

"A bailiff, evidently acting in good faith, and under the impression that he was entitled to do so, took a few dollars over what appeared to the judge presiding at the assizes to be justifiable under a strict construction of the tariff, and had in consequence to defend a prosecution brought by the defendant for extortion—the cost of which was probably ten or even twenty times the alleged overcharge. So satisfied was the judge presiding on the occasion that the unsatisfactory state of the law regulating the fees was more to be blamed than the bailiff, that he refused to pass any sentence, although a conviction had been had. The prosecutor was evidently influenced by malice and the promptings of a litigious disposition; but whatever the motive might have been it is quite evident that a bailiff could be very easily ruined by having to defend a number of prosecutions, although morally innocent of any wrong, and even without any conviction being had against him."

It will be seen on reflection, that the position of a bailiff in itself qualifies and otherwise enables him to fill many offices, by which, if his duties as bailiff are not too onerous, he can employ his spare time and make up for any deficiency in his income arising from the paucity of court business, such, for example, as acting as landlord's bailiff on distress warrants, or as county constables, and in a variety of other ways too numerous to mention.

The feeling of the public against any increase in bailiff's fees is much enhanced by the fact that many Division Court clerks are either unaware of or derelict in the discharge of their duties as taxing officers of bailiff's fees, and that some of our judges are not sufficiently alive to the importance of preserving their courts and officers from the suspicion even of corruption or extortion. It cannot be denied that one bailiff will make a large income out of a certain number of suits from which another bailiff equally and probably more efficient would make a bare subsistence. This should not be, and the honest bailiff who cannot be paid to falter in the path of duty, and who rigidly adheres to the tariff of fees laid down in the Act may, with some show of reason, in dull times, complain that his office is not what it once was, or not sufficiently remunerative to enable him to gain an honest livelihood. We do not say that a premium should be offered for dishonesty and extortion; and though, so long as human nature is what it is, such things will be it is, nevertheless, quite possible that an earnest effort on the part of

judges and clerks, aided, of course, by information from the public, would materially conduce to a lessening of the evils complained of. The innocent must always, more or less, suffer for the guilty, and unless some effectual means is otherwise devised for putting all bailiffs and fee takers upon an equal footing, it will be useless to attempt, by making a sweeping increase in the fees to put conscientious officers in a position of equality with their less particular brethren.

The difficulties of the subject are very great in whatever aspect it is viewed. Some think that the fee system is mainly at fault, and that payment of these officers by salary would be the fairest mode of payment for their services. Numberless practical difficulties present themselves to this course, even if otherwise desirable, and we certainly do not look upon the fee system with much favour. The suggestion is, therefore, only thrown out to elicit further discussion. Perhaps some of those who are in a position to form an opinion on the subjects touched upon by us will give our readers the benefit of their views or experience.

#### THE LAW REPORTERS.

A similar agitation to that which was lately quieted in England by the arrangements resulting in the "Law Reports" now supplied to the profession, has during the last few months affected us in Upper Canada. Numerous schemes have been suggested and discussed, but the one which has found favor in the eyes of the Benchers, and which is to be carried out is the following:—The three reporters are to be paid a fixed salary by the Society, and the Society become, so to speak, their own publishers. A volume of reports containing Practice Court, and Common Law Chamber decisions, will also be published, and thus make the series complete. All the reports will be furnished to practitioners free, and the reports will doubtless be obtainable by those who are not practising attorneys or solicitors, at a reasonable rate. To pay expenses, practitioners will be required to pay \$15 for their annual certificates under the authority of the late act. An allowance has been made by the Society towards the remuneration of a reporter for Practice Court and Common Law Chambers, and Henry O'Brien, Esq., Barrister-at-Law, and one of the conductors of this journal, has been appointed to fill the office.