

in theory, open to as many citizens as can crowd into it without disturbing its proceedings." And in the same work, the information is vouchsafed that adult women and children will be excluded by order of the Court, where the subject of inquiry might unfold anything morally pernicious.

The present Lord Chief Justice of England, when Attorney-General, advised the Brewers' Society, in a well-considered opinion (See Stone's Justices Manual, 1904, p. 771), that Justices of the Peace could not, in ordinary cases, bar any one from hearings, unless he were obstreperous, and, in special cases, no more than a section of the public, namely, women and children, in matters of an indecent nature, as to which it would not be fitting to bring out the full details. To put it shortly, salacious diet was not to be furnished those to whom it could endanger. It will not be out of place in this connection to remark that no order of the Court of this description is, so far as adult women are concerned, enforceable by process.

*Daubney v. Cooper*, 10 B. & C. 240, determines that a Justice of the Peace, who caused a person not found to have misbehaved himself in such a way as to hinder or obstruct the proceedings to be ejected from a sitting of his court, was liable therefor in trespass. *Young v. Saylor*, 22 O.R. 513 (affirmed on appeal, 20 A.R. 645) is to the same effect. Bayley, J., pronouncing the judgment of the Court in *Daubney v. Cooper*, says:—"The ground upon which our present opinion is formed is that the magistrate was proceeding upon a summary conviction, and, therefore, exercising a judicial authority; and we are all of opinion that it is one of the essential qualities of a court of justice that its proceedings should be public, and that all parties who may be desirous of hearing what is going on, if there be room in the place for that purpose, provided they do not interrupt the proceedings, and provided there is no specific reason why they should be removed, have a right to be present for the purpose of hearing what is going on."

In *Reg. v. Justices of Hampshire*, 39 J.P. 101, a defendant obtained a rule nisi (the force of his objection would seem to have been admitted, since the case did not go further) for the purpose of quashing his conviction, made where the room in which the trial occurred was kept locked during its progress, and his friends, with others, to the number of 20 or 30, who were outside, had been refused admittance. Nor only this, for it has been laid down that