

QUEBEC ADMIRALTY DISTRICT.

BETWEEN

THE RICHELIEU AND ONTARIO }
 NAVIGATION COMPANY..... } PLAINTIFFS ;

1907
 May 27.

AND

THE STEAMSHIP "CAPE BRETON"...DEFENDANT.

Practice in Admiralty cases—Collision action—Taxation of costs—Commission on bail—Appeal from taxing officer to local judge.

Held, that a party putting in bail in a collision action in the form of a guarantee company's bond was entitled to a commission or fee thereon not exceeding ten per cent. of the total amount of the bond. (See English Admiralty Orders, 21a).

APPEAL from a taxation of costs by the Deputy Registrar.

May 11th, 1907.

The plaintiffs petitioned the Local Judge for the Quebec Admiralty District (The Honourable A. B. Routhier) that the taxation by the Deputy Registrar of the defendants' bill of costs herein be reviewed by the Local Judge on the ground that certain fees as allowed by the Deputy Registrar were excessive.

May 27th, 1907.

Per Curiam.—Considering that the item contested by plaintiffs in the defendants' bill of costs, for costs of security bond, was allowed by the Deputy Registrar to the amount of \$1,775 being one per centum of the total amount of the bail (\$71,000) for two years and a half ;

Considering that according to the British Rule 21a it is provided that the commission or fee to be allowed on taxation in such a case shall not in the aggregate exceed

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 Reasons for
 Judgment.

one pound per centum on the amount in which bail is given ;
 Considering that such commission or fee is not in the nature of an interest per annum on the bail, which is not entitled to arrears of such a fee ;
 The said item is reduced to \$710 ; and the total bill of costs is accordingly taxed and allowed at the sum of (\$3,852.67) three thousand eight hundred and fifty-two 67/100 dollars without costs on this petition.

Order accordingly.