

Papers filed in Chambers may sometimes have to be brought into Court. Such as if an order is made for an attachment the order is generally endorsed on the papers; these papers on issuing the attachment must be filed in Court; formerly it was necessary to file these in Chambers, when the fees were paid the Clerk, and subsequently when the writ was issued they were filed in the Court and stamped. Since the Judicature Act papers when once filed in a cause are considered filed for all purposes, times and places in the Court, and I would advise you not to charge a second filing. I would simply, when they are required in Court for such a purpose, put on the stamps out of the filing fees in Chambers in case any question arose and thereby avoid bringing up the question of stamps in Chambers. I am sure it will not be to your interest to have this question brought up.

When asked to give an appointment to tax Sheriff's interpleader costs the order of a copy of it, under which the taxation is to take place, should be produced to you and a copy of the order should be filed with you on the taxation.

Under the Judicature Act I think a taxation of a bill of costs between Solicitor and Client under an order is a reference, to the fees of which the Clerk is intitled to his own use.

I do not think a Retainer can be taxed in England but in Canada it has always been taxed when it is shown that the case justified such a charge in fairness, and that the client agreed to pay it and at the time he did, so he was informed by his solicitor that it was a fee that could not in any event be recovered from the other side. The amount of the retainer should be stated, otherwise it is very unsatisfactory; but I suppose that even where no amount is stated the officer would have a discretion in a case clearly justifying such a charge to fix a reasonable amount.

If a Solicitor obtains a copy of an examination for his own use not for purpose of proof I do not think he should be allowed for copying out this copy in his brief; he should annex the copy and thereby make it part of his brief.

No allowance is made for affidavit of service of notice of trial.

One affidavit is allowed of service of notice to admit and produce, not two, as they should be served at the same time; there may possibly be an exception to this but it is a very rare one.

Where an order is made to amend, say, a writ appearance statement of claim, etc., each must be amended and a thirty cent amendment stamp put on each; but any number of amendments may be made of the one paper and only one stamp should be charged.

Where a case is tried without a jury and the Judge merely non-suits without any further direction it is a question whether or not Defendant is entitled to enter a judgment; he may perhaps be so under Rule 330, and I would enter it if required, but unless the Judge has expressly ordered the Plaintiff to pay the Defendant his costs the Defendant gets none and no judgment can be entered for any.

Sheriff's interpleader costs.

Taxation, Solicitor and Client, a reference.

Retainer, allowance of.

Copies of examinations, briefs.

Notice of trial, affdt. service.

Notice to admit and produce affidavit of service.

Amendments of several pleadings, etc.

Non-suit order for judgment, costs.