

HILARY TERM, 50TH GEO. III.—1810

*Judgment Rolls, Writs and Dockets.*

IT IS ORDERED, That the Rolls of all Judgments entered at the several Terms, be brought in and filed (*f*) on or before the first day of the Term next after the Term in which they shall be respectively entered.

That in all cases where blank Writs shall be filled up by the Attornies, the Præcipes and Affidavits for Bail, in cases of Bailable process, be transmitted to the Clerk's Office by the very first opportunity, after issuing the Process; (*g*) and that no Attorney do, on any account, suffer any blank Writ to go out of his hands to be filled up and issued by any other than an Attorney of this Court—and that no Rule to plead or other proceeding in the cause be had, unless the Præcipe and the Affidavit, in cases where an Affidavit is made, be duly filed.

That all Judgment Rolls be engrossed upon Parchment in a fair legible hand, with a margin of not less than an inch in breadth, and a sufficient space at the top for binding up the same, and at the bottom for numbering the Roll; and that no Roll be received or filed by the Clerk that is not made up in the manner herein directed.

That no Processes be signed or filed by the Clerk which are not engrossed upon Parchment agreeably to the former Rule (*h*) of this Court in that behalf made.

That the Rule respecting the filing of Dockets and payment of Fees be strictly enforced, and that the Clerk report to the Court any delinquency in this respect without delay.

EASTER TERM, 50TH GEO. III.—1810.

*Replevin.*

1st. IT IS ORDERED, That the Writ of Replevin, (*i*) under the Act of Assembly, 50 Geo. 3d, c. 21, be in the form following, viz:—

(*f*) Where a judgment roll has been lost or mislaid, the Court will not allow a new record to be made up and filed *nunc pro tunc* unless it satisfactorily appears that the former one was once actually in the Clerk's office.—*Shedden v. Smith*, Chip. MS. 51.

(*g*) It has been held at Chambers that this part of the rule is only directory, and that a Defendant is not entitled to be discharged out of custody on filing common bail, because the affidavit to hold to bail has not been filed in the Clerk's office before the writ is returned and filed.

(*h*) Ante Rule I, Easter T. 25. Geo. 5.

(*i*) See post Rules of Mich. T., 4 Vict., for the form of Replevin Bonds and Postea where there is a verdict for Defendant.