The Legal News.

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PEREMPTORY CHALLENGE.

In my note on Mr. McCarthy's proposed amendments to the criminal law, (*ante* p. 65) I was under the impression that it was the "stand aside" he desired to abolish, and I overlooked for the moment the Statute allowing the Crown four peremptory challenges on any trial. I have since seen the Bill, from which I learn that his object is only to repeal this enactment. There can be no objection in principle to its repeal, but one cannot help asking why the law should be again changed in this minute particular. R.

OATHS.

In the charge delivered by Mr. Justice Ramsay to the Grand Jury, at the opening of the Court of Queen's Bench, Crown Side, his Honor made the following observations:—

"Among the intellectual projects of the day it is proposed, we hear, to substitute for those who do not believe in the binding sanctity of an oath the subterfuge of an affirmation. As an oath necessarily includes an affirmation, it is somewhat difficult, for ordinary people, to understand how a man is to be bound by the one and not by the other. It will be observed that this proposed change is not intended to meet a difficulty analogous to that formerly raised by the Quakers and some other sects as to the use of God's name, which, from a narrow reading of the words of Scripture, they believe is prohibited. Their objection is not then the result of the disregard of a solemn undertaking; it arises from an over-scrupulousness, which to some may appear ridiculous, but which in no way menaces the basis of social order. The failure to observe this distinction and the love of change—a mania of small-minded people—have, probably, contributed more to encourage this proposed alteration than the repetition of the disturbances which suggested it."

These remarks were probably elicited by the measure which is to be submitted to the English Parliament; but since this charge was delivered, we have received a copy of a bill introduced by Mr. Robertson at Ottawa, to which the criticism of Mr. Justice Ramsay seems to be equally applicable. The preamble of the bill is "Whereas the discovery of truth in Courts of "Justice has been signally promoted by the re- "moval of restrictions on the admissibility of "witnesses, and it is expedient to amend the "law of evidence with the object of still further "promoting such discovery;" and the first Section reads as follows:—"If any person called "to give evidence in any criminal procceding, "or in any civil proceeding, in respect of "which the Parliament of Canada has jurisdic- "tion in this behalf, objects to take an oath or "is objected to as incompetent to take an oath, "such person shall, if the presiding Judge is "satisfied *that the taking of an oath would have no "binding effect on his conscience*, make the follow- "ing promise and declaration: "I solemnly "promise, affirm and declare that the evidence "to be given by me shall be the truth, the whole "truth, and nothing but the truth."

FEES ON LETTERS.

We have reported a number of decisions *pro et con* as to the right of an attorney to collect from the debtor by legal process a charge for writing a letter for his client, notifying the debtor that legal proceedings will be instituted in default of payment of the debt. Where the debt is not paid, and suit is entered, no fee for this service is ever taxed in favor of the plaintiff's attorney, for none is provided by the tariff. In the Circuit Court, however, some of the judges have been disposed to allow such a charge, on equitable considerations, where the claim is paid before entry of action. We do not see why any distinction should be made; the service is performed in each case alike, and the charge therefor should be allowed or rejected irrespective of subsequent proceedings.

The proper way to meet the difficulty is by amending the tariff, and making the fee taxable. It might be provided that a docket should be opened at the Court House, in which notice of suit should be entered, and the letter written (or printed) on paper bearing a stamp, say five cents for Circuit Court and ten cents for Superior Court cases. The amount of the fee should bear some proportion to the amount of the claim. A dollar and a half is too much for notice of suit for petty debts sometimes not exceeding that sum. We would suggest a mere commission of 20 per cent. on amounts less than five dollars, and a fee of one dollar with five per cent commission on amounts from $5 to $25: on claims over that sum the fee to be $2.50. Of course the entry of the notice of suit would be compulsory only where the attorney desired to have the benefit of taxation.