

consider whether the case required the two counsel, or whether the two counsel were in the case for the purpose of charging two fees.

The taxing officer has complete control, (subject to an appeal to a Judge of the court), of allowance of witness fees, and if he considers that witnesses have been unnecessarily called or subpoenaed, he can disallow them, notwithstanding the affidavit of disbursements.

When an appointment to examine has not been served before its return, I would alter the date of its return without an extra charge because it had proved abortive.

✓The fees chargeable for allowance of an Interpleader Bond, come under the head of Reference.

In one case, \$55.80 was charged for sending a special messenger from Chatham to New York to serve a writ of summons. The Deputy disallowed it, and I thought properly. The writ should have been sent to the proper officer in New York to serve, and any amount within reason, necessarily paid him for the service, should be allowed. This case was aggravated by a second charge of a like amount being made for an abortive attempt to serve the same summons.

Where a witness is brought from a foreign country, no allowance should be made for subpoena, because it would be useless. It could be of no effect in the country where the witness resides, unless it was necessary to subpoena the witness on his arriving in the country to protect him from arrest. In considering what allowance should be made to the witness several matters must be taken into consideration. First was it less expensive to bring the witness over here to give his evidence, or to issue a commission for his examination where he resided; if yes, his expenses should be allowed; if not, then was the nature of the testimony which he was called upon to give such that it would be a matter of consequence that it should be given orally before the jury; if yes, again the expenses should be allowed; if not then I would allow what a commission would have cost unless the difference was only trifling, but the expenses should not be allowed in any case to exceed twenty cents a mile one way and one dollar a day for the time occupied in travelling and in remaining at the Assize.

Though the statutes and regulations require judgment rolls to be forwarded every three months, in many cases it may be necessary to forward rolls before that time, such as when a revision is desired or an exemplification wanted, &c., &c. There is no reason why a roll should not be forwarded at any time after judgment is entered.

No judgment can be entered in a case where a verdict has been rendered, without the production and filing of the Record, and if a motion has been made in term and judgment given on it, the rule of court showing the result of the application, must also be filed.

Term fees are allowed in Ejectment—the writ has always been considered as a declaration for that purpose.

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