

being so was rendered unnecessary by the opposite party producing the documents required, or making an admission at the trial.

6. Plaintiff's Attorney orders copy of examination of Plaintiff taken before Clerk. Is it taxable against Defendant in case Plaintiff succeeds at trial?

The answer to this would depend upon whether the costs of the examination were directed to be costs in the cause. If Yes, I would allow it; if No, I would not.

With regard to directions that I may have given as to taxations in the County Courts, I understand that in some instances the learned Judges of some County Courts have disputed from some of these directions, and instructed their Clerks to disregard them, and act contrary to them. I would submit to these learned Judges that the County Courts in these matters should be and are governed by the holding and ruling of the Superior Courts; by statute they are so, and I feel sure it will commend itself to them that it should be so, because in no other way could a uniformity of holding and practice prevail in the various County Courts throughout the Province; and I think this being admitted, they would further admit that there would much more likely be a correct view as to the holdings and rulings entertained at Toronto by the officers presiding there than any County Court Judge could possibly have; besides, it is the decisions of these officers that govern taxation, until they are altered or overruled by the Courts. I would hope that these considerations would be sufficient to induce any learned County Court Judge to waive his views in favor of the directions given, where those directions are unfortunately at variance with them.

Another question as to Sheriff's fees has just been brought under my notice. When a Sheriff is asked to search for and certify to executions against say Jones, Brown and Robinson, he is entitled to the proper searches as to each, and to give a separate certificate as to each; but if asked to search for and give certificates as to executions against Jones, Brown and Robinson jointly, he would be only entitled to proper searches and one certificate, it being only one matter.

Mr. Hough asks whether the profession has a right to take extracts from or copies of Chattel Mortgages upon payment of ten cents search only.

I remember answering this question before, but where, or who asked it I do not remember. I think that the copying of Chattel Mortgages is the Clerk's perquisite, and none else has any right to copy them. This I think would apply to anything like a copious extract also—but the party might take a memorandum of dates,