

I now beg to submit my proposed Act for regulating the serving of Process in the Superior, Surrogate and County Court of Ontario:—

The difficulty which would appear in the way of making all services through the Sheriff is fully provided for in the Act I herewith publish, which authorizes the Attorneys to make services in cases of necessity, and receive so much of the Sheriff's fee as he earned; and under the provisions of my proposed Bill the litigant is fully protected against overcharges by Lawyer or Sheriff—they watch each other and see that no overcharge is made by either.

The Process-serving Attorney's plea for making services himself is "*urgent necessity when the Defendant might be out of reach before a Sheriff's officer could be had.*" I have shown that in making the service the Attorney always takes the Sheriff's fee and more than a sum equal to *two Sheriff's fees from the litigant.* I have provided fully for Process-serving Attorney's necessities in Sec. 3 of my Bill, and also in Sec. 5.

*AN ACT to regulate the serving of all Writs of Summons, Subpœnas, and all other Process and Papers in legal proceedings issued out of the Superior, County and Surrogate Court of Ontario, requiring a personal or substitutional service.*

Her Majesty by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1st. In all cases in which the Sheriff is not a party, the Sheriff of each County shall (except as hereinafter provided) be the only recognized officer for the service of all Writs of Summons, Subpœnas and all other process or papers issued out of the Superior, County and Surrogate Court, requiring a personal or substitutional service within the County of such Sheriff.

2nd. All Writs of Summons, Subpœnas and all other process and papers issued out of the said Courts, requiring a defendant or other person to appear in Court, and also requiring a personal or substitutional service upon such person, shall be directed to the Sheriff of the County in which such Writ of Summons, Subpœnas, process or other paper is to be served, commanding each Sheriff to summons such defendants or other person to appear according to the exigency of such writ of Summons, Subpœna or other process or paper. And every such Writ of Summons, Subpœna or other process or paper when it has been served, shall have the Sheriff's return indorsed thereon, and also shall have the stamp of his official seal stamped upon it before it can be filed of record or used for any purpose whatever.

3rd. *In all cases of urgent necessity, where the defendant or other person to be served might be out of reach before the Sheriff or his officer could be had to effect the service, then the Solicitor or Attorney may effect the service himself, or he may have it effected by any literate person, but shall forthwith after such service transmit the Original Process, with Affidavit of Service, to the Sheriff of the County in which the service was effected, and the Sheriff shall stamp and make his endorsement thereon as required under Sec. 2, and shall be entitled to the same fees he would have been entitled to had the service been effected by himself, his bailiff or officer, less the fees for affidavit of service.*