

CORRESPONDENCE.

after the service, with the writ. For, you know, nowadays, the Sheriff is "entitled" "to the like fees, to which he would have" "been entitled, had the service been" "effected by himself or his authorized" "bailiff, or officer." "Surely not," reply the lawyers in one voice, "that cannot be McKellar's Act; Mr. McKellar was a Reformer, and he never would permit one man to be paid for the work another does," "That may all be true, gentlemen," answers the Sheriff, "but office, gentlemen, is a strange metamorphoser, and the law is as I say; in fact I have concluded to discharge my deputies and bailiffs, and hereafter I shall allow the profession to do the work, and I shall draw the pay, under McKellar's Act you know; and if I find any of you gentlemen neglecting, within twenty-four hours, to return the writ to me, that I may charge you for your services, I shall have you fined for the first offence, \$10; and for the second and every subsequent offence, \$20; and, in default, I shall have you put in prison, gentlemen, for one or two months as the case may be." "Can such things be," says one legal gentleman, "and did Mr. Mowat pass such a law." "He did indeed," replies the Sheriff. "Then," asked the leading lawyer, turning to his professional brethren, "Is it not time that we lawyers should amalgamate, and we shall certainly do so, to put down this Sheriff-legislation, and if we fail in our efforts, we must go in and have class legislation also."

The whole of Mr. McKellar's Act is designed to increase Sheriff's fees, and not to protect or save the public. The latter have protection now, but if they have not, the proposed Act will not benefit them, but, as I have shewn, will take more money out of their pocket. I submit, if legislation is needed, it is to protect the public, and not to enrich the Sheriff. If but one man a year is defrauded by improper legal charges, the matter is deserving of legislation, if, without it, the evil cannot be stopped. The public have a remedy now; but it is said they don't apply it. They have themselves to blame then; but if legislation is needed, let the Common Law Procedure Act be amended, and make it compulsory that

all bills of costs be taxed; then the affected (*but not the real*) cause of Mr. McKellar's agitation will be securely removed; and the few dishonest lawyers kept in check, and prevented from overcharging by the allocation of the taxing officer.

It is a strange incongruity, that while almost any man has sufficient capacity to perform the duties of a Sheriff or a Registrar, and only a certain few are qualified to make a Judge, yet the Sheriffs and the Registrars, with few exceptions, are in receipt of salaries of twenty-five and fifty per cent. in excess of those of County Court Judges. Legislation here is needed, but not to increase Sheriff's emoluments.

Mr. McKellar, in his preface (p. 4), says the object of his Act is: 1st. "To surrender ten per cent of the Sheriff's fees to the public, to be given to the municipalities," &c. Very good! *but no mention of any such object is made in his proposed Act.* And his own words shew that his object is not a disinterested one. He says (at p. 32), "acting on the old adage that 'half a loaf is better than no bread, they (the Sheriffs) believe it is better to surrender ten per cent, and secure thirty-five or forty per cent of the fifty they now lose.'" The Legislature should take Mr. McKellar at his word, and curtail Sheriff's emoluments, in the way they have done Registrar's (see Rev. Stat. O. cap. 111, p. 1091); but, instead of surrendering the surplus fees to the municipality, the Legislature should enact that they be deposited to the credit of a fund to be called the "Sheriff's inspection fund," the object of which would be to provide a salary for, and to defray the expenses of an Inspector of Sheriff's Offices. We now have an Inspector of Registry Offices, of Division Courts, and of sundry other offices. It is much more important to have inspectors of those offices, in which such large sums of the moneys of the people are received and paid out,

Yours, &c.,

Jan. 12th, 1880.

B.