

## CORRESPONDENCE—FLOTSAM AND JETSAM.

from the old edition which has been for a long time a prescribed text-book by our examiners, for instance in the old edition the "descent of real property at Common Law, under Stat. 4 Wm. IV. cap. 1, and under Stat. 14 & 15 Vict. cap. 6, occupied a very considerable space, whereas in the new edition it is not treated of in any way, and again the new edition devotes a large space to Constitutional Law, which is not to be found in the old edition at all. Now your correspondent would be obliged to know if it will be required of students going up for examination hereafter to be familiar with both editions. An answer through your valuable columns would be thankfully received.

Yours,  
STUDENT.

Pembroke, Ont., 22nd Dec., 1880.

[We are told that after next Term the new edition will be put on the Curriculum.—EDS. L. J.]

*Witness fees in Division Courts.*

*To the Editor of the LAW JOURNAL.*

SIR,—It has been decided by a County Judge that not more than 75 cents per day can be allowed to professional witnesses in Division Court suits, because the Division Court Rule 147 gives no discretion to increase the fee except where the witness attends on a Superior Court subpoena. Some County Judges give professional fees in Division Court suits. What is the law or the general practice on this point?

Yours,  
V.

[We believe the practice is as laid down in the first part of the above letter. One County Judge, of large experience, makes an exception in favour of Provincial Land Surveyors, who are entitled to professional fees, under the authority of the Land Surveyors' Act. R.S.O., cap. 146, sec. 25.—ED. L. J.]

*FLOTSAM AND JETSAM.*

The following amusing account of the administration of justice-of-the-peace-law in the North-West we find in a volume written by Miss Fitzgibbon, just published by Rose-Belford Publishing Co., Toronto, entitled "A Trip to Manitoba:—"

The winter of 1878 was mild and open, more so than had been known in the North-West for thirty years. The snow had vanished almost completely from the portages, and water covered the ice on many of the lakes. When, at Christmas, the staff accepted Mrs. C.'s invitation to spend the day at Iver, the question was whether they would come with dogs or canoes. Neither, however, were practicable, and they had to walk—some of them eighteen miles. We amused ourselves icing the cake, inventing devices, with the aid of scraps of telegraph wire, as supports for the upper decorations, decorating the house with cedar and balsam wreaths, and providing as good a dinner as it was possible to obtain in the woods. With the exception of having nothing for our guests to drink, we succeeded tolerably well. Being within the limits of prohibitory laws, it was necessary to ask the Lieutenant-Governor of Manitoba for an especial "permit" to have wine sent out; and we were answered that "if the men had to do without whisky, the gentlemen might do without wine." So we had to content ourselves with half-a-glass of sherry each, the remains of some smuggled out with our luggage in the spring.

We soon had proof that the men rebelled against the prohibitory law. The presence of whisky being suspected in a neighbouring camp, a constable who had been but recently appointed, and was anxious to show his zeal, never rested until he had discovered the smuggler and brought him to justice; the clause that the informer was entitled to half the fine of fifty dollars not diminishing his ardour.

To a lawyer the proceedings would have been amusing, for all parties concerned were novices in their respective *roles*. The justice of the peace, with a great idea of his own importance, the majesty of the law, and the necessity for carrying it out to the letter, had obtained several manuals for the guidance of county justices of the peace and stipendiary magistrates, over the technicalities of which he spent many a sleepless hour. No sooner had he mastered the drift of one act, than the next repealed so many of its clauses that the poor man became helplessly bewildered. Handcuffs there were none, neither was there a lock-up, and the constable spent his time in keeping guard over the prisoner, being paid two dollars a day for the service. The latter was fed and housed,