cases, at all events, it would not be proper for the Magistrates to place the slightest impediment in the way of a compromise, and in all *proper* cases it is obviously desirable for Magistrates, not only to sanction, but to recommend litigating parties to arrrange their differences amicably.

Amongst the various ways, says a moral writer, in which a Magistrate's office "enables him to promote the happiness of mankind, he is employed in a manner not only the most satisfactory to himself, but perhaps the most useful to others;—when he acts as a peace-maker—when he removes secret animosities—puts an end to open quarrels, and prevents embryo lawsuits," &c.

In England, says Mr. Stone in his work on the Petty Sessions, page 88, Magistrates frequently recommend parties to settle out of Court; "and accompany such recommendation with an appropriate persuasive to reconciliation, by urging the propriety of acting upon the charitable motto—'forgive and forget.'" Such a course is more particularly to be recommended, when from the youthful age of the defendant, from their personal knowledge of the parties, or from other circumcumstances, the Magistrates are convinced that the ends of justice would be better satisfied, and the peace and harmony of the neighbourhood more effectually preserved, by an amicable adjustment of the complaint, than by a judicial decision and probable consignment of one or other of the parties to the moral contamination of a gaol. It is the use of this peculiar office of *peace-making* by Justices of the Peace, in regard to petty quarrels and minor offences, recognized and upheld as it is by the Legislature and sanctioned by the voice of the country, which so honourably distinguishes the high-minded and impartial country Magistrate."

What is here said is not by any means meant as giving the slightest encouragement to the compounding of prosecution, *when either the law of the land or the public good requires that the offence should be openly punished.*

In giving effect to a compromise, Magistrates may allow the case to be withdrawn, or on being satisfied that such compensation as they may have suggested or the parties have settled among themselves, has been made by the aggressor to the party injured, the Magistrates will inflict a nominal penalty.

Steps previous to taking Evidence and preliminary Objections.

The 16 Vic., cap. 17, sec. 12, states that if both parties appear, either personally or by their respective counsel or attornies, before the Justices who are to hear and determine such complaint or information, then the said Justices shall proceed to hear and determine the same. This does not appear to conflict with the general power of Magistrates to compel the attendance of a defendant before them: and, should they think that the ends of justice require his presence, they may issue their warrant to enforce it. There are few cases, however, in which an appearance for the party by counsel or attorney will not answer the ends of the enquiry. When the parties then are present, and ready to proceed with the hearing, the presiding Magistrate should open the proceedings by causing to be read, or reading himself, the complaint or information against the defendant. The 13th section of the last mentioned Act only renders it necessary to state the *substance* of the information or complaint to the defendant; but it recommended that the same should be read at length in all cases, and where the defendant is not assisted by counsel or attorney, that after reading the information or complaint, the substance and nature of the charge should be stated and explained to the defendant—but where a defendant has legal assistance, this particularity would of course be needless.

When read, it is competent to the defendant to object to the form the information or complaint—that is, if *not* made or laid under the provisions of the Act 16 Vic., cap. 176,—or to the process issued thereon, and if found to be defective or inaccurate the complaint may be dismissed, but the complainant may commence the proceedings anew. It is unnecessary to say more on this point, as now nearly every case will be within the provisions of the Act just referred to, which expressly provides, as before mentioned, that no objection shall be taken or allowed to any information, complaint, summons or warrant, for any alleged defect therein, in substance or in form, or for any variance; and that where the defendant has been misled by the same, an adjournment may be made. It is only, therefore, in cases where the error or defect objected to has in the opinion of the Justices deceived or misled the defendant, that objections would be of any avail, and then only for the purpose of an adjournment, which may be made on such terms as the Justices may think fit.

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

(*For the Law Journal.*—By V.)

CONTINUED FROM PAGE 106.

SERVICES OF SUMMONS FROM FOREIGN COURTS.

The Court to which an officer belongs may be called the "Home Court," other Division Courts "Foreign" Courts. Every Bailiff is bound to serve summonses from Foreign Courts, whether of his own or of another county, if handed to him by