

day, the Bailiff can proclaim the same as follows :

Proclamation on Adjournment.

Hear ye! Hear ye! All persons who have anything further to do at this Court may depart hence, and give their attendances here this day (or to-morrow morning) at — o'clock.—God Save the Queen!

On resuming business the Court is opened again by proclamation :

Proclamation on Resuming.

Hear ye! Hear ye! All persons who have anything further to do at this Court, let them give their attendance, and they shall be heard.—God Save the Queen!

In order to prevent parties having business at a Court being taken by surprise in the rising of the Court before their matters are attended to, it is not unusual, after all the business on the list appears to have been gone through, for the Bailiff, by order of the Judge, to make the following proclamation :

Final Proclamation.

Hear ye! Hear ye! All persons that have anything further to do at this Court, let them come forth, and they shall be heard; otherwise they and every one else may depart hence for this time.—God Save the Queen!

The above proclamations should be committed to memory by the Bailiff.

By the 18th sec. of the D. C. Act, Bailiffs "shall exercise the power and authority of a Constable and Peace officer during the actual holding of the Division Court, with full powers to prevent all breaches of the Peace, riots or disturbances, within the Court-room, or building, wherever the Court is held, or in the public street, squares or other places within hearing of the Court, and to arrest, with or without warrant, all parties engaged therein or offending against the meaning of the clause," &c.

Thus it will be seen that Bailiffs possess a right by virtue of their office to act as peace officers, in addition to the authority they will have in acting upon the mandates of the Judge. The Bailiff will in general receive express directions from the Judge as the occasion may require what to do in case of disturbance. For the duties of a Peace officer generally, Bailiffs are referred to the *Canadian Constable's Assistant*, from which we extract the following caution as to arrest without warrant :

"In all cases of arrest it is usual and proper for the Constable to make known his office, and to demand of the party offending, to surrender in the Queen's name, before recourse is had to violent

measures. Private persons present may be called upon, and are bound to assist the Constable in effecting the arrest."

If a party makes a disturbance in Court, he will be dealt with by the Judge; and in every case the offender be brought before the Judge, who will give the necessary directions to the officer, in case the matter, in the opinion of the Court, would be better or more conveniently left to another tribunal.—Where an arrest is once made under the 13th sec. of the Act, the party should be detained in custody till his punishment is determined by the Judge, or order made respecting him.

In conclusion: Officers must remember that their individual attention must be given to the business of the Court, and they must not suffer parties to interrupt them or draw their attention from it, and, to use the words of an English writer on the duties of Bailiffs, "It is almost unnecessary to add, that every respect must be paid to the Court, and its Judge; this can be shown in many ways, but chiefly by observing a proper demeanour, by not joining in, but checking, any merriment or indecent conduct on the part of the attendants of the Court." [1]

U. C. REPORTS.

CHAMBER REPORTS.

(Reported for the Law Journal and Harrison's Common Law Procedure Act, by J. LEACH TALBOT, Esq., Barrister-at-Law.)

SMYTHE ET AL V. TOWER.

Change of Venue—New Rules—Practice.

[In Chambers, Sept. 12, 1866.]

This was an application on the part of the defendants for an order to change the Venue under the old practice, the writ having been issued previous to the time at which the Common Law Procedure Act and the rules framed under it, came into force.

BURNS, J.—This application must be refused. The course prescribed by the new Rules (R. 19) is that a summons shall be issued calling on the plaintiff to show cause, so that the motion to change the Venue may be disposed of at one hearing. The new Rules are in force as to the old suits, wherever they are applicable.

An application was then made for a summons to show cause, which was granted.

THE QUEEN V. HUNTER.

Interlocutory judgment signed before passing of the C. L. P. Act—Subsequent issue of execution—Practice.

[In Chambers.]

This was a motion on the part of the plaintiff. Interlocutory judgment had been signed according to the old practice before vacation, the defendant not having pleaded, although the declaration had been served with a demand of plea. The application now was that the plaintiff should be at liberty to enter

[1] In England the Clerks and Bailiffs provide themselves with and wear a particular costume; and if officers in this country were so habited also, to distinguish them as officials, it would be a move in the right direction.