
No. 8.

[See Journal 26th March, 1842.]

Report from the Commissioners appointed to revise the Ordinance of Fees in the Supreme Court, and to inquire into the propriety of introducing into said Court, the new Rules of Pleading in Civil Actions in such Actions in force in England.

To His Excellency Lieutenant Colonel Sir William Macbean George Colebrooke, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

His Excellency Major General Sir John Harvey, the late Lieutenant Governor, having, during his Administration of the Government of this Province, been pleased, in pursuance of an Address of the House of Assembly, to appoint us Commissioners, "to revise, and if necessary, to make a new Ordinance of Fees in the Supreme Court ; and also to take into consideration the propriety of introducing into the Supreme Court of this Province, the new Rules of Pleading in Civil Actions, at present in force in England, so far as the same may be applicable to this Country ; and to report the result of our doings to His Excellency the Lieutenant Governor, for the purpose of being laid before the Legislative Council and Assembly at the next Session of the Legislature ;"

We do hereby humbly certify to Your Excellency, that we have proceeded to the consideration of the subject matters of Inquiry, and to the discharge of the duty committed to us ; though we deeply regret, that the distance of our respective places of residence from each other, and the full engagement we have met with in our ordinary duties, have prevented our devoting as much time and care to the investigation contemplated in the Address of the Assembly, as its importance demands.

In the prosecution of our Inquiry, we thought it right to request a return from the Clerk of the Pleas in the Supreme Court, of the number of Suits in that Court, and of emoluments of his Office, for the five years 1836 to 1840 inclusive, which request was promptly complied with, and we beg to annex the return to this our Report. We also by Circular Letters invited the attention of the Gentlemen of the Bar to the subject, and requested their remarks as well in regard to the general policy of the new Rules of Pleading, as to their application to the state of the Court and the Profession, and the existing circumstances of the Province ; we further addressed Circular Letters to each of the Sheriffs, in respect of the fees of that Office, and suggested to them that it might be expedient to furnish us with a statement of the average amount of fees during their respective periods of Office, or for the last five years.

From several of the Sheriffs* answers have been received, and from these, as well as from conversations we have had with other Sheriffs on the subject, we can safely state that there is a general complaint of the inadequacy of the emoluments to the duties and responsibilities of that Office, especially with reference to the Sheriff's services in Criminal Cases, and in attendance on the Courts ; they complain also of the difficulty of getting payment of their accounts, particularly if compelled to prove them

* The Sheriffs of Saint John, Charlotte, King's, Queen's and Sunbury.