

from this fact that Buckley had never been in a court before. Believing, therefore, that the crime had been committed by an otherwise innocent man, he had imposed a comparatively light sentence of five years, but now he would annul that sentence, and impose instead fifteen years in the penitentiary at hard labor.

Judge Dugas, on Sept. 29, in declining to endorse a bench warrant issued by the Police Magistrate at Toronto for the apprehension of one James Baxter, who had failed to obey a subpoena as a witness, made a very serious charge against some of the magistrates of Ontario. He observed:—"I must say that, leaving the personality and the interests of Mr. Baxter aside, it is with a certain amount of regret that I find myself under the obligation of refusing the endorsement asked for. It is a well-known fact that in the city of Toronto, and in some minor towns in that vicinity, a systematic understanding seems to have existed amongst certain judicial functionaries to refuse their help to the execution at those places of warrants signed by magistrates of the Province of Quebec. In referring to this delicate point I have in no way in view a certain case wherein I may have been personally interested, and which I admit offered some difficulty. There are unfortunately other cases of late years where warrants issued in the province of Quebec have been treated with contempt by the judicial functionaries of those places. We have known an instance where as many as twenty-one justices had to be seen, before the lawyer in charge of the warrant could get a hearing and obtain the required endorsement, at least, so the learned counsel engaged in the case informed me. And this is not to be wondered at when it is known that a private circular has been addressed by a high judicial functionary to the minor justices of the peace, advising them not to take cognizance of warrants coming from the province of Quebec. Matters are now in such a state that my colleague and myself hesitate to sign warrants to be executed in those places, and we refuse to do so unless the private prosecutor takes the risk of the expenses to be incurred. Notwithstanding

this treatment, we are far from being inclined to retaliate, and I would be very sorry if my present action were considered in that light. Our only guides are the law and our conscience, not our feelings, and we find ourselves in duty bound to facilitate the due administration of justice within the whole Dominion. Whenever documents are presented to us in a proper and legal form, no obstinate obstruction will be offered on our part to their execution." This is obviously a very grave accusation, and in the interest of the administration of justice, calls for the fullest investigation.

#### CIRCUIT COURT.

AYLMER, (dist. of Ottawa,) Sept. 21, 1888.

Before WURTELE, J.

SEER V. TREAU DE CIELL.

*Slander—Words of suspicion—Uttered in good faith to a detective officer.*

**Held:**—*That words of suspicion only, addressed, without malicious intent and with probable cause, to a detective officer, by a person whose house had been burnt down, against a person whom public rumor accused of being the man who had set the house on fire, are not actionable in themselves.*

**PER CURIAM.**—The action in this cause is one of defamation. The plaintiff charges the defendant with having maliciously and without probable cause, stated and published falsely in the French language: "que c'était le père Louis Seer qui avait mis le feu à sa bâtisse, étant payé par Louis Charette." He alleges that the defendant's house had been burnt down, and that by these words he meant to convey the impression that the plaintiff had feloniously set it on fire, and that he had been paid to do so by the other person mentioned; and that the slander had been uttered in the presence of one Groulx, a bailiff, and of many other persons.

The defendant pleads that his house had been burnt down by the act of an incendiary; that Louis Charette, the plaintiff's son-in-law, had been refused a hotel license by the Municipal Council; that the latter and the plaintiff had uttered threats against him,—the secretary-treasurer of the council;—that he had an interest to discover the incendiary;