

STAMPS ON BILLS AND NOTES—ATTORNEY'S COSTS.

drawn in this Province, and by the acceptor or first indorser within the Province where the instrument is made or drawn without the Province:

In case the duty has not been paid as before mentioned, any subsequent party to such instrument, or person paying the same, may render the same valid by affixing stamps to double the amount of duty required, and writing his signature or initials on the stamp or stamps so affixed.

This Act governs the period of time from 1st of August 1864 to 1st of January 1866.

3rd. The Act 29 Vic. cap. 4 amends the last Act. It makes a duty payable on all notes, drafts and bills, even if less than \$100, as follows: if the note, draft, or bill does not exceed \$25, that is, for \$25 and under, a duty of one cent is imposed, when over \$25 and not exceeding \$50 a duty of two cents, and a duty of three cents if over \$50 and less than \$100. This portion of the amending Act came in force on the 1st of January, A.D. 1866, and continued to regulate payment of duty on notes drafts, and bills, under \$100 until the first day of February, A.D. 1868.

29 Vic. cap. 4 also amends 27 & 28 Vic. cap. 4, by providing that it shall not be necessary to obliterate any stamp by writing the signature or initials upon it, but that the person affixing such stamp shall, at the time of affixing, write or stamp thereon the date when it was affixed. This last amendment regulates obliteration of stamps, from 1st October, 1865, to 1st February, 1868.

4th. We now come to the Act regulating the law as it now is, and has been since the first day of February, A.D. 1868. We would premise, first, that this Act does not affect notes, drafts, or bills under \$25, and, that as regards such notes, drafts and bills, no duty is now payable. The duties payable by this Act are, for notes, drafts, or bills which amount to but do not exceed \$25, a duty of one cent; over \$25 but not exceeding \$50, two cents; over \$50 but not exceeding \$100, three cents; when drafts or bills are executed in more than one part, the duty is payable in the same ratio as provided by the Act of 1864, 27 & 28 Vic. cap. 4, before set out. The duty shall be paid by stamps, which are to be obliterated by signature, initials, or some material or integral part of the instrument written thereon,

in the same way as mentioned in reference to the Act of 1864, or they may be obliterated by writing or stamping thereon the date of affixal?

It is necessary under all the statutes referred to, when any interest is made payable at the maturity of the bill, draft, or note, that it should be added to the principal amount when calculating the amount on which duty is to be paid.

We might draw attention to the great necessity there is for seeing that the stamps are properly cancelled. A case lately argued in the Court of Queen's Bench (*Young v. Waggoner*, 29 U. C. Q. B. 37) decides that even if there are sufficient stamps on the note, draft, or bill, still if they are not *all* cancelled they might as well not be on the note, so that it would be well where one stamp is placed over another, as is often done, (though we think it a bad practice), to see that the under one is cancelled.

Another point to be observed is, that if a note, draft, or bill comes into a holders hands insufficiently or improperly stamped, the double duty must be paid by affixing the stamps at once, as otherwise it is of no avail: *McCalla v. Robinson et al.*, 19 U. C. C. P. 113.

Such defences as want of stamps, or improper cancellation and the like come under the head of statutory defences, and in Division Courts where the defendant wishes to get the benefit of the statutory Act, he must serve the necessary notice that he intends to take such objection at the trial, otherwise he will be unable to avail himself of his defence.

ATTORNEY'S COSTS.

A Bill has been introduced into the British House of Commons, for amending the law relating to the remuneration of attorneys and solicitors, which, if passed, will effect a radical change in the present system. We have not heard what has been the result of the proposed measure, but it is worthy of passing notice even if it has not become law.

It is proposed by the Bill to give attorneys and solicitors increased rights in contracting with their clients, both with respect to costs and to their liability for negligence. It is an approach to the system, almost universal, we believe, in the United States, where the attor-