

The Committee also have letters and statements from the Treasurers of Huron and Wentworth, Haldimand and Simcoe, of the payments made to the Registrars of these Counties for services performed under Sections 26 and 33 Registration Act of 1865.

The Committee beg leave to submit the opinions referred to, and also the letters and statements, and would recommend the Council to be guided by the opinions of Counsel.

All of which is respectfully submitted.

JNO. C. KIRKPATRICK:
EDWARD LEE.
CHARLES TREBLE.
M. F. HANEY.

COUNCIL CHAMBER, Jan'y 25th, 1871.

TORONTO, January 2, 1871.

DEAR SIR:

We are in receipt of your letter of 30th ult. In reply we have, as requested, referred to S. 82 of 29 Vic., Cap. 24, (S. 84 of 31 Vic., Cap. 20) and think that under the operation of that Section there is no right in the Registrar to recover from the County for services performed under S. 28 of the Act, until the amount has been settled and certified by the Inspector of Registry Offices. Certainly the Act never contemplated that the Registrar should, without such a settlement or certificate, draw money for such services from the County Treasurer. If in that way he has received money to which he is not strictly entitled there may be some difficulty, where the payments have been voluntarily made, in compelling him to refund. But if the County Treasurer without the authority of the Council and against law, paid the Registrar such moneys, we apprehend that both he and his sureties would be liable to the County to make good the same in an action brought, if necessary, for that purpose.

Truly yours,

PATERSON, HARRISON & PATERSON,

JNO. KIRKPATRICK, Esq.,
Chippawa, Ont.