

object is to elicit information on this point, so as at an early day to resume and thoroughly discuss the subject. We are impressed with the belief that it is a great hardship, nay more, that it is positively unjust to compel Clerks to pay for public books—books which, if they resigned or were removed, they dare not take away with them—out of their private means; and their position is anomalous, for no other officers in the public service, that we are aware of, are subject to this tax.

We wish to hear from Clerks on this as well as on the subject before referred to.

BAILIFFS.

In the previous number we published reports of certain meetings of the Division Court Bailiffs, at which resolutions were adopted touching their present inadequate remuneration. We purpose now examining the tariff settled as just in the views of the officers who assembled at Hamilton:—

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

We agree to this, and think the charge only reasonable. It is urged that there should be a marked distinction between the costs in the Inferior Courts and in the Superior. Our answer is, there should not be in the matter of mileage, which involves the same amount of labour, the same outlay for personal expenses, the same wear and tear of horse, &c., whether the amount in question be great or small. It must be remembered that a bailiff may have to go once or twice to a defendant's house without being able to find him, and in many cases does so, for which he can charge nothing—the mileage being claimable only on service made. The same principle that would apply to the County Courts as compared to the Courts of Queen's Bench and Common Pleas would apply to the Division Courts. And what do we find in reference to County Courts? By an act of last session the Judges were authorized to frame a table of fees for the County Courts officers, and what was done? *Why, the fees to the sheriff for mileage on service of Process, &c., in the County Courts, it was determined and ordered should be the same as in the Superior Courts.*

The principle was a sound one and capable of general application.

In settling this table of fees the Judges associated with them Judge Gowan, (Co. Simcoe) and had thus the assistance of a gentleman practically acquainted with the subject in hand in all its details. We regard the recognition by the Judges of the sheriffs' right to the same fees in County and Superior Courts as conclusive evidence of the justice of the bailiffs' claim for the increase on mileage asked for.

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

We agree that there should be an alteration as to strict personal services, and would even go beyond £10, but it would not be taking the right ground to urge it on account of Bailiffs. It is required for the protection of the creditor. The point, however, is one of general procedure, and in that view we purpose taking it up, and on broad grounds are prepared to sustain the proposition.

"3rdly. That 1s. be allowed for all summonses requiring personal service on the defendant, and 9d. for non-personal."

Not too much, in our judgment, but it should cover the following:

The 4th item for attendance to swear to service.

The 5th item, 2s. 6d., for enforcing executions under £10, and 5s. for all over that sum is a fair charge.

"6thly. That the bailiff be allowed mileage on all writs, whether money made or not."

We decidedly object to this charge. There are cases certainly of hardship where it might fairly enough be allowed, but to establish the right to it would, if it did not directly lead to abuse and fraud, at least give rise to suspicions injurious to officers, and be as it were a premium for a lazy and inefficient discharge of duty. While we wish to advocate the just claims of bailiffs, our position requires us to oppose any objectionable claim. This is one we strongly oppose as fraught with evil. It would be a perfect bugbear to creditors requiring to use these Courts.

"7thly. That the sum of 3d. be allowed for every case called in open Court."

A similar fee is allowed in the English County Courts; but on the whole we prefer the 7th resolution of the bailiffs of the county of Brant, that 20s. be allowed to the bailiff for his services on the Court day. It is inconvenient multiplying a number of small charges, giving needless trouble alike to clerk and bailiff; besides the service performed is a general one, and should be paid out of the general fee fund.

"8thly. That 5 per cent be allowed on all monies collected under Execution."

There can be no possible objection to this charge, it is fair and reasonable—no more indeed than is paid to an ordinary debt collector, who incurs no responsibility, whereas the bailiff is under bonds for the efficient discharge of his duties, and is held strictly accountable for all errors and omissions. What we said under the first head would apply in most particulars to this head also.

"9thly. That a proper remuneration be allowed where the bailiff has to remove property seized under execution or attachment."

Such an allowance is necessary—without it the disbursements might eat up all the bailiff's fees.