

DIVISION COURTS.

OFFICERS AND SUITORS.

OFFICERS.

We have learned, through one of the County Court Judges, that a circular letter has been issued from the Inspector-General's Department, requiring Officers to renew their securities to Government; that new and improved forms of bonds are supplied; and that each bond is accompanied with an affidavit of justification.

This is as it should be. The public must be effectually protected, and securities of this nature ought on every account to be uniform and in the most approved form.

We have no doubt that officers of the Courts will promptly respond to this call, and that the Judges will cordially co-operate with the Department in bringing this branch of the public service into the state desired.

By the way, very few persons have an adequate notion of the heavy securities Clerks and Bailiffs are required to enter into. Each officer gives a double security; first, a *covenant*, which is available to parties injured by the officer's default or misconduct; secondly, a bond to the Crown for the payment over of fees collected, and for the due performance of the duties of the office.

These securities vary in amount, according to the business done in each locality. Few, we should say, are under £400; many are for very large sums. We know one officer, having a business not much beyond the average, who has given obligations amounting in the whole to over £3000, and probably the general average of securities would be about £1000 (that is, assuming each officer to have given in sufficient security), which would make for Upper Canada about three hundred and seventy-two thousand pounds, as the aggregate amount of securities given by Division Courts' officers,—an enormous sum, but we believe by no means exaggerated in amount.

This induces two considerations: first, the necessity for intelligent, strict, and careful administration in the Inspector-General's Department, as respects these securities, and the importance of active supervision by the County Judges; and, secondly, the importance of the class of public officers (Clerks and Bailiffs) from whom such heavy securities are necessary. Those who think officers sufficiently remunerated by their present fees, we dare say, are not at all aware of the heavy securities demanded of them, and properly so, by reason of the important and responsible duties required of them.

THE NEW RECEIVER OF FEES—A WORD IN SEASON TO OFFICERS.

After the first day of January next, the Crown

Attorney in each County takes the place of the County Treasurer; and thereafter the Clerks of Division Courts will make their quarterly returns, and submit their accounts to that officer.

We consider this change a decided improvement. County Treasurers do not hold their offices under Government, but are appointed by and amenable to the Municipalities. Moreover, we are not aware that they have been required to give security to the Government; whereas the County Crown Attorney is an officer appointed by and *directly responsible* to Government, and *is required* by the statute to give security to the Crown.

We have not heard of any defaulting Treasurer, unless the late Treasurer of Middlesex may prove to be one; but we have heard that several of these officers have been remiss in making their returns, as well as in the discharge of duties assigned to them in connection with the fee fund.

For this there was no adequate remedy. The Government had no effectual control over a Treasurer. With the County Attorney it will be otherwise. In those counties in which Clerks have been remiss from the negligence of the Treasurer in not furnishing forms or otherwise, a great change may be expected, and we recommend *every* Clerk to "put his house in order." New brooms are said to sweep clean, and the new officers (lawyers, by the way) will look for a rigidly exact and punctual discharge of duty from Clerks.

Clerks who have been in the habit of giving indiscriminate credit for fees will be obliged to abandon the system, for they may depend upon it no excuse will be received for the nonpayment of the fees on the accounting days. The action of the Legislature in respect to other receivers of Court fees—making the appointment void and vacating the office, if fees are not paid over within twenty days after each quarter day—will probably be taken as a guiding principle in respect to Division Court officers.

We have felt it necessary to warn officers generally, as any carelessness or want of punctuality may be attended with serious consequences to them; but we believe that the great body of Division Courts' officers perform their duties with all punctuality and care.

ANSWERS TO QUERIES.

"T. L." 1.—Desires to know what charges he should make in cases of Interpleader Summons. Such cases, he remarks, are not like ordinary suits where the amount of the account entered for suit guides.

2. He also desires to ascertain our opinion "as to mileage, there being two distinct parties to serve—the claimant and the judgment creditor.—Is the bailiff entitled to mileage on service of each, as he would be in the case of two separate suits?"

1. If we mistake not, the question has been answered some time since in this journal; but at all events we now answer it, as some of our new subscribers (the