

1884

- effect to. I would allow the costs as though judgment by default had been signed for want of a defence.
- County Court copying papers, right to. The copying of all papers and proceedings in the County Court is undoubtedly a perquisite of the County Court Clerk, and all I have said applying to Chattel Mortgages applies equally to the proceedings in the County Court.
- Interpleader. Sheriff costs. Allocator, etc. When a sheriff obtains an interpleaded order and proceeds to tax his costs under the Statute, I would allow charges in the bill for copies and services of the allocaters on the respective Solicitors, though these services cannot be performed until subsequently to the taxation of the bill, because the sheriff is obliged by the Statute to make the services, and in default of his doing so he might lose his costs.
- Service out of Province, allowance for. When papers are legally served out of the Province, so as to be effectual and necessary for, and to some proceeding in the Province, a reasonable amount should be allowed for the service, including mileage, irrespective as to whether it has been served by a sheriff or not.
- Application under 43 Vic. cap. 10, sec. 7. An application under 43 Vic. cap. 10 Sec. 7, S.S. 8, must be in writing; on such application being made, and said sub-section 8 being complied with, the Clerk should make the entries required by S.S. 27.
- Bill of Costs party and party. Charge for agent client. When a Solicitor recovers a judgment for a client and enters same, and in doing so makes out a bill of costs, he is entitled to charge for this bill in his bill against his client.
- Booked agent, service on. When a Solicitor living in Toronto enters an appearance for a client in St. Catharines, service could be made on any booked agent of such Solicitor in St. Catharines, and I would not allow any extra charge for serving in Toronto, in case of there being such booked agent at St. Catharines.
- Witness Intoxicated. Allowance of fees. If a party to a suit subpoenaed a witness, and he attended the trial in a state of intoxication, and was unable to give and did not give evidence on the trial, I would not allow the costs of such a witness against the opposite party.
- Tariff Item 182. Item 182 of tariff does not apply to the County Court, neither do remarks on the subject on page 4 of minutes of 81 apply to that Court.
- Mileage, County Court, allowance of. If a witness in a County Court case resides any distance whatever over five miles from the Court House, say five and a half miles, I would allow eleven miles travelling expenses, and this irrespective of the mode in which he travelled, either by walking, driving with a friend or his own conveyance; the ordinary allowance is ten cents one way, but you will see by the tariff he can be allowed up to twenty cents under special circumstances; if there was a regular mode of travelling, such as by rail, steamboat or stage, he would be entitled to his fare to the Court House and back, and his daily witness fees besides while travelling.
- High Court case tried in County Court, allowance of the \$3.00. Brief in Chambers, allowance of. When a Superior Court case is tried in the County Court under Administration of Justice Act, Sections 31 to 44., both inclusive, the Clerk is not entitled to the three dollar fee under Cap. 8, 44 Vic., Sec. 1.
- I have never known a brief to have been charged for and allowed in Chambers, and I do not think it could be allowed, though there might be a very extraordinary case in which perhaps an officer might be justified in allowing it.