

GENERAL CORRESPONDENCE.

Tariff of 1862 appears to be an amendment to the Tariff framed by the Judges in Michaelmas Term, 1845, in which the Judges ordered: "That besides the fees set down in that Table, the several Officers will be entitled to receive fees for other services rendered by them respectively, which are not mentioned in that Tariff, wherever specific fees for such services are fixed by any Statute." Webster's Dictionary explains the word "*adjourn*" to signify, to suspend business to another day or for a longer period.

Blackstone, Vol. I., page 186, says: "An *adjournment* is no more than a continuance of the Session (of Parliament) from one day to another, as the word itself signifies." He no doubt understood French and hence the meaning of "*ajourner*" and of "*ajournement*." In Burn's Justice, Vol. V., it is laid down that the proper caption and style of an adjourned Session is thus:—

"Be it remembered that at the General Sessions of the Peace of Our Sovereign Lady The Queen, holden in and for the County of _____, at _____ in the said County, on _____ the _____ day of _____, A. D. 18—, before _____ and _____, Esquires, and others, their fellow Justices of the Peace of Our said Lady, the said General Sessions were continued by them the said Justices by adjournment until _____ the _____ day of _____, A. D. 18—, and at an adjourned Sessions then accordingly held by adjournment on the _____ day of _____, A. D. 18—, before _____ and _____, Esquires, and others, their fellow Justices, &c." In another part of Burn's Justice it will be found that where there is an equal division of Justices, or from any other good cause no judgment is given, an adjournment should be entered by the Clerk of the Peace, that the Justices may resume the consideration at an adjourned Sessions.

The principal points advanced against allowing the charge for adjournments were: that the literal meaning of the word was not contemplated by the Tariff; that an adjournment from day to day did not entitle the Clerk of the Peace to the fee in No. 66 of said Tariff, and that that fee was only to be allowed when the Court adjourned for a longer period, as from week to week or the like.

While on the other hand and in favor of allowing said charge it was contended that the fee mentioned in the Tariff, being given with-

out qualification, the Auditors were justified in giving it a liberal construction: that if it were conceded that for an adjournment from week to week the fee in the Tariff should be allowed, that there is no difference in principle or in law, whether the adjournment of the Sessions were for one day or for one week, and the common sense view was to allow the officer for making up the record of each adjournment, and that therefore the charge made by the Clerk of the Peace should be allowed.

Will you, gentlemen, kindly give your valuable opinion on the above subject, as no doubt many of your readers are interested in the same, and as it would be very desirable for future occasions to have so weighty an opinion as one from you bearing on the same.

I may add that, on enquiry, I am credibly informed, that in the Counties of Wellington and Middlesex the Clerks of the Peace are allowed \$2.50 for each and every day there is an adjourned Sessions, whether for selecting Jurors or otherwise.

Respectfully yours, OTTO KLOTZ.

[We have much pleasure in inserting the above letter. Mr. Klotz has ably and we think very fairly argued out the position he takes, and whatever may be thought as to the strict law every one who has any knowledge of the duties of the office will readily admit that the most favorable construction of the tariff gives but a poor compensation to the officer.

We should like to hear what answer, if any, could be given to the arguments advanced by Mr. Klotz. But so far as the matter is before us we must, without at present committing ourselves to an opinion on the point, think that a strong case has been made out by that gentleman. The narrow construction contended for was, we think, rightly overruled by the Board, until at least there is an authoritative decision on the point.

We have always taken ground against the payment of officers of justice by fees—that is, in cases where a salary could be estimated for or fixed. A fixed salary for general duties at least would save much labour in audit, and avoid unseemly contentions, which must be very unpleasant to officers. It is not an agreeable occupation to be contending, quarter after quarter, for one's rights; and, whatever may be the case in the future, we fear that in the past justice was not always done to officers.

—Eds. L. J.]