

## SELF DEFENCE.

The plaintiff had not made any communication to the defendant, but made it to a constable whose duty it was to search for the offender. The question came to be, whether in that event the plaintiff was entitled to the reward, and it was contended that the constable by his own activity followed up the clue and the person entitled. But the court held that the plaintiff was entitled, for that the communication led to the discovery. As Alderson, B., put it, information means the communication of material facts for the first time, and the constable was merely a channel of communication, but not the originator of the information.

Again, in *England v. Davidson*, 11 A. & T. 857, the constable of the district apprehended the criminal and sued for the reward; whereupon it was contended that it was contrary to public policy to allow the constable to sue, for it was part of his ordinary duty to arrest criminals. The court there held that the fact of the person giving the information being a constable did not necessarily disentitle him on the ground of want of consideration. And Lord Denman, C.J., observed that there may be services which the constable is not bound to render, and which he may therefore make the ground of a contract. In short, a constable as such was said not to be disentitled to a reward of this description. In *Moore v. Smith*, 1 C.B. 438, the plaintiff also was a police constable, but was temporarily suspended, and he apprehended a burglar, who, after his apprehension, voluntarily confessed. And the court held him entitled to the reward, as it was by the constable's suspicions, and apprehension in consequence of them, that the criminal was really discovered. In *Thatcher v. England*, 3 C. B. 254, the defendant, who had been robbed of jewellery, published an advertisement headed "30*l.* reward," describing the article stolen, and concluding thus:—"The above sum will be paid by the adjutant of the 41st Regiment on recovery of the property and conviction of the offender, or in proportion to the amount recovered." A soldier on the 10th of June informed his sergeant that B had admitted to him that he was the party who had committed the robbery, and the sergeant gave information at the police station. On the 13th of June the plaintiff, a police constable, learn-

ing from one C. that B. was to be met with at a certain place, went there and apprehended him. The plaintiff by his activity and perseverance afterwards succeeded in tracing and recovering nearly the whole of the property, and in procuring evidence to convict B. The Court of Common Pleas held that the plaintiff was not, but that the soldier was, the party entitled to the reward.

About twenty years ago an interesting case of this kind arose out of a great robbery of watches at a jeweller's shop in London. In *Turner v. Walker* (L. R. 2 Q. B. 301), soon after that robbery, a handbill was circulated by the defendant who offered a reward in these terms: "A reward of 250*l.* will be given to any person who will give such information as shall lead to the apprehension and conviction of the thieves. A further reward of 750*l.* will be paid for such information as shall lead to the recovery of the stolen property, or in proportion to any part thereof recovered." After the publication of the handbill Roberts brought a watch to the plaintiff to be repaired. The plaintiff, suspecting it to be one of the stolen watches, arranged with Roberts that the latter should call again and bring some more, and on the same day the plaintiff gave information to the defendant. In consequence thereof the police were employed, and Roberts was captured, and two other stolen watches were found upon him. After Roberts had been in custody three days he told the police that some female friends had informed him that the burglars were to be heard of at an eel-pie shop in 120 Whitechapel. The police accordingly there captured the burglars, who were subsequently convicted at the central criminal court. Roberts was viewed as only a receiver of the goods. The plaintiff sued for the reward, and the judge, Blackburn, J., left it to the jury to say whether the information given by the plaintiff led to the apprehension and conviction of the thieves. The judge was disposed to think that the plaintiff's information was too remote, and that the real discovery was made by the police on Roberts' information, but as the jury were in favour of the plaintiff, the question was afterwards fully argued before a court of three judges. Blackburn, J., on the argument, was still disposed to hold that the