

dition that he will prosecute such application at his own costs and charges without any wilful or affected delay and that he will pay the person in whose favour the conviction, order or other proceeding is affirmed his full costs and charges to be taxed according to the course of the Court in case the conviction, order or other proceeding is affirmed.

1286. The Judge shall have all the powers of the Court in the like matters and may order the production of papers and documents as he may deem necessary.

1287. An appeal shall lie from the order of the Judge to a Divisional Court if leave be granted by a Judge of the High Court.

1288. The Rule passed by the High Court on the 17th day of November, 1886, under the authority of 49 V., c. 49, s. 6 (D), and all Rules and parts of Rules inconsistent with the next preceding nine Rules are hereby repealed.

These Rules shall come into force on the first day of September next.

PASSED MAY 2, 1908.

1299. Rules 1289 to 1298 inclusive, relating to *certiorari* proceedings passed on Friday, the 27th day of March, 1908, and which were published in the issue of *The Ontario Gazette*, of 4th April, 1908, are hereby declared to be superseded and inoperative by reason of the Act of the Ontario Legislature passed at its last Session embodying said Rules.

1300. Rule 1237 is hereby amended by adding thereto the words "and also in the Provinces of Alberta and Saskatchewan."

1301. Rule 168 is hereby repealed and the following substituted therefor:—

1301. (1) When a defendant is served within Ontario elsewhere than in a Provisional Judicial District, he shall appear within ten days, including the day of service.

(2) If served within a Provisional Judicial District, unless otherwise ordered under Rule 353, he shall appear within twenty days, including the day of service.

PASSED DECEMBER 19, 1908.

Rule 412, as enacted by Rule 1229 is hereby repealed, and the following substituted therefor:—

1302. (1) Money shall be paid out of Court upon the cheque of the accountant, countersigned by the Registrar of the Court of Appeal, or by one of the Junior Registrars of the High Court of Justice, and the Finance Committee of the Supreme Court