

H.L.—Hitherto we have not been in a position to mail the *Law Journal* before the 25th or 30th of the month; but with the June number we anticipate that our arrangements will be such as to admit of its being mailed between the 15th and 18th of each month.

J.R.R.—The Act of 16 Vic. c. 179 gives power to the County Judge, in all cases of felony (except when party accused of Treason or Murder) to order party committed to Gaol to be bailed out before two Justices of the Peace. The amount of bail is discretionary with the Judge. Before the passing of this Act, when once the party accused had been committed to Gaol, application to put in bail had to be made to a Judge in Chambers, in Toronto.

S.—Your communication respecting the practice in Certiorari cases will appear in the May number.

J.N.—The Hon. Attorney-General Marshall has brought in a Bill which will meet the difficulty you complain of. It never could have been introduced that the rights of execution creditors should be so injuriously affected. In other respects the present law of Execution works well.

W.T.—We have always counted upon the best services of Clerks and Officers of the Division Courts; indeed without an active canvass by them in their respective localities we could not have attained more than a limited circulation. It is for their interest equally with our own. Every Clerk and Bailiff could with ease induce 3 or 4 of the Magistrates and Reeves in his neighbourhood to subscribe. We are much obliged by your active exertions.

THE LAW JOURNAL.

APRIL, 1855.

DIVISION COURTS: MEETING OF CLERKS: PROPOSED ALTERATION OF FEES.

BEING the only legal Periodical in Upper Canada, and the doings of the Local Courts, their advancement, working, and improvement, forming a leading feature in the *Law Journal*, we expected to have been informed of the proceedings at a late meeting of the Clerks of Division Courts. As the organ of the Local Courts, we looked for an official report of the business transacted at this meeting; but having procured a correct report from another source, we may not omit a suitable notice.

A meeting of the Clerks of Division Courts, was convened at the City Hotel, in Hamilton, on Tuesday the 20th day of February, 1855, for the purpose of suggesting certain amendments to the present Division Court Acts to be submitted to the Legislature Assembly.—Present: *Geo. W. Whitehead*, CPk 1st Div.; *James Barr*, CPk 4th Div.; and *David Caulfield*, CPk 5th Div., County of Oxford; *Henry Racey*, CPk 1st Div.; *John A. Penton*, CPk 2nd Div.; *Samuel Stanton*, CPk 3rd Div.; and *W. M. Whitehead*, CPk 4th Div., County of Brant; *Wm. R. McDonald*, CPk 1st Div., and *A. F. Begue*, CPk 2nd Div., County of Wentworth; *Robert Palmer*, CPk 5th Div., and *S. Fenton*, CPk 9th Div., County of Halton; *Wm. B. Winterbottom*, CPk 1st Div., and *Abishai Morse*, CPk 3rd Div., County of Lincoln; *William Thompson*, CPk 1st Div., and *Duncan Campbell*, CPk 2nd Div., County of Haldimand; *Oliver Blake*, CPk 2nd Div., County of Norfolk; *John Irwin*, CPk 2nd Div., and *W. F. Bullen*, CPk 4th Div., County of Middlesex; and *Thomas D. Lloyd*, CPk 1st Div. Court, County of Simcoe.—Col. Whitehead was called to the Chair, and John A. Penton, Esq., was appointed Secretary.

It was resolved, that the Rules and Forms appointed by the Judges for future practice in the Division Courts in Upper Canada greatly increase the labours and expenses of the Clerks of these Courts for Books, Blank Forms, and Stationery, without adding to their emoluments. And after an animated and very interesting discussion it was further resolved to petition the Legislature for a revision of the present Tariff of Fees. The following resolution was then proposed

by Abishai Morse, Esq., seconded by Wm. B. Winterbottom, Esq.:—

“That Messrs. Whitehead, Begue and McDonald, be a Committee to draft a Petition to the Legislature respecting the present Division Courts Acts and Tariff of Fees, and have the same transmitted to the Clerk of the First Division Court in each County, for him to obtain the signatures of the Clerks in his County, and afterwards transmit to the Member for his County for presentation.”

The Petition prepared sets forth clearly and concisely the grounds upon which relief is prayed.

To the Honourable the House of Assembly in Parliament assembled. The Petition of the undersigned Clerks of Division Courts for the County of ———,

HEMELY SHEWETH,

THAT the Tariff of Fees to be received by the respective Clerks of Division Courts in Upper Canada was established by 13 & 14 Victoria, c. 53, passed in 1850.

THAT a reference to the Returns to Government will shew that this Tariff has not produced to the Clerks even the salary usually allowed to Merchants' Clerks, and has proved totally inadequate to the support of competent persons.

THAT since 1850 the extraordinary rise in all the necessities of life has rendered the already narrowed circumstances of these Officers still more difficult to bear, until the pressure has become so great, as to compel them to imitate the example of other classes and seek, not higher emoluments, but such an addition to their income, as will at least equal the indispensable increase in their expenditure. They have the less hesitation in approaching your Honourable House with such a Petition since they are informed that all the employees under Government and in the House of Assembly have received an addition to their salaries, as an act of simple justice rendered imperative by the increased expense of living, and from the fact, that a Petition to the Judges of the Superior Courts in Upper Canada is at this moment before them, praying an increase of the Fees of Attorneys and Counsel practising in these Courts.

But irrespective of all these considerations your Honourable House will recollect that a commission was appointed in the year 1853, under the authority of an Act of Parliament for the purpose of framing Rules for the Division Courts in Upper Canada. These Rules were promulgated on the 1st October, 1851, by the Commissioners, consisting of S. B. Harrison, M. O'Reilly, E. C. Campbell, Geo. Malloch, and Jas. Rob't Gowan, Esquires, Judges of the County Courts; and on reference to them it will be found that a large addition has been made to the labors of the Clerks, for which no compensation whatever has been provided.—This fact would alone seem to call for a revision of the Tariff.

Your Petitioners would also beg to draw the attention of your Honourable House to the fact, that although the consumption of expensive books, and of very large quantities of stationery, including a great variety of printed forms, has been considerably increased by the new Rules, no provision has been made for meeting this heavy additional expenditure.

In order to bring more directly before your Honourable House the compensation now derivable in gross by your Petitioners as Clerks of the Division Courts of the County of ———, they beg to mention, that for the year 1854 their

(a) We may illustrate the position of the Clerks of Division Courts in most Counties by a Tabular Statement herewith given from a County in which there are 8 Division Courts. It will be seen by it that the highest salary is but a trifle over £30, while the others range between £10 and £16. In some Counties we believe the Returns will shew even smaller salaries! And yet clerks must of necessity be competent to fill the office to the satisfaction of the Judge, and able to give the required accounts:—