

order for a *capias* was granted, and there was fear of justice being defeated by the defendant leaving the country at once. I would, in such a case, issue a *capias* at midnight, if necessary. I am not prepared to say that in no case would I issue execution after office hours: it may be to a certain extent optional with the officer, but if it is so, the option should be exercised with great care. Suppose, for instance, that it was shewn that the defendant was making a fraudulent disposition of his property, and that if execution was not issued a great wrong might be done, I think I would issue execution though it was after office hours.

Fees to local registrar on entering records.

\$3.00

Penalty of a bond.

Certificate of taxing officer.

Division Court costs.

Witness' fees.

Under 44 Vic., cap. 8, I would think a local registrar would be entitled to three dollars on each action entered for trial at the Assizes, which it seems to me would include actions brought in the Chancery Division, entered at the Assizes. I do not see how he can claim the eight dollars formerly paid on such cases; all the fees now payable on entering a case at the Chancery sittings will be two dollars in stamps, being the fee payable for entering a Record at the Assizes for trial without a jury.

The amount of the penalty of a bond cannot be made the subject of a special indorsement. So as to enable a plaintiff to sign a final judgment by default for want of an appearance, the damages must be assessed under the statute of William.

We consider the certificate of the taxing officer of the costs taxed merely as an allocation, and requires no stamp on it except the ordinary filing stamp. I would think, in the county offices, where the costs are taxed and judgment entered by the same officer, that where costs are taxed and judgment entered at the same time, there need be no other certificate of costs than the usual entry by the officer, at the foot of the bill, of the costs having been taxed.

When by verdict, statute, or Rule of Court, a plaintiff is only entitled to Division Court costs, he can only get costs on that scale for all and every costs of all proceedings in the cause on entering judgment.

In a case tried in a county town in which the plaintiff was a manufacturer, a number of his employees were witnesses for him; the case was tried on the fifth day of the Assizes; it resulted in favour of plaintiff, who, on entering judgment, made the usual affidavit of disbursements, charging for each of his witnesses five days. I was asked should this be allowed, and if not, what should be allowed? I instructed to only allow for one day, being the day of the

trial, the unreasonable

I have Book.

none of Clerk of

It would one independent by having of Process

I notified omitted day when deal of contrary should be was treated usual, or within the with

When in all divi tively, in entered; C.P., Q. Common

Trans County not be en need only

When the purpose addressed and suff postage

When use in Chamber

The R to forward should n address.

Judgment