Obtained by Solicitors ex Parte—Services Rendered by Solicitors as Parliamentary Agents—Presumption as to Professional Character—Absence of Tariff—Nature of Services Rendered—Agreement for Fixed Remuneration—Conflict of Testimony—Reference to Taxing Officer—Costs.

Motion on behalf of a client to set aside an ex parte order for taxation obtained on 27th May, 1907, by his solicitors, who had delivered their bill of fees, charges, and disbursements on or about 20th April, 1907.

R. McKay, for the client.

Grayson Smith, for the solicitors.

ANGLIN, J.:—The grounds upon which it is sought to set the order aside are: first, that the services covered by the solicitors' bill were rendered not as solicitors but as parliamentary agents; and, second, that there was an agreement between the solicitors and the client fixing the amount of the remuneration.

As to the major part of the work covered by the bill, after carefully perusing all the material, it is my opinion that although a considerable part of the work charged for is such as might have been done by a parliamentary agent not a solicitor, other services for which remuneration is claimed were certainly of the kind which only a solicitor would be expected to render. For instance, advice appears to have been obtained, and is charged for, in connection with the scope of the Dominion Railway Act, 1903, and of the Ontario Railway Act, 1906; the advantages and disadvantages of charters for railway purposes issued by the Dominion and provincial governments, respectively, were explained to the client, and advice was also given as to the requirements with regard to number and qualifications of directors, capital stock, bond issue, etc. The correspondence between the solicitors and Mr. Fitzpatrick is fully set out in the affidavit of Mr. Dunn, and a perusal thereof makes it reasonably clear to me that the business which