

et que les mots, "dépens de l'action" n'exprimaient pas les frais de l'action telle qu'introduite "amount demanded" mais seulement les "frais du montant recouvré" "amount recovered" vide le dernier acte de judicature passé en mil huit cent quarante-neuf.

*Lafrenaye & Cresso*, pour le Demandeur.

*Cartier & Cartier*, pour le Defendeur.

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No. 1699.

*Attorney General v. Ryan and al.*

MOTION FOR RULE OF COURT ON NOTARY TO SEND UP A BOND SOUS SEING PRIVÉ THAT HAD BEEN FYLED IN HIS OFFICE, AND OF WHICH HE HAD MADE À MINUTE.

The Plaintiff had placed a bond *sous seing privé* in the hands of a notary for safe keeping, and the notary had made a minute of it, and granted copies. The Plaintiff had taken out an action on the bond, and was desirous of procuring it to fyle as an exhibit in support of his action; but the notary refused to give it up unless ordered to do so by the Court. The Plaintiff thereupon moved for a rule of Court commanding the notary to send up the bond.

*Drummond & Dunlop*, for Plaintiff.

*Day, J.*, 'The Court has no power to grant a rule to oblige a notary to send up one of his minutes. A *subpoena duces tecum* might perhaps answer the Plaintiff's purpose.

*Motion dismissed.*

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No. 2298.

*Macfarlane v. Worrall and the Principal Officers of Her Majesty's Ordinance, T. S.*

PROCEDURE.—EXCEPTION A LA FORME.—FYLING OF.

*Motion to reject exception à la forme on the ground that four days from the return of the writ had elapsed before it was fyled. Held, that the four days allowed by the Statute amending Judicature Act count even while the records is en délibéré.*

In this case the Plaintiff had arrested before judgment a certain sum of money belonging to the Defendant in the hands of the said Tiers Saisi. The writ of *saisi arrêt* directed the Tiers Saisi to come before the Justices "of" our Superior Court to answer in the premises.

The said writ returnable on the 24th day of October, 1853. On the same day after the return the Defendant moved to quash the writ and process, as the writ ought to have summoned the Tiers Saisi to appear before "our Justices in our Superior Court." This motion was taken *en délibéré*, and judgment was rendered on the 18th day of December last; dismissing the motion, the Court observing that a