

Sheriff stating that he had suspended the Gaol Surgeon, and asked me to nominate some one to take his position.

This latter I declined to do on the ground that I was not aware of any law that gave the Sheriff the power to suspend an officer who is appointed by by-law of the County Council, and paid by that body. I wrote the Sheriff to this effect, and asked him to refer me to his authority for assuming the power he had. He in reply referred me to sections 2, 4, 9, 10, 37 and 54 of the rules and regulations of the Common Gaols of Ontario.

The construction I put upon the sections above was this: Section 2 refers to the appointment of the resident Gaol Officers; section 4 to the appointment of the Gaol Surgeon, which appointment is made by the County Council and not by the Sheriff or the Government; section 9 and 10 I concluded referred only to his power to suspend, dismiss and appoint the resident Gaol Officers therein named; sections 37 and 54 have no bearing on the question at issue.

I have taken the ground that the power to suspend or dismiss the Gaol Surgeon rested only where the power to appoint exists, viz., with the County Council or with its executive officer. I wrote the Sheriff, stating my views, and asked him to instruct the Gaoler to allow Dr. Schooley to continue his visits to the gaol; this he has refused to do. Please give me your opinion on the following:

1st.—Has the Sheriff the power to suspend the Gaol Surgeon?

2nd.—If the Sheriff has not the power of suspending the Surgeon, what mode of procedure will be necessary in order that the rights and privileges of the County Council may be sustained.

Your very earliest reply will oblige,

Yours, &c.,

WM. McCLEARY,

*Warden.*

L. D. RAYMOND,

*County Solicitor.*