

Judge entertained the opinion which the letters of "An Attorney" would lead us to suppose. With the details of the cases neither we nor our readers are at all interested, but it is a matter of simple fairness that the views of the Judge should be given in his own words; the subject, moreover, is of some importance, and worthy of discussion.

The part of the judgment touching on the point before us was as follows:—

"It is difficult to arrive at what is a fair and reasonable or proper allowance to make for services as an Attorney in the Division Courts, for the Superior and County Court tariffs are fixed, and the retainer once proved, the amount can be ascertained by a reference to the proper officer. No tariff is fixed for the Division Courts, but it is not to be supposed that an Attorney is not to receive anything for practising therein. On the other hand I do not think him entitled to County Court costs (which the plaintiff appears to have charged,) for Division Court business. As there is a wide difference between Superior and County Court costs, which bear some relation to the jurisdiction of the respective Courts, so the costs in the Division Court, being of still more restricted jurisdiction, should be considerably less than those of the County Court. I have no authority, and do not feel inclined, to lay down or fix a tariff for all the items of Division Court business. I shall simply allow in each case a gross sum, and that not a large one, covering all charges in respect of the suit (except disbursements), and having some reference to the trouble taken and the interests involved. If members of the profession think my allowance too small, they can easily protect themselves by a previous arrangement with their clients, and this would, in all cases, be the fairest and most satisfactory way.

The plaintiff endeavours to shew that he came from ——— solely to attend to defendant's business. I do not think the evidence establishes this, and cannot allow the plaintiff anything for travelling expenses. I allow the plaintiff \$5.00 for each of the two suits, one at ——— and one at ———, less \$3.00 paid on suit at ——— Court, leaving \$7.00, and I allow 40 cents for postage and \$4.00 for subpoena and copies, making \$11.40 in all for Division Court business.

The witness fees, amount paid witnesses, and charge for copy of papers, appear to be covered by the \$9.00 paid plaintiff by ———."

Without at present discussing the propriety of this ruling, it can scarcely be said that the Judge decided that an Attorney has no right to recover for services rendered, as such, in Division Court suits, or that the judgment

was not given upon some principle, which the Judge considered was a sound one, and which he in a subsequent suit by same plaintiff expressed his intention to follow.

So far as this particular case is concerned, this must close any further reference to it. As to the amount of remuneration, the Judge may or may not have given less than was proper under the circumstances. He, however, was the judge of that, and it is idle to discuss that part of the matter here.

BAILIFF'S FEES.

A correspondent raises a question of fees under the new Act, which is of some importance to Bailiffs of Division Courts, and as to which it would be well to have the practice settled as soon as possible.

Sec. 18 of the Act, provides that

"Notwithstanding any of the provisions of the said Act, when there is no bailiff of the court in which the action is brought, or when any summons, execution, subpoena, process or other document, is required to be served or executed elsewhere than in the Division in which the action is brought, they may in the election of the party, be directed to be served and executed by the Bailiff of the Division in or near to which they are required to be executed, or by such other Bailiff or person as the Judge, or Clerk issuing the same, shall order, and may, for that purpose, be transmitted by post or otherwise, direct to such Bailiff or person, with being sent to or through the Clerk."

The question is, whether a Bailiff can claim the fee which under the former practice would have been payable to the clerk for receiving papers from another county, &c. The provision in the tariff of fees for clerks which is referred to, is as follows:—

"Receiving papers from another County or Division for service, entering same in a book, handing the same to the bailiff, and receiving his return to be paid when the claim is filed or defence, 20 cents."

We should be glad if the law could be interpreted to give a fee to bailiffs for the additional trouble and responsibility which this section may sometimes throw upon them. But we do not think this section read in connection with the tariff of fees to clerks, can be held to give to bailiffs the same fees which are given to clerks alone, and that for services, some of which bailiffs are not called upon to perform. We apprehend, however, that as the duties under this section are disconnected from