

1882

Court holds in that Court an office corresponding to that of Master or Clerk of the Crown or Registrar in the High Court, and that therefore he might, under this Rule, exercise in the County Court the same powers under this Rule and Rule 369 as the Master, Clerk of the Crown, Deputy Clerk of the Crown, Registrar, or Local Registrar could exercise in the High Court. The Statutes and Rules applying to examinations, both before and after judgment are: Rule 219, R.S.O., pages 641-2; Rule 366, *et seq.*, R.S.O., 598 and 675.

Ejectment judgment for part.

In an action for the recovery of land for lots A and B, appearance entered for lot A, no appearance for lot B, a final judgment can be entered as to lot A, which can be enforced by execution while the action goes on as to lot B.

Three dollars fee on entering action.

There appears to be still some misapprehension as to the rights of the different Clerks under cap. 8, section 1, of Statutes of Ontario, 44 Vic. I thought I had sufficiently explained it at pages 6, 20 and 34 of last address, but it seems not from a number of communications I have received on the subject. I hope the following will make it clear:—

Every Clerk of Assize, except the Clerk at Toronto, is entitled to three dollars on every action entered with him for trial, and on every certified copy of proceedings in actions to be tried anywhere except in Toronto, no stamp should be affixed for the passing of it. But if action is to be tried in Toronto, then the one dollar stamp must be affixed as usual for passing it. This is because the three dollars not being payable to the Clerk of Assize at Toronto, the one dollar passing stamp does not, of course, go to making such an amount up as it would if action was to be tried at any other Assize. When an action is to be tried at any other Assizes than Toronto, the Clerk passing the certified copy of proceedings can make no charge either in stamps or money. It is only on the record being entered for trial that the three dollars is to be paid to the Clerk with whom the action is entered, which three dollars includes the one dollar otherwise chargeable on passing. Therefore if the Clerk, say at Hamilton, certifies proceedings in his office in an action to be entered for trial at London, he charges and receives nothing, but the Clerk at London is entitled to three dollars for entering the action for trial; but if the action was to be tried at Toronto, then the Clerk at Hamilton would charge the stamp of one dollar. As to charging the three dollars on the entry of

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