

Legal Decision.—The subjoined decision, by his honor Judge Clayton, upon a rule brought before him at the last term of Habersham Court, we insert for the special information of Sheriffs, Printers, and others concerned:

E. H. BURRITT,

vs.

THE SHERIFF.

} Rule
} Nisi.

In Habersham Superior Court, April Term, 1829.

This was a motion for the Sheriff to shew cause why he did not pay over to the plaintiff in the rule, certain advertising fees which had been collected by virtue of executions in sundry cases. Upon agreement and consultation with the Judge of the Ocmulgee Circuit, the court determines that the above rule must be discharged, and the party plaintiff left to his remedy at law; because the claim of the plaintiff was the subject matter of, and accrued by virtue of contract, and the mode of collecting such claims, at the time of the contract, must regulate and govern it, and all new constructions of law ought to operate prospectively.

But the Court has been informed, and is satisfied of the fact, that a practice prevails among some Sheriffs, in his Circuit, to exact of Defendants, by virtue of Executions placed in their hands, a larger amount for advertising fees than they actually pay to the Printers.—This course is illegal and grossly improper, and in future, from and after the promulgation of this rule, Sheriffs are directed to require from defendants no more than the fair and regular charges of advertising their levies, which must be returned to Court with the executions raising the same, that the Court may judge of the reasonableness thereof, and have the same paid over to whom it rightfully belongs, and in failure thereof Sheriffs will be subject to a rule as in other cases of costs.—*Athenian.*