

office and duties, to appear in our columns, will *shortly* give information on every particular desired: if not we will undertake to resolve the questions ourselves at an early day.

There is one matter, however, that a "City Bailiff" submits which may not admit of delay. It is not in our opinion illegal for a Bailiff, acting under a D.C. Execution, to break open a stable-door on defendant's premises to seize a horse belonging to him without a previous demand and refusal. Although a demand should properly be made before such violent measures are resorted to, yet the act is not in itself illegal. The case of *White v. Wiltshire* related to the breaking open *an inner door of a dwelling-house*, and does not bear on the point.

The case *Penten v. Browne*, 1 Sid. 181, supports the view we take. It is the outer door of a *dwelling-house* or building connected with or within the same curtilage as the dwelling-house that may not be broken open to execute a *Fi. Fa.*

**OFFICERS.**—*Clerks and Bailiffs* will see that we are exerting ourselves on their behalf, and are willing to expend our monies for their benefit. The *Law Journal* has given them at least a full return for their support. Nearly every letter received expresses the utmost satisfaction, and many of the Officers have exerted themselves for the *Law Journal*. With the prospect of greatly increased value in the new Volume, we confidently ask Officers to make the Work known amongst their acquaintances who are not already subscribers, as this will tend to increase our usefulness by securing a wider circulation, and will enable us continually to keep on improving. In doing this, they can state the fact that the *Law Journal* is intended not only for Officers and Suitors of the Courts, but for Magistrates, Coroners, Local Authorities, and Municipal Corporations, as a reference to our pages will show. They can serve us and themselves by the same act, if each Officer would procure a few new subscribers to commence with the coming Volume. Some few Clerks and Bailiffs (less than ten per cent on all in U. C.) have hitherto not taken the *Law Journal*, we send them this number and will commence sending the numbers regularly with the new Volume. Those who are indifferent to information on the subject of their duties, or who do not think they will receive an equivalent for the trifling subscription, will be pleased to return the numbers in a cover open at the end, with their names marked on the cover.

#### SUITORS.

**The Plaintiff preparing for Trial.**—The plaintiff having entered his claim with the Clerk may find it convenient at the time to order out Subpœnas for his witnesses. It will be better to give in a

list to the Clerk showing the names of the witnesses in full, with their places of residence. The safer course in all cases is to leave with the Clerk a sufficient sum for a tender of expenses to each witness: if it be suspected that any of them will be *unwilling to attend* a tender of expenses according to the Tariff is *indispensable*—to enable the Court to punish a witness for non-attendance, his expenses should be paid or tendered with the Subpœna. There is no obligation on the plt. to have the Subpœnas served by the Bailiff, for service by any literate person is just as valid, but to avoid any difficulty about the service, it is recommended to employ the proper Officer in all cases. Should the plt., however, undertake to serve, let him remember that a true copy of the Subpœna is to be given either personally to the witness or left with some person for him at his place of abode. If the plt. wishes to avail himself of the dft's. testimony he should summon him in the same way as any other witness.

It is not unusual for the plt. to defer taking out Subpœnas until he sees if the dft. pays or confesses or in part admits the demand, or whether he pleads a tender or puts in a special defence under some particular Statute. Defences, as a general rule, must be put in six days before the day of trial, so the plt. (unless the witnesses reside at a distance from the Clerk's office) should go not earlier than five days before the Court day, when he will be able to ascertain if a defence is put in and what witnesses will be necessary. It may be observed that the object of the Subpœna is to *enforce attendance*, but if a witness attend without a Subpœna it is sufficient, and he may be called on if in Court.

---

### ON THE DUTIES OF MAGISTRATES.

SKETCHES BY A. J. P.

(Continued from page 182.)

---

#### MODE OF COMPELLING THE APPEARANCE OF PARTIES.

In acting under the general rule prescribed by the 16 Vic. (c. 178) the Justice, as has been already shewn, may issue a warrant or a summons in the first instance, as may be deemed expedient. In cases for small larcenies and other offences in the nature of a felony, many of which are now punishable on summary conviction, it will be proper to issue a warrant rather than a summons in the first instance. But let it be borne in mind, in issuing a warrant, that the information must be on oath, and the matter thereof substantiated to the Justice's satisfaction, and that greater caution is necessary than in a summons, for if the proceeding be erroneous and the defendant be arrested under the