

PREFACE.

Shortly after my appointment to the Shrievalty of this County, on the 1st August, 1875, I discovered that a large number of papers, which the law intended should be served by the Sheriffs, and from which they were to derive a large portion of their incomes, were being served by lawyers' clerks, division court bailiffs, and others.

With a view of ascertaining the extent to which this practice was carried, I placed a Motion in the hands of my friend Mr. Sinclair, M.P.P. for North Bruce, asking for a return of all Writs of Summons and Bills in Chancery, issued in Ontario, in the preceding year, and also the number of such papers as were executed by the Sheriffs during the same period, in order to discover the proportion served by the Lawyers. Mr. Sinclair brought forward his motion on the evening of January 10th, 1877, thinking that so reasonable a request would be readily granted; the motion, however, was hardly read, when the floor of Parliament bristled with Professional men on their feet, each more vehement in his opposition than his neighbour; they said the motion "*was not called for, and would entail unnecessary expense,*" "*that if the Lawyers served papers, they did so to save costs to the litigant, they did not, and could not collect for the service; the thing was done at the expense of the profession itself, in fact the execution of such papers was purely a labour of love?*"

The motion was dropped, and immediately Mr. Sinclair and myself were assailed through the columns of the press, and otherwise charged with having made an attempt to increase the Sheriffs' fees, and thereby add to the burdens of the people. I believe that this cry was used against Mr. Sinclair during the election, as a means of injuring him with his constituents.

All this opposition, however, strengthened my conviction that Process-serving, by others than the Sheriffs, was carried on to a much larger extent than was generally supposed, and was to those engaged in it a money-making business, and I determined not to relax my efforts, until I had ascertained the full extent of the evil.

Before the close of the year, I was in possession of a full and complete official return, such as I wanted, disclosing the startling fact, that the papers served by the Lawyers deprived the Sheriffs of upwards of \$20,500 per annum of their legal fees, being an average of \$554 taken from each of the thirty-seven Sheriffs in Ontario; but if no charge was made for these services, as we are assured by more than one member during the debate, on Mr. Sinclair's motion, the \$20,500 which was lost to the Sheriffs, was saved to the litigants, and thus the Public were benefited.

I was rather sceptical as to the truth of the assertion, that these services were made for the purely benevolent object of saving costs to the litigant, and not for the benefit of the Attorney—and determined, if possible, to ascertain the true state of the case.

I am now, after the lapse of two years (during which time I have made