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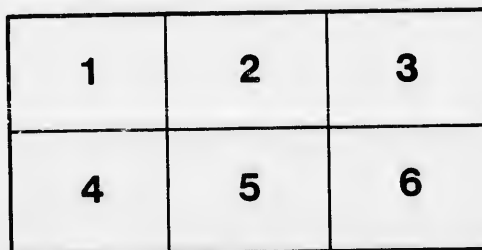
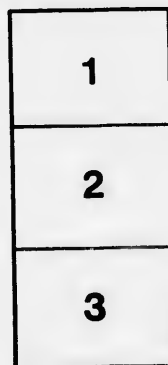
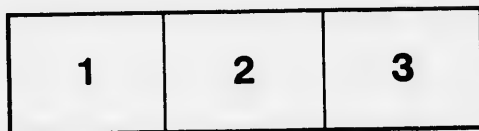
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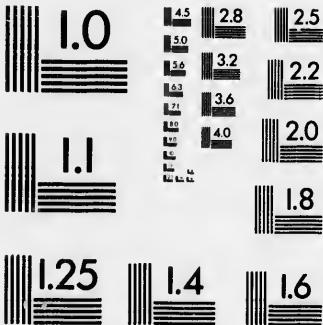
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BY THE JUDGES

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SUPERIOR COURTS OF COMMON LAW

Michaelmas Term, 1871

(35th Victoria.)



TORONTO
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FEBRUARY, 1872.

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JUST PUBLISHED.

-
- Bliss on Life Insurance.** By George Bliss, Counsellor-at-Law, New York. He has referred, not only to the decisions contained in the Reports of the United States and England, but to those of Scotland and Ireland—the references embracing all Reports published prior to September, 1871. Price \$7.50.
- American Leading Cases.** Fifth edition. Being Select Decisions of American Courts, in the several Departments of Law; with especial reference to Mercantile Law. With Notes by J. I. Clark Hare and H. B. Wallace. Enlarged and Improved with additional Notes and References by J. I. Clark Hare and J. W. Wallace. Two vols., 8vo, 1894 pp., law sheep. \$15.
- Dwarris on Statutes.** A General Treatise on Statutes; their rules of construction, and the proper boundaries of legislation and of judicial interpretation. By Sir Fortunatus Dwarris, Knt., B.A., Oxford, F.R.S., F.S.A. With American Notes and additions, and with Notes and Maxims of constitutional and of statute construction. Also a Treatise on Constitutional Limitations upon the National and State Legislative power; with a chapter on Parliamentary Law and Parliamentary Privileges. By Platt Power, LL.D., one of the Justices of the Supreme Court of the State of New York. \$7.50.
- The Law and Practice of Injunctions,** embracing all the subjects in which Courts of Equity and Common Law have jurisdiction. By William Joyce, of Lincoln's Inn, Barrister-at-Law. Two vols., royal 8vo. *Will be ready in March, 1872.*
- Smith and Soden's Law of Landlord and Tenant.** Edited by L. W. Cave. 1871. \$4.00.
- Leigh and Le Marchant's Electoral Law.** 1870. \$3.00.
- Law of Fraud and Mistake.** With Notes of American Decisions. By W. W. Kerr, Esq. Edited by O. F. Bump, Esq. 8vo, 518 pp., sheep. \$6.
- Hill on the Law of Fixtures.** Second edition. \$2.00.
- Sedgwick on Damages.** Fifth edition, 1868. \$8.50.
- Hilliard on Sales.** 1869. \$7.50.
- Hilliard on New Trials.** 1866. \$7.50.
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TARIFF OF FEES

MADE

BY THE JUDGES

OF THE SUPERIOR COURTS OF COMMON LAW,

MICHAELMAS TERM, 1871.

(35th Victoria.)

From and after the first day of "Hilary Term" next, the Table of Costs following, shall be that according to which all costs in civil actions in the Courts of "Queen's Bench" and "Common Pleas," shall be allowed and taxed, and no other fees, costs or charges than herein set down shall be allowed, in respect of the matters thereby provided for, either upon taxation between Attorney and Client, or between Party and Party.

TABLE OF COSTS.

General allowance for Plaintiffs and Defendants, as well between Attorney and Client, as between Party and Party, approved by Rule of Court, "Michaelmas" Term, 35th Victoria, November, 1871.

TO THE ATTORNEY.

Instructions to the Attorney :—

	\$	cts.
Taking instructions to Sue or Defend, except in Ejectment.	3	00
In Ejectment	4	00

WRITS.

	\$	cts.
Summons including attendance	2	00
Concurrent Summons	1	50
Renewed Summons	1	50
Capias.....	2	00
Concurrent Capias	1	50
Renewed Capias	1	50
Capias ad Satisfaciendum	2	00
Renewed Capias ad Satisfaciendum.....	1	50
Capias ad Satisfaciendum for the Residue	2	00
Renewed do. do.	1	50
Fieri Facias.....	2	00
Renewed Fieri Facias	1	50
Concurrent Fieri Facias	1	50
Fieri Facias for the Residue	2	00
Renewed do.	1	50
Habere Facias Possessionem	2	00
Special endorsement of demand on Writ of Summons	1	00
Writ of Revivor	2	00
Ejectment (Summons in)	2	00
Writ of Trial, drawing, if under Seven Folios	1	25
(If above, 10 cents per folio for all above.)		
Writ of Enquiry the same		
Subpoena ad Testificandum	1	00
Subpoena, Duces Tecum	1	25
(and if above four folios, additional, per folio 10 cents)		
Attachment against Goods of absconding debtor	2	00
Attachment against Garnishee	2	00
Habeas Corpus obtained by Plaintiff, including allowance thereof.....	2	00
Procedendo.....	2	00
Venditioni Exponas	2	00
Supersedeas	1	25

	\$ cts.
Mandamus	2 00
Injunction.....	2 00
Commission to examine witnesses	2 00

NOTE.—The above allowances include all charges for attendance for the writ and delivering it to the officer.

COPY AND SERVICE OF WRITS OF SUMMONS AND OTHER PROCESS.

For each copy, including copies of all Notices required to be endorsed.....	1 00
Service of each copy of Writ, if not done by the Sheriff, or an officer employed by him, when taxable to the Attorney.....	0 50
Mileage per mile, for the distance actually and necessarily travelled, when taxable to the Attorney	0 10

INSTRUCTIONS FOR PLEADING, &c.

For Special Affidavits, when allowed by the Master, and instructing Counsel upon special matters	1 00
Instruction to Counsel in common matters.....	0 50
Instructions for Pleadings in suit	1 50
Do. for Brief	2 00
Do. for every Suggestion.....	1 00
Do. for Issue of fact by consent.....	1 50
Do. for Suggestion to revive, or for suit of Revivor, when no rule necessary	1 00
Do. for Rule for Writ of Revivor, when necessary	1 00
Do. to defend executor, after suggestion of death of original defendant,	1 00
Do. for agreement of damages	1 00
Do. for confession of action in Ejectment, as to the whole or in part	1 00
Do. to strike or reduce a Special Jury	2 00

DRAWING PLEADINGS, &c.

	\$ cts.
Declaration	2 00
If above ten folios, for every folio above ten, in addition...	0 20
One or more Pleas, if five folios or under	2 00
If above five folios, for every folio in addition	0 20
Joinder of Issue, inclusive of copies and engrossing	0 50
Demurrer.....	1 00
Joinder of Demurrer, inclusive of copies and engrossing...	0 50
Marginal statement of matters of Law for argument, exclusive of copies for the Judges	1 00
Replications, new Assignment and other Pleadings, the same as the foregoing charges for Pleas.	
Postea, including engrossing	1 00
Judgment, whether by default or final	0 50
Authority to receive moneys out of Court.....	0 50
Suggestions, Pleas to Suggestions, and subsequent Pleadings of three folios or under, inclusive of engrossment...	0 80
If above three folios, for every folio, drawing and engrossing	0 20
Issue for the trial of facts, by agreement, for every folio ...	0 20
Special Case, per folio.....	0 20
Drawing interrogatories or answers for any purpose required by Law, including engrossing, per folio	0 20
Agreement of Damages and copy, if five folios, or under...	1 00
Above five folios, for every folio, drawing and engrossing...	0 20
Special particulars of demand or set off, per folio	0 20
Short, ditto	0 50
Bill of Costs, and copy for taxation	1 00
Taking Cognovit and entering Judgment thereon, when there has been no previous proceeding, and the true debt does not exceed \$200	8 00
For the same services, when the true debt exceeds \$200.....	12 00
Drawing and engrossing Cognovit and attending execution, where there have been previous proceedings.....	1 00

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00	Replication, accepting money or on Court, in full of demand	0 70	
20	Every necessary letter on the business of the cause	0 50	

COPIES.

	Declaration when not exceeding ten folios each	1 00
	Do. above ten folios, per folio each	0 10
	Other pleadings before enumerated, above five folios, per folio each	0 10
	Issue (Pleadings) if fifteen folios or under	1 50
	If above fifteen folios, for every folio	0 10
	All Proceedings, Interrogatories, Answers and other papers, of which copies are to be delivered, per folio	0 10
	Judgment for non-appearance on Specially Endorsed Writs, or Writs of Revivor and in Ejectment, to be taken as nine folios including the Writ.	
	Of Special and Common Rules	0 75
	Of Special Rule, above three folios, per folio additional ...	0 20
	Of Summons or Order of a Judge.	0 50
	Of Order to charge a prisoner in execution	0 70

NOTICES, INCLUDING COPY.

	To declare, reply, and subsequent proceedings	0 50
	By Defendant to bring issue to trial	0 50
	To Executor or Administrator of sole Defendant deceased to appear to writ and suggestion	0 50
	Of appearance, when appearance duly entered, and notice given on the day of appearance, but not otherwise.	0 50
	Of appearance to Writ of Revivor	0 50
	To Plead	0 50
	Of Declaration, when necessary	0 50
	Of objection for mis-joinder, or non-joinder of Plaintiff ...	0 50

	\$ cts.
To Sheriff to discharge a prisoner out of custody	0 50
Notice in Ejectment to defend for part of premises	1 00
If above three folios, for every folio additional	0 20
Notice of claimant's or defendant's title in Ejectment, the same fees.	
Notice of admission of right and denial of ouster by a Joint Tenant, &c.....	0 50
If above three folios, for every folio	0 20
Of discontinuance by claimant in Ejectment	0 50
Of confession of action of Ejectment, as to whole or in part	0 50
Of trial or assessment	0 50
Demand of residence of Plaintiff and all other common notices	0 50
To admit or produce, if not exceeding two folios.....	0 50
For each folio above two	0 20

ATTENDANCES.

Attendance at Judge's Chambers.	1 00
Attendance to file or serve	0 50
Attendance to give or receive undertaking to appear when service of process accepted by an attorney.....	1 00
Attorney attending Court of Assize, when not himself Counsel or Partner of Counsel.....	2 00
Attendance on Master in special matters	1 00
For every hour after the first	1 00
Taxation of costs per hour	1 00
All other necessary attendances	0 50

BRIEFS.

For drawing Brief not exceeding five folios	2 00
Do. per folio additional of original and necessary matter	0 20

\$ cts.
0 50
1 00
0 20

	\$ cts.
Copies of documents, other than Pleadings, when required, per folio.....	0 10
Copy of issue book and brief for second Counsel, when fee taxed to him, per folio.....	0 10

TERM FEES AND OTHER FEES,

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Fee on every Record, Writ of Trial or Enquiry	1 00
Fee on every Rule of Court or Judge's Order	1 00
Fee on attending by Counsel or Attorney, to hear Judg- ment of Court, when attendance is noted by the Clerk at the time.....	2 00

AFFIDAVITS.

1 00
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Drawing Affidavit per folio.....	0 20
Copies of Affidavits when necessary, per folio.....	0 10
Common Affidavits of Service, when necessary, or of pay- ment of mileage, including copy and oath.....	1 00
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DEFENDANTS.

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1 00
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Appearance	0 70
For each additional Defendant.....	0 25
A second summons, and order for time to plead shall be allowed in special cases, when necessary.	

COUNSEL FEES.

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0 20

Fee on Motion of Course, or on Motion for Rule Nisi, or on Motion to make Rule absolute, in matters not special	2 00
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On Special Motion for Rule Nisi (only one Counsel fee to be taxed).....	5	00
To be increased to \$10 in the discretion of the Master at Toronto, who shall mark amount to be taxed on Rule before taxation.		
To attend Reference to Master, when Counsel necessary ...	5	00
On revising Pleadings, or Interrogatories, or settling, or revising Special Cases when necessary, in the discretion of the Master at Toronto, who shall certify the amount to be taxed, before taxation, when Bill taxed in the country not exceeding	5	00
Advising on evidence in contested cases, in discretion of the Master at Toronto, as above, a sum not exceeding	5	00
Fee on argument on supporting or opposing Rules on return of Rule Nisi, or argument of Demurrer, special case or appeal	10	00
NOTE —To be increased at the discretion of the Master at Toronto, to a sum not to exceed \$25.00		
Fee with Brief on Assessments	5	00
Fee with Brief at trial in cases of Tort or in Ejectment, or in matters of contract, when sum to be recovered exceeds \$400	10	00
(To be increased by taxing officer, in his discretion, to a sum not exceeding \$20 to Senior Counsel, and \$10 Junior Counsel, in actions of a special and important nature; Provided that the Master (at Toronto) shall have power to tax increased fees, provided that more than one Counsals fee shall not be allowed in any case, not of a special and important nature, nor more than two in any case.)		
Fee to Counsel on Trial of Issues upon Writ of Trial in the County Court.....	6	00
Fee to Counsel when Counsel attend on argument or exami-		

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nation in Chambers, which in opinion of the Master required attendance of Counsel 2 00
 (But may be increased in the discretion of the Master to \$10.)
 Where any Fee is subject to be increased in the discretion of the Master, either party to the taxation, may during its progress require that such item shall be referred by the Taxing Officer to the Master of the Court at Toronto, whose decision shall be final.
 The Master at Toronto may apply to a Judge or the Court, on the taxation of any item which is in his discretion, or is referred to him.
 No application shall be allowed by either Attorney or Counsel to a Judge or the Court, in reference to any item which is in the discretion of the Master, but this is not to prevent an application for revision of taxation.

ALLOWANCE TO WITNESSES.

To witnesses residing within three miles of the Court House, per diem..... 0 75
 To witnesses residing over three miles from the Court House 1 00
 Barristers and Attorneys, Physicians and Surgeons, when called upon to give evidence in consequence of any professional services rendered by them, or to give professional opinions, per diem 4 00

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For each Fiat granted by a Judge for a writ of Quo Warranto, or for a Rule of Court. 0 50
 For every Summons 0 25

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For every Order	0	50
For filing each paper.	0	07
Taking Affidavit	0	20
For making up each final Judgment of the Judge in con- tested Municipal Election cases, and returning the same into Court	1	00
Copies of papers, per folio of 100 words ...	0	10
Every search of not more than two terms	0	10
Do. if exceeding two terms and not more than four	0	20
Do. if exceeding four terms, or a general search..	0	50

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ATTORNEY.

Instructions.—To apply for a Writ of Summons or defend
against 2 00

Statement of grounds of complaint, including a fair copy..... 2 00

Affidavits whether special or common, per folio of 100
words 0 20

Recognizance—Drawing 1 00

Attendances Special at Chambers, for Writ of Summons, to
serve writ, upon the argument, or to hear judgment 1 00

Attendances Common, all other attendances, not mentioned
as special each..... 0 50

Writs preparing Writ of Summons, Writ of Certiorari,
Mandamus, Trial, or Writ of Execution, each..... 1 00

Fee on each Writ 1 00

Notices. Indorsement on Writ of Summons, every other en-
dorsement upon writ, when required to be made, and all
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for the original, and where no specific sum is allowed, then copies of papers required, or which may be directed to be made, furnished or served, to be allowed per folio of 100 words.....	0 10
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(The Affidavit must state the number of miles actually travelled and also that the charge has been paid.)	
<i>N. B.</i> —No instructions to be allowed nor attendances to swear affidavits.	
Instructions for Briefs as in ordinary cases.	
Briefs per folio of original matter, when necessary	0 20
Briefs per folio of copy, when necessary	0 10

COUNSEL.

<i>Fee</i> for argument upon the return of the Writ of Summons, if argued by Counsel.....	10 00
To be increased at the discretion of the Judge, according to the importance of the case, to not exceeding.....	20 00

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For signing and sealing each Writ	0 30
For each Order or Rule of Court	0 50
For filing each paper	0 10
Copies of papers, per folio of 100 words	0 10

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Swearing each Affidavit	0	50
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MICHAELMAS TERM, }
35th Victoria. }

(Signed) WM. B. RICHARDS, C. J.
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JOS. C. MORRISON, J.
ADAM WILSON, J.
JOHN W. GWYNNE, J.
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