

## Prac.] NOTES OF CANADIAN CASES—THE HAMILTON LAW ASSOCIATION.

## PRACTICE.

[Court of Appeal.] [January, 26.]

HATELY V. THE MERCHANTS' DESPATCH  
CO. ET AL.*Security for costs—Delivery out of bond pending  
appeal to Court of Appeal.*

The decision of the Queen's Bench Divisional Court, 11 P. R. 9, was reversed on appeal.

McCarthy, Q.C., and Wallace Nesbitt, for the appellants.

Aylesworth, for the respondents.

Boyd, C.] [March 17.]

BALL V. CROMPTON CORSET CO.

*Costs—Taxation—Tariff—Foreign witness—  
Rules of T. T. 1856, 154 and 168.*

The tariff of costs now in force does not pretend to exhaust all possible items or services for which remuneration is to be made. The object of a tariff is to provide a fixed or movable scale for usual and ordinary services, and as to all items embraced therein it is generally conclusive, but for other matters one has to go outside of the tariff to the practice and course of the Court. It is therefore for the taxing officer to determine, according to a proper discretion, what allowance to make for procuring the attendance of witnesses who live out of the jurisdiction.

Rules 154 and 168 of T. T. 1856 are still in force.

Akers, for the plaintiffs.

Langton, for the defendants.

## THE HAMILTON LAW ASSOCIATION.

We have much pleasure in acceding to the request of the secretary of the Hamilton Law Association to publish the following extract from the last annual report of the Association:—

This Association was formed in 1879, and held its sixth annual meeting on 15th February, 1886. From the report submitted it appears that the Association has steadily progressed until the library now contains upwards of 1,800 volumes of the value of about \$8,000, and the number of members is 70, all of whom paid the annual fees of 1885 six new members being added last year.

The report refers to the need of increased library accommodation, and to the steps taken to obtain the same from the County Council, and then proceeds:

"The increasing influence of the legal profession and the power of making their views known and felt through the means of law associations should be taken advantage of to give expression to any suggestions for the better administration of justice.

"They would call attention to the large list of causes in the Court of Appeal, in which one or more *ad hoc* judges are required, which have been standing over for a long time, and to the necessity for some provision being made for their being disposed of without more delay. As the judges of the Court of Appeal have ceased to go on Circuit, it is believed such a state of things is not likely to occur again, but as the blame for delays generally falls on the profession it is deemed but fair to place it in the proper quarter.

"The block of business in the single Judge Court, and the frequent postponement of cases where counsel are in attendance from a distance to argue them calls for redress.

"Another matter to which they would advert is the postponement of cases, and even the adjournment of Courts to suit the convenience of counsel. This has been noticed more than once in the C. L. J., and while it may on occasion be proper, and even necessary to grant such postponements, the practice has become of too frequent occurrence.

"The trustees recommend the continuance of the Committee on Legislation appointed by them on 6th November last."

The officers of the Association are:—Æmilius Irving, Q.C., President; Thomas Robertson, Q.C., Vice-President; R. R. Waddell, Secretary; A. Bruce, Q.C., Treasurer; Trustees, Edward Martin, Q.C., F. Mackelcan, Q.C., G. M. Barton, J. W. Jones, and J. V. Teetzel.