

The Judges of the County Courts are harder worked, and are more exposed to the inclemencies of the climate than their Superior brothers. Let, then, the surplus in the fee fund, raised by their labours alone when in health, be retained for providing them a retiring allowance, when, from their physical infirmities, brought on by their labours, "the grasshopper shall be a burden and desire shall fail," or "the silver cord be loosed or the golden bond broken."

The office cannot be performed by an aged man; the labour and exposure is too great. If, then, you provide a retiring allowance, you will induce young lawyers of talent to accept the situation, who now prefer retaining their practice with the expectation of laying up money, and then accepting the office when they are too old and infirm to perform its duties.

Your obedient servant,

JUSTITIA.

[In one particular we can scarcely agree with our respected correspondent. The costs in the Division Courts are, we think, as low as it is desirable they should be, and we do not think it would be wise in any view to reduce the small fees payable to the fee fund. Rather allow it to accumulate, either specifically or by going into the general Revenue, for purposes connected with the general administration of justice; and what purpose, we ask, could be better than that of providing a retiring allowance for those whose services have been spent in the public service and who are no longer able to perform the arduous duties required of them? In the suggestions contained in the latter part of the letter we heartily agree; and were we at liberty to name our correspondent, his age, character, and high standing, would add much weight to his remarks. But what he has said may well be put on its own merits. The office of County Judge is admitted to be a most responsible one, involving much labor and requiring trained intellect—the best the country can produce. As the salary is in itself by no means an adequate temptation to men of large business to leave the bar, all other inducements that could be offered should be held out to secure the desirable end.]

And what more just—what more commendable—what more expedient—than a provision for those who spend their best days in the laborious discharge of important public duties?—Eds. L. J.]

To the Editors of the Law Journal.

Guelph, May 21st, 1858.

GENTLEMEN:—Please inform me through the medium of your valuable journal, whether it is correct practice to enter Records in County Courts before the first day of the sittings?

Yours, &c.,

X. Y. Z.

[We think it is. Sec. 154 of C. L. P. Act, 1856, is not extended to the County Courts, nor is 8 Vic., cap. 13, sec. 30 repealed. The latter says "on or before," &c.—Eds. L. J.]

To the Editors of the Law Journal.

MILLBROOK, 21st May, 1858.

GENTLEMEN:—I take the liberty to lay the following before you and ask your opinion thereon; and also to use your in-

fluence to put a stop to such proceedings in future in this country. The case is as follows:—

Some time since a small note of mine amounting to eight pounds thirteen shillings and six pence, became due, and was put into the hands of R. P. J., Esq., of B—, a Barrister-at-Law, who without delay sued me. I was advised to let it go to Judgment (if I was not prepared to pay it) and that there would be only *Division Court Costs* then; but imagine my surprise a few days since, when I got a bill of the matter and find that the costs alone amount to eleven pounds fifteen shillings and sixpence, making the whole debt £20 9s. 9d., the costs nearly one hundred and fifty per cent. on the principal. Now, gentlemen, what is the use of our Division Courts if a man can be sued for any trifling sum (a lawyer may get against him) in one of the Superior Courts, and costs put on him amounting to double the debt. Is it in the power of a Judge tax County Court costs in a Division Court case—and if it is not what remedy does the law provide? Now, gentlemen, as I have had to pay \$81 80. for \$33, I feel sore on the subject.

Your giving the above an insertion in your valuable paper will oblige a sufferer by the law as it now stands.

I am Gentlemen,

Your obedient servant,

R. W. E.

P.S.—I send you the bill of cash.

R. W. E.

STATEMENT.

March 27th, 1858.

Judgment	£9 16 6
Costs taxed	10 1 9
Certificate of Judgment.....	0 10 0
Fi. Fa	0 17 6
Return of nulla bona	0 2 6

21 8 3

Less indorsed on note

1 3 0

20 5 3

Paid for order

0 3 9

£20 9 0

Note dated 1st March, 1858, at 3 months with interest.

Yours,

R. P. J.

Please have the note executed at once and send me as I wish the matter settled.

[We do not feel at liberty to publish all that is contained in Mr. E's letter. The facts as put before us, appear to show a case of great hardship, and we confess our inability to see on what grounds the costs could have been taxed on the County Court Scale. If the facts be fully and correctly stated, the case should have been entered in a Division Court, and certainly the Clerk should not have allowed County Court costs on taxation. Our correspondent should have applied for a Judge's order to revise the taxation, and the defendant is not we think in any case liable for the certificate of Judgment. It may be that Mr. J. can satisfactorily explain the case by stating facts of which our correspondent is in all probability ignorant.—Eds. L. J.]