

referred to a Master, and accordingly no witnesses were subpoenaed, and a reference was directed at the sittings ;

Held, that the taxing officer has no discretion to allow an increased counsel fee with brief at trial, as the action could not be said to be of a special and important character, nor to allow a fee for advising on evidence.

The reference lasted for one hundred and thirty-seven hours, eighteen of which were occupied in argument. Nearly the whole of the time was devoted to the main matter in contest, viz., whether the defendants should be charged with an occupation rent, and, if so, at what amount. The Master found that they were chargeable with a rent of \$312.50. The taxing officer allowed the solicitor \$302 for the time occupied in taking the evidence, and \$47 for the argument.

Held, that the allowance of counsel fees upon a reference, under clause 107 of the tariff, should be exceptional, and made only when matters of special importance or difficulty are involved at some particular sitting ; and, also, that the taxing officer should have taken into consideration the unreasonable time occupied over so small a matter, and have exercised his discretion by confining the solicitor to the minimum allowance of \$1.00 an hour, under clause 104 of the tariff, for the argument as well as for the taking of the evidence.

The taxing officer allowed the solicitor \$77.50 for brief upon appeal from the Master's Report ; this amount included \$67.80 paid to Master for copies of the depositions.

Held, that the solicitor had no *prima facie* right to order and charge for these copies, and, in the absence of any authority from his clients, should not be allowed for them upon taxation.

The taxing officer allowed the solicitor \$35 counsel fee upon the appeal, \$12 for travelling expenses, and \$10 counsel fee upon the plaintiff's motion for judgment, which came before the court with the appeal.

Held, that these allowances, though liberal, were not so clearly wrong as to justify the court in interfering.

W. E. Middleton for the clients.

Tremear for the solicitor.

COUNTY COURT OF LEEDS AND GRENVILLE.

COSSITT ET AL. v. STEWART.

[Nov. 13, 1894.]

Division Courts—Jurisdiction—Division Court or County Court costs.

The defendant gave to the plaintiffs an order partly written, and partly printed, dated and addressed to the plaintiffs, which said : "Please supply me with one of your bindloachines and ship the same to me about the 1st day of August, 1894, to Mount Forest station, for which I agree to pay the sum of one hundred and thirty-five dollars on delivery, as soon as tried, I paying expenses of carriage from that place, as follows, etc."