

1878
MINUTES OF MEETING

(9)

OF

COUNTY COURT
CLERKS ASSOCIATION

HELD AT

OSGOODE HALL, TORONTO

ON THE

17TH AND 18TH JULY, 1878.

FRANK W. HYNES, BOOK & JOB PRINTER, BELLEVILLE.

Minutes of the
 COUNTY COURT
 CLERKS ASSOCIATION
 OSGOODE HALL
 17TH AND BAY STS.

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OSGOODE HALL, CITY OF TORONTO

JULY 17TH AND 18TH, 1878.

Minutes of meeting of County Court Clerks Association, held at Osgoode Hall, City of Toronto, on WEDNESDAY AND THURSDAY, JULY 17TH AND 18TH, 1878. Pursuant to resolution passed at meeting held in July, 1877.

Present, Austin, (Brampton), Bartley, (Whitby), Eager, (Mil- ton), Gunn, (Walkerton), Grace, (Lindsay), Hough, (Guelph), Ing- lish, (Owen Sound), Lizars, (Stratford), Mitchell, (Cayuga), McGuin, (Napanee), McDonald, (Goderich), Northrup, (Belleville), Stevenson, (Barrie), Thompson, (Pembroke).

M. B. Jackson, Esquire, Government Inspector, was also present.

Meeting was called to order by Mr. Northrup, Secretary. Mr. Fraser, of Ottawa, President, not present, prevented by illness.

Secretary, stated he had received letters from some of the Clerks expressing regret at not being able to attend.

On motion of Mr. Grace, seconded by Mr. McGuin, M. B. Jack- son, Esquire, was elected President of the Association.

On motion of Mr. Eager, seconded by Mr. Gunn, Mr. Northrup was re-elected Secretary and Treasurer.

Treasurer imported \$3. 23cents, on hand after paying all expenses, of last year.

Main object of meeting being to obtain instruction, as to inter- nal workings of our respective offices with a view to uniformity it was agreed, to submit questions to Mr. Jackson, Re-taxations, and general Procedure, for his opinion and direction.

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Rule 56 to be read as it was first enacted, alterations made by Inspector last year to be erased.

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No costs to be taxed for an examination, prior to Judgment, unless, Judge making the order direct, per Section 167. Cap. 50 Revised Statutes of Ontario.

No Costs to be taxed where an examination is taken before Special examiner, or under an appointment made by Deputy Clerk, or local Master in Chancery, under Section 159. Cap. 50 Revised Statutes of Ontario.

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It is proper to charge for Certificate on an oral examination in Superior or County Court. in addition to examination vide Section 165. Cap 50, Revised Statutes Ontario.

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Re-allowance to Deputy Clerks, and Clerks County Court when subpoenaed to produce papers under their Control. Mr Jackson stated, that Chief Justice Richards and Chanclor Vankonyhnet, had ordered \$4 per diem to be taxed, besides travelling expenses,

Offical Assignees have no fees outside of allowance per statute. No tariff, each County Court Judge having power, under section 43. chap 16, Insolvent Act 1875, to fix allowance.

When witness is subpoenaed by both parties to a suit, fees are to be taxed to successful party.

Adjourned to meet 18, July at 12 o'clock noon, Clerks to meet as committee of the whole at 10, am and prepare list of questions to be submitted to Mr. Jackson.

July 19th. 1878.

Meeting resumed.

President in the Chair,

Minutes of former meeting read and approved,

Mr. McGuinn, on behalf of committee submitted questions on following points,

Brief—Brief of all pleadings \$2, only no matter how long; original matter 20 cts per folio, and copies of necessary documents, (other than pleadings and copies of oral examination of parties) 10 cents per folio additional.

Certificate—50 cts. for certificate in C.C. or I. C. in addition to fees for search.

20 cts stamps or appointment in Q. B. or C.C.

50 cts for search in Insolvency, taking papers in cause before Judge, being general search.

10 cts, in C. C. no allowance for attending chambers,

Fiat made by Judge in open court not to be charged for.

Chamber Business done at assizes, fees to be paid to Clerk, as clerk in Chambers.

Nisi pinus rule of reference, signed by clerk of assize fee \$1, to be paid to him for his own use,

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MINUTES OF MEETING.

Order of nisi prius Court, is not a chamber order.

A taxation of bill of costs, vouchers must be produced, and in case of disbursement should be accompanied with affidavit verifying

Fiat in writing by Judge to deliver up exhibit, or papers from files of office is an order and should be charged for.

Notice, requiring record and exhibits to be forwarded, does not require stamp.

Fee for attendance, by party receiving notice to admit not to be allowed.

Only the party obtaining an order for amendment of proceedings or striking out pleas is entitled to act under it, and *praecipe* should be filed.

Business closed.

Those in attendance expressed their satisfaction with what had been done, and regrets that more did not feel it a privilege to be present; that greater uniformity might be attained in all the offices and while together have the advantage of Mr. Jackson's counsel.

Agreed on motion of Mr Northrup, seconded by Mr. McGuinn that this Association meet again at Osgood Hall, City of Toronto, on the second Wednesday after the end of July Term in the month of July, 1879, at two o'clock in the afternoon.

On motion of Mr. Eager, seconded by Mr. Lizars, Resolved that when minutes of this meeting are printed and ready for distribution, the secretary notify those who have not contributed, that on receipt of \$1 a copy will be forwarded.

Moved by Mr. Northrup, seconded by Mr. Grace, that the Secretary have the minutes of this meeting printed and forwarded to all who have contributed towards the funds, of this Association, and also to those who shall hereafter contribute.

Agreed in case the Government should decide to place clerks upon salaries, that Messrs Ghent, Austin, Grace, and Northrup, be a committee to wait on the Government to request an equitable adjustment.

Moved by, Mr. McGuinn seconded by Mr. Eagar and resolved that the thanks of this meeting be and are hereby tendered to Mr. Jackson for his conduct in the chair, and for his patience, and promptness, in answering questions and deciding the points brought before the meeting.

Meeting closed all wishing a full attendance next year.

A. G. NORTHRUP,
Secretary.