

explicit language,—thus, “Neither party answers,” “Plaintiff present, Defendant does not answer,”—or “Plaintiff does not answer, Defendant present,” or “Both parties present,” as the case may be.

The Clerk in the meantime lays the Summons before the Judge, making any statement necessary, as that—so much has been paid into Court,—or the like. The Judge will either put aside the Summons or proceed with the case. The Summons in every case finally disposed of should be taken by the Clerk and put away in some appropriate place. The Summonses “put aside for the present” will of course remain by the Judge’s hand till finally disposed of: the Clerk in this manner regularly goes through the List (unless otherwise directed), but when a suit has been settled, it will be unnecessary to call the parties; stating the number to the Judge, the Clerk should say “withdrawn,”—“settled,”—“not served,”—“paid,” (as the case may be;) and when the defendant has confessed the action, in handing the papers to the Judge it will be proper to mention “confessed before Clerk,” (or “Bailiff,”) and if only one of several defendants has confessed the action, the Clerk should be careful to draw the Judge’s attention to the fact.—“Officers must remember that their undivided attention must be given to the business of the Court, and will not therefore suffer parties to interrupt them or draw their attention from it: every one must wait his time.

“In the trial of disputed cases, both Clerk and Bailiff will be on the watch to see where their services may be necessary. Thus the Bailiff, on hearing from the parties the names of their witnesses, will call them,—will be ready, with good temper and at the same time with firmness, promptly to repress angry altercations between the parties,—improper interruptions, and disorderly conduct in every shape: and where a cause is closed, will prevent any interruption to the further business of the Court by at once removing the parties in the case to make room for those next in succession: a knowledge of this part of the Bailiff’s duty will be best acquired by observation and practice; it will need as much discretion as temper on the part of the officer.”

The Clerk should be ready during the course of the trial to administer oaths to parties and witnesses. In administering the oath, he should see that the witness complies with all the formal requisites: when sworn, he ascertains from the witness his name and informs the Judge thereof.

(TO BE CONTINUED.)

SUITORS.—In the last number we briefly considered the subject of Jurisdiction; the first and main consideration for a party desiring to bring an action

in a D. C. being whether his cause of action comes within the jurisdiction given to these Courts. We now propose to notice the next point for consideration, viz.: Can the party sue, and can the intended defendant be sued in a D. C.?

As a general rule, D. C.’s are authorized to entertain and try all claims and demands “for or against any person or persons, bodies corporate or otherwise,” and no privilege of any description whatever is allowed to any person to exempt him from the jurisdiction of these Courts. Executors and administrators are empowered to sue and be sued; and persons under the age of 21 years may sue for wages in the same manner as if of full age; but if the demand be for anything but wages, a minor must obtain the appointment of a friend to proceed in the suit for him, and to be answerable for the costs. Where the demand is against two or more persons, partners in trade or otherwise, jointly liable, and they happen to reside in different Division, or one of them cannot be found, the plaintiff may proceed against one or more of these who can be served, and need not serve the others with Summonses.

There is also special provision in the Act regarding promissory notes and other securities seized under execution or attached, enabling the Creditor to sue *in the name of the Defendant*, or in the name of any person in whose name the defendant might have sued for the recovery of the amounts secured or made payable thereby: and should it become necessary to sue on a Bailiff’s Covenant for misconduct or neglect of the office, an action may be brought against the Bailiff and his sureties; or if the Bailiff has removed from the limits of the County, the action may be commenced and carried on against the sureties alone, or against any two of them.

For more full details on these several points, Suitors are referred to the 23rd, 27th, 28th, 59th and 90th secs. of the D. C. Act.

ON THE DUTIES OF MAGISTRATES.

SKETCHES BY A. J. P.

(Continued from page 64.)

Every allegation and statement in the Information or Complaint should be made conformable to the facts; but in cases governed by the practice, under 16 Vic. c. 178, any inaccuracy in the charge is now comparatively unimportant, the Statute named giving great latitude in this respect: the last proviso in sec. 1 is as follows:

“Provided also that no objection shall be taken or allowed to any Information, Complaint or Summons, for any alleged