

DIARY FOR JUNE.

2. SUN... *1st Sunday after Ascension.*
3. Mon... Last day for notice of trial for County Court.
Recorder's Court sits.
6. Thurs. Chancery Re-hearing Term begins.
8. Sat... Easter Term ends.
9. SUN... *Whit Sunday.*
11. Tues... *St. Barnabas.* Quarter Sessions and County
Court Sittings in each County.
16. SUN... *Trinity Sunday.*
20. Thurs. Accession of Queen Victoria, 1837.
21. Friday Longest day.
23. SUN... *1st Sunday after Trinity.*
24. Mon... *St. John Baptist.*
26. Wed... Appeals from Chancery Chambers.
29. Sat... *St. Peter and St. Paul.*
30. SUN... *2nd Sunday after Trinity.* Half-yearly School
return to be made. Deputy Registrars in
Chancery to make returns and pay over fees.

The Local Courts'

AND

MUNICIPAL GAZETTE.

JUNE, 1867.

CLERKS OF THE PEACE—INCREASE OF FEES.

A question interesting principally to Clerks of the Peace, and incidentally to all persons who are paid by fees for services rendered, was decided in the Court of Queen's Bench during last Term, on an application on behalf of the Clerk of the Peace for the United Counties of Prescott and Russell, for a mandamus upon the Court of Quarter Sessions for those counties to compel them to audit and allow to the applicant as Clerk of the Peace and County Attorney a number of items which appeared not to be chargeable under the tariff, as settled by the Superior Court judges, or any Act of Parliament.

Under the statute of 8 Vic., ch. 38, the Justices in General Quarter Sessions had framed a table of fees for all services rendered in the administration of justice, and for other District purposes, by (among other officers) the Clerk of the Peace, which services were not then remunerated. Under the same statutes the Court of Queen's Bench, in the same year, having this and similar tables of fees furnished by the other Courts of Quarter Sessions in Upper Canada before it, framed a table of fees for the use and direction of all these courts, as to the allowances to be made to the different officers named in the statute.

By the Consolidated Statutes U. C., ch. 119, sec. 2, the table of fees theretofore framed by the Justices of the Peace, and confirmed by

the Queen's Bench, was continued until otherwise appointed; and the Superior Courts of Common Law were authorised from time to time, as occasion might require, to appoint the fees, as they had done before. Both acts contained a provision that nothing therein contained should deprive any of the officers named of any fees that were allowed by any act of parliament for other services not provided for under those enactments.

In the year 1862, the Judges of the Superior Courts made a rule substituting a new table of fees for the Clerks of the Peace, in lieu of that established by the Queen's Bench in 1845.

All the charges made by the applicant were for services rendered since this last table of fees was promulgated.

A large part of the claim advanced upon this application was rested upon the authority of what was called the local tariff, and upon user, either before or since that tariff was prepared, which, as stated in the applicants affidavit, was made on 1st July, 1845, in compliance with the statute 8 Vic., "and which," as he affirmed, "was ordered to be established and to come into force from and after those sessions." It was also stated that this table of fees appeared to have been since hitherto acted upon in these counties in certain matters where its provisions have not been varied by the Judge's table or by statutes.

The court were, however, of opinion that "the table of fees established and promulgated by the Courts contains all the service for which the applicant as Clerk of the Peace is entitled to charge, in addition to such as are specially authorised and provided for by any statute; and that neither the tariff spoken of, nor any usage that is proved, give any additional right."

One of the objects of the act referred to was, in the opinion of the court, to introduce a uniformity of system as to the different services for which fees were chargeable, and as to the amount, and that when the Court of Queen's Bench established a table, such table superseded that framed by the several Courts of Quarter Sessions.

It is a fact which those concerned are well aware of that there are a variety of services required from Clerks of the Peace for which there is absolutely no remuneration provided. To use the words of one of the learned judges in the case under consideration, "The difficulty is, that much of the routine business which formerly made the office remunerative