

1881

MINUTES AND PROCEEDINGS.

On an ordinary application for Probate the following Surrogate appears to me to be the fees the Surrogate Clerk is entitled to:—

Receiving and entering application for Probate and transmitting notice to Surrogate	\$0 50	} +
Postage	6	
Receiving and entering certificate of Surrogate Clerk	0 20	} \$1.95
Preparing all necessary affidavits, though they may have been prepared by Solicitor	1 00	
Fee on grant, according to amount	0 50	} 1 00
Probate under seal	0 50	
Recording Will, 10 cents per folio		} 1 00
Transcript of Will, do		
Certified copy of Will, do		} 81c
Notice of grant to Surrogate Court	0 25	
Postage	6	} 50
<i>Attorney's fees</i>	50	

For Administration the same as above, except that Clerk is entitled to \$1 for Administration Bond, whether prepared by him or not, and, of course, less the copying of the will, which is not done, there being no will, except in cases of Administration with the will annexed, when he gets also the copying of the will at ten cents per folio.

Orders or Judgments made for Foreclosure or Sale by local Judges, are, as far as I can at present determine, Judgments which should be entered in the Judgment Book under Rule 325, and come within the exception mentioned in Rule 418, and do not require to be entered at Toronto; but should be treated the same as any other Judgment. (See Rules 78 and 79, and Forms 168 and 169, where they are spoken of as Orders or Judgments.)

Præcipe Orders for security for costs, under Rule 431, are granted on production of the copy of the summons served. If there should be any doubt about the matter, the copy of the writ filed on issuing the original could be referred to, or at most an affidavit could be required that the copy produced is the copy served. The defendant cannot possibly produce the original writ without plaintiff's consent, which is not likely to be given, we grant the Orders on production of copy. If it should be improperly obtained, plaintiff could set it aside with costs.