

taxable Fees ; the amount in each case must necessarily be left a good deal to the discretion of the Judge, or that of the taxing Officer ; the former is the present practice, and to that we adhere.

As the best mode of explaining our alterations, we propose adding in the Appendix several Bills of Costs drawn up according to the new Table of Fees, and contrasting them with the Costs under the present ordinance.

We propose that some addition should be made to the Fees of Sheriffs, for the particulars of which we beg to refer to the Table annexed. It has recently been decided, that the Sheriff is not entitled to Poundage upon an Execution against the body, though he has been in the habit of receiving it hitherto. In England the Sheriff, by Law, receives Poundage on a *Cu Sa*, as well as on an Execution against Goods, but he is there subject to an Action of Debt for an escape of a party confined under Execution, under which he is liable for the whole amount of such Execution ; here, he is only liable to damages, which may be measured out by the Jury according to the circumstances of each case. We think on the whole, that the Sheriff should only receive Poundage on sums actually levied and received, but that these should be paid him on an Execution as well against the person as against the property, and that he should also be entitled to the same for levying money under an attachment.

There are many public duties performed by Sheriffs for which the public ought to pay, and it does not appear right that compensation should be indirectly made them therefor by fees received from Suitors. We fear there will always be a difficulty in making these a charge on the County Rates. No other mode remains that we are aware of, but an occasional grant or stated provision from the Revenue ; this, however, is beyond our province, and our only reason for suggesting it is, that we may not be understood to have provided suitable remuneration for all the duties of the Sheriff's office, in the additional Fees we propose.

It is important that Fees should be provided for proceedings under the Absconding Debtors Act, but as that Act evidently requires revision by the Legislature, we have not thought it expedient to enter upon the subject.

We leave the Witnesses Fees without alteration ; and in regard to Jurors, we think it very desirable to make some addition to their Fees ; we think if 20s. or 25s. were paid on the entry of each cause on the Trial Docket, to form a Jury Fund, which might be divided among the Jurors according to some scale to be prepared by the Judges, it would add considerably to what they now receive, and thus afford them some means of paying their expenses, without any serious tax on Suitors, or any charge on the County. If the Judges Fees on the Trial are commuted, it would be by no means disadvantageous that there should be this addition to the costs of entering a cause for trial. Where a particular Jury is summoned by the Coroner or by Elisors, they should be entitled to the Fee now paid to Jurors of Inquiry.

One observation we think it right to make in regard to Court Fees, that they furnish a check, by no means unnecessary, to excessive litigation. A denial of Justice, from the inability of any one to institute or defend an action, has not, we suspect, very often occurred in this Province ; and we are not without apprehension, that the increased facilities which any great reduction in costs would occasion, might be productive of as much evil as good to the community.

As the Fees in Summary Cases have been recently fixed by the Legislature, we have