

DIARY FOR MAY.

1. Tues. . . . Supreme Court sittings. St. Philip and St. James.
2. Wed. . . . Sup. Ct. of Can. sittings. J. A. Boyd, 4th Chan., 1887.
6. Sun. . . . 5th Sunday after Easter.
7. Mon. . . . Lord Brougham died, 1868, at 90.
8. Tues. . . . Ct. of App. sittings. Gen. Ses. and C. C. sit. for trials in York. 1st Inter. Exam.
10. Thur. . . . and Inter. Exam. Ascension Day.
13. Sun. . . . 1st Sunday after Ascension.
15. Tues. . . . Solicitors' Examination.
16. Wed. . . . Barristers' Examination.
20. Sun. . . . Whitsunday.
21. Mon. . . . L. S. Easter Term begins. H. C. J. sit. begin. Confederation proclaimed, 1867. Lord Lyndhurst born, 1772.
24. Thur. . . . Queen Victoria born, 1819.
25. Fri. . . . Princess Helena born, 1846.
27. Sun. . . . Trinity Sunday.
28. Mon. . . . Battle of Fort George, 1813.
31. Thur. . . . Parliament of U. C. first met at Toronto, 1797.

Reports.

DIVISION COURTS.

[Reported for the CANADA LAW JOURNAL.]

FIRST DIVISION COURT, COUNTY OF WENTWORTH.

FOSTER v. THOMAS AND C. J. MYLES.

Tariff of fees—Claim under \$20—What fees clerk and bailiff entitled to.

[SINCLAIR, CO. J.—Hamilton, April 3.]

Judgment was entered for the plaintiff for \$6.00 and costs. A detailed bill of these costs, as set out below, was rendered by the clerk to the solicitors of the defendant, who thereupon applied to the judge for a review of the clerk's taxation, under s. 26 of the Division Courts Act. The following is the detailed statement of the costs:

1. Receiving and entering claim . . . \$0 15
2. Summons 0 40
3. Two copies summons 0 40
4. Entering bailiff's return to summons served 0 15
5. Affidavit of service 0 25
6. Filing defence 0 25
7. Notice to plaintiff, and postage 5c. 0 20
8. Taxation of costs 0 25
9. Adjournment from Jan'y 6th to Feb'y 15th 0 25
10. Three notices, 45c.; and postages to plaintiff and defendant, 15c. 0 60
11. Subpœna, 15c., and four copies, 20c., to plaintiff. 0 35

12. Entering bailiff's return of service of subpœna \$0 15
13. Affidavit of service 0 25
14. Adjournment by judge's order from Feb'y 15th to Feb'y 16th 0 25
15. Adjournment from Feb'y 16th to Feb'y 24th 0 25
16. Feb'y 24th, transmitting papers to Deputy Judge Nesbitt . . . 0 25
17. Postage 0 05
18. Entering judgment 0 50
19. Notices to plaintiff and defendant, 30c.; and postage, 10c. . . 0 40
20. Filing affidavit of disbursements 0 25
21. Affidavit 0 25
22. Notice to defendant and postage, 5c. (of disbursements) . . . 0 20

BAILIFF'S FEES.

23. Service of summons (2) defendants 0 37
 24. Service of subpœna 1 23
 25. Calling parties at court (twice). 0 30
 26. Execution ordered by plaintiff and held by request of defendants 0 50
 27. March 28th, transmitting papers to judge, 25c.; postage, 5c. . . 0 30
- \$9 25

The following is the judgment on the revision of the taxation by

SINCLAIR, CO. J.:—The 304th sec. of the Division Courts Act declares, that nothing in the Division Courts Act "Shall be held to authorize the taxation or allowance of costs to any officer of the court other than those to be found in the tariff of fees as authorized and allowed," etc.

I have, therefore, to take the tariff as the clerk's guide as to his proper fees, and if not there allowed or mentioned, any item, no matter how honestly work is done, or done in most perfect good faith, is not taxable against the unsuccessful party. The defendant is only compelled to pay that which the tariff allows, and no more.

The above bill is that rendered by the clerk to the defendant, showing in detail the costs taxed against him by the clerk.

The first item objected to is No. 10—"three notices, 45c., and postages, 15c., to plaintiff and defendants," in all 60c. The claim was entered against a firm as such, but, for some