

1882

Chancery cases with a Deputy Clerk, see Minutes of 1881, pages 6, 20, 21, and 34, where it is fully discussed.

Rule 264.
Time for entry of
actions for trial.

As to time within which actions may be entered for trial, Rule 455 applies to the computation of time under this Rule, so that when the first day of the Assizes falls on Tuesday, the last day for entering an action for trial at such Assizes would be the previous Friday, and that the intervening Sunday would not count.



The Judges at the Assizes disapprove entirely of the shape in which certified copies of proceedings for trial are certified to by Clerks. Sometimes there is only one half a sheet of paper, and then folded the short way. No proceedings should be certified which is made upon anything less than a full brief sheet of paper, or a whole sheet of foolscap, so that it can be doubly folded and retain exhibits inside it, and be folded lengthways. You are to refuse to certify proceedings in any other form. I thought I had sufficiently provided for this at page 30, last address, but it seems not.

Form of certified
copy of proceed-
ings.

You are particularly requested to certify the proceedings by putting the certificate on the back, and also to mark them on the back when entered for trial, also to endorse the certified copy of proceedings after trial, with the particulars as to number of exhibits, witnesses, counsel, time case occupied, etc., etc. As you have heretofore been requested to mark on the back of the old record, which is precisely the same thing as the certified copy of proceedings, and you have been particularly requested to treat the certified copy of proceedings the same as the old record, I hope it will not be necessary to refer to this again; but it is rather discouraging to see the few who have complied with the request; the not doing so occasions a great deal of unnecessary inconvenience.

*Refuse to
unless in*

Certified copy of
proceedings.
Where certi-
ficates and memo-
randa to be put.

In case an action is tried before a Judge, and he reserves his decision, and directs the Clerks to forward the certified copy of proceedings to one of the Registrars at Toronto, for the Judge, the Clerk should get from the parties concerned sufficient postage to pay the postage back from the Toronto Registrar—as the certified copy of proceedings must be sent by him back to the Clerk of Assize on the decision being given by the Judge—there is no fund here out of which such postage can be paid, and in default of the postage being sent the papers will have to be returned unpaid by express.

Postage.

Pleadings, papers, and proceedings filed in an action should always remain on files with the officer with whom they are filed, and should not be forwarded to Toronto

Filed proceed-
ings not to be for-
warded on pre-
cipe.
Exceptions.