reason unexplained, the names of the individual partners were inserted in the summons. In garnishment proceedings the firm could not be garnished in its partnership name: *Walker* v. *Rooke*, 6 Q. B. D. 631, but under s. 108, ss. 4, of the Division Courts Act, this action certainly could be brought against the firm. However, as no objection was made to the suit against the individual members of the firm, it cannot be made now. But a clerk is only allowed to tax costs for what he does, and the charge, therefore, must be allowed by the tariff. In this case the defence was put in by a well-known firm of solicitors. Notice was admitted to have been given to them, and to the plaintiff or his solicitor. This was the proper way of giving notice of the adjournment (if necessary to give notice at all), and as only two notices were given, three notices cannot properly be taxed. The sum of 15c. must come off this item.

Item 11 is incorrect, and must not be charged against the defendant, for reasons which will hereafter be given as to the disallowance of some of the witness' fees—the plaintiff must bear these himself—35c. is struck off.

Item 12—"Entering bailiff's return of service of subpœna, 25c.," is admittedly wrong, and must be disallowed.

Item 13—"Affidavit of service" of subpœna, I suppose is correct, because that would apply and be necessary in the case of witness or witnesses properly allowed.

Item 14—Adjournment from Feb'y 15th to Feb'y 16th. The facts are that the business of the court was not through on the 15th, and *the court* was adjourned until next day. The charge for this cannot be made under the tariff. The only item in the clerk's tariff of fees under which it is contended the charge is right is the 17th, it says: "Every order of reference or order for adjournment made at hearing, and every order requiring the signature of the judge and entering the same, 25c." There was no adjournment of the cause; it only stood over until the next day, because it could not be tried on the first day of the sittings. In such cases there cannot be any charge made by the clerk. If *a cause* is adjourned from one sitting to another, the charge is proper, but not if the court is adjourned. This item 25c. taxed against the defendants must come off.

The next charge objected to, is an adjournment so-called from the day of hearing, the 16th of February, until the 24th of the same month. The fact is that the deputy judge took eight days to consider his judgment under s. 144 of the Division Courts Act. While the judge is taking time to consider a case and has reserved his decision, there cannot and is not an adjournment of the cause.

This item is not taxable, and must be deducted. It amounts to 25c.

It is objected that item 16 should not be allowed, for transmitting papers to the judge "on application to him." As a general thing in cases in town papers are left with the clerk when judgment is reserved, and by him handed to the judge afterwards. I do not think that item 23 of the tariff covers it. It is an obligement to the judge, but cannot be considered "Transmitting papers to judge on application to him." Should they be transmitted for the purpose of any pending application it would be allowable. As quarter is neither asked nor allowed in this case, I must decide that the 25c. must be disallowed.

Under any circumstances the tariff does not disallow necessary postage. The 17th item, 5c. postage, must therefore remain.

The next item objected to is the 19th on the annexed bill (the item preceding it is "Entering judgment, 50c.," which is not objected to), and this is "Notices to plaintiff and defendant, 30c., and postages, 10c.—40c. It may be a matter of kindness for the clerk to notify the unsuccessful party of the amount of his liability, but there is no item in the tariff for the allowance of anything for it. There is no law *requiring* it to be done. It is simply a *voluntary* act, which cannot create a legal liability.

It is contended by the clerk that the 21st item, "Filing affidavit of disbursements, 25c.," is allowable under item 7 of the tariff. That item is in these words, "Entering and noting every defence or notice of admission in procedure book, 25c." The meaning, if there were doubt, is to be found in the remaining part of that item; it is in these words, "To be paid in the first instance by the defendant or other person entering it, but it may be afterwards taxed against the plaintiff, should costs be given against him." It will thus be seen that it is quite clear the item does not refer to an affidavit of disbursements filed by the plaintiff, but to a "defence or notice of admission," which could only be filed by the defendant.