

MOTION TO EXPUNGE FROM RECORD A BILL OF EXCEPTIONS.

LRSC 8; 1 LLR 507 (1874)

January 30th, 1874.

To the Honorable Chief Justice and Associate Justices of the Supreme Court:

Russell Minis, Sub-Treasurer of the County of Sinoe, appellant in an action of damages, by his counsellor tenders to your honors this motion, praying that papers number 35 and 20, called bills of exceptions, and bearing date November 20th, 1873, be expunged and not received as a part of the record in the case of Russell Minis, Sub-Treasurer, vs. S. J. Crayton, Superintendent of Sinoe County, action of damages; because said papers called bills of exceptions are not signed by the judge of the lower court, and therefore should not be considered valid. See statutes as well as common law to which shall refer in regard to requisites necessary to constitute a bill of exceptions.

Respectfully submitted,

RUSSELL MINIS, Sub-Treas. Sinoe Co.,

By his Counsellor, J. J. Ross.

COURT'S RULING.

In the action of damages, R. Minis, appellant, vs. S. J. Crayton, appellee, up for review February 2, 1874: The court does not entertain the motion to strike out certain papers in the record of the case.

First, because the record, being properly certified and sealed, is conclusive.

Second, because the objection ought to have been made before the record in said case was read.