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MINUTES AND PROCEEDINGS.

It may be that he should not, and perhaps if the whole matter of these allowances were tested it might be held that they were not. Personally, I am not more than half satisfied with the holdings in these matters, and have drifted into them somewhat against my will, and would like to see the matter tested, but in analogy to the holdings in the Superior Courts, the examiners in County Court cases should be allowed as above.

What should the Attorney be allowed for his attendance per hour on County Court examinations?

Only the same as upon a reference before the Clerk.

In the Superior Court, should the examinations taken and endorsed "Received," be stamped on taxation?

With regard to the filings of examinations under the 165 Sec. of the C.L.P. Act, I am afraid I must alter the directions given previously. Upon examining this section, and consulting with the Chief Justice of my Court, I have come to the conclusion that these examinations, and all filings connected with them, must be filed and stamped. So you will please do so in future, then the above question cannot arise.

Mr. Thompson:

R. S. O., Chap. 68, Sec. 6, states, when writ of attachment against absconding debtors issues, it shall be in duplicate and costs to be the same as in single writ Does this mean that only the original shall be stamped?

Both writs must be duly stamped, and the Attorney should be allowed for the stamps.

In signing judgment by default of appearance, no copy of bill of costs taxed. In default of plea would copy to serve be allowed?

Yes, if served, in all cases when a defendant appears, this copy should be allowed when served.

When order to strike out or otherwise amend a plea, is not 25c. allowed for amending plea, besides 40c. Judge's order?

The costs for amending and for order have nothing to do with each other, and both should be allowed.

When a chattel mortgage is filed, and some time afterwards a lawyer presents what he alleges to be duplicate thereof, and requires a certificate from the Clerk, indorsed on same that it is a true copy of the original, what should be charged. Lawyers would say 10c. for making the search, and only 10c. per folio for the words of the certificate?

R. S. O. page 1182, says: "For copies of any document with certificate 'prepared, filed under this act, ten cents for every one hundred words'—this prescribes the Clerks fees for copies of documents filed under the act. The copying of the document, is a perquisite of the Clerk with which no one can interfere, and he need not certify any copy that he has not made. The responsibility of its being a copy rests on the Clerk, and he cannot certify a copy he has not made without fully and thoroughly comparing it, which he is not obliged to do for the fees mentioned. He may do so if he pleases, and make such allowance as he pleases for the copy furnished him, but it is entirely at his option to do so, or not.

When a Judge's order is made that a commission do issue, directed to some person in the United States for the examination of a witness, and such order sets forth that "either party be at liberty to take an office copy or 'copies of such evidence or commission';" would this mean, that they are to be allowed to take such copies themselves?

It means that the parties can have office copies on applying for same in the ordinary way and paying for same. In such orders there is generally a clause providing that the commission may be opened on one day's notice by either party to the other. If this clause is not in, the commission cannot

be opened by notwithstanding

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