

FALSE IMPRISONMENT—REASONABLE AND PROBABLE CAUSE.

Howard v. Clarke, 20 Q. B. D. 558, was an action for false imprisonment, in which a verdict having been rendered for the plaintiff for £25, the defendant moved to set aside the verdict and enter judgment for the defendant. The case arose as follows:—By the Pawnbrokers' Act, 1872 (35 & 36 Vict. c. 93, s. 34), in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen, or otherwise illegally or clandestinely obtained, he may seize and detain the person and the article and deliver them to the custody of a constable. The plaintiff offered to pawn with the defendant—a pawnbroker—a gold horseshoe pin set with seven diamonds, and a ring. The defendant had previously received notice from the police of articles recently stolen, among which was "a gold horseshoe pin set with seven diamonds," and a ring; and he asked the plaintiff if he was a dealer. He replied he was not. The defendant also asked where plaintiff had obtained the articles, and the plaintiff stated he had got them from a publican, whose name and address he gave. The plaintiff gave the defendant into custody. It was subsequently proved that the plaintiff had not stolen the articles, and that his statements were true. At the trial the judge left it to the jury whether the defendant had a reasonable suspicion; but the court (Mathew and A. L. Smith, JJ.) held that this was misdirection, and that it was for the judge to say whether the defendant reasonably suspected that the pin had been stolen or otherwise illegally or clandestinely obtained, and that, no matter whether the question was for judge or jury, on the facts there was no evidence of absence of such reasonable suspicion, and therefore judgment was given in favour of the defendant.

COMPANY—SALE OF SHARES—REFUSAL OF COMPANY TO REGISTER TRANSFER.

The only other case in the Queen's Bench Division to be noticed is *London Founders' Association v. Clarke*, 20 Q. B. D. 576. In this case a sale of shares had been made through brokers in the Stock Exchange, and the purchaser, according to the practice of the Stock Exchange, had paid for the shares on receiving a duly executed transfer of the shares. On applying to the company to register the transfer, the directors, who were empowered by the articles of the association in their discretion to decline to register a person claiming by transfer of shares, refused to register the transfer; whereupon the transferee brought the action to recover back the price of the shares from the vendor as money had and received to his use. The Court of Appeal (Lord Esher, M.R., and Fry and Lopes, L.JJ.), however, held that the contract did not import an undertaking by the vendor that the company would register the transfer, and, therefore, the action failed; and Lord Esher expressed the opinion that the same result would follow, even though the directors had had no option, and had wrongfully refused to register the transfer.

SHIP—COLLISION—RELATION OF TOW AND TUG—LIABILITY OF VESSEL IN TOW.

One or two of the cases in the Probate Division call for a brief notice. In *The Niobe*, 13 P. D. 55, the question of the relationship between a tow and a tug