

bursements according to the above scale; but as this proceeding will generally be taken under professional direction, and service and disbursements be proved in the one affidavit, we need not furnish any form.

As to allowing the Superior Court fee for the writ of subpoena, we think the better opinion is that it should be allowed in taxation: at all events it will be better to do so, unless the Judge has ruled otherwise, as the party affected can apply to the Judge for a revision if he objects.

As to taxation generally.—The 14 sec. of the D. C. Act requires the clerk to tax the costs in every cause, subject to the revision of the Judge. The clerk must therefore have before him, in every case in which he taxes, a document in the nature of a bill of costs. A general table for this purpose was prepared by Judge Gowan, and has been for years in use in the County of Simcoe: it is printed on the back of the Summons, and filled in as occasion requires. It facilitates the clerk in his duties, and keeps the proceedings in a compact form, as well as serving to assist in making up the quarterly returns to Government,—and, forming the necessary foundation on which a revision may take place. We subjoin it:—

	Fee Fund.	Clerk.	Bailiff.
Entering.....			
Copies.....			
Services.....			
Mileage.....			
Affidavit, &c.....			
Confession.....			
Subpoena.....			
Adjournment.....			
Hearing.....			
Order or Judgment.....			
Total Fee Fund—Clerk and Bailiff.....			
Allowance to Witnesses			
COSTS TAXED at			

The practice in taxing costs appears to be contemplated by the Act as an ex parte proceeding; but should the unsuccessful party desire to be present and apply in good time, it would seem but reasonable to afford him an opportunity to be, so that he may be heard on any objection he has to urge. It would be commonly as to the disbursements to witnesses; and after hearing his objections, the clerk decides allowing or disallowing the charge in question as the same may appear to him to be just or otherwise.

BAILIFFS.—We have occupied so much space in another part of this number with matters pertaining to Bailiffs, that we are unable here to give them the usual allowance of matter. However one hint

we will give, though brief not the less important.

Do not let your accounts for fees run into arrear with clerks;—settle up with the clerk and receive his fees after every court. If, for any good reason, they are in any case allowed to stand over, ask the clerk to make a note of it in the service book, shewing that he has yet to account to him for them. It is presumed that the fees for service of process are paid in the first instance, and the clerk's duty is to pay them to the bailiff when the service is performed and the return made. Therefore if fees are allowed to stand over for any unreasonable time, and there is nothing under the clerk's hand to shew that they have yet to be accounted for; it might not unreasonably be presumed, should the bailiff afterwards pursue the clerk for payment, that there was nothing due.

SUITORS.—The first and main consideration for a party desiring to bring an action in a D. C. is, Does the claim or demand, the plaintiff's cause of action, come within the jurisdiction given to these courts? We will endeavour to bring to as narrow a view as possible the cases which D. C.'s are empowered to take cognizance of—limited as to subject matter and amount—as described in the several clauses of the D. C.'s Acts.

It would be beyond the scope of this department in the L. J. to enter into any critical examination, of the scope, bearing or limits, of the jurisdiction clauses; we content ourselves by noting the subject of jurisdiction briefly, and in the order in which it is likely to be best understood, and of most practical value.

With this aim, it seems better to note in the first place the *causes of action over which D. C.'s have no jurisdiction whatever, no matter how trifling the amount in difference may be.*—They are as follows: Actions for any gambling debt, for spirituous or malt liquors drunk in a tavern or ale-house,—even if a note of hand be given for a grog bill, it cannot be sued on,—actions of ejectment, or actions, in which title to landed property or permanent rights, are involved—or where right to take toll, or any custom or franchise shall come in question, or in which the validity of any devise, or disposition under a will or settlement, may be disputed,—also actions for—libel or slander—criminal conversation—seduction—or breach of promise of marriage,—any such action, as specified, it will be useless to bring, for even should the defendant consent to the case being heard, the Judge has no power to try it, and a non-suit will be entered against the plaintiff; and no item that would fall within the range of these prohibited objects should be included in any account entered for suit.

The first class of cases that D. C.'s have power to dispose of are limited only as to amount, namely, to