

thereupon given for plaintiffs with costs. . . . By a mere slip, the Judge in making his minute of the judgment wrote "judgment for deft.," instead of "judgment for plffs." The mistake was so obvious that no one at the trial could pretend to be misled by it. That slip and the correction which was subsequently made of it are all upon which this application is based: matters of practice, not matters of jurisdiction. Some time afterwards—about 3 weeks—the Judge's attention was called to the mistake in the presence of the solicitors who had appeared for the parties at the trial, and it was corrected by him, the solicitors consenting. Immediately after the trial defendant was notified by his solicitors by letter of the result, and about a week after that he called at their office, and the matter was discussed, and he was told that there was not much use in applying for a new trial. A few days afterwards he sought advice of and retained a new solicitor, whom he informed of the fact that judgment had gone against him in his absence; and thereupon they went together and saw the mistaken entry of judgment for defendant, and, apparently without any communication with the former solicitors, or any effort whatever to ascertain how the mistake . . . had occurred, abstained from making an application for a new trial or for any other relief, though defendant's whole purpose in seeking a new solicitor was to have the case re-opened. . . . The very least inquiry would have made plain the clerical error. Inquiry of every sort seems to have been avoided. . . . Almost immediately after the correction of the error by the Judge, the new solicitor was informed of it, and he at once by letter informed defendant. . . . Plaintiffs, before the discovery of the error, were willing to consent to defendant having a new trial, as judgment had been obtained in his absence, and they are yet willing that there should be a new trial; but defendant is not willing to take a new trial. . . .

I have no manner of doubt of the Judge's power, nor indeed of his duty, to correct the mere slip which he had made, and he having done so, it was the clerk's duty, under the Rules, to make the like corrections in the proceedings in his office. Altogether apart from any Rules upon the subject, that must be an inherent power of every Court such as that or this. It was done in the presence of and with the consent of the solicitors on both sides who had appeared at the trial, and without any notice or knowledge of any change or desired change of solicitor.