

DIVISION COURTS.

BAILIFFS.

REPORT OF A MEETING OF THE BAILIFFS OF THE SEVERAL DIVISION COURTS, HELD AT HAMILTON, ON THE 20TH MAY, 1857.

On motion, it was carried that Mr. William Austin Smith, of the First Division Court, Wentworth, should take the chair, and that Mr. William Henry Serpell, of the Fourth Division Court, Brant, should act as Secretary.

The following resolutions were then put and carried:

1st. That the sum of 6d. per mile be allowed for all services of process issued out of the office of the Division Court.

2nd. That the sum requiring personal service be extended to ten pounds.

3rd. That one shilling be allowed for all summonses requiring personal service on the defendant, and nine-pence for non-personal.

4th. That the sum of sixpence be allowed for attending to swear and making affidavit of service of summons within the Division.

5th. That for enforcing Executions under ten pounds there be allowed the sum of two shillings and six-pence, and for all over that sum, that there be allowed the sum of five shillings.

6th. That the Bailiff be allowed mileage on all writs, whether money made or not.

7th. That the sum of three-pence be allowed for every case called in open Court.

8th. That five per cent be allowed on all monies collected under writ of Execution.

9th. That a proper remuneration be allowed where the Bailiff has to remove property seized under Execution or Attachment.

10th. That for advertising each sale the Bailiff be allowed the sum of two shillings and six-pence.

It was then Resolved, That Messrs. W. A. Smith, R. M. Cope, and W. L. Serpell, should be a Committee to draft a respectful Petition to the Legislature.

(Signed) W. A. SMITH, Chairman,
W. H. SERPELL, Secretary.

The Bailiffs of the County of Brant held their meeting at the Kerby House at Brantford on the 12th of May, when the following resolutions were read and adopted:

1st. That the sum of six-pence per mile be allowed on all process issued out of the office of the Division Court.

2nd. That the sum requiring personal service be extended to £10.

3rd. That there be allowed the sum of one shilling on all personal services, and nine-pence for non-personal.

4th. That there be allowed for every affidavit of service within the Division the sum of three-pence.

5th. That the Fee for enforcing all writs of Execution or Attachment be at the uniform rate of 3s. 9d.

6th. That mileage be allowed on all writs returned *nulla bona*, and to be paid by the plaintiff at the time of issuing the Execution.

7th. That the Bailiff be allowed the sum of one pound for his services on the day of Court.

8th. That the Bailiff be allowed 5 per cent on all monies collected by writ of Execution.

9th. That a proper remuneration be allowed for time and expenses incurred in removing or securing property when seized under writ of Execution or Attachment.

(Signed) W. YOUNG, Chairman.
W. H. SERPELL, Sec'y.

I have examined the above resolutions and approve of the same with the exception of the 2nd and 6th. I think the sum requiring personal service might be extended to £5. I do not think mileage should be allowed on any Execution where no money is made. On the whole I think the Tariff of Fees for services rendered by Bailiffs, as it stands at present, is far too low.

(Signed) S. J. JONES,
County Judge, Co. Brant.

The above resolutions have been sent to us for publication, and very willingly we insert them. On the main point we entirely agree, viz., that the remuneration to Bailiffs is at present quite insufficient, and we are quite prepared to advocate an increase in these fees. We do not intend in this number to enter fully on the question for two reasons, first, because the matter communicated encroaches too much on the assigned limits to leave sufficient space at our disposal "to have our say," but, mainly, because we desire to consider the subject maturely.

Such influence as we possess arises from the fact that all we say has been well considered, and that our advocacy is only given where it is deserved. The matter now in hand we believe deserving of more than a passing remark.

In the meantime we give some remarks of an officer necessarily familiar with the question, who is only known to us by his correspondence as an educated and very intelligent person:

BURFORD, May 25, 1857.

"I herewith enclose you the Report of a Meeting of Bailiffs who were delegated from their several counties to meet at the Court House in the city of Hamilton on the 20th instant, for the purpose of deciding on a Tariff of Fees and of drafting a Petition to the Legislature, praying that they would take the same into consideration with the view of increasing the remuneration to the said officers of the Division Courts. I presume, you are aware, that previous to the enormous increase in price of all kinds of produce, the Bailiffs were scarcely compensated for their services; and now that we have to pay about two or three times what the former prices were for every article required for the use of ourselves and families, we find it very difficult to support ourselves, *are we asking too much?* I think, Sir, that every candid, unprejudiced mind, will join us in saying that we are poorly remunerated for the arduous duties required of us.

There are, I am aware, one or two of the Resolutions that seem to clash with the practice of the Superior Courts; but when the extreme difficulty is considered, which is in the experience of every officer, to effect services on the small sums requiring personal service, and the frequency with which the party to be served will effectually evade the service of the summons; I think it will appear plain that the sum requiring personal service should be very much extended. I would ask if for the sum of two pounds, a service is good if served