the particular contract, as in Elliott v. Dean, 1 Cab. & Ell. 283, based on Wilkinson v. Evans, L. R. 1 C. P. 407.

The appeal is allowed with costs of appeal. The judgment below will be reduced by this bill of goods $191.75, and the costs of this appeal set off against the reduced judgment below and costs of Division Court to plaintiff.

JANUARY 24TH, 1906.

DIVISIONAL COURT.

ROBINSON v. ENGLAND.

Costs—Taxation—Appeal—Omission to File Written Objections before Certificate Signed—Slip of Solicitor—Relief—Setting aside Certificate—Extension of Time.

Appeal by defendant from order of MAGEE, J., ante 47.

Joseph Montgomery, for defendant.

J. C. Hamilton, for plaintiff.

The judgment of the Court (BOYD, C., STREET, J., MABEE, J.), was delivered by

BOYD, C.:—In a carefully edited book of practice, In re Furber, [1898] 2 Ch. 538, is cited for this, that where there was a blunder, and in order to prevent miscarriage of justice, the Master's certificate may be set aside and re-signed and dated as of a later date so as to enable objections to be carried in as to his taxation: Yearly Practice for 1905, p. 709. This rule is justified by the report as given in [1898] W. N. at pp. 303 and 313. It is said in Campbell v. Baker, 9 O. L. R. 295, 5 O. W. R. 372, that where, owing to the mistake of a solicitor, objections have not been carried in, it is very difficult to obtain any relief. Difficult it may be, but not impossible according to the well understood principles and practice of the Court. Thus it was said in an early case that there is no general rule with respect to the practice of the Court that will not yield to the demands of justice: Kennedy v. Wakefield, 18 W. R. 884; Burrell v. Nicholson, 6 Sim. 213. The general power of the Court to relax its rules exists, and it only depends on whether a sufficient special case is made out to warrant its exercise. This is recognized by Jessel, M.R., in In re Pilcher, 11 Ch. D. 907.

Here the mistake is one of pure form, arising out of the solicitor's slip, which he sought to repair on the day of its