

of the section. As he looked on this in a certain degree as a criminal proceeding, he felt bound by the strict words, and also to require strict legal proof."

(Cases to be continued.)

MANUAL, ON THE OFFICE AND DUTIES OF BAILIFFS IN THE DIVISION COURTS.

(For the Law Journal.—By V.—.)

[CONTINUED FROM PAGE 179.]

Claims by Third Parties to Goods seized.

As this little work is intended exclusively for the assistance of Bailiffs, it is proposed to notice the Interpleader clause in the Division Courts Act only so far as it affects the discharge of their duties.

As before mentioned, the bailiff making a seizure is often met by a claim to all or to a portion of the goods seized. This claim is advanced by some third party, who alleges that he has bought them from, or lent, or hired them to the defendant. The bailiff need not take the responsibility of yielding to this claim, nor yet of acting as if it were invalid; and it would be very unwise of him to do so if there appear to be any reasonable foundation for the claim made, for there is a provision in the statute for his protection on this very point. The 7th section of the Division Courts Extension Act provides "that if any claim shall be made to or in respect to any goods or chattels, property or security, taken in execution, or attached," or in respect to the "proceeds or value thereof by the landlord for rent, or by any third person, "the bailiff may apply to the Clerk, and sue out what is called an interpleader summons from the Division Court, to call the claimant and the judgment creditor before the court, and thereupon the Judge will investigate such claim, and adjudicate thereupon."

It will not be proper for the bailiff to sue out an interpleader summons *as a matter of course*, whenever an adverse claim is made to the goods seized. Before doing so he should enquire into the grounds of the claim, and satisfy himself that the claimant has at least some color of right to the goods; for should it afterwards appear that the claim was palpably groundless, and that the bailiff, by reasonable enquiry, might have satisfied himself of the fact, the Judge would probably order *him* to pay the costs of the proceeding.

It does not appear absolutely necessary that a claim should be in writing (unless by landlord for rent), but it is far safer, and honest parties, who desire to act in good faith, will not omit to set it down in writing. Indeed the omission to do so may affect their after right to the costs, even where the claim is made good. Whether the claim be verbal or in writing, the bailiff should notice it, and proceed to make proper enqui-

ries. Having satisfied himself that it is necessary to sue out an interpleader summons for his own protection, the bailiff should ascertain the name and residence of the claimant, and the particular articles he lays claim to. The bailiff will be naturally desirous to have the claim properly sifted, and should therefore give early intimation thereof to the judgment creditor. The latter will of course be served with an interpleader summons in due time, but still the bailiff would do well to inform the party who sets him in motion of the obstruction, so as to enable him to make timely enquiries. It is not unusual for bailiffs to accept an indemnity from claimants for the delivery to them of the goods seized. It may possibly be convenient to do so in some cases, but the proceeding by interpleader is the better course, and the safer one for the officer.

APPEALS TO PRIVY COUNCIL.

ORDER IN COUNCIL.

At the Court of Buckingham Palace, the 13th June, 1853.

Present:

The Queen's Most Excellent Majesty.
His Royal Highness, Prince Albert

Lord President.	Earl of Aberdeen.
Lord Steward.	Earl of Clarendon.
Duke of Newcastle.	Viscount Palmerston.
Duke of Wellington.	Mr. Herbert.
Lord Chamberlain.	Sir James Graham, Bart.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the 30th of May last past, humbly setting forth that the Lords of the Judicial Committee have taken into consideration the practice of the Committee, with a view to greater economy, dispatch, and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their Lordships have agreed humbly to report to Her Majesty that it is expedient that certain changes should be made in the existing practice in Appeals, and recommending that certain Rules and Regulations therein set forth should henceforth be observed, obeyed, and carried into execution, provided Her Majesty is pleased to approve the same:

Her Majesty having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and of the Rules and Regulations set forth therein, in the words following, videlicet:—

I. That, any former usage or practice of Her Majesty's Privy Council notwithstanding, an Appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from, shall be entitled to recover the costs of the appeal from the Respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

II. That the Registrar or other proper Officer having the custody of records in any Court, or special jurisdiction, from which an appeal is brought to Her Majesty in Council, be directed to send by post, with all possible despatch, one certified copy of the transcript record in such cause to the Registrar of Her Majesty's Privy Council, Whitehall; and all such transcripts be registered in the Privy Council Office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from; and that such transcript be accompanied by a correct and complete index of all the papers, documents and exhibits in the cause, and that the Registrar of the Court appealed from, or other proper Officer of such Court, be directed to omit from