

sation, I think, should be assessed at more than the real value of the land, which is probably next to nothing. I therefore direct the retention of the land upon payment of \$50 as compensation and \$50 for the trespasses established by the evidence, \$100 in all, together with the costs of suit, which, I think, should be fixed at the sum of \$100.

If this result is of little profit to either party litigant, it may perhaps serve as an indication that there should not be expensive litigation over a mere trifle.

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DYKE V. BOURNS—LENNOX, J.—OCT. 7.

*Judgment—Motion for, in Default of Defence—Practice—Certificate of State of Cause.*]—This action came on by way of motion for judgment before LENNOX, J., at the spring sittings at Port Arthur. It then appeared that both defendants had been served with the writ of summons, a notice of cancellation of the sale in question in the action, and notice of the motion. No one appeared upon behalf of either defendant. The learned Judge then directed that the motion should stand over, and that the plaintiff should file and post up a statement of claim; the motion to be subsequently renewed. It now appeared that the statement of claim had been duly filed and posted up, and no statement of defence or other answer has been made by either defendant. The plaintiff renewed the motion for judgment. The certificate of the state of the cause did not refer to the direction to file the statement of claim, or shew that the pleadings had been again noted closed, and was not signed by the Local Registrar. The learned Judge said that he saw no good reason why the defendant John E. Bourns should be ordered to pay costs; but in other respects the plaintiff appeared to be entitled to the relief claimed. Judgment for the plaintiff, reciting the proceedings in the action, including the motion at Port Arthur, the direction then made, the adjournment, and the subsequent renewal of the motion, in the terms of the statement of claim, with costs against the defendant Nellie M. Bourns and without costs as against the defendant John E. Bourns, upon the certificate being amended and signed by the Local Registrar and filed. John A. Dyke, for the plaintiff.