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In Chamber motions, should instructions for affidavit be allowed, in addition to instructions to move?

These charges have nothing to do with each other. If the affidavit is such a one as would justify the allowance of instructions for, it should be allowed. As to this allowance, I have previously explained fully. The instructions on the chamber motion is always allowed.

Should Attorney be allowed preparing special affidavit of service of summons on British subject out of the jurisdiction?

Yes, I think so.

By Mr. McFadden:

What amount of fees is a clerk allowed to charge on an assessment of damages taken before him, and the plaintiff examined under an order of the Judge, not exceeding two hours?

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I am not sure that I understand this question fully, but I suppose it applies to a reference to the C.C. Clerk to assess in one case and to examine in the other. The allowance, as far as I can see, would be regulated by the tariff, page 9, where it says: "Every reference, inquiry, examination or other special matter referred to the clerk, for every meeting not exceeding one hour, 75 cents; do., do., for every additional hour or less, 50 cents." Therefore, if the reference lasted over an hour and not exceeding two hours, the charge would be \$1.25, and if it required a report to be made on it, there would be an additional \$1; if only a certificate, 50 cents. This question, I understand to apply only to County Courts.

When papers are taken before the Judge upon the return of a summons, is the clerk allowed for a search?

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No, not for chamber papers filed on the application in which they are to be used. In Chamber and Term proceedings, no search is charged during the pendency of the application. But if the papers taken before the judge were papers other than those filed upon the application, then I think the Clerk might charge a search.

Is a Clerk compellable, upon the application of a counsel, to produce without a subpoena or fees, on the *ex parte* order of the Judge of the County Court, the papers from the Surrogate, Insolvent, or Superior courts or chattle mortgages filed with him?

I think the above would be rather irregular, and that in some of the above cases at any rate, the order would be for a subpoena to produce, and the usual fees should follow. But if the order is made in absolute form to produce, then the clerk had better do so upon payment of a search.

By Mr. D. McDonald:

by Mr. Austin  
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Where the verdict or non-suit has been moved against in term, taxation of costs, what brief fees should be allowed? Should it be two full briefs, or should the term brief be the Nisi Prius brief, with necessary additions, if any?

Two dollars is always allowed, as a matter of course, for briefs and motions in term. This is done without the production of any fee, and is all that is allowable in 99 cases out of 100. In cases

*2 Dollars Court rather single judge or  
full court*

*As to  
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