

CORRESPONDENCE.

the Colony, it is practically nothing more than the Supreme Court under another name; and a reference to the reports will show that, while its nominal strength is five, its actual strength for field service is often four, and sometimes three. While the administration of justice is carried on under the "one-horse" system which exists at present, appellants from the Supreme Court are surely entitled to expect something more for their money than a mere ride in a merry-go-round. It is a singular fact, and one "not generally known," that the costs of an appeal from the Supreme Court at Dunedin to the Court of Appeal at Wellington are actually greater than the costs of an appeal to the Privy Council. For instance, the costs of the proceedings, including the two appeals to the Court of Appeal, in *Burns v. The Otago and Southland Investment Company*, exceeded £1,500; while the costs of appeal to the Privy Council. *Maclean v. Macandrew*, did not exceed £350. Under such circumstances, we can only express our unfeigned surprise that the Court of Appeal is ever appealed to at all, except in Wellington causes; and there is at least some ground for supposing that, unless the Court is materially strengthened by the appointment of additional Judges, the tendency will be in future to send appeals direct to the Privy Council, instead of sending them to Wellington."

CORRESPONDENCE.

Issue Books.

TO THE EDITOR OF THE LAW JOURNAL.

SIR,—By a rule of Court of Hilary Term (7th February, 1876) rule 33 as to issue books is rescinded. By sec. 17 of 32 Vict., cap. 6 (the Law Reform Act), it is provided that all issues of fact, &c., in Supreme Courts may be tried, &c., in County Court, and *vice versa*, "in which case an entry shall be made in the issue and subsequent proceedings," &c., in the form given. What is the meaning of "issue" in that section, and is it proper still to deliver issue books in such cases, or will the notice of trial alone be sufficient?

Yours, &c., E. M.

[The effect of the rule of last Hilary Term is, we think, to render the issue-book no longer necessary; and in sec. 17 of the Law Reform Act, the "issue" must now be taken to mean the Record. The object of the issue-book is to ensure a

correct transcript of the proceedings. This object was formerly attained, as it is now, by having the record "passed," i.e., examined by the officer of the court; but when, by 19 Vict., cap. 43, sec. 154, it was enacted that records should not be sealed or passed, it became necessary to introduce the practice of serving an issue book, which was accordingly done by rule 33 of Trinity Term, 1856. It was subsequently enacted by C. S. U. C., cap. 22, sec. 203, that records need not be sealed, but should be passed; the reason for the delivery of issue books, therefore, ceased, but rule 33 remained unrepealed, and reference to the issue books was made in other parts of the Consolidated Statutes. Now, however, the Rule of Court has been expressly repealed, and as the issue-book was introduced in the first instance by the authority of the judges, there can be no question of the competence of the same authority to do away with it, although references to its use were necessarily introduced into the statute book when the former practice was in force.—Eds. L. J.]

Increase in Fees for Certificates.

TO THE EDITOR OF THE LAW JOURNAL.

SIR,—In the summary of the proceedings of the Benchers in Hilary Term, last published in the *Law Journal* of the month of May, it appears to have been resolved that the fees in future to be paid for certificates by attorneys, including term fees, shall be \$30 per annum, in order to provide for a proper and efficient system of reporting the judgments of the courts.

Now, this will be a large and heavy increase in the taxation of professional men, and the announcement has caused a good deal of interest and excitement in those who are called country practitioners. And the increase is felt the more especially as the statement of the receipts and expenditure would show that the society had a large surplus, its revenues being over \$36,000 and its expenditure only \$32,300, independently of the out-