

the said mining stock, and to grant the necessary discharge for the same to the said trustees, and in default of doing so within the said delay, this judgment shall be held to be in lieu and place of a regular transfer by the parties to each other of the said shares in the said respective proportions, and to be held as a good and valid discharge to the said trustees for the said shares; it being ordered that any profits derived from the said shares now due, or which may have been received by the said trustees, shall be accounted for and paid to the said parties in the above proportions;

"And the Court doth dismiss the other conclusions of the action of the respondent, each party paying his own costs in the Court below, and doth condemn the respondent to pay the costs on the present appeal: reserving to the appellant his recourse for any balance which may be due him by the respondent."

Judgment reversed.

R. A. Ramsay for appellant.
S. Bethune, Q.C., counsel.
Dunlop & Lyman for respondent.
R. Laflamme, Q.C., counsel.

COURT OF QUEEN'S BENCH.

MONTREAL, May 21, 1884.

DORION, C.J., RAMSAY, CROSS, TESSIER and
BABY, JJ.

SUNDBERG, appellant, and WILDER, respondent.

Procedure—Correction of clerical error in register of judgments.

DORION, C.J. In this case the respondent moves that the record be sent back to the Court below, for the purpose of having an error in the copy of judgment corrected. It appears that the draft of judgment as prepared by the Judge who rendered judgment is correct, but in the registration a clerical error has occurred, by which a wrong number is given in the description of certain land. The judgment as it is registered is not the judgment rendered by the Court. There are English precedents which show that the Courts go very far in permitting the rectification of such

errors. But it is evident that this Court sitting in Appeal has no authority to interfere. The error must be corrected by the Court below. It is not necessary at present to send back the record. The Court below has power to correct the error in the registration, and when that is effected, a correct copy may probably be produced here, and admitted in the place of the copy which contains the error of description. The motion to send back the record, in order to have the error corrected, is therefore rejected for the present.

RAMSAY, J., concurred, on the ground that there is no doubt that a purely clerical error, whether by Judge or the Clerk of the Court, can be rectified. His Honour added that this was one of those matters which members of the bar ought to settle among themselves.

Motion rejected.

Oughtred for respondent moving.
Brown, Q.C., *contra*.

GENERAL NOTES.

THE N. Y. CODE.—The New York legislature has postponed the question of codification in that State for the present, by passing a bill for the appointment of a commission to revise the draft code, and report as to amendments which may be deemed necessary.

SOLICITORS AND THEIR COSTS.—At the sittings *in banc* of the Queen's Bench Division of the High Court of Justice on Thursday, Mr. Justice Denman, Mr. Justice Manisty, and Mr. Justice Watkin Williams, had before them an application in the case of the *London Scottish Building Society v. Charley et al.* which raised an important question as to the costs which a solicitor who appears in person may recover against a defeated opponent. The plaintiffs had brought an action against the defendants, who appeared in person and acted as their own solicitors, recovered judgment and costs against the plaintiffs. Upon taxation of their bill the question arose whether they could claim remuneration for their professional services to themselves as the defendants' solicitors, or whether they were not in the same position as any other litigant in person, and as such only entitled to recover costs out of pocket actually paid, and not any sum for remuneration for time and labour, or what are termed profit costs. The Master decided to allow the defendants' costs as solicitors, and the Judge in Chambers referred the matter to the court. The court now held that, although there was a difference of opinion, the preponderance was in favour of allowing these costs, the opinion of so great an authority as the late Lord Justice Lush being also in favour of a solicitor being allowed to recover them. Thus, upon all grounds, the decision of the Master must be upheld.