

unless in obedience to an order to do so, or in case of parties desiring to enter judgment in Toronto, to revise taxation, to appeal, or to have bail allowed, then on *præcipe* for that purpose they may be forwarded to taxing officers or Clerk in Chambers, respectively. When judgment is entered in an action the papers or proceedings should not be sent to another office on *præcipe*. Of course the above does not apply to forwarding certified copy of proceedings and exhibits on notice after a trial for a motion in Court pursuant to the Statute.

Notifying Solicitors of Judge's decision.

In any case tried at the Assizes in which the Judge trying it reserves his decision, and subsequently the certified copy of proceedings is sent to the Clerk of Assize with the Judge's decision, the Clerk of Assize should at once notify the Solicitors on both sides, by letter or post card, of the decision; this being the only way by which the Solicitors can be made aware of what the decision is, and it is necessary that they should be made aware of it at once so that they may move against it if they so desire.

Order *Nisi* or notice of motion

It may be of some use to the profession to understand when Motions from the Assizes, made in what was Term, should be by notice of motion or by motion for order *Nisi*, or both. The matter stands as follows: If it is desired to move against the finding of a Jury, the motion should be for an order *Nisi*. If the finding of the Jury is satisfactory, but the judgment ordered to be entered thereon by the Judge is considered unsatisfactory or not warranted by the finding of the Jury, then a notice of motion should be given; and if objection is taken to the finding of the Jury, and also to the judgment ordered to be entered thereon by the Judge, then a motion should be made for an order *Nisi*, and also a notice of motion must be given. Of course it will be seen from the above that where a case is tried by a Judge without a Jury it can only be moved against by a notice of motion; this, of course, does not concern you directly, but will enable you to solve the doubts of many practitioners as to the course to be adopted on moving.

Rules 33 and 71. Service accepted by Solicitor.

Under these Rules where the service of the writ of summons is accepted by a Solicitor, the affidavit of service need not swear to the fact of the Solicitor accepting the service being the Solicitor of the defendant. This may not be within the knowledge of the party serving the writ. The affidavit need only state that the writ of summons was served, etc., etc., on So-and-so, a Solicitor

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