

Letter by Solicitor with papers for service.

Interpreter, witness fees.

Notice of tax'n., necessity of.

Papers before Judicature Act.

Ins. to Examine.

Statutory holiday, etc.

Chattel mortgage searches. Counterclaim Instructions.

Item 109 C. C. Tariff.

Fiat on order.

Item 11 C. C. Tariff.

Service of writ other than by Sheriff, at Sheriff's request, Fees.

Interlocutory judgments, allowances on.

Certificates, stamps on.

Retainer. Chamber papers, sending away.

Production orders, for whosigned by.

A letter should be allowed Solicitor forwarding papers to be served, though not sent to Sheriff and though Sheriff privileged to serve them. This being allowed, no attendance to forward should be allowed; he can have either but not both.

An Interpreter is entitled to witness fees the same as any other witness and his fees should be taxed as costs.

Where notice of taxation should be given, the taxation may be proceeded with without notice being given at Solicitor's risk unless other side has a right to bring in a bill of his own costs, then notice is indispensable.

You can keep papers filed with you in cases before the Judicature Act except judgments.

Instructions for application to examine opposite party is allowed.

I do not think it would be proper to issue execution on a Statutory holiday.

Chattel mortgage searches are regulated by Statute and the last paragraph on 16/83 does not apply to them.

Plaintiff is entitled to instructions in answer to a counterclaim.

Item 109 C. C. Tariff has nothing to do with fee on trial—it is the old Term fee.

Where a Summons is argued and an order made, and a fiat for a fee given, of course the fiat only applies to the order.

Item 11 C. C. Tariff gives /75 for copy of Subpena.

A Sheriff cannot make a Solicitor in a cause his Bailiff, the Solicitor must choose which occupation he will follow; neither can the Solicitor appoint a Bailiff for the Sheriff. But if a Writ of Summons was offered the Sheriff for service and the Sheriff said he could not serve it, but requested the Solicitor to serve it and the Solicitor did so to save time and in the interests of his Clients; on this being shown I would allow the Solicitor for the service by himself or his agent, though it would not be strictly legal, but it would be right and just, the Statute providing for the service by the Sheriff, only doing so to protect the Sheriff in his fees and, under the circumstances, the spirit, if not the letter of the Act, is complied with; but I would not allow Sheriff's fees.

On entering interlocutory judgment they allow the Solicitor one dollar for judgment and one dollar fee on. I think it wrong, but it had better be followed until it is set right.

The following is in answer to questions put by Mr. Guin in 1885:—

The stamps required on a certificate, whether for registration or not, depends whether the party desires a seal of the Court on it or not; if seal not required, /50, if seal required, 1/; of course this does not include the folios of the matter certified—which require the usual stamp of /10 a folio.

As to Retainer see minutes /84-7.

Chamber papers should not be sent to another county without an order.

Orders for Production under Rule 222 must be signed by Clerk issuing them, not by Clerk of Process.

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