



No. 121.

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1st Session, 6th Parliament, 21st Victoria, 1858.

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**BILL.**

An Act to amend the Division Courts Acts  
of Upper Canada.

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Received and read, first time, Wednesday, 28th  
April, 1858.

Second reading, Monday, 3rd May, 1858.

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MR. MACBETH

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TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Division Courts Act of Upper Canada.

WHEREAS it is desirable more adequately to remunerate Bailiffs of the several Division Courts in Upper Canada, for services rendered by them, and for which there is no remuneration now appointed by law, as well as to increase the fees of those officers: Therefore, Her Majesty, &c., enacts as follows :

I. From and after the coming into force of this Act, the said Bailiffs shall be entitled to the fees enumerated in the schedule A, to this Act annexed, instead of the fees heretofore fixed and appointed by law, for the services therein mentioned to be paid by parties litigant, according to the rule or order of the Judges of the said Courts respectively, respecting the payment of costs by either party.

II. The said Bailiffs shall be entitled to the remuneration fixed and enumerated in the schedule B to this Act annexed, for their services and disbursements, specified in the said schedule B, to be paid by the Clerks to the Bailiffs of the said Courts respectively, and to be retained and paid by the Clerks out of the Fee Fund monies in their hands respectively, and the same when properly vouched for shall be allowed to the said Clerks by the several County Attorneys in Upper Canada.

III. This Act shall come into force on the day of next.

SCHEDULE B.

To be paid by the Clerk to the Bailiff, and by the Clerk deducted from his Quarterly Return.

For every Return required by Statute or Rule of Court. . . \$4 00

For each day's attendance during the sittings of Court. . . 2 00

For cleaning, heating, and monies disbursed for the use or repair of Court Room during the sittings of the Court, to be approved of and certified by the Judge in all cases. } The sums actually disbursed.

SCHEDULE A.

SCHEDULE A.—*To be proposed in Committee of the whole..*

FEES RECAPITULATED IN DETAIL.	AMOUNTS.		
	To be paid by the parties litigant.	On sums not exceeding \$20.	Exceeding \$20 and not exceeding \$60.
	\$ cts.	\$ cts.	\$ cts.
Service of Summons or other paper, on each party served.....	0 12½	0 20	0 25
Return of the same .....	0 5	0 5	0 5
Serving of Subpœna on each witness....	0 10	0 10	0 10
Taking confession of judgment.....	0 15	0 15	0 15
Drawing and attending to swear to every affidavit of service or on confession, or taking affidavit of justification, and preparing the same, including disbursements .....	0 20	0 20	0 20
Enforcing every warrant, attachment or execution .....	0 50	0 75	1 00
For every mile necessarily travelled from the Clerk's office or from the Post Office, (when papers are transmitted to the Bailiff by mail for service or execution) in order to effect service or execution of any process or do any service connected with a Bailiff's duties.....	0 10	0 10	0 10
For every Jury Trial.....	0 20	0 20	0 20
For taking delinquent to prison, exclusive of disbursements for team (when necessary) or otherwise, and besides mileage per diem.....	1 00	1 00	1 00
Every schedule of property seized, and return .....	0 50	0 75	1 00
Administering oath to appraisers of property attached.....	0 12½	0 20	0 25
For every Bond.....	0 50	0 75	1 00
For every notice of sale under execution or attachment. (not exceeding three)..	0 50	0 50	0 50
Poundage on money made upon execution, or upon warrant of commitment, or otherwise, after judgment, besides necessary disbursements in the removal or taking care of property.....	2½ p. cent.		