

enter the judgment at Plaintiff's risk, but not to allow costs unless they are expressly ordered by the Judge.

Joinder of
issue; allowance
for.

There appears to be no allowance in the High Court tariff for joinder of issue; it seems to have been omitted by mistake. This being the case I would go back to the old tariff and allow for it what is there provided for the item.

Report, where
filed.

Any report made in the progress of a case should be filed in the office where the proceedings are carried on.

Mortgage
affidavit.

The affidavit alluded to in form 169 Judicature Act in mortgage suits is an affidavit by plaintiff or other person having the necessary knowledge, to the effect that the mortgage in question is a good, valid, subsisting mortgage duly executed, etc., that the amount of the mortgage is due and owing or that so much of it is due and owing, and that only such payments have been made on it. You will see by No. 2 of the form that the findings are founded on the affidavit filed.

Case put off to
next assizes, re-
mains on docket,
need not re-
enter.

When a case has been entered for trial and is put off until the following Court I think under rules of 4th of December, 1875, it becomes a remanet, not having been *tried or otherwise disposed of* within the meaning of these rules and need not be re-entered. The contrary has since been held by the Master in Chambers, but his decision was overruled by Hon. Mr. Chief Justice Wilson. See also page 19, minutes of 1882. Of course it follows that in such a case neither stamps nor jury fees can be required, neither can the Clerk of Assize demand a second three dollars, as I understand some have done.

Writs, marginal
notes in.

The necessity as to marking in the margin of writs, the office out of which they issue, is the same as it always has been.

Exhibits, charge
for.
Term or Court
fees.

No charge is made for filing exhibits at the assizes.

The Term or Court fees in actions to recover lands are the same as in other actions.

Corrections, as
to making.

The rule acted on here as to making corrections is, that if an error is discovered while the matter is in hand, say for or against a bill, it can be corrected, though the bill was signed, but if an allocatur had been signed and was taken away no correction could be made unless it was returned. This right we exercise at any time during the day on which the error was made, but not afterwards. This correction can be made although a judgment might have been completed up to entry in the judgment book, but not if the entry had been completed in the judgment book.

Letters, answer-
ing by Clerk.

I think a gentleman can without impropriety answer letters addressed to him making inquiries as to chattel

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