

13. It is said that 5 items here are not allowable by the tariff. I need not refer specially to the tariff items, but the objection is baseless.

14. Attended by defendant, going over account and surcharge of plaintiff, considering and advising on (2 hours), \$5,00, reduced to \$4 by taxing officer, is properly allowed.

15. Feb. 3. Attended by plaintiff's solicitor, going over accounts thoroughly and discussing and making list of such as cannot be agreed upon, and arranged that same be presented to Master and evidence and agreement confined thereto\$5.00

16. Feb. 6. Attended by T. Hislop, going over accounts when he admits certain of accounts and initials them\$1.00

These, allowed by the taxing officer at \$5 in all, are proper charges under item 142.

17. Subpœna. It is argued that once a subpœna has been procured in any action, no second subpœna should be obtained, and Rule 480 is appealed to, to support that contention. Counsel for plaintiff upon the argument stated that it was his practice, after having used a subpœna for one day, to alter it for use in the same action if it be required to subpœna witnesses for a subsequent occasion. I hope that he is singular in that practice. Once a subpœna has been used to bring the witnesses who are required to be sworn at any sittings of the Court, whether at nisi prius or in the Master's office, it is proper, and I think necessary, to procure a new subpœna for the witnesses to be examined upon a subsequent day. I am not now discussing cases in which it is known in advance and before the first sittings that a certain witness will be required at a particular later day—or even at any time in the future. In that case the witness may be subpœnaed before the first sittings and told that he will be needed upon the day certain, or that he will be notified of the day upon which he will be needed. I am not deciding that such a subpœna and notice would be effective, but simply that it would not be improper. But after the first day of the sittings it would be irregular to alter the date in the subpœna, and a witness served with a subpœna on its face for a day then past could not be compelled to obey the subpœna.

This objection is overruled.

18. A matter of discretion and fact.