

FEEs ON REFERENCEs—TAXATION OF COSTS.

DIARY FOR JUNE.

2. SUN... 1st Sunday after Ascension.
3. Mon... Last day for notice of trial for County Court. Recorder's Court sits.
4. Thurs. Chancery Re-hearing Term begins.
8. Sat. ... Easter Term ends.
9. SUN... Whit Sunday.
11. Tues... St. Barnabas. Quarter Sessions and County Court Sittings in each County.
16. SUN... Trinity Sunday.
20. Thurs. Accession of Queen Victoria, 1837.
21. Friday Longest day.
23. SUN... 1st Sunday after Trinity.
24. Mon... St. John Baptist.
26. Wed... Appeals from Chancery Chambers.
28. Sat. ... St. Peter and St. Paul.
30. SUN... 2nd Sunday after Trinity. Half-yearly School return to be made. Deputy Registrar in Chancery to make returns and pay over fees.

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FEEs ON REFERENCEs.

A question arose a short time ago in Chambers, before Mr. Justice Adam Wilson, as to whether the fees payable for references, &c., to the Clerks of the Crown and their deputies belong to them, and should be paid in money, or should be paid in Consolidated Revenue Fund Stamps.

Some at least of the Deputy Clerks of the Crown have been in the habit of receiving the money, under the impression, doubtless, that they were authorised in so doing. Mr. Justice Adam Wilson, however, has expressed his opinion to the contrary:

By Rule 170 of Trinity Term 1856, it is provided that "the costs set down in the Schedule annexed, marked B., shall be those allowed in taxation."

And on referring to the Schedule, we find under the heading, "fees to be taken and received by the Clerks of the Crown and Pleas, or their Deputies, or by the Clerk of the Process," the following items:

Every reference, inquiry, examination, or other special matter referred to the Master, for every meeting not exceeding an hour..... 0 5 0
 For every additional hour, or less 0 5 0

The Con. Stat. for U. C. ch. 10 sec. 27, provides for the salaries of the Clerks of the Courts, and of the Deputy Clerks of the Crown; and sec. 29 enacts that unless specially authorised, neither the clerks nor the

deputies "shall take for his own use or benefit, directly or indirectly, any fee or emolument whatever, save the salary aforesaid. And all the fees, dues and profits received by, or on account of the Clerks of the Crown, and their Deputies shall form part of the Consolidated Revenue Fund of this Province."

In the case which incidentally led to the decision referred to, *Jordan v. Gildersleeve*, an application had been made for an order to commit the defendant for unsatisfactory answers on an examination before the Deputy Clerk of the Crown and Pleas at Kingston. The examination papers produced on the application were not stamped, the fees having been paid to the Deputy Clerk of the Crown, in money. His Lordship, however, refused to read these papers until the necessary stamps were affixed, being of opinion "that the Deputy Clerk of the Crown had no right to retain the fees for examination to his own use, because he is not specially authorised so to do. And that the examination taken must bear the necessary stamps for the necessary amount chargeable upon the same under the tariff."

TAXATION OF COSTS.

A certain looseness in matters of practice is often observed in the conduct of suits in outer counties. This is natural enough, and not as a general rule found very hurtful so long as it does not go beyond what might be termed "easy practice," as between professional gentlemen, where the consequences are not injurious to clients; but when it goes beyond this, and particularly where there is laxness in the mode of conducting business by officials, the evil becomes pressing.

There is such a thing as a public official being an obstructionist; but that is a species of annoyance to which we are not much subject in this country,—the evil lies rather in the other extreme.

The particular matter which induces these remarks is a decision lately given in Chambers, by Mr. Justice Morrison, in a case of *Wilson v. Moulds*, referring to the revision of taxation of a bill of costs from an outer county.

A bill had been taxed by a Deputy-Clerk, and possibly correctly taxed, but the papers produced before him to authorise certain items in the bill were not filed as they should have been, and as he, as taxing officer, should have