

EXHIBITS—JUDGMENTS—AUTUMN CIRCUITS, 1867.

insisted upon. A revision of the taxation was had before the Master at Toronto, when that officer—and very properly as we think—refused to tax any items for which no voucher appeared as having been filed upon the original taxation; and refused to file or to allow any such vouchers to be read before him.

This rule, as laid down by the Master, was affirmed by the learned Judge, though, owing to the circumstances of this particular case, and as the practice in the different outer counties had not been uniform, he allowed the items in question to be substantiated by the production of the missing vouchers; “but in future,”—as he warned all concerned,—“Deputy Clerks of the Crown and the attorneys must see that all necessary vouchers are filed in the first instance.”

EXHIBITS.

The Court of Queen’s Bench remarked, in the course of a case before it this Term, upon the carelessness which is often evinced on the part of Clerks of Assize, at Nisi Prius, as to the custody of exhibits. So long as persons (not imbued with a high sense of duty, doing duty for the sake of doing it), receive so much a day for doing certain things, it is not human nature to expect that they will take the same trouble as if they received a special remuneration for each particular service rendered, as, *e. g.*, in cases of this kind, if the clerks were paid so much a piece for each exhibit filed in court, there would probably be more care taken of them. The greatest inconvenience is often experienced from want of due care of papers filed, and any thing that would tend to lessen the evil would be welcomed by the judges and by the profession.

In connection with this subject, the learned Chief Justice spoke of the effect of putting in papers as exhibits at Nisi Prius without perfecting the proceeding by reading them. He said it was a common mistake for counsel to suppose that all that was required was to “put in” a document, and then suppose that it could be referred to as an exhibit, though in fact it does not become an exhibit until read; and he referred to the particularity observed as to this in England.

JUDGES are almost proverbially careful in the expression of their opinions, it is therefore occasionally rather refreshing to hear an emi-

nent Judge having a good “fling” at some thing which excites his wrath.

In a case of *Rex v. Willey*, 1 M. & S. 188, in which the sufficiency of a plea of *auterfoit acquit* was in question, a form in Rastal’s Precedents was cited, whereupon Lord Ellenborough, after consideration, expressed himself thus,—“I find the precedent there stated is as full of faults as can be. Indeed I can hardly conceive anything more faulty: it is even worse than the plea which is the subject of our consideration, which, however, is perfectly vicious for not setting out the record, &c. . . . The precedent in Rastal, therefore, is one of the most vicious precedents that I ever contemplated.”

JUDGMENTS.

QUEEN’S BENCH.

Present:—DRAPER, C. J.; HAGARTY, J.; MORRISON, J.

June 8, 1867.

In re Moorman and Farmer.—Appeal from the County Court of the County of Hastings allowed, and rule nisi in court below made absolute.

Coleman v. Kerr.—Appeal from the County Court of the County of Hastings allowed, and the court below to make absolute the rule to enter the verdict for the plaintiff.

Miller v. Corbett.—Judgment for defendants.

Barretto v. Pirie.—Judgment for plaintiff on demurrer, the justification being too general and not setting out any specific cases of misconduct on part of plaintiff. Leave given to defendant to apply to judge in Chambers to amend within one month.

AUTUMN CIRCUITS, 1867.

EASTERN CIRCUIT.

The Hon. Mr. Justice Hagarty.

Pembroke	Wednesday..	Sept. 18
Ottawa	Monday	Sept. 23.
L’Orignal	Monday.....	Sept. 30.
Cornwall	Thursday ...	Oct. 3.
Brockville	Wednesday..	Oct. 9.
Perth	Monday.....	Oct. 14.
Kingston	Wednesday..	Oct. 23.

MIDLAND CIRCUIT.

The Hon. the Chief Justice of the Common Pleas.

Peterborough	Monday.....	Sept. 16
Lindsay	Thursday ...	Sept. 19.
Whitby	Wednesday..	Sept. 25.
Napanee.....	Monday.....	Sept. 30.
Picton	Thursday ...	Oct. 3.
Belleville	Tuesday ...	Oct. 8.
Cobourg	Tuesday	Oct. 15.