

Questions,
answer to.

ANSWERS TO QUESTIONS.

From Question Drawer at the Meeting.

Fee book, Surrogate charges in. The charges in Surrogate matters I would enter in Fee book when completed, but if not carried to completion, then enter the fees as far as they have gone. I would enter in the Fee book the stamp cancelled by the Surrogate Clerk. I think the Clerk is intitled to charge for copy of probate given for the purpose of registration.

Stamp cancelled by Surrogate Clerk.

Copy of Probate for Registration, charge for.

Surrogate Special Attendance, wrong charge. The Law provides no such charge or allowance for Judges, as one dollar special attendance on granting of probate and no such charge can be legally made.

Joinder of issue, allowance for. As to joinder of issue see minutes 10/83.

594, Indorsements under. Indorsements under 594 should be made on all writs of execution concurrent and otherwise.

Chattel Mt'g., Power of Atty. Filing. No charge can be made for filing power of Attorney with a chattel mortgage; there is no provision for such a charge.

Chattel Mt'g., entry of amt. of Renewal in fee book. It is not necessary to enter amount for which chattel mortgage is renewed in your fee book; all is wanted is the entry of amount of original mortgage.

Item 123, to what applies. Item 123 of tariff does not apply to action brought on covenant in mortgage. It applies to foreclosures, etc., etc.

Præcipes, Goods and Lands, Renewal. Only one Præcipe is necessary for writs, goods and lands, or for renewal of same; of course, being only one filing, only one-10 stamp can be charged.

Interpleader, where money to be paid in. In case in H. C. when Interpleader order made issue to be tried in C. C., the Sheriff should pay money payable into Court into the Accountant of the Supreme Court at Toronto.

Counsel fees, how to determine. In determining a Counsel fee to be allowed the officer should consider the pleadings, evidence, time, importance, witnesses and difficulty of a case.

Clerk's powers not altered by Act. Under Chancellor Boyd's decision, I understand that 48 Vic. Cap. 13, sec. 22, the powers of taxing officers are only the same as they were before the Act.

Attendances for writs. Solicitors are entitled to attendances for writs under Rule 544.

Attendances. No more attendances in a cause than are necessary should be allowed. This question is too general, it should have given instances.

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