

them in Court, and that no stated fees are provided for their services, in proceedings under the Absconding Debtors Act.

We have also been favored with useful communications from a few of the Gentlemen of the Bar resident in the Province* for which we beg to express our acknowledgments. Our thanks are also particularly due to the Honorable Alexander Stewart, a Barrister of this Province, but resident at Halifax, in Nova Scotia, for his valuable suggestions.

In pursuing our Inquiry, we endeavoured to make it as comprehensive as the terms of the Resolution of the Assembly would admit, and divided the subject under the following six heads, which we think fully embrace all that was contemplated by that Resolution:—

1st.—Amended Forms of Declarations as appointed by the General Rule of all the Judges in England.—*Trin. Term, 1 Wm. 4.*

2nd.—As to the restrictions on the allowance of several Special Counts for the same Cause of Action.—*Eng. Gen. Rule, Hil. 4 Wm. 4.*

3rd.—Specification of Defence to be given in Evidence under the General Issue; substitution of Special Pleas, for the General Issue, in many Cases; improved form of Pleas, &c. See *Eng. Gen. Rule, 4 Wm. 4.* and *Gen. Rule Trin. 1st Vict.*

4th.—Dating of Pleadings on the day upon which they are delivered; delivery of Pleadings without filing, subsequent to Declarations. See *Rules as above.*

5th.—New forms of Issues, Nisi Prius Records, Postea and Judgment Rolls. See *Rules as above.*

6th.—Fees of Judges, Council, Attornies, Clerk, Sheriff, Witnesses and Jurors.

We also deem it a proper matter for Inquiry whether any purposed alteration in the Practice of the Court would be best effected by direct Legislative Enactments or through the instrumentality of the Judges; which was the course adopted in England.

First Head.

Amended Forms of Declarations as appointed by the General Rule of all the Judges in England.—*Trin. 1 Wm. 4.*

As to the propriety of introducing the new Forms of Declaration, we believe there will be no difference of opinion when the Fee Table is remodelled, and an adequate Fee provided for this stage of the cause:

Under the present practice, in an ordinary Suit upon a Promissory Note, or for Goods sold and delivered, the Declaration generally consists of from eight to twelve folio of one hundred words each, varying at the will or discretion of each Attorney, and the charge therefor is One Shilling for drawing and Six Pence for copying each folio, which charges are repeated in the Judgment Roll, and also in the *Nisi Prius Record*, if the cause be defended and go to Trial, with an addition of Two Pence per folio

* The Gentlemen to whom our acknowledgments are due for their communications are the Honorable W. B. Kinnear, Peter Stubs and J. H. Hartt, Esquires.