principal's deputy (though not deputy-bailiff) while doing any particular act—as in securing, keeping possession of property seized, or the like, under the bailiff's direction. Indeed such assistants are recognized in several sections of the statute. Section 195 provides that no action is to be brought against a bailiff, "or against any person acting by his orders and in his aid," &c.: and in sections 184, 196 and 197 assistants are referred to. It does not appear essential to due service of the ordinary summons, to appear that it should be made by the bailiff of the court, if duly served by any literate person, it is apprehended it would be sufficient, though no charge could be taxed for the service or mileage, unless effected by an authorized person. In practice it is not unusual to appoint a person a bailiff (*pro hac vice*) to effect a particular service, where the circumstances warrant such a course; and in that case the regular expense of service would be chargeable in the usual way. But all process of execution and warrants must be executed by the bailiff personally.

CORRESPONDENCE.

To the Editors of the Law Journal.

GENTLEMEN,—Your solution of the two following points no doubt would be of interest to your readers, as they are cases that frequently occur, and recently came up in my court.

Say—Attachments are got out against an absconding debtor, fourteen days before the sittings of the court. Of course, pursuant to the act, judgment could not be given the first court, there not being thirty days before the court. A creditor has a claim of three dollars against the absconding debtor, which is too small a sum to get an attachment on; but as the amount does not require personal service, sues his claim in the ordinary way, and gets service by having the summons left with the debtor's wife. Court sits; and the plaintiff gets his judgment for three dollars; has an execution issued, and orders the bailiff to seize and sell the goods he holds by virtue of the attachment. As the attaching parties have as yet no judgments, should the bailiff sell and satisfy the three dollars claim or wait, and let that claim come in *pro rata* with the attachments; or should the claims under the attachments take priority over the execution?

Again: A creditor sues out an attachment against an absconding debtor. The bailiff finds perishable property, which he takes to the clerk. The creditor orders the clerk to sell the goods. The clerk asks for indemnity. Creditor cannot procure satisfactory security. To keep the property until the sittings of the court would cost more than the value of the property. What disposition of the property can the clerk make?

Yours truly,
CLERK 6TH DIVISION COURT CO. NORFOLK.

[Goods when seized under attachment are properly handed over to the custody of the clerk of the court, and are held by him according to the requirements of the statute. These goods are in the custody of the law for a certain purpose, and would not be liable to seizure under "the three dollar execution," nor could the execution creditor in that suit share *pro rata*.

The attaching creditors would, we think, take priority. If the claim, with costs, came to $4, possibly the judgment creditor might sue out an attachment upon the judgment and come in for a share. The words in sec. 199 are, any person indebted, &c., "*or* upon any judgment."

The provisions of section 213 leave it optional with the clerk to require security, or to sell without it. In the case put we think it would be advisable for the clerk to sell the goods. The original fault would lie with the bailiff, who ought not to seize perishable goods without a bond, as required by and upon the conditions mentioned in sec. 214.]—EDS. L.J.

SARNIA, February 18, 1863.

To the Editors of the Law Journal.

GENTLEMEN,—There appears to be considerable doubt as to the construction of secs. 101 and 102, 22 Vic. cap. 19. I take the liberty of addressing you and requesting your opinion on the subject. As it is a question of general interest to those practising in the court, I am persuaded you will kindly give it an insertion in your next issue.

Quære—Is not the 102nd section, 22 Vic. cap. 19, explanatory of 101st section; and if so, has the judge power to examine the plaintiff to a suit where the opposite party objects, and where the amount claimed exceeds $8.

I remain, yours, &c.,
ENQUIRER.

[We think the judge has *the power* in every case to examine the parties, but that such power should be sparingly exercised, or be confined to cases in which, from their nature, there is a poverty of unexceptionable evidence, yet still sufficient to raise a presumption when the parties' oath is taken to supplement it.]—EDS. L. J.

THE EFFECTIVE WORKING OF THE DIVISION COURTS.

We have received a long communication from a writer who speaks upon "an experience of over twelve years in the Division Courts." He desires to see some general supervision as to their mode of working, "which would place the practice and administration of law and justice, in what was intended for an almost domestic and poor man's tribunal in the different localities, upon a uniform plan." And as a matter of fact he asserts "that the plan of procedure is not uniform, or else those who work in those Courts do not all work to the plan."

With all respect for our correspondent, we entirely disagree with his views as to a remedy for the alleged evil. The Division Court system contains *in itself* ample power