

## QUEBEC ADMIRALTY DISTRICT.

THE HARBOUR COMMISSIONERS }  
 OF MONTREAL..... } PLAINTIFFS;

1907  
 June 1.

vs.

THE STEAMSHIP *UNIVERSE*.....DEFENDANT.

*Practice — Action for damages by collision — Costs— Taxation —Appeal  
 from Deputy Registrar.*

*Held*, reversing the ruling of the Deputy Registrar, that the defendant was entitled to have the costs of the bond of a guarantee company, given as bail in a collision action, taxed in the bill of costs against plaintiff at the rate of one per cent. on the total amount of security given in said bond.

**APPEAL** from a taxation of costs by the Deputy Registrar to the Deputy Local Judge for the Quebec Admiralty District at Montreal.

June 1, 1907.

*Per Curiam*:— Whereas the defendants after due notice given to plaintiff moved to review the taxation of their attorney's bill of costs, contending that the Deputy Registrar in taxing their bill of costs had refused to allow and include in said bill of costs the sum of \$675, costs of a bond of a guarantee company under which defendants gave bail in the present case.

The parties having been duly heard by their respective counsel, and having filed factums setting forth their respective contentions as regards this, the only item in dispute;

Considering that defendants gave bail by a bond of a guarantee company to the amount of \$60,000 said bond covering \$50,000 bail given in suit No. 157 in this court, wherein the Harbour Commissioners of Montreal were plaintiffs, and the owners of the S.S. *Universe* were

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defendants, and \$10,000 bail in case No. 165 in which the Boutell Steel Barge Company were plaintiffs, and the owners of the S.S. *Universe* were defendants, and defendants claimed \$810 costs of the total amount of said bond from its date to the date of the final judgment in this cause, and demand that five-sixths thereof, to wit, \$675 be included in their attorney's bill of costs taxable against the plaintiffs herein, and which charge or fee was disallowed by the Deputy Registrar in taxing said bill of costs ;

Considering that according to the British rule 21a it is provided that the commission or fee to be allowed on taxation in such case should not in the aggregate exceed one pound per centum on the amount for which bail is given ;

Considering that such commission or fee is not in the nature of a rate of interest per annum on the account of bail, which is not a loan, and that defendants are not entitled to arrears of such fee :

Considering that the said item claimed as commission or fee is reduced to the sum of \$500, as the amount of said commission or fee taxable in the present case (see judgment in case No. 150, the *Richelieu and Ontario Navigation Company v. the S.S. Cape Breton*, rendered by the Hon. Mr. Justice Routhier, Local Judge in Admiralty at Quebec, on the 27th May, 1907) ;

This Court doth maintain the motion made by the defendant for the revision of said taxation and adjudge and order that the sum of \$500 be allowed, and included in defendants bill of costs, and taxed accordingly by the Deputy Registrar, but without costs of the present motion or application.

Solicitors for plaintiffs: *Geoffrion, Geoffrion & Cusson.*

Solicitors for defendant: *Campbell, Meredith, MacPherson & Hague.*