MEREDITH, J.:—The appellant seeks to set aside the *fi. fa.* on these grounds: 1, because costs directed to be set off were not deducted before the writ issued; 2, because the certificate of taxation was not served; and 3, because, as to part of the costs included in the writ, it was issued without production of the original order for payment of such costs.

As to the first ground, the direction was a verbal one, made by the learned Judge who made the order now in appeal, so that it must have been considered by him that his verbal direction had been substantially carried out, and so it now appears. The costs have been set off against an earlier bill of the plaintiffs, upon which execution had issued. The only possible loss the defendant could sustain by setting his costs off against the plaintiffs' earlier instead of his later bill is the sheriff's poundage on $12, that is, 72 cents, and in the disposition to be made of this motion that will be prevented.

As to the second ground, there is no practice requiring service of the allocatur in such case as this. The defendant's solicitor had notice of the taxation, and his agents were present when it was completed, so that the defendant had notice of the amount payable, and the writ was not issued until five days afterwards: see Con. Rule 843. It would have been more courteous and commendable to have asked for payment before issuing the writ; the amount was small, for interlocutory costs only, and the solicitors resided in the same town, and after the previous like taxation a copy of the allocatur had been served; though, to the contrary, it is right to add that such service had no effect, the costs were not paid, the Court had to be moved to recover them.

The last ground seems more important as a matter of general practice. It can hardly be good practice to issue execution upon what at most merely purports to be a copy of an order; and, in this case, there was no reason why the original or an office copy could not readily have been obtained. Our Rules seem to contain no provision touching the question; they are quite bald as to the *modus operandi* in obtaining the writ; they indicate from which office such writs shall issue, and provide for the filing of a præcipe, but that seems to be all. The English Rules expressly require the production of the original order or of an office copy of it: O. 42, r. 11: and such has long been the practice there, a rule of 1853 providing that no writ of execution should be issued until the judgment paper, postea, or inquisition, as the case might be, had been seen by the proper officer: R. 71, H. T. 1853. This is a reasonable and convenient practice which ought to be followed—as I think it has been—in this Court. It might be different if the order were entered in a book accessible to,