

FLOTSAM AND JETSAM.

to be levied, \$220,494.73 was actually recovered under execution, or a trifle less than ten per cent. of the whole amount. How many of the executions were settled without the intervention of the sheriff it is of course impossible to say, but as in only about ten per cent. of the cases did the sheriff sell, it would appear that in the other ninety per cent. of cases the debtors were so impecunious that they had no property available in execution, or that they effected a settlement before sale. Turning to the table showing the number of actions commenced in the High Court during the year, we find that in the Q. B. and C. P. Divisions 4,037 writs of summons issued, and in the Chancery Division 2,025, making a total of 6,062. The number of judgments entered after trial was only 454, while 1,069 judgments were entered without trial. The litigated suits are therefore not quite eight per cent. of the whole number; a large proportion of the remaining cases, we presume, must have been settled between the parties. The returns of judgments entered are however incomplete, and do not include the County of York. In the litigated cases it appears that the total amount of costs taxed was \$40,230.90 in the Q. B. and C. P. Divisions, and \$14,834.25 in the Chancery Division, making a grand total of \$55,065.15, and of this sum \$27,849 or more than half was for disbursements. In the non-litigated cases the total amount of costs taxed appears to have been \$23,640.68 in the Q. B. and the C. P. Divisions, and \$9,499.70 in the Chancery Division, making a total of \$33,140.38; but of this sum \$11,543.39, or rather more than one-third, was for disbursements. These figures appear to us very conclusively to demonstrate, if any such demonstration be needed, either that the fees of court are altogether too high or that the remuneration of solicitors is altogether too low. It is surely unreasonable that for every dollar earned in a litigated case the solicitor should have to disburse a dollar; and that in non-litigated cases for every sixty-six cents earned he should have to disburse thirty-three cents. These facts are deserving the attention of the judges and the Attorney-General when they come to frame the long expected tariff of disbursements.

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STATUTES OF THE DOMINION.

A table of the statutes of the Dominion of Canada and the British North America Act, 1867, showing the acts they amend or affect, or by which they are amended or affected, has just been issued from the Parliamentary printing office. This index has been prepared by Dr. R. J. Wicksteed, barrister at law, in the Law department of the House of Commons. The work has been entirely voluntary on his part, and for which, as in many similar cases, he receives no extra pay from the Government. This public spirited action on his part is all the more commendable when it is remembered that Dr. Wicksteed was, as he considers most unjustifiably, passed over when promotions were taking place in his office, in order to make way for an undeserving protege of the Hon. Mr. Chapleau. The index is a volume of one hundred and sixty pages. It contains information not to be found elsewhere, and will be found most invaluable to members of parliament and members of the legal profession.—*Ottawa Free Press.*

BARBED WIRE FENCES.—A sharp controversy concerning barbed wire fences has recently been terminated in the Supreme Court of New Jersey. The defendant owned a field fenced with barbed wire, and the plaintiff kept in an adjoining pasture a valuable colt, which, coming into contact with the barbed wire, was so badly injured that it had to be killed. It seems that the argument of the case, like the subject-matter, was quite pointed, for the newspaper report says:—

Counsel for the plaintiff argued that the barbed wire fence was an invention of the devil, and was, therefore, entitled to no consideration in court. Judge Magli, in a measure, upheld him, declaring that the right and duty of the owner is to put up a suitable and proper barrier to prevent the incursions of his neighbour's cattle, and to keep within his own inclosure his own animals. But that right is subject to the duty which the owner, in common with every one else, owes to his neighbour; that duty is to so use his own property as to do no injury to the property belonging to another. The duty which the owner who erects a fence owes to his neighbour is a duty to be performed with reference to the use of the adjoining land; and if that use be in the way of pasturage for horses or cattle, it must be with reference to the habits of such animals in their disposition to break through, and no owner has a right to erect such a barrier, or to incorporate in it that which, in view of the natural habits and dispositions of such animals as would