

## DIVISION COURTS.

### OFFICERS AND SUITORS.

*Clerks and Bailiff's*—(*Duties in Court*, continued from page 102.)—The following forms include all of ordinary use in the business of the Courts\*—they should be committed to memory by the officers. These forms are short, and officers not provided with forms already will find them convenient.

#### *Ordinary Oath to Witness.*

The evidence you shall give to this Court, touching the matter in variance, shall be the truth, the whole truth, and nothing but the truth: So help you God.

#### *Oath with uplifted hand.*

The evidence you shall give to this Court, touching the matter in variance, shall be the truth, the whole truth, and nothing but the truth; and this to do you swear in the presence of the ever living God, and as you shall answer to God at the great day of Judgment: So help you God.

*Affirmation of Quaker or other person allowed by law to affirm.*

I ——— do solemnly, sincerely, and truly declare that I am one of the Society of people called Quakers, (or, as the case may be)

[This the Clerk causes the Witness to repeat after him, and then administers th. Affirmation as follows—the Witness by word or otherwise signifying his assent]

The evidence you shall give to this Court, touching the matter in variance, shall be the truth, the whole truth, and nothing but the truth; and this to do you solemnly, sincerely, and truly declare and affirm.

#### *Oath of Interpreter.*

You shall truly interpret between the Court [the Jury (if there be one)], the parties in this cause and the witnesses produced: So help you God.

In Jury cases, where the Jury has been required by plt. or dft., when the case is called on and the parties are at the bar, the Clerk names the Jurors on the list to the Bailiff, who calls them, one at a time, until five have answered and stand unchallenged, or are allowed. The Bailiff then causes the five Jurors to place their right hands upon the book, and the Clerk swears them after this manner:

#### *Oath of Jurors.*

You shall well and truly try the matters in difference between the parties, do justice between them according to the best of your skill and ability, and a true verdict give according to the evidence: So help you God.

The Clerk should then address the Jury thus: "Gentlemen answer to your names, and if sworn say—sworn," and call over their names, the Bailiff counting aloud—one, two, &c., as each Juror says "sworn."

\* These Forms are chiefly taken from the paper referred to in the last number of the *Law Journal*.

"Should any of the Jury go out of the Court on leave, it must be in charge of the Bailiff, or some other person appointed for the purpose by the Court—who is sworn to take charge of them. The following form will answer:

#### *Oath of Officer on retiring with one or more of Jury.*

You shall retire with such Jurors as have leave of absence from the Court: you shall not speak to them yourself in relation to this trial, nor suffer any person to speak to them; and you shall return with them without delay: So help you God:

Again, when the Jury retire to consider their verdict, an oath to the following effect should be administered:

#### *Oath of Officer who attends Jury when they retire to consider their verdict.*

You shall keep every person sworn on this Jury in some private and convenient place, without meat, drink, fire or candle; you shall suffer none to speak to them, neither shall you speak to them yourself without leave of the Court, except to ask them whether they have agreed on their verdict: So help you God.

When the Jury return with their verdict, the Clerk calls over their names, the Bailiff counting as before, and then asks them if they "are agreed upon their verdict." After the verdict has been noted, the Clerk addresses the Jury—"Hearken to your verdict, as entered by the Court,—Verdict for the Plaintiff Ten Pounds (according to the finding): So say you all."

We have hitherto been speaking of a jury called on requisition of plt. or dft., taken from the Assessment Roll and summoned before the day of hearing. Under the 11th sec. of the D. C. E. Act, the Judge may cause a jury to be returned instant—should he desire to take their opinion upon any fact or facts controverted in the suit. In such case, upon order of the Judge, a jury of five persons *present* is to be returned instantly by the Clerk, to try such facts. In carrying out this most salutary provision, the Clerk should be careful to select from amongst those assembled in the Court-Room the most respectable and intelligent persons he sees. The Clerk has generally some personal knowledge of the parties, their relatives and connections, &c., and he should endeavour in the selection to avoid naming as a juror any one related to or in any way connected with either party. The Jurors should be free from bias of any description: parties would have the right to challenge, certainly, but the choice should be such as to leave no just ground for challenge.

The form of oath for Jury called by the Judge's order will not be the same as in ordinary cases. It may be as follows:—

#### *Oath of Jurors called under D. C. E. Act, sec. 11.*

You shall well and truly try the facts controverted in this cause between the parties, and a true verdict give according to the evidence: So help you God.