

services required by certain sections of the Act (omitting S. 28) that the Registrar might prove the same and recover the same and the costs thereof from the County, and that the Inspector's Certificate of the amount and of the services rendered, should be *prima facie* evidence of the legal right to recover.

In S. 72 of the 31 Vic., Cap 20 the reference to particular Sections is omitted, and the payment is allowed "for the duties performed according to this Act."

The only right which the Registrar has to remuneration for services performed is under S. 68 of 29 Vic., Cap. 24, and S. 70 of 31 Vic., Cap. 20.

The only obligation of the County, either at law or in equity, to pay for such services is under S. 70 of the 29 Vic., Cap. 24 and S. 72 of 31 Vic., Cap 20.

It is clear that for the Abstract Index the Registrar is entitled to no more than \$2,000. It is equally clear that for services performed under S. 26 of the first mentioned Act he is entitled to 10 cents per folio.

The obligation of the County is only to pay what the Registrar has a right to recover as remuneration. If the Registrar performed services for which no remuneration is given by the Act, he must go without remuneration. If \$2,000 be an insufficient remuneration for the Abstract Index, he must go without all beyond \$2,000.

The Inspector's Certificate is not *per se* necessary to give him a right to demand and recover the remuneration to which he is entitled. But where the Certificate is obtained it is made "*prima facie* evidence of the right to recover." The Inspector is, as it were, made the taxing officer on whom is cast the duty of scrutinizing the items and fixing the amount; but his taxation is not made final.

The only case decided under these Acts of which we have any knowledge, is *Campbell vs. York and Peel*, reported in 26 N. C. Q. B. 635 and 27 N. C. Q. B. 138, but it has little or no bearing on the questions on which we have above given our opinion.

Yours truly,

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Fee \$10.