

21st, 1880.

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page 446, Sec. 25, applies only to the County of York, and the other Counties remain as they did previously to the act. No moneys paid in to the Superior Courts bore interest until I was appointed Clerk of the Crown, when after a considerable time it struck me as not right to let all the interest go to the bank and none to the suitors, I therefore took steps to realize interest on it, much to the benefit of the suitors; and so I would advise the Clerks of the County Courts to deposit such moneys at interest in the bank for the benefit of the suitors paying it into Court.

It appears to me, that under the 49th Section of the Insolvency Law of 1875, the creditor who unsuccessfully opposes an Insolvent's discharge, is entitled to no costs, unless he was specially given them by order of the Court. If such costs were given, I would suppose the Clerk, C. C. was the proper officer to tax them, it being a matter in the County Court.

In arbitration matters, where it is necessary for the arbitrator, under the statute to file evidence, exhibits, award, &c., for two weeks, before judgment can be entered, the Deputies will please remember that to file such papers, it is a pre requisite that each paper should be stamped and marked filed, and no such papers should be received by him in his office unless they are fully stamped as required by law. The non-observance of this necessity has occasioned a great deal of trouble, as when the papers are sent to Toronto unstamped, it necessitates their being returned at once, and I must say it is a matter of much surprise to me the great number of cases in which this has had to be done.

Commissions are not, in the strict sense of the word, exhibits; they do not belong to either party. Either party can use them as evidence. They are in the nature of writs returned into Court. Under an ordinary order for exhibits, the Commission, or any documents attached to them, should not be given out. Such documents should only be given out on an order expressly mentioning them as being attached to a commission, and ordering that they should be detached from the commission and given up to the party.

On an examination of a party—say a Plaintiff under A. Justice Act by a Defendant—after Defendant has finished, the Plaintiff's Attorney should be at liberty to fully examine the Plaintiff on the matters of the suit, and should not be confined to questions that will bring out simply explanations or answers in the Examination-in-Chief. The examination should be full, so that any doubt or uncertainty in the Examination-in-Chief, may be cleared away; also, so as to avoid misconception and misconstruction—in fact, to get at the truth of the case as it really is.

Section 156, A. J. Act, page 641, R. S. O., seems somewhat to militate with this view, but the proper construction of that section is by no means clear, and until it does receive a judicial interpretation, it is the desire of all the Judges I have spoken to that the above view should be followed. The Judges desire that the Examiners should

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