

wait upon the member or members representing the locality. Let this committee ascertain where it will suit their member's convenience to receive them, and give an hour or two to the acquirement of a knowledge of their position and claims. At the appointed time the Committee should be prepared with a memorandum, to be left with the member, explaining everything in full; but they should not content themselves with this; the whole matter should be fully opened to their representative, any additional information he might ask given, and any objections that might occur to him answered, so as to convince him of the justice of the Bailiff's claims and the reasonableness of the alterations in the law asked for, and thus to secure his hearty assistance in the House.

The Committee should, before leaving, take care to learn his impressions and intentions respecting their petition, and the same should be reported to a Central Committee. By taking a course such as this, the effort could not fail to be effective.

We have now told Bailiffs, and in good time how to look after their own interests, and how they may best recompense the legitimate improvements which they seek in their condition. If they act with promptness and decision success awaits them. If they choose to confine themselves to mere grumbling or to desultory action, they will be left as they are to the end of the chapter.

SUITORS.

[CONTINUED FROM PAGE 160.]

Punishment of Fraudulent Debtors—The Judgment Summons clause in the Division Courts Act.

The grounds on which a debtor may be committed, as mentioned in the last number, must be shown to exist by *legal* testimony. The proceeding, it will be borne in mind, is one affecting the personal liberty of the debtor. A proceeding to *punish*—and therefore the Judge will always require reasonable strictness in proof. Where proof can be obtained of facts warranting a commitment, it should be prepared before the hearing, that is, the witnesses necessary to make out the facts should be summoned in the usual way. The plaintiff can in such cases obtain subpoenas for his witnesses just as he might on an ordinary trial. Let it be particularly noticed in getting up proofs that any written document—such as a bill of sale, assignment, or the like, the contents of which it is necessary to prove, cannot be given in evidence as a conversation between parties or a contract committed to writing might. The original must be produced, and proved, as a general rule, by the subscribing witness. Parties in whose possession such instruments are, can be subpoenaed to produce them, or if they have been lost, or destroyed, or cannot be obtained, a copy of them, where possible, should be given in evidence. If they are in possession of the debtor, he should be notified

to produce them; if he do not do so after notice, secondary evidence may be given of their contents.

In cases under the 2nd head, as mentioned in the previous number, very nice and difficult questions frequently arise, and we would strongly recommend parties to obtain professional advice as to what will be necessary to prove in the case, and also the services of a professional man to conduct the inquiry before the Court.

After a party has been once committed for a fraud, &c., he cannot be again committed on the same ground, though he may, in case of fresh fraud or fraudulent omission to pay, be committed a second time.

No imprisonment, however, operates as a satisfaction of the debt or judgment, or deprives the plaintiff of the right to take out execution in the same manner as if the imprisonment had not taken place.

In conclusion, we would suggest the propriety of registering every judgment over £10, where the debtor is supposed to have any claim to real estate. It costs very little, and it will be an additional security to the creditor. An execution against lands may be obtained where the judgment is beyond £10; but as these acts must be done through an attorney, we need not further notice them.

MANUAL, ON THE OFFICE AND DUTIES OF BAILIFFS IN THE DIVISION COURTS.

(For the Law Journal.—By V.—.)

[CONTINUED FROM PAGE 160.]

Executions from other Courts.

A provision in the Common Law Procedure Act, 1857, sec. 24, may be here noticed. It places executions from the Courts of Queen's Bench, Common Pleas, County Courts, and Division Courts on a common footing. One is not to have precedence over the other; but priority of *time*, when the execution is delivered to the officer to be executed, is in all cases to determine the right to the goods seized. The subject as being one of pressing importance, was examined in the August and September numbers of the *Law Journal*, and the matter set down may be considered as engrafted on this treatise.

Claims to Goods seized.

It has so far been presumed that the goods seized under execution are the undisputed property of the defendant or execution debtor, and that no opposition has been made to seizure by the Bailiff. But this is not always so. The officer making a seizure is frequently met with claims by third parties to the whole or some portion of the property seized. Sometimes two or more persons appear laying claim to different portions of the property seized: or the landlord of