

more than education to fulfil the duties of a bailiff properly, while the clerk's duty is simply the same thing over and over again, consequently requiring only a good common education, such as all bailiffs should have, and I believe generally have; on the other hand, most bailiffs would make good clerks, although your correspondent classes them as inferior; I think, take them as a whole, they will compare favourably with the clerks, as good, active, general business men, and consequently entitled to as good a salary. Even if the tariff adopted by the bailiffs, and reported in your September number, was established, and became law, the fees of bailiffs would not be as large as those of clerks. On each suit where a fee is asked, service has been rendered for it; and as there are some alterations in the tariff positively necessary, and it is agreed on by all that the labour should be paid for, I say the aforementioned tariff seems to me to be just and reasonable, in proportion to the fees allowed to all other officers of like responsibility. Who would give large bonds, and ask friends to become their surety from \$5,000 to \$10,000, as bailiffs have in this county, unless receiving ample remuneration? This is not the case as the tariff now stands. Your correspondent speaks of bailiffs occupying their spare time to advantage, &c.; if so, I do not think it should have anything to do with their fees or duties as a bailiff. I think it is a general rule that both clerks and bailiffs do so, which proves the necessity of better remuneration for their services. Clerks are always in their office, while attending to their duties, comfortable, and free from expense; while bailiffs are away from home, and necessarily exposed to the inclemency of the weather and every day expenses.

Yours respectfully,

A SUBSCRIBER.

Galt, Feb. 6, 1867.

Act for protection of sheep.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—Your opinion is asked for on the 8th and 9th sections of chapter 55 of the 29 & 30 Vic., "An act to impose a tax on dogs, and to provide for the better protection of sheep."

1st. If the owner of a flock of sheep comes to his barn yard or field on any morning, and finds a number of his sheep killed or injured, sees no dogs, and, after diligent search and

inquiry, has been unable to discover the owner or keeper of the dog or dogs, if any, have the magistrates jurisdiction to award damages to the owner of said sheep, on suspicion that his, the owner's sheep, were killed by a dog or dogs.

2nd. Is the owner, who must be interested, a competent witness to swear into his own pocket from ten to one hundred dollars, and also to be his own valuator, to put whatever value he, the owner, likes on his own sheep; or must his damage or loss be sustained by disinterested evidence.

An answer to the above will set at rest a good deal of dissatisfaction which prevails at present in this township.

I may just add from information and claims to the municipal council, that there has been more damage done to sheep since the above act has been in force than there was in years previous.

Yours,

AN OLD SUBSCRIBER.

Toronto Tp., Feb. 12, 1867.

[1. A careful reading of the sections referred to would seem to shew that the magistrates have such powers as spoken of. Of course it is for them to be satisfied that the sheep were killed by dogs. The question is purely one of evidence, and though suspicion merely is not sufficient, it does not necessarily follow that the dog must be caught in the act; in fact, nothing is more difficult, as these depredators are said to be peculiarly cunning in their doings. In many cases, doubtless, it will be impossible to ascertain the owners of the dog or dogs. The provisions of the 9th section are specially intended for cases where the owner cannot be discovered.

2. Interest is not a sufficient reason for excluding testimony, and in this act it is expressly enacted that "the owner of the sheep and witnesses (if any) are to be examined on oath" by the magistrates. The value must apparently be decided by similar evidence, and if the owner is the only person that can speak as to the value, and the magistrates choose to believe him, his evidence will decide the matter. The magistrates, however, are the judges of this, and should exercise a sound discretion in the premises, with a due regard on the one hand to the difficulty of proof by the owner, and on the other being watchful against a fraudulent attempt to extort money from the municipality.—Eds. L. C. G]