

of them have died, become insolvent (*f*) or left the County since his last report, and mentioning any facts connected therewith which ought to be made known to the Judge.

RULE No. 174 (*g*).—Every Clerk is expected and enjoined to answer promptly all reasonable inquiries made touching their suits by the parties thereto, their attorneys or agents; if no postage stamp is sent him for reply, then such answer may be by post card.

RULE No. 175.—On payment of a fee of 5cts. (*h*) every Clerk, when required by parties paying costs, shall give a statement, in writing, of items in detail or transmit the same by postal card.

RULE No. 176.—The Bailiff receiving an execution shall immediately (*i*) endorse on the same a correct statement of the day and hour of the day when he receives such execution, and in addition to the formal return (Form 124) on every execution returned, he shall give a correct and full statement of the par-

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(*f*) The term "insolvent" here used does not mean insolvency under the Act merely, but it "is a man's not being in a condition to pay twenty shillings in the pound in satisfaction of all demands:" per Garrow, B., in *Teale v. Younge, McClel. & Younge*, 506; "Sinclair's Division Courts Act," 27 (*a*).

(*g*) Promptitude of the Clerk in answering "all reasonable inquiries" is for his interest as well as that of the suitor. Neglect in that respect soon gives a Clerk a bad name among business people. The Clerk is not bound to answer any inquiries unless he is prepaid the postage, but if he chooses to do so, he may communicate by post card.

(*h*) The object of this is to compel Clerks, on payment of a small fee, to give such a "statement in writing of items *in detail*" as may enable parties to see if the charges for costs are such only as the law allows. It will be observed that the Clerk "shall" do so. The duty is imperative on him, and should he refuse, a mandamus would lie against him: *Reg. v. Fletcher*, 2 E. & B., 279; *In re Linden and Wife v. Buchanan*, 29 U. C. R. 1; and it would probably be granted with costs: *Rev. Stat.* 730; *Reg. v. Langridge*, 24 L. J. Q. B. 73.

(*i*) The meaning to be attached to the word "immediately" here is "forthwith," "without delay," or "at once," according to circumstances. Should a Bailiff be handed an execution on the street, the same despatch in making the endorsement would not be expected as if he received it at the Clerk's office. The better rule to adopt is to make it *at once*. The propriety of a Bailiff's doing that which this Rule directs will be found discussed at page 174 of "Sinclair's Division Courts Act."