

1882

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OF THE COUNTY CLERKS' ASSOCIATION.

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The Judicature Act does not confer equitable jurisdiction on the County Courts, beyond what its jurisdiction in such matters was previously as to equitable defence, etc. It merely applies all the provisions of the Judicature Act to any cases properly within the jurisdiction of the County Court, leaving the jurisdiction precisely what it was before. Therefore it would have no jurisdiction to foreclose mortgages, etc. But in any action brought in the High Court of Justice, which, before the Judicature Act, 1881, and the Law Reform Act of 1868, might have been brought under the equitable jurisdiction of the County Court, only the fees and disbursements are to be allowed which are fixed by the tariff referred to in Order 553 of Chancery; and for anything not provided in said lower tariff, allowance according to the High Court tariff is to be made, subject to the same proportion of reduction as exists between the said lower tariff and the higher tariff of the Court of Chancery. For the tariff framed under Rule 533, see Rule 515 hereafter.

Equitable jurisdiction of County Court.

Where sale and delivery of mortgaged premises is prayed by plaintiff, the County Court has no jurisdiction whatever, and section 78 of the Judicature Act does not apply to it. Section 78 applies to actions in which the Court has jurisdiction, but the defendant's counterclaim is beyond the jurisdiction.

Sale. Jurisdiction of County Court.

If a Master gives an appointment for 2 o'clock, and does not attend on it until 2.20, and the business is completed by 3.20, he can only charge or allow for one hour's attendance. If a Master gives an appointment for, say, 2 o'clock, and none of the parties attend on it, if it was given as a salaried officer of the Court, he would charge nothing except for the appointment—he has to be in his office, and goes on with his duties, and no time need really be lost. Besides the above has always been the practice. But if the appointment was given by a Deputy Clerk of the Crown, a Special Examiner, an Arbitrator, or by any officer entitled to the fees payable on it to his own use, if the parties failed to attend on it he could properly charge as for one hour's attendance, because he, in fixing the hour, has to arrange his other business so as to be able to attend on it, and therefore should be paid for at least an hour.

Attendance on appointments.

Any step in a County Court action rendered necessary by the Judicature Act should be allowed for by applying the County Court tariff to it as nearly as possible. Any item for which there is no analagous charge in the C. C. Tariff—such as perusals, drafts of affidavits, etc., etc.—

Allowances in County Courts.