

A "VETERAN" BAILIFF—THE MUNICIPAL MANUAL.

The theory appears to be that the arbitrator stands in the place of a jury, or in some cases of a judge and jury; but the difficulty lies in this, that there is not the same means of setting aside an incorrect, unjust or illegal award of an arbitrator, as there is of a similar verdict of a jury. That this has not entirely escaped the attention of the Legislature is evident from the provisions respecting arbitration in the Municipal Act. Sec. 358 of that Act (ib. sec. 13), after directing any arbitrator appointed under the act to take full notes of the evidence adduced before him, and file the same for inspection by all parties interested, by sub-sec. 14 provides, that "the court shall consider, not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred or any of them from time to time to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the Common Law Procedure Act, and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require."

This, certainly, does not admit the infallibility of arbitrators; and it is some such enactment as this, of general applicability, which, as it appears to us, is necessary to advance the interests of justice in the premises.

A "VETERAN" BAILIFF.

The following sketch of the life of one of the oldest, if not the oldest, Division Court officer in Upper Canada, obtained from himself, will not be without interest to many of our readers. It is given in his own words:—

"I was born at sea on 9th August, 1783; my father was in the 26th Cameronian Regiment. I served as footman with the first Bishop of Quebec, with Governor Mills, Rev. Dr. Mountain, and Sir John Johnson's lady. I married in 1805, and went with my wife to Lochiel where her friends resided. I went as raftsman twenty-two trips to Quebec, and returned home on foot. In 1812 I volunteered in the militia, and was made a ser-

geant. Was at the attack at Salmon River, where we took a block-house and fifty prisoners, and the attack at Ogdensburgh, under Col. Lethbridge where we were repulsed; was afterwards employed building the fort at Prescott, and was made quarter master sergeant. I was at the attack at Goose Creek, and also at the taking of Ogdensburgh, the battle at Cryster's Farm, and the breaking up of the enemy's camp at Malaga. In the Fall of 1838 I volunteered in Col. Vankoughnet's Regiment, and in the rank of sergeant was at the taking of the brigands at Windmill Point. In 1836 I was appointed bailiff of the Commissioners' Court, and was afterwards appointed bailiff in the Division Court by Judge Jarvis, at its first formation. I have done the duty on foot, and compute that I have travelled between sixty and seventy thousand miles on foot. My wife is still living, and we have had three sons, eight daughters, sixty-four grand-children, and twenty great-grand children."

The signature of this octogenarian, by name William Wiseman, is written in a bold firm hand, that would do credit to many a man a quarter of his age. The truth of the above statement is certified by the judge under whom he serves, whose length of service and vigour nearly equal, by the way, those of his trusty officer.

"The old man still acts as bailiff," says the Judge, "and is the surest hand at serving a summons upon skulkers, even at his advanced age of 83 years. Perhaps his computation of mileage is too large, but he seems confident that upon an average he has travelled 60 miles a week. Ought not this man to have a pension?"

We think he ought.

THE MUNICIPAL MANUAL.

We are glad to be able to announce at this particular juncture, in view of the Act respecting the Municipal institutions of Upper Canada, and the revised Assessment Act, which will shortly become law, that Mr. Robert A. Harrison is engaged in the preparation of a new edition of his most valuable Manual, embracing in it the above Acts. The numerous decisions on various points arising under the municipal laws renders it essential that we should have a careful and complete review of them. The great success which attended the publication of the former Manual is a sure guarantee of the welcome that will be accorded to its successor.