MINUTES AND PROCEEDINGS.

let all questions be put and answers given, on such examinations, as are relevant and pertinent to the subject matter of the suit. XIf any question is objected to, the examiner should note the objection, but leave it to the Court before which the examination is used, to determine whether the question was a proper one to be put or not, and receive or reject it accordingly, and that the Examiners should take no responsibility on themselves. This view will, I am.sure, commend itself to you all. Keven among County Court Clerks there are very few capable of deciding correctly on nice points of the law of evidence, and when we consider the qualifications of parties appointed Examiners in country places, and even in the City of Toronto, it will be seen how prejudicial to the interest of suitors it would be to clothe such parties with powers, which should only be exercised by a Judge or a professional man of experience in such The examiners should be very careful not to allow matters irrelevant to the questions at issue in the suit to be introduced into the examination. The above you will see, is in conformity with the spirit of what the statute itself lays down in the 163rd clause. Where a party being examined objects to a question asked him and refuses to answer it, the question and the demurrer or objection of the witness is taken down by the examiner, and transmitted to the office of the court to be filed, and the validity of the demurrer or objection is decided by the Court or a Judge.

Nothing can be allowed for copy of any pleading, except a declaration, it it is not over five folios, and then only for so much as

it is in excess of the five folios.

Nothing can be allowed to either party for any proceeding that has turned out abortive, such as if a party gets an order or rule, &c.,

&c., and takes no proceedings on it, or advantage of it.

The 159 Section of C.L. P. Act does not apply to County Courts, and a County Court Clerk cannot give an appointment to examine in a County Court case on any affidavit being filed; he can only do so on an order to examine being received, made by his Judge.

No one has a right to make copies of examinations of parties in a County Court Clerk's office but himself. This applies to Superior

as well as County Courts.

I was asked if a Sheriff-could be allowed his usual fees on service of a Writ of Summons where he travelled six miles and effected the service out of his own county, thereby saving some 100 miles which would have had to be travelled had it been served by the Sheriff of the county in which Defendant lived. I answered as follows: A Sheriff out of his own county, is no more than any other individual, and has no other rights or privileges unless in some cases where he may be clothed with authority to do some act out of his county, either by Statute or by a writ of one of the courts—such as by a writ of Habeas Corpus and ad testificandum to bring a witness, &c.,&c., or in conveying a prisoner to Prison or Penitentiapy; therefore when he serves a writ out of his county, he does so without any other or

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