

WITNESS FEES TO REGISTRARS—LAW SOCIETY; EASTER TERM, 1871.

extra witness fees, but we submit that it would be beyond all measure better so to regulate the tariff that all occasion for making special orders should be done away with. By this means also the proper sum would be taxed or paid in the first instance, and the trouble and expense of an appeal from taxation, or of an application for a special allowance, would be avoided.

We do not quarrel with extra compensation being made to all public officials who attend as witnesses, if the courts think fit to alter the tariff in that respect, but while there is a tariff it should be adhered to. Now we do not see that, in principle, *Re Nelson* is sustainable as laying down a general rule, applicable, for instance, to registrars of titles. Apart from rules of court, the practice here would be governed by the old Statute 5 Eliz. c. 9, s. 12, and under that the principle is that the witness is not entitled to anything for loss of time. He is entitled to travelling expenses, and if he is away from home for some time he is entitled to his expenses for maintenance during that time: *Collins v. Gregory*, 1 B. & Ad. 950; *Collins v. Godfrey*, 1 B. & Ad. 950; *Nokes v. Gibbon*, 3 Jur., N. S., 282; s. c. 26 L. J. Ch. 208; *Lonergan v. Royal Exchange*, 7 Bing. 731.

In this country there is no Chancery tariff for witness fees; the Common Law tariff is against the special allowance we have been considering, and in the old law underlying the tariffs, responsibility, trouble and loss of time, and loss or diminution of official fees form no ground for compensation.

Again we say that if the judges decide that public officers should receive the fees awarded to professional witnesses when called to give professional evidence, we shall be the last to object to such a scale of compensation. But one cannot fail to see that the whole force of the reasoning in *Re Nelson* would warrant the payment of extra fees to every professional or scientific man called as a witness upon any point,—for what doctor, surveyor or lawyer, is ever subpoenaed who does not aver that he is losing money in attending as a 75 cent witness?

It would be very proper to have a general overhauling of the tariff as to witness-fees. We doubt not if the Registrars unite their exertions once more, that the thing will be done. It would be a breach of professional

modesty for lawyers to move in the matter, doctors have too much internecine warfare to attend to, surveyors do not seem to possess sufficient vitality to agitate: it rests upon the harmonious, well-disciplined, aggressive band of Registrars to make the onslaught.

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BENCH AND BAR.

During this Term the time of those of the Judges on the rota for the trial of election petitions under the late act has been much occupied with hearing various applications for particulars and other motions thought necessary to prepare election cases for trial. The Chief Justice of the Common Pleas has especially devoted much time and careful attention to these matters, and is gradually moulding a practice following in the main the English cases, though differing in some respects where the English practice seems to work harshly.

During this Term the Hon. J. H. Cameron, an *ex-officio* Bencher, was unanimously re-elected by his newly appointed coadjutors under the recent Act, to the position he has worthily filled for many years, as Treasurer of the Law Society. Several committees of the Benchers have been formed to do the work of the Society, with the object of doing it more efficiently and at more convenient times than formerly; but so far there has not been much improvement in the attendance at Convocation. The Benchers have decided on publishing their advertisements in the *Law Journal*, instead of the *Gazette*, and the first is published in this issue—a change which we trust will not be displeasing to those interested.

Various prominent members of the Bar are off on their summer trip, and more will follow, though several will be detained for some time by the trial of election petitions, some half dozen of which will be tried before Vacation.

CALLS TO THE BAR.

During this Term the following gentlemen were called to the Bar:

Messrs. John Crerar, Hamilton; George O. Alcorn, Toronto; D. McGibbon, Milton; W. G. Falconbridge, Toronto (without an oral); J. Muir, Toronto; John Taylor, Ottawa; W. H. Fuller, Simcoe; John S. Ewart, Kingston; John L. Lyon, Ingersoll; D. T. Duncombe, Simcoe; J. C. Donaldson, Galt; W. McDowell, Kingston; W. H.