has been done away with, and most of it given to other officers by the municipal acts, and this has made the office of Clerk of the Peace in some counties hardly remunerative to a man of education and intelligence."

Whilst the court could not upon the case before them afford any relief in the premises, they intimated a willingness to take the matter into consideration if properly brought before them—if it should be shewn, firstly, that there are services for which it would be right to allow fees, and which are not now provided for; and, secondly, if the different Courts of Quarter Sessions, or a considerable part of them, should concur in recommending the formation of a new table by the Superior Courts in order to include such services.

The first could, we think, be shewn without any difficulty, and it was in fact admitted in a certain manner by the court; the latter only requires a little energetic action on the part of those concurred; and now that the subject is brought publicly before them there will be the less difficulty in the matter.

Every one must see in these days of expensive living that those who are paid by fees or stated salaries regulated according to a scale now no longer equitable, are in a false position, and have a perfect right to demand that a charge for their benefit should be made.

FEES ON REFERENCES.

A decision was given a short time ago in Chambers, by Mr. Justice Adam Wilson, that the fees payable for references, &c., should not be paid to the Clerks of the Crown and their deputies in money, but should be paid in Consolidated Revenue Fund Stamps.

In the case which incidentally led to the decision referred to, *Waddell* v. *Anglin*,* an application had been made for an order to commit the defendant for unsatisfactory answers on an examination before the Deputy Clerk of the Crown and Pleas at Kingston. The examination papers produced on the application were not stamped, the fees having been paid to the Deputy Clerk of the Crown, in money. His Lordship, however, was of opinion that the Deputy Clerk of the Crown had no right to retain the fees for examination to his own use, and that the examination papers must bear the necessary stamps.

* This case was by mistake referred to in the *Law Journal* for this month as *Jordan* v. *Gildersleeve*.—EDS. L. C. G.

We publish a case of *Regina* v. *Conolly*, for the purpose of drawing attention to the unsatisfactory state of the law upon a most unpleasant subject, which occasionally forces itself upon our notice. The ruling of the learned judge in the Court below, though not perhaps strictly in accordance with the weight of authority, appears to be more in accordance with the humane instincts of our nature, and would tend to give greater protection to an unfortunate class of beings, too much at the mercy of heartless and dissolute scoundrels.

SELECTIONS.

THE RESPONSIBILITY OF PRIVATE SOLDIERS.

We lately printed a letter on the above subject, signed with the well-known initials, J. F. S., which appeared in the *Pall Mall Gazette*. The doctrine there laid down, and so ably stated and illustrated by the learned writer, is not a new one, and will be found expressly recognized in the early authorities of the common law, before the modern notions of military privilege, derived apparently from the practice of the military monarchies of Europe, had gained a footing in this country. It is remarkable that the leading case on the subject should have taken place under a regime when the powers of the executive, as opposed to the common law, were infinitely greater than at the present time, and when, by a strange chance, the sympathies of the ruling faction were not, as is now generally the case, in favour of the soldier, but against him.

The case we refer to is that of Colonel Axtell, an officer in the parliamentary army, who commanded the guards at the trial and execution of Charles the First. At the restoration Colonel Axtell, with many others, was arraigned on a charge of high treason for having aided and abetted in the death of the king. The only overt acts proved against him were that he had commanded the guards on the above occasions, for though attempts were made to show that he had made use of violent expressions at the trial, there was no proof that he had in any way exceeded his ordinary duty as a soldier.

His defence was, in substance, that he was a soldier in the service of the existing government of the country, and that he merely obeyed the orders of his general. "He justified," says Chief Justice Kelynge, at p. 13 of his Reports, "that all that he did was as a soldier, by the command of his superior officer, whom he must obey, or die." Nevertheless, "it was resolved that that was no excuse, for