On 9th June, 1846, the legislature passed an act "For defraying the expenses of the administration of justice in criminal matters, in that part of the Province of Canada formerly Upper Canada." (9 Vic. cap. 18, Con. Stat. U. C, cap. 120.)

It recited that it was expedient to provide that the expenses of the administration of criminal justice in Upper Canada, then paid by local taxation, should in time to come be paid out of the public funds of the Province; and after making special provision for the years 1846 and 1847, declared "that for and during each year thereafter, the whole of the expenses of the administration of criminal justice in Upper Canada should be paid out of the consolidated revenue fund of the Province." It, in a schedule annexed to the act, gave several heads of expense which, together with all other charges relating to criminal justice payable to the officers mentioned specially authorised by an act of the legislature and theretofore payable out of district funds, should be deemed expenses of the administration of criminal justice within the meaning of the act.

As the law now stands, there are some fees still payable to officers connected with the administration of justice out of municipal funds, while all connected with the administration of criminal justice in Upper Canada ought to be defrayed out of the consolidated revenue fund. We say *ought*, because it is notorious that successive Canadian governments have given to the 9 Vic. cap. 58 (Con. Stat. U. C, cap. 120), the most niggard interpretation; and, instead of advancing the object of the act by transferring *all* expenses connected with the administration of criminal justice to the provincial revenue, endeavour to throw as much as possible upon the local municipalities. This is a course alike disgraceful to the government guilty of it and injurious to the municipalities affected by it. It is moreover opposed to the act of parliament itself and the construction which the courts of law have put upon it.

The law officers of the Crown read the schedule appended to the 9 Vic. cap. 58, as containing all the items of expenditure for the administration of criminal justice chargeable to the Province. They ignore the concluding sentence of the schedule, "Together with all other charges relating to criminal justice payable to the foregoing officers, specially authorised by an act of the legislature and heretofore payable out of district funds." They ignore the enacting part of the act, which is that "the *whole* of the said expenses" shall be paid out of the consolidated revenue fund.

The President of the Court of Appeal, when Chief Justice of Upper Canada, referring to this statute, is reported to have said "I do not think that the schedule appended to chapter 120 was intended by the legislature to embrace all the expenses of criminal justice that were to be charged against the government, but only to point out that all the charges specified in it were to be deemed within the act, and thus to remove all doubt as to such charges. (*Corporation of Lambton* v. *Poussett*, 21 U. C. Q. B. 485.)

We are informed that, notwithstanding this exposition of the act by the highest legal authority in Upper Canada, the government officials pursue their old course and refuse to pay respect to a solemn decision pronounced by one of the superior courts of law in Upper Canada. We are grieved to receive such information. We would feign distrust it. The government should pay respect to the laws as administered and interpreted by the lawfully constituted tribunals of the country. The example is pernicious. We cannot think that the present Attorney General has had his attention directed to the matter. It is more than likely that the decision of such matters is left to subordinates, who are not professional men. If so, the sooner a change takes place the better.

It has been made a question whether fees which come within the Con. Stat. Can. cap 120, are to be paid out of county funds in the first instance, to be afterwards included in a general account against the government, or whether the County Council can refuse to entertain such charges, and refer the officer to the government, as the party from whom he is to receive compensation.

Some suppose that a middle course ought to be taken, that is, that the officer should make out his account of fees for services connected with the administration of criminal justice against the county; which account with vouchers and report should be sent to the government to await audit and payment by the government to the municipality.

It would seem very inconvenient if the county were to pay the accounts before audit by the government auditors and final allowance by the government, for then occasions might be constantly arising for reclaiming from the officers any sums that the government County Auditors or the Inspector General may have rejected.

In any case the intention and effect of the statute is that the counties shall be paid or reimbursed by the government all such expenses as come within the statute and have been audited by the proper auditors, according to the regulations of the government, and not that the several officers are to make out their accounts against the government for such services (per Robinson, C. J., in *Corporation of Lambton* v. *Poussett*, 21 U. C. Q. B. 485).

If the County Council pay charges on the expectation that they will be reimbursed by the government, and if such charges be rejected, then a question will arise whether the Council having paid them under the sanction of their own auditors, and upon their own judgment, can sue to