

NEW TARIFF FOR COUNTY COURTS.

11. In all cases it is necessary to prove who is in the *actual occupation* of the lands in question.

12. Whenever a notice is required to be served on any person appearing to have any adverse interest, it is advisable that the reason of the notice being served should be stated: (*e.g.*, where the notice is required to be served on a person appearing to have a claim for dower, the notice should state "this notice is served upon you because it appears from the evidence adduced before me that you may have some claim or right to dower in the said premises, and because the petitioner claims to be entitled thereto free from any such claim or right.")

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We are happy to be able to inform the profession that a new tariff in County Court cases has been framed by the Judges of the Superior Courts of Common Law, at Toronto, and his Honor Judge Gowan, associated with them under the Act in that behalf. By the new tariff the fees allowed to counsel and attorneys will be somewhat more commensurate to the work done than were the fees under the old table of costs. The work in a County Court case is very frequently as troublesome and difficult as in contested cases in the Superior Courts, and it has long been felt that the fees allowed under the existing tariff were quite inadequate to the work and labor often necessary in such cases. An examination of the new tariff would seem to show that whilst the fees mentioned therein are certainly not more than the labor calls for, they will in contested cases be considerably increased; in ordinary suits there will be an increase, but not much.

The new tariff will come into force from and after the first day of March next (1874).

In order that the profession may have

some idea of the nature of the proposed change, and of the increase likely to be made by the new tariff, we will mention a few of the fees, comparing them with the fees allowed under the existing table of costs.

The first item of a suit, namely, instructions to sue or defend, has been doubled—\$2 under new tariff, only \$1 under the old. This item, of course, occurs in every suit, whether contested or not, but only once. Common declaration under the new tariff is \$1, and each copy 75c., and both attendance to file and serve is allowed—under the old tariff \$1.25 was allowed for declaration, but only one copy was allowed and only one attendance, either to file or serve, so that there is an increase here of 75c. An important item occurring in every contested suit, and not allowed by the existing tariff, is given by the new tariff, namely, Instructions for pleading, \$1. For several attendances that are in a measure special, the fees are doubled, such as attendance at Judge's Chambers, 50c.; Attorney attending Court, \$1; attending Clerk to ascertain amount due by a British subject under order of a Judge, \$1; taxation of costs on *postea* fee doubled, \$1. Several very necessary fees are also allowed to counsel by the new tariff, which have not been taxable hitherto, such as revising pleas, not more than \$2; advising on evidence, not more than \$3. In the matter of counsel fees at trial, the power of the Judge and Clerk has very properly been extended. Cases in the County Court not unfrequently last two or three days, and the fees hitherto have been very inadequate. We think the power of the Judge might have been extended even further than by the new tariff; under it, however, the Clerk may tax up to \$10, and by order of the Judge up to \$20. It will be seen that the increase does not touch the ordinary small matters in a suit; for example, the present absurdly