

On the 14th day of December the Court met for the transaction of general business; during that day the Clerk of the Peace brought into Court the Jurors' Book under the 39th section of the U. C. Jurors' Act—the Court after deciding as to a full Jury list, found that the selecting of Jurors could not be proceeded with "immediately" as there were civil and criminal cases for trial which were supposed, and subsequently proved, to occupy the whole of the first day, and as there was certain business such as auditing of accounts and the reading of Certificates for Naturalization of Aliens, the former of which requiring to be commenced on the second day of the Sessions, the latter to be read a second time on the last day of the General Sitting of the Court—an adjournment took place in the evening until the following day, 15th December. On that 15th December the general business of the Session was completed, the Court commenced the selection of Jurors and again adjourned to the 16th December for the purpose of continuing the selection of Jurors. On the 16th December the Court again met in open Sessions pursuant to adjournment, sat all day and adjourned to the 17th December; it again met in open Session on the 17th December pursuant to adjournment, sat all day and adjourned to the 21st December; then again met in open Sessions pursuant to adjournment, and so on for three days more till the Court rose.

The question arose whether the Clerk of the Peace was entitled to a fee for adjourning a Court from day to day and making up record of each adjourned sittings.

One of the members of the Board of Audit held that the Clerk of the Peace was not entitled to any of said adjournment fees, holding that an adjournment mentioned in the Tariff of Fees did not mean one held from day to day; another member of that Board maintained the very opposite and expressed himself in favor of allowing the item of \$17.50 as charged by the officer, while the third Auditor entertained some doubts, but finally voted in favor of allowing the same; thus giving the individual the benefit of his doubt; and as this is considered a sound principle in Criminal Law, it is probably also sound in civil matters.

The Tariff of Fees for Clerks of the Peace, as framed by the Superior Court Judges in Trinity Term, 1862, has the following, under which the above-mentioned charge of \$17.50

is made, viz.: No. 66, "*Attending EACH adjourned or special sessions and making up record thereof, \$2.50,*" to be paid out of the County funds to the Clerk of the Peace. The Tariff of 1862 appears to be an amendment to the Tariff framed by the Judges in Michaelmas Term, 1845, in which the Judges ordered: "That besides the fees set down in that Table, the several Officers will be entitled to receive fees for other services rendered by them respectively, which are not mentioned in that Tariff, wherever specific fees for such services are fixed by any Statute." Webster's Dictionary explains the word "*adjourn*" to signify, to suspend business to another day or for a longer period.

Blackstone, Vol. I., page 186, says: "An *adjournment* is no more than a continuance of the Session (of Parliament) from one day to another, *as the word itself signifies.*" He no doubt understood French and hence the meaning of "ajourner" and of "ajournement."

In Burn's Justice, Vol. V., it is laid down that the proper caption and style of an adjourned Session is thus:—

"Be it remembered that at the General Sessions of the Peace of Our Sovereign Lady The Queen, holden in and for the County of \_\_\_\_\_, at \_\_\_\_\_ in the said County, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, before \_\_\_\_\_ and \_\_\_\_\_, Esquires, and others, their fellow Justices of the Peace of Our said Lady, the said General Sessions were continued by them the said Justices by adjournment until \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, and at an adjourned Sessions then accordingly held by adjournment on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, before \_\_\_\_\_ and \_\_\_\_\_, Esquires, and others, their fellow Justices, &c." In another part of Burn's Justice it will be found that where there is an equal division of Justices, or from any other good cause no judgment is given, an adjournment should be entered by the Clerk of the Peace, that the Justices may resume the consideration at an adjourned Sessions.

The principal points advanced against allowing the charge for adjournments were: that the literal meaning of the word was not contemplated by the Tariff; that an adjournment from day to day did not entitle the Clerk of the Peace to the fee in No. 66 of said Tariff, and that that fee was only to be allowed when the Court adjourned for a longer period, as from week to week or the like.