

can be altered so as to meet the requirements of justice to the officers and protection to the public. We have some guide in this matter as to the opinion of bailiffs themselves in a pro-

posed tariff of fees for bailiffs of Division Courts, settled at a meeting largely attended by them in June last. The proposed tariff is the following:—

	Not exceed- ing \$40. \$0 20	Exceeding \$40. \$0 40
Service of Summons, or other proceeding excepting Subpœna, on each person.....	0 10	0 10
Service of Subpœna on each Witness	0 20	0 20
For taking Confession of Judgment.....	0 20	0 20
Drawing and attending to swear to every Affidavit of service of Summons or Subpœna, when served out of the Division.. ..	0 05	0 05
Attending and making Affidavit of Service of Summons or Subpœna, within Bailiff's own Division	1 00	1 00
Enforcing every Warrant, Execution or Attachment, against the goods or body ...	0 10	0 10
For every mile necessarily travelled from the Clerk's Office, to serve Summons or Subpœna, and in going to seize or sell under Execution or Attachment, where money made, or case settled after the levy.....	0 50	0 50
For every Jury Trial	0 25	0 50
For carrying delinquent to prison, including all expenses and assistance, per mile		
For every case called in open Court, (this intended as a remuneration for attending on Court Days, acting as Crier, Constable, &c)	0 10	0 10
Every Schedule of property seized under Execution or Attachment, Return, including Affidavit of Appraisal	1 00	1 00
For the return of every Execution returned <i>Nulla Bona</i>	0 50	0 50
For every Bond, including Affidavit of Justification	1 00	1 00
Advertising Sale of Goods (not less than three advertisements).....	0 50	0 50
That there be allowed to the Bailiffs, after levy under any Execution, the sum of five per cent. upon the amount, not to apply to any overplus on said Execution.		

This, as might be expected, looks at the question from the bailiffs' point of view; the public, on the other, hand will very possibly, and we think very properly, look at many of these charges as excessive. It will be seen that in every case the fees have been increased, and in only one case has any difference been made in the amount of fees relative to the amount of the claim. It may be very true that in most cases the trouble is the same whether the amount of the claim be \$10 or \$100, but the responsibility which is incurred in the one case bears no comparison with that in the other.

There are also two items proposed which have found no place in the tariff given by the Act. The first is intended as a remuneration for bailiffs attending on court days acting as criers, constables, &c., and as to this the sum of ten cents for each case appears to us to be too large, even on the supposition that such a fee should be allowed. The number of cases differs materially in different courts and when a bailiff has to break a day in attending court, it would not make much difference to him whether there are ten cases or twenty, but so long as he is paid by fees he must be paid, if paid at all, by a fee in each case, and not by a graduated scale according to the probable amount of time taken up. In large courts his profits would bear no sort of proportion to the labour involved, and such a fee would be a direct in-

centive to a dishonest man to encourage litigation and prevent the amicable settlement of disputes and adjustment of accounts between parties.

As to the second item, namely, a fee on return of *nulla bona*, we still retain the opinion that such an allowance is objectionable. At the most, it should only be such a fee as is allowed in the higher courts, *i.e.*, for filing and return, analogous to the practice in the superior courts, say ten cents for each writ.

The allowance to bailiffs of two and a half per cent. upon money levied under an execution might, we think, fairly be increased to five per cent. which is the amount allowed in the higher courts.

There is another alteration which we think should in all justice be made in the tariff, and that is that all necessary disbursements should be allowed to bailiffs for the removal or keeping property seized under execution until the day of sale. We are well aware that almost invariably bailiffs act as though they had a legal right to allowances of this kind, and we do not at present give it as our opinion that they have no such right; but the item is one that should be put beyond a doubt, for it is the opinion of some that it is not legal for bailiffs to make any such charge. The consequence of any mistake in this matter are obvious. The following extract from a country paper is so much to the purpose that we reprint it:—