

A. B., entitled C. D. to specific performance of the agreement from the representatives of A. B.

M. R. GREEN V. LOW. June 25.
Specific performance of one branch of an agreement after failure of the rest.

Under an agreement to grant a building lease, including a covenant to insure in a particular office in the joint names of lessor and lessee, and to give the lessee an option to purchase for £500, the lessee built a house at the cost of more than £1000, and insured in his own name only, and in the wrong office. The lessor brought ejectment, and the lessee thereupon claimed to exercise his option of purchase, and specific performance of this part was decreed.

COSTS UNDER THE ACT FOR THE RELIEF OF INSOLVENT DEBTORS.

The following Table of Fees we believe has not before appeared in print, and is now especially necessary to be known on account of the recent enactments:—

*In the Court of Queen's Bench, }
Hilary Term, 9th Victoria. }*

It is ordered that Fees for the undermentioned Services be allowed as set down in the following Table of Costs, settled under the Statute 8th Victoria, entitled An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned:—

JUDGE OR COMMISSIONER.

Fee on each order for protection, *ad interim*, 2s. 6d.—For nomination of official assignee, 2s. 6d.—For meeting of creditors and directing notice to be given, 2s. 6d.—To compel attendance of petitioner or other person, 2s. 6d.—For the purpose of disclosing or for the production of books or papers, 2s. 6d.—For appraising excepted articles, 2s. 6d.—To transfer stock, funds, or securities, 2s. 6d.—On each order to substitute name of surviving or new assignee, 2s. 6d.—Respecting costs on motion for rescinding petition, 2s. 6d.—Final order for protection, 5s.—For discharge of petitioner, 5s.—Refusing final order of protection, 5s.—For rescinding final order of protection, 5s.—For remanding prisoner to custody, 5s.—For official assignee to sell, 5s.—Respecting a lease or agreement for a lease made or to be made to petitioner, 5s.—By the assignee to sell and to assign debts, 5s.—On each order on a claim or an objection to a claim, 5s.—On every other order not special, and necessary to be made in each case, 2s. 6d. On each attendance at an examination of an Insolvent for hearing, not exceeding 5s.: in the whole for such attendances in the case of any one estate, 25s.—Each warrant of commitment or other attachment for bringing up prisoner, 2s. 6d.—Every certificate of appointment of assignee, 2s. 6d.—Authenticating every copy of order of protection or appointment of assignees, or other proceeding in a case of insolvency, 2s. 6d. On every notice of making final order, 2s. 6d.—On each affidavit, 1s.—Taxing costs and certificate thereof, 2s. 6d.

TO THE CLERK.

Fee for filing petition for protection with Schedule, 1s.—Drawing every order for protection *ad interim*, 1s. 3d.—Each renewal for protection, 1s. 3d.—Each order of appointment of assignee, 1s. 3d.—For attendance of petitioner or other person for the purpose of disclosure and for production of books, papers, &c., 1s. 3d.—To appraise excepted articles, 1s. 3d.—To substitute the name of surviving assignee or new assignee, 1s. 3d.—Notice of final order, 2s. 6d.—Final order for protection, 2s. 6d.—Every order for rescinding final order for protection, 2s. 6d.—Every order for discharge of petitioner, 2s. 6d.

Order on official assignee to sell, 2s. 6d.—Order respecting lease or agreement for lease to petitioner, 2s. 6d.—Order for a dividend, 2s. 6d.—Order on assignee to sell or assign debts, 2s. 6d.—On every writ or warrant of commitment or attachment, 2s. 6d.—Every summons to a witness, 1s. 3d.—Drawing certificate of appointment of assignee, 1s. 3d.—Swearing affidavit, 1s.—Every order not hereinbefore specified and necessary to be made, 1s. 3d.—Copies of all proceedings made by judge or commissioner, or by desire of party per folio of 100 words, 6d.—Every certificate of authentication, 1s. 3d.—Filing each necessary proceeding in a case, 6d.

TO THE ATTORNEY.

Fee for attending in prison and taking instructions from petitioner, 5s.—Taking instructions when party is at large, 2s. 6d.—Drawing and engrossing petition, 5s.—Attending and taking instructions for Schedule, 2s. 6d.—Preparing Schedule, per folio, 6d.—Preparing petition, per folio, 4d.—Attending a party in prison to same executed and signed, 5s.—Attending for the same purpose when party at large, 2s. 6d.—Attending judge or commissioner with petition, and to obtain the *ad interim* order, 2s. 6d.—Preparing notice of petition and procuring it to be published, 5s.—On each copy of notice served on a creditor, 1s.—Every common affidavit, including attending, 2s. 6d.—Each special affidavit, 5s.—All necessary copies per folio, 4d.—Attending each examination of petitioner or other parties, 5s.—Copy of each rule, order, or notice, and service thereof, 1s. 3d.—Preparing each notice or advertisement, 2s. 6d.—Each copy for publication or service, 1s.—Each necessary special attendance, 2s. 6d.—Bill of costs and attending taxation, 2s. 6d.—Disbursements for printing to be allowed on affidavit.—Each service of notice, 1s.—Mileage, per mile 6d.—Brief on each special motion, 5s.

COUNSEL FEES.

Fee on brief where motion or application not special, 10s. On brief or motion to make or rescind final order, or on application special in its nature, 25s.

SHERIFF OR CONSTABLE.

In executing Warrants or Writs of Attachment, the same charges as in Process from District Court.

WITNESSES.

The same as in the District Court,

(Signed)

J. B. ROBINSON, C.J.
J. B. MACAULAY, J.
JONAS JONES, J.
A. McLEAN, J.

THE DIVISION COURT DIRECTORY.

Intended to show the number, limits and extent, of the several Division Courts of Upper Canada, with the names and addresses of the Officers—Clerk and Bailiff,—of each Division Court.†

COUNTY OF WENTWORTH.

Judge of the Division Courts, ALEX. LOGIE, Esquire—Hamilton,

First Division Court.—Clerk, William R. Macdonald,—Hamilton P.O.; Bailiffs, Samuel Davis and William A. Smith,—Hamilton P.O.; Limits—The city of Hamilton and the townships of Barton and Glanford.

Second Division Court.—Clerk, Alexis F. Begue—Dundas P.O.; Bailiff, George W. Wright,—Dundas P.O.; Limits—The townships of Ancaster and West Flamborough, including town of Dundas.

Third Division Court.—Clerk, Andrew Hall,—Waterdown P.O.; Bailiff, John Graham,—Waterdown P.O.; Limits—The township of East Flamboro'.

Fourth Division Court.—Clerk, William W. Barlow,—Rockton P.O.; Bailiff, Charles Babcock,—Rockton P.O.; Limits—The township of Beverly.

Fifth Division Court.—Clerk, John J. Bradley,—Stoney Creek P.O.; Bailiff, Stid Springstead,—Stoney Creek P.O.; Limits—The townships of Saltfleet and Glanford.

† Vide observations ante page 198, Vol. I., on the utility and necessity of this Directory.