1880

MINUTES OF MEETING

—OF—

COUNTY COURT

CLERKS ASSOCIATION,

HELD AT

OSGOODE HALL, TORONTO,

21 AND 22 JULY, 1880.

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Present: M. B. Jackson, Esquire, President; Huff, (Guelph), Wilson, (Welland), Inglis, (Gray), McDonald, (Goderich), Featherstone, (Carleton), Austin, (Peel), Grace, (Victoria), Eager, (Halton) Mitchell, (Haldimand), McGuin, (Lennox and Addington). At 1 P. M., the meeting was called to order by the President.

On motion, J. B. McGuin was elected Secretary and Treasurer pro tem., – the Secretary, Mr. Northrop, being absent on leave.

Letters were read from Messrs. Thompson, Fuller, Twigg, and others, apologizing for being absent.

The Treasurer, pro tem., announced that the Treasurer had informed him that all expenses connected with the Association had been paid and that a small amount of money still remained in his hands.

The minutes of the last meeting being printed, and in the hands of all the parties present, were taken as being read.

The President stated that since the last meeting he had received several questions on points of Practice, and that they would all be answered during the meeting and an explanation given, if required.

The President then read the following address, and the several points of practice mentioned therein were discussed by the Deputies and explained by the President:

TORONTO, JULY 21ST, 1880.

GENTLEMEN:—

Allow me to congratulate you on being permitted once more to meet together for mutual advice, consultation and improvement, also that since your last meeting there have been no blanks left in your ranks, and that on this occasion it does not devolve upon you to record in your minutes the departure from amongst you of any familiar face and form, as it was your melancholy office to do when we last met. I will now proceed, as on the last occasion, to draw your attention to a number of matters with respect to which I have been called upon to give advice and direction since I last had the pleasure of addressing you.

The Sheriff is not entitled to affidavit of service on serving a County Court Writ of Summons.

If a Plaintiff has a verdict in a case for any amount he is entitled to the Record and carriage of the case; and when the verdict is so small as to substantially entitle the Defendants to costs, if Plaintiff fails to proceed and enter his judgment within a reasonable time, the Defendant may call upon him either to enter judgment, or bring the Record into Court, so that the Defendant may proceed to enter judgment for him, the Plaintiff, and himself the Defendant. If then, the Plaintiff declines to enter judgment, or to bring in the record as required by the Defendant, the Defendant may apply in Chambers to force him to do so.

Under R. S. O. Chap. 50, Sec. 347, Sub-Sec. 3, where a plaintiff sues in the County Court, and recovers a verdict within the jurisdiction of the Division Court, and fails to get a certificate for costs, the Defendant is entitled to tax his costs of suit as between Attorney and Client, and so much thereof as exceeds the taxable costs of defence that would have been incurred in the Division Court, shall, on entering judgment, be set off against the Plaintiff's verdict and costs, &c. Under this, a motion made by the Defendant for a new trial, though unsuccessful, is part of Defendent's costs of *suit*, and should be allowed accordingly as such, his failing in the application makes no difference, as you see he fails in his whole defence also.

I had thought that the amount Sheriffs were entitled to for service of Writs of Summons in Superior and County Courts was now well understood, but it seems from one communication I received, that they are not yet. For service in Superior Courts, he is entitled to Receiving 25c., Service $1.50, Affidavit, 25c., Return 50c., Commissioner 20c., Total $2.70; add to this mileage at 13c. per mile, and $1.50 for service of each defendant after the first, and you have all that can be allowed. For service in the County Court he is entitled to Receiving, 10c., Service $1.00, Return 25c., Commissioner 20c., Total $1.55; add to this mileage and service of each additional defendant, and you have all that can be allowed.

Money paid into a County Court as security for costs, does not necessarily bear interest except in the County of York, as R. S. O.

page 446, Sec. 25, applies only to the County of York, and the other Counties remain as they did previously to the act. No moneys paid in to the Superior Courts bore interest until I was appointed Clerk of the Crown, when after a considerable time it struck me as not right to let all the interest go to the bank and none to the suitors, I therefore took steps to realize interest on it, much to the benefit of the suitors; and so I would advise the Clerks of the County Courts to deposit such moneys at interest in the bank for the benefit of the suitors paying it into Court.

It appears to me, that under the 49th Section of the Insolvency Law of 1875, the creditor who unsuccessfully opposes an Insolvents discharge, is entitled to no costs, unless he was specially given them by order of the Court. If such costs were given, I would suppose the Clerk, C. C. was the proper officer to tax them, it being a matter in the County Court.

In arbitration matters, where it is necessary for the arbitrator, under the statute to file evidence, exhibits, award, &c., for two weeks, before judgment can be entered, the Deputies will please remember that to file such papers, it is a pre requisite that *each* paper should be stamped and marked filed, and no such papers should be received by him in his office unless they are fully stamped as required by law. The non-observance of this necessity has occasioned a great deal of trouble, as when the papers are sent to Toronto unstamped, it necessitates their being returned at once, and I must say it is a matter of much surprise to me the great number of cases in which this has had to be done.

Commissions are not, in the strict sense of the word, exhibits; they do not belong to either party. Either party can use them as evidence. They are in the nature of writs returned into Court. Under an ordinary order for exhibits, the Commission, or any documents attached to them, should not be given out. Such documents should only be given out on an order expressly mentioning them as being attached to a commission, and ordering that they should be detached from the commission and given up to the party:

On an examination of a party—say a Plaintiff under A. Justice Act by a Defendant—after Defendant has finished, the Plaintiff's Attorney should be at liberty to fully examine the Plaintiff on the matters of the suit, and should not be confined to questions that will bring out simply explanations or answers in the Examination-in-Chief. The examination should be full, so that any doubt or uncertainty in the Examination-in-Chief, may be cleared away; also, so as to avoid misconception and misconstruction—in fact, to get at the truth of the case as it really is.

Section 156, A. J. Act, page 641, R. S. O., seems somewhat to militate with this view, but the proper construction of that section is by no means clear, and until it does receive a Judicial interpretation, it is the desire of all the Judges I have spoken to that the above view should be followed. The Judges desire that the Examiners should

let all questions be put and answers given, on such examinations, as are relevant and pertinent to the subject matter of the suit. If any question is objected to, the examiner should note the objection, but leave it to the Court before which the examination is used, to determine whether the question was a proper one to be put or not, and receive or reject it accordingly, and that the Examiners should take no responsibility on themselves. This view will, I am sure, commend itself to you all. Even among County Court Clerks there are very few capable of deciding correctly on nice points of the law of evidence, and when we consider the qualifications of parties appointed Examiners in country places, and even in the City of Toronto, it will be seen how prejudicial to the interest of suitors it would be to clothe such parties with powers, which should only be exercised by a Judge or a professional man of experience in such matters. The examiners should be very careful not to allow matters irrelevant to the questions at issue in the suit to be introduced into the examination. The above you will see, is in conformity with the spirit of what the statute itself lays down in the 163rd clause. Where a party being examined objects to a question asked him and refuses to answer it, the question and the demurrer or objection of the witness is taken down by the examiner, and transmitted to the office of the court to be filed, and the validity of the demurrer or objection is decided by the Court or a Judge.

Nothing can be allowed for copy of any pleading, except a declaration, if it is not over five folios, and then only for so much as it is in excess of the five folios.

Nothing can be allowed to either party for any proceeding that has turned out abortive, such as if a party gets an order or rule, &c., &c., and takes no proceedings on it, or advantage of it.

The 159 Section of C.L.P. Act does not apply to County Courts, and a County Court Clerk cannot give an appointment to examine in a County Court case on any affidavit being filed; he can only do so on an order to examine being received, made by his Judge.

No one has a right to make copies of examinations of parties in a County Court Clerk's office but himself. This applies to Superior as well as County Courts.

I was asked if a Sheriff could be allowed his usual fees on service of a Writ of Summons where he travelled six miles and effected the service out of his own county, thereby saving some 100 miles which would have had to be travelled had it been served by the Sheriff of the county in which Defendant lived. I answered as follows: A Sheriff out of his own county, is no more than any other individual, and has no other rights or privileges unless in some cases where he may be clothed with authority to do some act out of his county, either by Statute or by a writ of one of the courts—such as by a writ of Habeas Corpus and ad testificandum to bring a witness, &c.,&c., or in conveying a prisoner to Prison or Penitentiary; therefore when he serves a writ out of his county, he does so without any other or

ther right than any person who is not a Sheriff has and subject to the same disabilities as to charges, &c. But in the extreme case put en the service by the Sheriff, out of his county, only occasioned 6 les travel, whereas if it had been served by the proper Sheriff, 100 ld have been travelled, though it makes no difference as to the l right of the Sheriff to the charges, I would think it very pardon in the officer to allow the Sheriff his usual charges for service mileage, thereby doing a little wrong, to effect a much greater t. But this would only be justifiable in such extreme cases and ay add that I am rather afraid if tested by appeal, it would not nd.

When a Writ of Summons is, say against four Defendants, the intiff may drop any of the defendants he pleases in his declara- ; by so doing, he discontinues the action against the defendants included in the declaration, the officer simply does nothing as to le of cause—it remedies itself. He would merely enter in his ks, "Declaration against A. and B," this would show that C. and had been dropped. The parties themselves would only include A. B in the style of cause, subsequently.

When pleas have been filed, they cannot be withdrawn and ers filed in their stead, without a Judge's order.

Instructions, 50 cents, is allowed on an application for an order Examine, also on any other chamber application.

When an appointment to examine has been granted, and on its turn, the party to be examined does not appear, the Examiner uld make a minute of the non-appearance of the party and of the endance of the other party, if it was so, so that he might be in a sition to certify to it at any future time. He should charge nothing this minuting. If he enlarges an appointment, he should charge same as for the original appointment. In case of such non- endance and certificate being granted, it should be handed to the rty requiring it, to take such action on it as he may desire, and uld not be sent to the head office at Toronto. Section 166, Cap. R. S. O., applies only when a special report is necessary, owing to me circumstance out of the ordinary course arising, which the aminer considers material that the court should be made acquaint- with, such as misconduct of parties, refusal to answer questions, , &c.

At the Assizes, an exhibit should be given up on the oral order of udge. The order should be minuted in the Clerk's book.

The Rule as to not bringing papers out of your office without a dge's order, applies to all papers—there is no exception. The per way to prove an examination under the A. Justice Act, by a copy certified by the Examiner or Clerk of Crown, Toronto.

When two Baristers, belonging to the same firm, appear at a al, the rule is to treat them as one, except in very important and ceptional cases. Under such circumstances, sometimes a larger fee allowed than if only one had attended. The officer should

consider whether the case required the two counsel, or whether the two counsel were in the case for the purpose of charging two fees.

The taxing officer has complete control, (subject to an appeal to a Judge of the court), of allowance of witness fees, and if he considers that witnesses have been unnecessarily called or subpœnaed, he can disallow them, notwithstanding the affidavit of disbursements.

When an appointment to examine has not been served before its return, I would alter the date of its return without an extra charge because it had proved abortive.

The fees chargeable for allowance of an Interpleader Bond, come under the head of Reference.

In one case, $55.80 was charged for sending a special messenger from Chatham to New York to serve a writ of summons. The Deputy disallowed it, and I thought properly. The writ should have been sent to the proper officer in New York to serve, and any amount within reason, necessarily paid him for the service, should be allowed. This case was aggravated by a second charge of a like amount being made for an abortive attempt to serve the same summons.

Where a witness is brought from a foreign country, no allowance should be made for subpœna, because it would be useless. It could be of no effect in the country where the witness resides, unless it was necessary to subpœna the witness on his arriving in the country to protect him from arrest. In considering what allowance should be made to the witness several matters must be taken into consideration. First, was it less expensive to bring the witness over here to give his evidence, or to issue a commission for his examination where he resided; if yes, his expenses should be allowed; if not, then was the nature of the testimony which he was called upon to give such that it would be a matter of consequence that it should be given orally before the jury; if yes, again the expenses should be allowed; if not then I would allow what a commission would have cost unless the difference was only trifling, but the expenses should not be allowed in any case to exceed twenty cents a mile one way and one dollar a day for the time occupied in travelling and in remaining at the Assizes.

Though the statutes and regulations require judgment rolls to be forwarded every three months, in many cases it may be necessary to forward rolls before that time, such as when a revision is desired or an exemplification wanted, &c., &c. There is no reason why a roll should not be forwarded at any time after judgment is entered.

No judgment can be entered in a case where a verdict has been rendered, without the production and filing of the Record, and if a motion has been made in term and judgment given on it, the rule of court showing the result of the application, must also be filed.

Term fees are allowed in Ejectment—the writ has always been considered as a declaration for that purpose.

Where a party prepares papers to sign judgment by default of appearance or plea, and an appearance or plea is filed just in time

vent his signing his judgment, he loses the costs of his prepara-
tion to sign judgment, and cannot tax them in any event.

The Sheriff is entitled only to the same fees on service of a writ of summons in ejectment, as he would be for service of a summons in any other case. This includes the service of the notice of title.

No fee less than ten dollars is ever allowed counsel for conduct-
ing any case at the assizes, even an assessment. The tariff as to five dollars has been practically inoperative.

The Sheriff of Wellington served a summons on a party in Walk-
erton. I instructed the Deputy that he was entitled to no Sheriff's fees for the service, but that he should not be too nice in drawing the distinction when the service is effected in a County adjoining the County of the Sheriff serving the writ, and near the border of his own County, and when the service is a saving of expense, but in no case should a Sheriff be allowed mileage for such service beyond his own County, except in such a case as is above mentioned.

Any exhibit filed on an examination should be annexed to it, and should only be parted with in obedience to a Judge's order.

A judgment roll is not considered a filing, and cannot be charg-
as such, and of course requires no filing stamp.

When a Record is entered as a Jury case, and three dollars paid for jury fees, this amount under the statutes must be forthwith paid over to the Treasurer. Therefore if the Judge dispenses with the jury you cannot pay the amount back to the Plaintiff. It is not a question between the Clerk of Assizes and the Plaintiff, but between the Plain-
tiff and the Treasurer, but my impression is that the Plaintiff cannot recover back the amount at all. Under the old practice, the records made remanets had to be re-entered at each assizes, and the full jury fees were paid at each entry, and a jury might be paid for half a doz-
en times. Besides, a jury has been provided pursuant to notice, and I suppose should be paid for whether dispensed with or not. While on this subject I may say, that in the converse case, when a record, has entered as a non-jury case, and the Judge refuses to try and re-
quires a jury, you cannot, as far as I can see, require the Plaintiff to pay for the jury, because the requiring of the jury is the act of the Court. This has never come up for decision, but this would be my present view of it.

One Deputy taxed to a Sheriff 60 miles on a Capias, the fact be-
ing that the Defendant was arrested 20 miles from the court house. The Sheriff charged mileage to arrest, 20 miles; to bring prisoner to gaol, 20 miles, and to serve copy of Capias, 20 miles—all done and necessarily done at the same time, and the mileage being sworn to by the Sheriff. The fact being, that the Sheriff travelled 20 miles to make the arrest, and when he made the arrest he was obliged to serve copy of the capias, and was only entitled to mileage one way, yet he swears 60 miles, and more extraordinary still the Deputy allowed it. It certainly was an instance of the elasticity of a Sheriff's conscience and the value of such oaths.

In an action for damages for injuries sustained on the highway the Deputy allowed interest on the verdict, on entering judgment. This was a mistake. Under R.S.O., page 667, Sec. 269, interest may be allowed in any suit or action in which any verdict is rendered for any debt or sum certain, on any account, debt or promises. The verdict in this case was not for an account, debt or promise—it is a verdict for damages for an injury sustained, and sounds in damages. The statute does not apply to such. As instances of such actions to which the statutes does not apply, I may cite actions for seduction, crim-con, breach of promise, assault and battary, and on a policy of insurance, &c., &c.

I was asked, whether on a taxation in the County Court between Attorney and Client, where say the attorney lived in Brant, and the action where his client was defendant was about to be tried in Lambton, and the client requested the attorney to go to Lambton and defend the case for him, the client saying that he would pay the attorney well for doing so, and the attorney did so, and was absent three days, incurring various expenses, besides loss of time, could the attorney be taxed and allowed his charges for such services, and if the attorney stipulated for a certain amount for going can it be taxed; and in both cases, whether the Judge of the County Court has power to order the taxation of the amount. I answered, that in such a case as the above, the attorney should inform his client that his going to the distant County Court would occasion his client large extra costs which he could not recover against the opposite party, and that the usual course in such cases was to send a brief to some counsel residing in the county where the case was to be tried. If this was done, and the client still desired him to go, or if the clerk was satisfied that the client knew this, and with such knowledge directed his client to go, the Master has full power to tax to the attorney a reasonable remuneration for the service rendered, including expenses and loss of time. In case an amount was stipulated for and promised to be paid by the client, and the Master sees that it is fair and reasonable, and that no advantage was taken of the client's position to exact more than was proper and reasonable, the Master should tax it, but the Master should never forget that by virtue of his office he always has power (and should never fail to exercise it), to see that attorneys and clients as well, act fairly and reasonably by each other, to use a masonic term, that everything should be done on the square. As to the Judge's authority, of course he always has the authority to direct the clerks on an appeal, to allow all such sums in such cases as to him seems reasonable.

We never charge more than one search for an appearance when the step being taken is in consequence of the first search—that is, if after searching for appearance, Plaintiff goes away and makes up his judgment papers, comes back to sign judgment, and before doing so looks again to see if appearance entered; but if after the first search

notice is served on Plaintiff that an appearance has been entered and he searches to see if it is so, a second search should then be charged.

When a Record has been entered for trial, say at Huron, and the venue is subsequently changed to Brant, and the record is again being entered at Brant, the same fees must be charged as if the record had never been entered before.

When an attorney peforms services for his client in which no suit is involved, or in which no costs follow suit as in Division Court cases, paying taxes, interest, collecting rents, &c., &c., a commission to the attorney should be allowed. As to amount, it is in the discretion of the Master, according to the services rendered. When amounts are large, involving proportionately small labor, the percentage is less than when the amounts are small and involving proportionately large amounts of labor. In such cases, the master must exercise his own discretion, seeing that the attorney is fairly remunerated for the labor expended.

Where an affidavit of disbursements swears that a subpœna was issued in the cause, and the parties named in the schedule on the back were subpœnaed and examined, we have always taxed subpœna and copy of same, on the grounds that they were sworn to.

The costs in Surrogate cases will depend on the court in which the proceedings are taken. If taken in the Surrogate, then the County Court scale must be adopted, if in the Court of Chancery, then the Chancery scale must be adopted. This would appear to be the case on reference to Re Osler, 24 Grant, 529, and Re Harris, 459.

I was asked if a defendant demurrs to plaintiffs declaration, and on argument of the demurer, judgment is given in favor of the plaintiff, subsequently the plaintiff is nonsuited at the assizes, on the taxation of costs, who is entitled to the term fee for the term in which the demurrer is argued. The rule is that the successful party is entitled to the costs of the cause including of course term fees, the unsuccessful party must bring himself within the exception of this rule. If the argument of the demurrer was the only proceeding taken that term, which would carry a term fee, then plaintiff should have it, but if the defendant's pleading was in the same term, or the trial took place in the same term, or any other proceeding on the part of the defendant, which would entitle him to a term fee, then the fee would go to the defendants, in preference to the plaintiff.

A Sheriff is entitled to mileage in going to seize, also in going to sell, but I would say not in general for postponement of sales unless under very peculiar circumstances. For instance, suppose he went to sell and circumstances arose at the sale that rendered a postponment imperative, or that the parties to the suit both requested the postponement, then I would allow the mileage, otherwise not, because I would not think it necessary under ordinary circumstances.

I am asked if a Sheriff seizes goods under an execution, and owing to their being a prior claim, he has to sell goods to a greater amount

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than his execution, so as to satisfy the prior claim, what is the Sheriff entitled to for fees for selling and realizing the amount payable over and above the amount of the execution. It is not stated in the question what the claim to the goods arose out of. If it was on a chattel mortgage the Sheriff would not be entitled to any fees, because he could only sell the equity of redemption in the goods, but if the claim was for rent and the Sheriff sold and paid the rent out of the proceeds, he would be entitled to poundage on the amount so realized and paid.

Where a corporation is plaintiff and its agent attends to the general conduct of the case, subpœnaing and paying witnesses, &c., he can make the necessary affidavit of disbursements, and it should be received and acted on ex necessitate rei.

Counts in declaration for slander and trespass, verdict for $100, no certificate, I was asked what costs should be allowed. I answered full court costs, because the County Court has no jurisdiction in slander, and the verdict, not being distributed, full court costs must be allowed.

An infant appearing and defending by next friend and succeeding in the defence, would be entitled to the costs of appointing the next friend.

When a case is referred to arbitration immediately on its coming on at Nisi Prius, a counsel fee of ten dollars should be allowed. As to counsel fees on the arbitration, the Deputy has the same power as to allowance that the Master at Toronto has, and no order is made at Toronto except on appeal from the Deputy; but if the Deputy desires assistance or advice it is always ready on his asking for it. No more than one counsel can be allowed on any arbitration. Very many arbitrations do not require the presence of counsel at all, such as where mere accounts are involved in which it is only necessary for an attorney to attend and only fees for an attorney should be allowed. Where the master thinks counsel necessary, he will be guided as to the fees he allows, by the difficulty and importance of the case, the time occupied, &c., &c.

In case a Sheriff duly advertises lands, and before the lands are sold the debt is paid, the Sheriff would be entitled to the expenses and charges for the advertisement.

I now come, Gentlemen, to a question that occasions me a great deal of anxiety and trouble, this is the question of costs as treated by Deputies. A number of the Deputies pay much attention to this subject and conscientiously do their duty to the Profession and the Public, in the discharge of this very onerous and difficult branch of their duties, to the best of their knowledge and ability. This anxiety to do right on their part, I find evinced by the number of references they make to myself when at a loss as to what they ought to do. Others, while generally attentive are often careless. Others I am sorry to say cannot but be considered ignorant, reckless, and careless as to how this duty is performed, or what wrong they may inflict on suitors by their culpable ignorance, or reckless disregard of the

promptings of common honesty, in the discharge of their duties. I have done all I can to instruct them without avail. I have told them that in cases of doubt I would guide them if they would apply to me, but they appear to have no doubts, because they neither think nor care. With regard to this latter class I must hereafter wash my hands of them, and in case of a continuance of neglect of duty I will hereafter simply be obliged to report the matter to the Attorney General, and leave him to deal with it as he thinks fit. I have every sympathy with gentlemen in the difficulties they have to contend with in discharging this branch of their duties. I believe there is no more difficult branch of the law to thoroughly understand and properly administer, and I am not alone in thinking so, it being the opinion of the highest officers of the law; but there are what may be called the routine parts of it which only require common intelligence and moderate industy to fully master, and ordinary honesty, to administer. When one sees the most glaring wrong done in this branch, it suggests the gravest doubts as to an officer's proper intention in the discharge of his duty. Fortunately for me, it is not my province to judge, but as I have before stated such cases will hereafter be left to the head of the office to bear the responsibility of. Bear with me while I give a few instances:

Taxing full costs on claims clearly and unmistakably within the jurisdiction of the County Court, sometimes within the Division Court.

Taxing 60 miles travel to a Sheriff when only 20 were travelled.

Taxing 60 cents for an affidavit not one folio long.

Taxing affidavit of payment of mileage, and all fees for paying same, when no mileage was travelled.

Taxing affidavit of mileage, when the affidavit swore that *no* mileage was paid, together with fees for payment, &c.

Taxing affidavit of mileage and attendance, where it was sworn that it was paid by the attorney crediting the Sheriff with the amount in his books

Taxing full court costs on an affidavit made by the attorney or his clerk, that he is informed and believes that the amount is unliquidated and unascertained—when it is a shame that such an affidavit should be produced to an officer to act on.

Taxing in Ejectment, one dollar for notice to deliver up possession of property, copy 50 cents, letter with for service 56 cents, attending to serve 50 cents, agent's letter advising 53 cents, none of which, amounting to $4.62, are taxable costs at all; $1, for instructions for affidavit of adverse possession, $1.50 for judgment by default of appearance, instead of 90 cents, $1 fee, on judgment, instead of 50 cents, allowing $6.80 paid entering judgment, when the stamps only show $4 20, allowing instructions for affidavit of adverse possession $1, affidavit attending to swear, letters to agents and return, when there is no such affidavit at all, allowing costs in ejectment, on a clause in an affidavit of service of the writ of summons by a Sheriff's bailiff, that he *believed* that defendant was in actual adverse

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possession of the land in dispute, when, &c., and allowing $1, for this clause in the affidavit of service, allowing $1, for judgment by default which the tariff fixes 90 cents, allowing attending to serve writ 50 cents, affidavit of service $1, when writ not served by the sheriff, allowing 53 cents for letter advising of judgment being entered, which could not possibly have been done, when the costs were taxed, allowing $3.61 for service of writ, when no affidavit of mileage made, instead of $2.70, also allowing affidavit of payment of mileage when none made, paid entering record $3.80, it can only be $2, or $5, allowing sheriffs $3.20 instead of $2.70 for service of summons, allowing two affidavits of service in one case, when both defendants were served by the same party and should have been sworn to in one affidavit, allowing two attendances in the same cause for service of two papers by the same party and at the same time, allowing subpœnas, notices and other papers when not filed or accounted for, attendance to receive Notice to Proceed 50 cents, $4.73, charges on order to change attorney, notice of countermand, &c., $40 counsel fee when $30, was only sworn to be paid, attending to pay crier 50, cents, $1.25 a day to witnesses residing at the assize town, attending to serve writ, and affidavit, when served by a farmer, two attendances to search appearance, when writ served on both defendants on same day and the appearances due same time, $4.34 allowed sheriff for one service of summons, 3 miles travel should be $3.09, cost of examinations without any order for them. In a case against absent defendant special endorsement $1—could be no such thing. Renewing writ $2 should be $1.50; common particulars 80 cents should be 50 cents, copy 40 cents included in allowance for original, attending to serve, 50 cents should be served with declaration, taking examinations and keeping the fees instead of paying same with stamps, allowing full costs on claim for $290, without affidavit or order—claim was for wages. Notice to produce, 70 cents, should be 50 cents; $5 for three hours examinations, can only allow $1 an hour; two affidavits of payment of mileage only one should be allowed; two special endorsements $2, of course they can only be $1, paid clerk of assize for record 50 cents, he is entitled to nothing for this; $10.30 for copies of examinations of parties which do not exceed 35 folios—$3.50 is the most that could be allowed. Action on common counts, verdict $287.40, no certificate for costs, full court costs allowed; in this case the defendant was obliged to pay by the clerk's ignorance, or worse, $53.46 over and above what he was legally obliged to pay; $9.90 allowed a witness for 4 days attendance without mileage; one bill between $70 and $80 too much allowed; $4.13 allowed sheriff for service of an order to examine, 7 miles travel the total charge is $2.61, $2.50 for a judgment roll of 9 folios, special endorsement, $1.50, agency fees allowed when none are chargeable attending to search appearance and paid 60 cents praecipe for search produced not stamped; Instructions for pleadings, $2, can only be $1.50; telegram asking time to plead; reply 50 cents, attending to telegraph, 50

cents, copy of joinder of issue 50 cents. In a case of an undefended assessment on a bond, over $38 allowed too much, allowing all the costs of order to Exg., &c., &c., when the Deputy himself had granted the appointment on an affidavit filed, besides which there was no order for costs of examination at all. Allowing two counsel fees without any affidavit of payment. $39, allowed plaintiff for attendance at assizes on an affidavit that he travelled *no* miles to attend assizes and was absent *no* days in attending them, &c. Just fancy mileage being taxed on an affidavit stating, "That there is due to the Sheriff of Waterloo the sum of four dollars and forty-seven cents, being the amount of his charge for mileage and fees for service of the writ of summons in this cause.' Now, Gentlemen, can you believe that any one of your number could allow mileage on the above as an affidavit of payment. Can imbecility or dishonesty go farther? Surely the affidavit must have been prepared as a practical joke on the officer. What an insult to an officer to think that such an affidavit could be presented to him, not only with impunity but with acceptance—taxing the mileage on it and the usual fees for the affidavit itself. Jury notices service, &c., $1 allowed in an action of seduction which can only be tried by a jury, and to which such a proceeding does not apply; instructions for brief for second counsel as though two instructions for brief could be allowed; attending for subpœna, 50 cents; subpœna $1, of course this latter charge includes the former; $3, for copies, there were only two, $4.08 allowed for one service of writ and one mile travel, the highest that could be allowed is $2.89; allowing 6 cents return postage; mileage, attending to pay, and affidavit of payment allowed on an affidavit that the attorney instructed the sheriff to charge him with the amount.

The above, Gentlemen, are a few examples, out of many, of the nature of the over charges allowed by some Deputies in the face of tariffs, statutes, regulations, and oral directions. You will see that they are such as admit of no excuse. There is no difficulty of construction or otherwise to contend with. It is a clear case of simply, I don't choose to do right and care not what wrong I do, so as it is at other peoples expense. If it is from inability to comprehend then there is simply no hope, because there is nothing to work on or improve. I think you will agree with me, that it is not creditable to the association of County Court Clerks, that there are men belonging to it who are so utterly indifferent to all sense of right, or so imbecile as to perpetrate the wrong or folly, examples of which are above given. I am happy to say their numbers are few, and I still hope that they may have sufficient proper feeling left to be ashamed of their past course, and begin a new and a better one, and nothing would give me greater pleasure than to give them all the assistance in my power, as I am sure it would also you. I think if we could get them to attend our annual meetings it would be of benefit to them.

There are a few matters I would desire to refer to before I close. It would be very desirable if the Deputies would forward the judgment

rolls in their offices to the Head Offices regularly every three months. It would be a convenience to the Head Offices if they would not send them during Term time or vacation Before forwarding such, please examine each and see that it is properly filled up, also that it has been signed by the officer in the margin. I have received quite a number of rolls that I have been obliged to return to have omissions of this kind remedied.

I have previously requested the Clerks of Assize to make certain entries on the backs of records tried at the assizes, such as the number of exhibits filed, the time occupied, the counsel employed, the number of witnesses. Some have complied with the request, thereby very much facilitating business; but the majority, I suppose from forgetfulness have not. I think if they knew what trouble it would save the profession and the courts they would be more particular not to forget furnishing the information as requested.

I have noticed in some instances, that the Clerks have made affidavits as to proceedings in a cause. This I would submit to them ought not to be done. An officer should not in any way mix himself up in a cause, and should only certify, officially, as to proceedings, and never make an affidavit unless required by the court to do so.

I noticed in one case when there were two defendants, writ specially endorsed, appearance due by one, say A. judgment by default signed against A., subsequently appearance became due by the other, say B. and another judgment by default was signed against him, thereby having two judgments in the same case. This cannot be done. If he wanted to take judgment against B. he should have delayed signing judgment against A. until B. had made default.

In another case, judgment was signed by default of an appearance on an acceptance of service by an Attorney. This of course could not be done. The judgment is founded on the statute, which enables the plaintiff to sign it on filing the writ of summons, with an affidavit of service and without this the judgment is illegal and cannot properly be signed.

The only legislation during last session of the Ontario Parliament that occurs to me as affecting the Clerks of the County Court, is the act increasing the jurisdiction of the Division Courts and the act relating to chattel mortgages. Both of these, to a greater or less extent, reduce your emoluments, which I very much regret. I endeavored to get you allowed the fees for taking examinations in the Superior Courts. This I am sorry to say I did not succeed in, but I am in hopes that it may be more favorably considered next session.

The following questions have been submitted for answer by Mr. Austin:

Should a hab. fac. pos. and fi. fa. be renewed?

Yes, if necessary, the same as other writs.

When interpleader issue directed, should $2 be allowed for instructions in suit, in addition to 50 cents for instructions to sheriff's attorney or Chamber motion?

Three dollars should be allowed for instructions to parties in interpleader suits, in addition to 50 cents instructions on Sheriff's motion, Chambers for interpleader order.

In Chamber motions, should instructions for affidavit be allowed, in addition to instructions to move?

These charges have nothing to do with each other. If the affidavit is such a one as would justify the allowance of instructions for, it should be allowed. As to this allowance, I have previously explained fully. The instructions on the chamber motion is always allowed.

Should Attorney be allowed preparing special affidavit of service of summons on British subject out of the jurisdiction?

Yes, I think so.

By Mr. McFadden:

What amount of fees is a clerk allowed to charge on an assessment of damages taken before him, and the plaintiff examined under an order of the Judge, not exceeding two hours?

I am not sure that I understand this question fully, but I suppose it applies to a reference to the C.C. Clerk to assess in one case and to examine in the other. The allowance, as far as I can see, would be regulated by the tariff, page 9, where it says: "Every reference, inquiry, examination or other special matter referred to the clerk, for every meeting not exceeding one hour, 75 cents; do., do., for every additional hour or less, 50 cents." Therefore, if the reference lasted over an hour and not exceeding two hours, the charge would be $1.25, and if it required a report to be made on it, there would be an additional $1; if only a certificate, 50 cents. This question, I understand to apply only to County Courts.

When papers are taken before the Judge upon the return of a summons, is the clerk allowed for a search?

No, not for chamber papers filed on the application in which they are to be used. In Chamber and Term proceedings, no search charged during the pendency of the application. But if the papers taken before the judge were papers other than those filed upon the application, then I think the Clerk might charge a search.

Is a Clerk compellable, upon the application of a counsel, to produce without a subpœna or fees, on the *ex parte* order of the Judge of the County Court, the papers from the Surrogate, Insolvent, or Superior courts or chattle mortgages filed with him?

I think the above would be rather irregular, and that in some of the above cases at any rate, the order would be for a subpœna to issue, and the usual fees should follow. But if the order is made in the absolute form *to produce*, then the clerk had better do so upon payment of a search.

By Mr. D. McDonald:

Where the verdict or non-suit has been moved against in term, what taxation of costs, what brief fees should be allowed? Should it be two full briefs, or should the term brief be the Nisi Prius brief, with necessary additions, if any?

Two dollars is always allowed, as a matter of course, for briefs on motions in term. This is done without the production of any brief, and is all that is allowable in 99 cases out of 100. In cases

where the allowance would extend beyond this, the Nisi Prius brief should he used as far as it will go, unless it was in the hands of a counsel who used it at the Assizes and who is different from the counsel who acts in Term, and the Assize brief is beyond the control of the attorney, so that it is not in his power to hand it to the counsel in term.

In Chamber applications, can the successful party tax the costs of enlargements which he has requested—for instance, the costs of the first enlargement, when he had sufficient time to answer the material on which the summons was moved, or when his agent had to write him acquainting him of the service of the summons and at the same time ask for an enlargement, or where he asks an enlargement to answer affidavits. In any, or either of these cases, should the attendance be allowed?

The successful party in chamber applications made in the course of a cause, is entitled to the costs of attending on all enlargements granted either to himself or the opposite side, if no provision is made as to the costs of such enlargements. If either party desires any enlargement, which his opponent thinks unreasonable, he should request the Judge, if he grants it, to make it only on payment of costs; costs to be costs in the cause to the party opposing it &c &c, and then the costs will go according as ordered; otherwise, they will be costs in the cause.

When Fiats granted to 1st and 2nd counsel, what length of Brief should be taxed to 2nd counsel, should it be a copy of the pleadings only, or should it include a copy of the original matter on the 1st counsel's Brief, or independent, original matter. If anything additional, what?

Two dollars is always allowed to a counsel at the assizes as a matter of course for Brief, and this without production of any brief. On production of a proper brief additional amounts may be allowed, as provided by the tariff at pages 8 and 9. If, as in the first case, only the two dollars are allowed without the production of the brief, then no brief is allowed to the second counsel. If a brief is produced and a copy also produced for a second counsel, the copy for the second counsel can only be allowed at ten cents a folio.

When judgment is reserved in chamber applications, is it absolutely necessary that the attendance to hear judgment should be noted by the clerk at the time, or can the clerk tax the attendance when he knows that judgment was reserved, and that there was an attendance to hear judgment. In this rule requiring notices at the time is strictly adhered to, it leads to considerable inconvenience and loss in County Court applications, as invariably the clerk has not time to attend arguments in Judge's Chambers?

The part of the tariff requiring attendances to hear judgement to be noted by the clerk is on page 9, and is as follows: "Fee on attendance by counsel or attorney to hear judgment of *Court* when attendance is noted by the clerk at the time." This it will be seen applies to judgment of *Court* only and has no application to proceedings in Chambers.

Has the Deputy Clerk the power to tax a 1st and 2nd counsel fee (together with their briefs) not exceeding $20 to senior counsel and $10 to junior, and if so, how should he be guided, and supposing a fee is granted to counsel for say $25, can the Deputy Clerk tax an additional counsel fee to junior of $10?

The Deputy Clerk has power to tax fees of $20 and $10 on a trial at Nisi Prius. In doing so he must exercise his own judgment as to the importance

of the case, its difficulty, and the necessity of two counsel—the tariff says they may do so in actions of a "special and important nature," and in exercising this discretion they should consider that $20 and $10 is their extreme limit, and that the fees allowed should be graduated accordingly. In very many cases it would appear to me that very little trouble is taken in exercising this discretion, the extreme fee being taxed in almost every case, many of them not more than mere assessments. Where the Master at Toronto grants a Fiat for a counsel fee, say of $25 or more, he considers the whole matter, and means that the amount he grants the fiat for is all that should be allowed for Counsel Fee at that trial, and no more should be taxed by the Deputy, therefore no second counsel fee should be taxed under the above circumstances.

When a defendant is arrested on a Ca. Re. and afterwards the arrest is set aside and plaintiff recovers an amount within the jurisdiction of the Division Court, can plaintiff tax County Court costs in the absence of a certificate?

I think under above circumstances only Division Court costs can be taxed.

If a Ca. Re. was issued it would then be a matter for the Judge who tried the case to consider whether under the circumstances plaintiff had taken the proper course or not, and to grant or refuse a certificate for costs accordingly.

Mr. Hough:

On entering judgment, do you ever allow interest to be computed and added to the verdict?

Yes, in all cases when under the statute interest is allowable on the verdict, it can be computed and added to the judgment. As to this see above.

Where the Attorney has served the writ of summons and appearance has been entered, some of the parties refuse to file the affidavit of service of summons. Would you advise that judgment be signed without it?

This question no doubt applies only to cases when the summons served was specially endorsed. In such a case, the Attorney serving the summons himself gets no allowance for it, and therefore naturally desires to incur no expense in filing it. If the judgment signed is final for want of a plea, the affidavit must be filed, because the judgment is founded on the special indorsement, and it must be shown to have been served, but if it is on a verdict, then I do not think it necessary to file the affidavit of service, and the Attorney may do so or not, as he pleases.

In Superior courts, what should the Master in Chancery be allowed on examinations?

We have always allowed professional examiners two dollars per hour, and I would treat the Master in Chancery the same on examinations at common law, but he should not be allowed any other fee on the examination, such as swearing witnesses or filing exhibits.

In the County Court, what should he be allowed per hour?

I would allow half what I allowed in the Superior Courts.

In the Superior Court, what should the Attorney be allowed per hour for attendance on examination before the Master in Chancery?

This question I persume relates to a case at Common Law, when the Master in Chancery has been appointed an examiner, the Attorney would be allowed one dollar per hour, the same as before any other examiner, be he Attorney or otherwise.

In Superior Court what should the Attorney be allowed per hour for attendance on examination before an Attorney?

The last answer applies to this question.

In the County Court, should the Examiner be allowed more than the Clerk is allowed by the tariff?

It may be that he should not, and perhaps if the whole matter of these allowances were tested it might be held that they were not. Personally, I am not more than half satisfied with the holdings in these matters, and have drifted into them somewhat against my will, and would like to see the matter tested, but in analogy to the holdings in the Superior Courts, the examiners in County Court cases should be allowed as above.

What should the Attorney be allowed for his attendance per hour on County Court examinations?

Only the same as upon a reference before the Clerk.

In the Superior Court, should the examinations taken and endorsed "Received," be stamped on taxation?

With regard to the filings of examinations under the 165 Sec. of the C.L.P. Act, I am afraid I must alter the directions given previously. Upon examining this section, and consulting with the Chief Justice of my Court, I have come to the conclusion that these examinations, and all filings connected with them, must be filed and stamped. So you will please do so in future, then the above question cannot arise.

Mr. Thompson:

R. S. O., Chap. 68, Sec. 6, states, when writ of attachment against absconding debtors issues, it shall be in duplicate and costs to be the same as in single writ. Does this mean that only the original shall be stamped?

Both writs must be duly stamped, and the Attorney should be allowed for the stamps.

In signing judgment by default of appearance, no copy of bill of costs taxed. In default of plea would copy to serve be allowed?

Yes, if served, in all cases when a defendant appears, this copy should be allowed when served

When order to strike out or otherwise amend a plea, is not 25c. allowed for amending plea, besides 40c. Judge's order?

The costs for amending and for order have nothing to do with each other, and both should be allowed.

When a chattel mortgage is filed, and some time afterwards a lawyer presents what he alleges to be duplicate thereof, and requires a certificate from the Clerk, indorsed on same that it is a true copy of the original, what should be charged. Lawyers would say 10c. for making the search, and only 10c. per folio for the words of the certificate?

R.S O. page 1132, says: "For copies of any document with certificate "prepared, filed under this act, ten cents for every one hundred words"—this prescribes the Clerks fees for copies of documents filed under the act. The copying of the document, is a perquisite of the Clerk with which no one can interfere, and he need not certify any copy that he has not made. The responsibility of its being a copy rests on the Clerk, and he cannot certify a copy he has not made without fully and thoroughly comparing it, which he is not obliged to do for the fees mentioned. He may do so if he pleases, and make such allowance as he pleases for the copy furnished him, but it is entirely at his option to do so, or not.

When a Judge's order is made that a commission do issue, directed to some person in the United States for the examination of a witness, and such order sets forth that "either party be at liberty to take an office copy or "copies of such evidence or commission;" would this mean, that they are to be allowed to take such copies themselves?

It means that the parties can have office copies on applying for same in the ordinary way and paying for same. In such orders there is generally a clause providing that the commission may be opened on one day's notice by either party to the other. If this clause is not in, the commission cannot

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be opened by the Clerk without a Judge's order being made for that purpose, notwithstanding the above provisions for taking office copies.

Under Ad. J. Act, a person is appointed as an examiner who resides out of the County Town, and after he has taken the evidence, instead of returning it in accordance with Cap. 50, Sec. 165, R.S.O., hands the examination to the Counsel at whose instance appointment was made, and who keeps the examination until he takes all copies thereof that he requires, then hands examination to Clerk for his office. How could this be remedied?

The only remedy I see is to have proper capable men appointed as examiners, men who understand their duty and will do it, not mere nominees and tools of parties to a suit. In such a case as is put above, I would not allow for the copies so taken on taxation, except under 41st Vic. Cap. 8, Sect. 8. The Examiner having taken the examination should at once return it, and he is then functus officio; but under that act he can always certify to a copy of the examination which is made evidence to the same extent as the original would be, and an Attorney having legitimately got a copy, could from it make as many copies as the case would require and be allowed for same.

Some lawyers contend that the affidavit of serving civil Subpœna, when served by the Sheriff should be allowed. I have disallowed it.

I think the Sheriff should be allowed for affidavit when made, and that fee should be taxed.

A case was brought in the Superior Court and a verdict obtained for Plaintiff, which was moved against in Toronto. Plaintiff's counsel applied to short hand writer for copy of evidence for his counsel in Toronto, for which he paid $17.45. Is this item taxable to plaintiff?

Yes, if he succeeded on the application and discharged defendant's rule.

Item, (affidavit of?)service of appointment under A. J. Act, Lawyer's claim. This I have disallowed—that it is not necessary to show me whether party has been so served or not. If he does not attend, then counsel would have to prepare his affidavit of service to lay before the Judge, in initiating proceedings against him for not appearing.

When an appointment is given for the examination of a party to a suit, and the party obtaining the appointment attends on its return and the party called upon does not, the first thing the examiner should require would be proof of the service, and until such proof be given he should take no proceedings of any kind in the matter. I therefore think that the party procuring the appointment should come with the proof ready, and should be allowed the affidavit of service in case he becomes entitled to the costs of the examination.

A writ issued against an absconding debtor who is reported by his own family to be in a certain County in the United States, and upon the strength of these rumors plaintiff sends his Writ of Attachment to the Sheriff of that county, who fails to find defendant and makes affidavit to that effect, and upon this affidavit chiefly, plaintiff gets an order for substitutional service. Plaintiff paid Sheriff in the U. S. $5. Is this item taxable to plaintiff? I disallowed it.

The above proceedings having been all perfectly *bona fide*, and the court having acted on them as disclosed in the Sheriff's affidavit, and they being really the foundation upon which the subsequent proceedings rested, I would have allowed the plaintiff the $5 paid the Sheriff.

Should Deputy allow $40 Counsel fee on my certificate, when the affidavit of increase only shows $30 really paid?

Certainly not. The certificate, as far as the Deputy is concerned, shews him what fee it is thought the case would justify, if paid, where it is a disbursement, and indeed would not be given without an affidavit being produced that it was paid. But the Deputy should never allow more than is

shown to him by the affidavit of disbursements to have been disbursed. Of course, this does not apply to cases where the Attorney on the record acts as counsel. Then, of course the fee is not disbursed.

The above are all the questions submitted to me for answer at our present meeting, and I hope the answers will be found sufficiently explicit and clear for all purposes.

There are a couple of more points that I would like to mention.

When a Sheriff has several writs of execution against one defendant, and in his notice of sale all suits are included, as they should be, this can only be allowed as one notice, not as several notices.

Where an application is made in Term to reduce a verdict on behalf of a defendant, and the rule is made absolute to reduce the verdict without any mention of costs, the costs of the application can be taxed to neither party.

Under the Surrogate Court act, where real property is devised to executors to sell and invest the proceeds or divide it among the heirs, no stamps can be required under the Surrogate Court Act, as respects the said real estate so conveyed or its value, neither can the Judge charge any fees respecting same. The words in the tariff of fees to the act to be taken by judge and the crown where it says: "The property devolving," do not include or apply to real estate, because the executors hold it as trustees under the will, and the probate does not apply to it in any way, and of course cannot affect it. It does not give validity to any thing done under the will, and were there is no personal estate devised in addition to the real estate, the will need not be proved at all—it need only be registered. Also, at the time of proving the will, the real estate could not have become personalty.

Under R. S. O., cap. 50, sec. 154, page 640, which enables Clerks to tax full court costs on signing judgment by default of appearance, for over $200, on a specially endorsed writ. "Upon an affidavit being filed showing to his satisfaction that the amount was not liquidated or ascertained by the signature of the defendant or the act of the parties," the Clerk should not be satisfied with an affidavit, even of the plaintiff in the words of the statute, but should in addition require the facts connected with the transaction to be sworn to, so that he may himself judge as to whether the claim was ascertained or liquidated by the act or signature of the parties. I am sorry to find that in some cases Attorneys will undertake to swear for their clients an affidavit in the words of the statute, so as to have full court costs taxed. How any gentleman can make such an affidavit is to me inexplicable. He cannot know more of the facts than what his client has told him, and he must have a strange idea of the sanctity of an oath, to swear positively to a matter which to him must be hearsay. Such an affidavit, even in the positive form should never be considered satisfactory by the clerk, unless in addition to the above requirements it is stated and fully shown how the Attorney became possessed of the knowledge he swears to; and if it then appears that his knowledge has been founded upon what he has been told, the Clerk should reject the affidavit as unsatisfactory. No affidavit upon "information and belief," should be taken or considered satisfactory under this section.

In conclusion, I may now state with regard to the general performance of duties by Deputies and as to taxations, in particular, that I will give warning now, that after the first day of next January, I will report directly to the Attorney General any such dereliction of duty as I have above referred to, or

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any other of a like character. I sincerely hope that none such will occur, as nothing would give me greater pain than to find I was left no option in the matter.

Hoping, Gentlemen, that the above may be of some assistance to you in the discharge of your duties,

I remain,

Yours very truly,

M. B. JACKSON.
C. C. & P., C. P.

July, 18th, 1880.

The meeting fully concurred in the answers to the questions and instructions contained in the President's address, especially the latter part where the shortcomings of some of the Deputies are fully set forth.

At 2.30 the meeting adjourned to meet again at 4 P. M.

July 21st, 4 o'clock, P. M. Meeting resumed, when matters relating to taxation and practice were fully discussed.

Moved by Mr Featherstone, of Ottawa, seconded by Mr. Eager, of Halton,

That this meeting tender to the President, Mr. M. B Jackson, a vote of thanks for his very able and instructive address and answers to the questions submitted to him from time to time by the Deputy Clerks, asking for information to assist them in the proper management of their offices.

Moved by Mr. Inglis, seconded by Mr. Eager,

That the committee appointed at the last meeting, be the committee to watch the interests of the association for the next year.—Carried unanimously.

At 6 o'clock P. M., the meeting adjourned to meet at 9 o'clock A. M. to-morrow.

JULY 22d.

At 9 o'clock A. M, a meeting was held to discuss the several matters to be laid before the Attorney General by the committee appointed for that purpose. On account of the great amount of work, and consequently, fees taken from the Clerks of the County Court by the increased jurisdiction of the Division Courts, it was suggested that a part of the loss could be made up without any direct grant, if they were allowed to take fees on all examinations of parties to suits, instead of putting stamps thereon, and also for the copies of such examinations.

That the amount of cash paid on Records in Jury cases, and the stamps for examining and passing Records, be payable in cash to the Clerks.

That at the sittings of the County Court, both with and without a Jury, an amount per day should be allowed, similar to that now allowed to Clerks of Assize.

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These are a few of the items that the Association recommend the Committee to lay before the Attorney General, at their interview with him.

And it was generally believed that only mention to the Attorney General of the fact that during the long vacation, the County Court Clerks are obliged to keep their offices open from 9 A. M. to 4 P. M., would result in having the hours for keeping said offices open from 10 to 12 same as in the Superior Courts, during vacation.

The minutes and the address of Mr. Jackson were ordered to be printed, and a copy sent to each Clerk in the Province.

It was agreed, that our next meeting be held in the same place in July next, the time to be fixed to suit the convenience of the President. With many regrets at the small attendance, the meeting closed, with the satisfaction of knowing that all had been benefitted.

J. B. McGUIN,
Sec.-Treas., pro tem.