by independent Tribunals, there would inevitably arise a conflict of decision, and uniformity could only be secured by an order obligatory on all the County Courts.

It appears to me that the Judges of the Superior Courts have authority to fix the Costs to be allowed in County Courts; that is, in matters *not* provided for in 8 Vic., to determine what fees may be taken on proceedings under the Co. C. P. Act; and with regard to the items which *are* set forth in the 8 Vic. to *reduce* the fees if so minded; but that the fees so allowed must not be greater in proportion to the nature of the service than those already established—in a word, they can allow County Court costs to stand as left by the Co. C. P. Act (section 18) or may make other order respecting them by Rule specially enacted for the County Courts.

Have the Judges made any such Rule? They speak for themselves and leave no room for question; the Preamble to the Rules is sufficiently distinct, and the 170th Rule speaks of "Tables of Costs in Civil Actions in the Courts of Queen's Bench and Common Pleas." Even had the language been less pointed, it is obvious that the Judges could not have intended the tables to apply to County Courts, for so to apply them would be to disregard the restrictions imposed by the Act that the costs "should in no case be greater than those already established," and would make costs in Inferior Tribunals equal to the costs in the Superior Courts a violation of several statutory provisions, and indeed of the C. L. P. Act itself.

But it is absurdly enough urged that the passing of a Rule under the C. L. P. Act making new provisions for the Superior Courts, leaves the County Courts without a tariff, and this is said in the face of the unrepealed provision of the 8 Vic.

The recent rules apply certainly as a whole to the County Courts in matters within their jurisdiction for the 2nd section of the Co. C. P. Act enacts that the provisions of such Rules as relate to the sections of the C. L. P. Act, which are applied to County Courts, shall apply also to County Courts, and actions and proceedings therein. The 3rd sec. makes County Court Clerks subject to the Rules in like manner as Deputy Clerks of the Crown, and the 19th sec. enacts, that the practice in the Inferior Courts, in matters not expressly provided for, shall conform to the practice of the Superior Courts. But the 313 sec. of the C. L. P. Act has not been applied to County Courts, and the establisment of a Tariff of Costs, cannot be regarded as a regulation of "*practice*" in the sense used in the 19th section.

No Rule of the Superior Courts as to fees, which applies to County Courts, being in existence, and no Rule fixing the costs in "Inferior Jurisdiction" cases having been made under the general authority to make Rules, the schedule to the 8th Vic., together with the 18th section of the Co. C. Procedure Act must guide in taxation.

I think the Clerk should govern himself in taxation by the following consideration. The items in a bill range under two heads: *First*—For services which are specified in schedule to 8 Vic., with fees attached: under this head the Clerk will find no difficulty; he will allow the fees specially provided, and those only. *Second*—For Proceedings, &c., under Co. C. P. Act:—Services arising out of the altered Procedure, not contemplated of course in framing the Tariff to 8 Vic., and for which no fees are expressly provided,—with respect to charges for these, the 18th sec. says, such costs "shall be and remain as nearly as the case will allow the same as heretofore, but in no case greater than those already established. The effect of this may be thus stated: The costs for services not enumerated in the Tariff of 8 Vic. shall *not be greater* than is allowed in that Tariff for services *the most nearly analogous* to those for which it is desired to tax fees; Cases not specially provided for must be regulated by general principles;—Services *not* mentioned in the Tariff must be taxed according to the general principles of allowance established *by* the Tariff;—Services of different kinds are in that Tariff allowed for differently: it would be absurd to tax services of one kind according to the principles laid down for the payment of services of another kind;—unenumerated services must therefore be allowed for in taxation according to the principles of remuneration established in the Tariff for such services, as are the most nearly similar or analogous in their nature.

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CANADIAN CIRCUMLOCUTION.

This is a fast country, and these are the days of progression! We may perhaps ignore the existence of any member of the "*Barnacle*" family in Upper Canada, but can we deny that in some of the official regulations, a slight dash of "circumlocution" may not be discovered?

The Lord High Chancellor of England and Chas. Dickens, *par nobile fratrum*, no doubt carefully peruse the *Canada Gazette;* it is published by "Royal Authority," and the plentitude of interesting particulars usually found in such documents, must commend them to the consideration of the learned.

We assume then that both the learned gentlemen named have regular files of the *Canada Gazette.*

Therein may be occasionally found some things hard to be understood: for instance, the careful reader will have noticed not long since, that "His Excellency the Governor General had been pleased