9. Collective amount of Judgment suits in which proceedings were "stayed by plaintiffs," or which were "settled between the parties," or in which no further action was taken in consequence of want of orders from plaintiffs	... 1,997 67
10. Amount of Judgment suits in which the money remains unpaid	... 1,887 16

[One grain of testimony such as the above, is worth more than all the political clap-trap of a session. The evidence in support of the 91st clause, is not only satisfactory, but almost universal. The measure itself is a wise one, and if properly administered, a beneficial one. It is a *libel* upon the County Judges of Upper Canada, to say that it is not so administered. Facts are "stubborn chiels." In support of the 91st clause, it is unnecessary to do more than refer to the facts monthly disclosed in the *Law Journal*, by the publication of letters, such as the above, from intelligent Division Court Clerks.—Eds. L. J.]

TO CORRESPONDENTS.

We have carefully perused the long statement of grievance furnished to us by Mr. Marcus Gunn.

It does not seem to us, that he suffered injustice in the case determined against him. We, however, know nothing of the facts, beyond what his statement affords. He appears to have given the note of Parks to I. & S. Gordon, in satisfaction of so much of their demand against him as amounted thereto. This, however, is most positively denied by affidavit. Owing to the conflict about facts, it may be that no decision other than that given, could be rendered.

If not given in satisfaction, the note should, instead of being retained by I. and S. Gordon for more than a year, have been returned by them to Mr. Marcus Gunn, in order that he might have endeavored to make something out of the maker, while in good circumstances.

As a rule, the assignee of a chose in action, cannot sue in his own name. Some County Judges, however, we believe have created many exceptions to this rule, and probably the County Judge who tried this case, saw fit to make it an exception to the general rule.

The statement, besides being too long, is not of sufficient general interest for publication in the *Law Journal*. It will be returned upon application to the Editors within one month, otherwise destroyed.

U. C. REPORTS.

QUEEN'S BENCH.

Reported by CHRISTOPHER ROBINSON, Esq., *Barrister-at-Law.*

IN THE MATTER OF WEBSTER AND THE REGISTRAR OF THE COUNTY OF BRANT.

Registrar—Right to inspection of his Books.

A registrar is not obliged to place his books and indexes in the hands of any person desiring to make a search, but may do so in his discretion, and on his own responsibility.

In this case one W. desired to ascertain the judgments recorded against Y., and the registrar gave him the numbers of certain judgments, which he said were all that related to Y., and offered to show him the corresponding certificates, but refused to allow him to inspect the index or the registry book of judgments.

Held, that he was justified in such a refusal.

[E. T. 22 Vic.]

E. B. Woods obtained a rule upon the defendant, upon the application of George Thomas Webster, to shew cause why a mandamus should not issue, commanding him to allow the said Webster, or any other person, upon request and tender of the legal fees, to have inspection of the separate books and alphabetical index in the registry office of the county of Brant, in which are entered all certificates of judgments registered in the said county against one Yardington, or against any other person or persons against whom it may be desired to search for judgments in the said office; and to have inspection, and take copies, if required, of all such certificates of judgment found entered or referred to in the said separate book or alphabetical index, and generally to have inspection of all the public books and records in the said registry office in which are any certificates, memorials, or entries affecting the lands of the said Henry Yardington, or any other person or persons in the said county, at all proper hours of the day, and upon tender of the lawful fees thereof; or that such order should be made as the justice of the case requires; and why the said registrar should not pay the costs of the application.

This rule was granted upon affidavit made by the said Webster, in which he swore that he had occasion, on, &c., as clerk to an attorney, to search in the registry office of the county of Brant for judgments entered there against Henry Yardington, or his lands, &c.: that he informed Mr. Shenstone, the registrar, of his object, and requested to be allowed to examine the separate book, and alphabetical index referred to in the statute 13 & 14 Vic., ch. 63, sec. 9, and also to be allowed to see and examine the original certificates of judgments brought to him for registration for three years next preceding the 29th April, for the purpose of ascertaining which of them, if any, operated as a charge upon or affected the lands of the said Yardington in that county: that he offered to pay the registrar the proper fees, in connexion with the said search, and offered him a sum more than sufficient: that the registrar refused to allow him to search, or inspect, or examine the alphabetical index and separate book, or to search, or inspect, or examine the certificates of judgments, or any of them, further than that, having referred to a book for certain numbers, he gave to the deponent a paper on which certain numbers were written, and brought to him a number of certificates of judgments registered in the office against Yardington, and that he might examine the certificates corresponding with the numbers; but that he would not allow the deponent, in a search against Yardington, to examine or look at any other certificates than those he had marked on the paper, or under any circumstances to examine or look at the said separate book and alphabetical index: that he, Webster, declined to make the search on those terms.

He swore that he had several times before been refused by the registrar the permission which he desired on this occasion, on the ground that the deponent had only the right to see such certificates of judgments as in the opinion of the registrar related to the person or his lands respecting whom he might at that time be searching.

M. C. Cameron shewed cause.

ROBINSON, C. J., delivered the judgment of the court.

We do not think it necessary or that it would be proper for us to grant a mandamus upon this application. The applicant was not able to refer us to any judicial decision or other authority shewing it to be the duty of the registrar to comply with what he desires to enforce, and certainly there is nothing in the statutes creating or regulating the office of registrar that either makes it the duty of the registrar to do what has been insisted upon in this instance, or that would exonerate him from blame in complying with such a claim, if in any case an injurious use should be made of the permission granted.

The books, indexes, and other documents in the office of the registrar, are all in his keeping, not merely for the convenience of parties, but for the safety of the community, who are interested in their being preserved unaltered and unmutilated.

We cannot act upon the presumption that the registrar is so careless or incompetent that his search into his index and books, and his certificate shewing the result of his search, cannot be relied on, and that it is on that account necessary that all persons should be allowed by law to demand to have all or any of the books or documents placed in their own hands, that they may search and and make extracts or copies for themselves. It was candidly acknowledged, as regarded Mr. Shenstone, the registrar who is the object of this application, that he is an upright, pains-taking officer, and one who fulfils his duties zealously, and if any thing with more than ordinary care, though he may occasionally in a multitude of searches have passed over a name in an index; but were the fact