

while his predecessor for one information and advice he had given him for the recovery of sums due under the practice of the Attorney General could be set aside (Mr. Montgomery) decide so absurdly.

In consequence the Costs of the suit were incurred, but, for an informant, (a latter) had had thirty the former.

could not sit still and concerning Courts of Law, without opportunity to take up the cause of the Attorney with the Assembly; communicating with the, and, dealing with the Assessment Act, in that

and learned gentle-

men. The expenses, however, to which individuals had in that way been subjected were unreasonably heavy. But the expenses as taxed by the Judges, were not all. To these was to be added those of the Sheriff—in most cases, he believed, amounting to 1s. or 1s. 6d. for the recovery of some such amount as £s. 4d. or 2s. 6d. These, however, could not be ascertained with any degree of certainty; for some of the Sheriff's fees made no return, and they had had it in their power to make what charges they pleased.

At least it was apparent from the receipts which he held in his hand, that, with some, it had been the practice to take whatever they could get. These receipts showed that for the recovery of a tax of 2s. 6d. an individual had been subjected to expenses to the amount of £2 2s. 6d.—the Attorney General's fees, 1s. 6d., and the composition fees of the Sheriff, 2s. 6d. The hon. gentlemen then read the Receipts as here given:

"Received from Mr. John Burdge, the sum of Two Shillings and Sixpence, proportion of Tax, and Thirteen Shillings and Sixpence, proportion of Expenses, for Attorney General's Letter, of October 16th, 1852, for fifty Acres in Township 55.

"Peter McCallum."

"October 15th, 1852."

"Received from Mr. John Burdge the sum of One pound, ten shillings, Currency, which I agree to take from him as his proportion of Sheriff's Fees for 50 acres of Land on Lot 55.

15th October, 1852. Peter MacCallum."

Such enormous and unjust exactions, on the part of sheriffs, of which there were no official returns, there could be no redress.

Mr. WIGHTMAN. It was evident that, since the Chief Justice had acted, under the Statute, in the capacity of Attorney General, he had, in his opinion, with respect to the legal proceedings, to take under it, and that he now held the present Attorney General's, and not his own practice, to be unauthorized and proscribed by the law.

Although he had not, perhaps, given an opinion, to that effect, in express words from the Bench; yet, as the hon. Leader of the Government had observed, his having sanctioned the practice of the present Attorney General, by allowing his information, in accordance with it, to be read in the Court, was a sufficient proof that he no longer held his own practice to have fallen into disrepute.

The hon. gentlemen again said that he did not blame the Attorney General for having pursued the course which a literal interpretation of the law prescribed; but, to prevent the recurrence of such oppressive practices and exactions, as those which he (the Hon. Mr. Pope) had exposed, it was the bounden duty of the House to amend the correct one.

Mr. MACALAY. The statement of the hon. the Treasurer had aroused his suspicions of the Attorney General's integrity. The mere fact of his having gone to the Assistant Judge for the purpose of procuring his sanction to the course of proceedings he had adopted was quite sufficient to justify such suspicions. He (Mr. Macalay) did not pretend to be critical in law, but Lawyers themselves, he believed, when the law was not to be applied, would be inclined to proceed for their guidance. Now was there not a precedent to guide the Attorney General, namely, that of his predecessor in office, the present Chief Justice. If the course pursued by the latter was legal, then that pursued by the other was illegal. In no acts of Legislation did it above the House to be more vigilant, than in those which regarded the powers with which law functionaries were to be invested. The charges could not be justified for having paid or sanctioned them. The Attorney General ought to be severely rebuked for his conduct with reference to them. In fact it ought to be determined that his having made them has discredited him for the retention of his office.

Mr. COOK. If he had charged thirty times as much as his predecessor, he had had thirty times as much writing to do for it. And he (Hon. Mr. Cook) supposed that the hon. Member (Mr. Davies) fairly entitled to receive a sum equal to that for travelling once to and from Belfast, he would think himself fairly entitled to demand and receive thirty times as much, for travelling the same road, in the same manner.

Mr. DAVIES. The impropriety of the Attorney General's charges was too evident to admit of its being, in any way, mystified.

It could not be denied that he had charged thirty times more than he ought to have charged. The charges could not be justified in any way; and neither could the Government be justified for having paid or sanctioned them.

The Attorney General ought to be severely rebuked for his conduct with reference to them. In fact it ought to be determined that his having made them has discredited him for the retention of his office.

Mr. COOK. That abuse existed under the Act had been clearly established. It could not be denied.

It was contrary to every principle of reason and justice, that a poor man should be made liable to expenses to the amount of £7 or £8, or perhaps more, for the recovery of a very trifling amount of tax.

The hon. gentleman then stated that the property of the course pursued by the Attorney General had been questioned by the Executive Council, but that their doubts concerning the appropriateness, as being contrary to law, had been removed by the authority of the Assistant Judge, which the Attorney General had shown to be in favour of his practice as the legal course. It was then concluded the hon. gentleman, the duty of the House to amend the Act, as in no other way could the abuse practised under it be remedied.

Mr. COOK. However the general practice of the Attorney General in his proceedings for the recovery of arrears of land-tax, could be justified by a literal interpretation of the Land Assessment Act, not to all the waters in the sea could wash him clear, in his (Mr. Mooney's) estimation for the increase, in 1852, upon his own charge in 1851—the section of both years being exactly the same—was £5 17s. 7d.; and for the information, in 1852, he charged £5 14s. 6d. That was a specimen of extravagance in law charges, on the part of the Attorney General which could not be defended.

Mr. COOK. He had never heard that lawyers erred by charging too little, although he had often heard them found fault with for charging too much. It appeared, however, according to the opinion of the hon. Leader of the Government, that the Attorney General had erred in charging so little, but that the present Attorney General had rectified the practice by charging thirty times as much as his predecessor.

Mr. COOK. Enough had been said about the Attorney General. His time was then allowed to the Committee to determine as to its amendment.

The fourth clause of the Act would, as a careful reading, be found to be total nonsense, unless its intention was slightly set forth in the margin.

The amendment he thought could not be made, unless it was to the end that no future mistakes or undue exactions should occur under it.

He would recommend that a Schedule be annexed to the Bill before the Committee, setting forth distinctly the fees—those of the Attorney General, of the Prothonotary, of the Sheriff, and any other which were to be allowed under the operation of the Act.

Mr. COOK. In this great Attorney General was it not agreed that a new interpretation ought to be given to the Law, why did he not communicate his discovery at once to the Executive Council? And, if he did communicate it to the Council, why did not the Government take advantage of the opportunity to amend the Act?

Mr. COOK. The Attorney General informed him that the mode of proceeding in the case of the Act, and his practice with that interpretation, assisted him.

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