

## FEES OF ATTORNEYS IN DIVISION COURTS—ERROR AND APPEAL ACT.

and the retainer once proved, the amount can be ascertained by a reference to the proper officer. No tariff is fixed for the Division Courts, but it is not to be supposed that an Attorney is not to receive anything for practising therein. On the other hand I do not think him entitled to County Court costs (which the plaintiff appears to have charged,) for Division Court business. As there is a wide difference between Superior and County Court costs, which bear some relation to the jurisdiction of the respective Courts, so the costs in the Division Court, being of still more restricted jurisdiction, should be considerably less than those of the County Court. I have no authority, and do not feel inclined, to lay down or fix a tariff for all the items of Division Court business. I shall simply allow in each case a gross sum, and that not a large one, covering all charges in respect of the suit (except disbursements), and having some reference to the trouble taken and the interests involved. If members of the profession think my allowance too small, they can easily protect themselves by a previous arrangement with their clients, and this would, in all cases, be the fairest and most satisfactory way.

The plaintiff endeavours to shew that he came from ——— solely to attend to defendant's business. I do not think the evidence establishes this, and cannot allow the plaintiff anything for travelling expenses. I allow the plaintiff \$5.00 for each of the two suits, one at ——— and one at ———, less \$3.00 paid on suit at ——— Court, leaving \$7.00, and I allow 40 cents for postage and \$4.00 for subpoena and copies, making \$11.40 in all for Division Court business.

The witness fees, amount paid witnesses, and charge for copy of papers, appear to be covered by the \$9.00 paid plaintiff by ———."

Without at present discussing the propriety of this ruling, it can scarcely be said that the Judge decided that an Attorney has no right to recover for services rendered, as such, in Division Court suits, or that the judgment was not given upon some principle, which the Judge considered was a sound one, and which he in a subsequent suit by same plaintiff expressed his intention to follow.

So far as this particular case is concerned, this must close any further reference to it. As to the amount of remuneration, the Judge may or may not have given less than was proper under the circumstances. He, however, was the judge of that, and it is idle to discuss that part of the matter here.

## ERROR AND APPEAL ACT.

The following is the Act of last Session respecting the Court of Error and Appeal :

## AN ACT

*Respecting the Court of Error and Appeal in the Province of Ontario.*

[Assented to 23rd January, 1869.]

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The first section of the Act of the Parliament of Canada, passed in the twenty-fifth year of Her Majesty's reign, chapter eighteen, and entitled "An Act respecting the Court of Error and Appeal in Upper Canada" shall be amended by striking out the words "Upper Canada" where they occur in the said section, and inserting the word "Ontario" in lieu thereof, and by adding to the end thereof the words, "and shall be styled and addressed as the Chief Justice of Appeal."

2. The second section of the said Act shall be amended by striking out the words "Presiding Judge," and inserting the words "Chief Justice" in lieu thereof; and by striking out the words "Presiding Judge of the Court of Error and Appeal in Upper Canada," and inserting the words "Chief Justice of the Court of Error and Appeal in Ontario" in lieu thereof.

3. The fourth section of the said Act is hereby repealed, and the following provisions enacted in lieu thereof:—

4. From and after the passing of this Act, the said Court of Error and Appeal shall hold its sittings twice in every year, at the City of Toronto, one of which sittings shall be held in the month of January, and the other in the month of June, upon such days as the said Court by rule or order may, from time to time, respectively name and appoint, and the Court may also adjourn such sittings from day to day, or for such longer period, as the Court may deem expedient; and the Court may permit cases to be entered after the commencement of such sittings for any adjourned sittings of the Court, and upon such notice to the respondents as the Court may fix, and may make such rules and orders therefor as they may deem necessary; and may also fix and appoint days for giving judgment in cases previously argued, and for disposing of such other business as the Court in its discretion shall see fit: Provided there shall be no sitting of the said Court, by adjournment or otherwise, between the first day of July and the twenty-first day of August in any year, save for the purpose of giving judgment in cases previously argued.

5. Notice of such respective rules or orders shall be given by affixing the same in some conspicuous place on the outside of the rooms where the sittings of the said Court are appointed to be held, and in the Judge's Chambers and Practice Court, and in the offices of the