cover not only the value of the goods distrained and sold, but also damages for being deprived of the use of them, if thereby he is thrown out of employment, and, in estimating the damages, the jury have a right to take into consideration the circumstances in which the plaintiff was placed, and the difficulty of obtaining employment in his trade without tools.

A distress is illegal when there is no fixed rent; so also is a distress of the tools of the tenant's trade illegal when there are other goods on the premises which could be distrained.—*Reilley* v. *McMinn.* 370.

Local Legislature—Ultra Vires.

Defendant was in custody on the first of October, when the Act 37 Vict. c. 7, abolishing imprisonment for debt came in force, and applied for his discharge under the Act. It was objected that the Act was *ultra vires*, but the Court held otherwise—limiting their decision, however, to the present case, in which it was shewn the defendant was not a trader and not subject to the Insolvent Act of 1869.—*Armstrong* v. *McCutchin.* 381.

Sessions—Affidavits.

Defendant was summoned to appear before the Sessions of Queen's County in January, 1872, to answer a complaint of selling liquor without license. The affidavit of service of the summons was sworn before a commissioner. Defendant did not appear and the hearing was postponed from one Session to another until January, 1874,—the defendant at no time appearing—when he was convicted of the offence. In the copy of proceedings returned by the clerk, an entry was made that "notice to appear was served on defendant."

Held, on an application for a *certiorari*, that this was not sufficient, but that the clerk should have entered how the service was proved, and when, and how it was made; also that a commissioner had no power to take the affidavit which should have been made in open court.—*Reg.* v. *Golding.* 385.

Delay in moving rule.

Where a conviction was made on the 20th January, and the copy of proceedings delivered to defendant on February 3, but only reached the counsel on February 10, and was forwarded to Fredericton for the purpose of moving for a rule *nisi* in Hilary term, but was accidentally mislaid; the Court held that, under the peculiar circumstances of the case, a rule *nisi* was properly granted, though defendant did not apply till Easter.—*Ib.*

Estoppel.

Where a party joins in an indenture, which refers to another instrument, approving of it, and treating it as a valid writing, he is thereby estopped from afterwards disputing the validity of the instrument so referred to.—*Brown* v. *Moore.* 407.

False imprisonment.

A person is not liable to an action for false imprisonment, who merely lodges a complaint before a Justice, and leaves the proceedings to be taken in the discretion of the Magistrate.—*Ib.*

Assignment of bail bond.

The bail bond given to the Sheriff in the case of a *capias* issued out of the County Court, being assignable by virtue of the County Courts Act, the Statute of Anne relating to the assignment of bail bonds, has no application, and it is not necessary that the assignment should be made in presence of two credible witnesses.—*Smith* v. *Smith.* 420.

QUEBEC REPORTS.

NOTES OF RECENT DECISIONS.

(*From the L. C. Jurist, Vol.* 13.)

Continuing Penalty.

A conviction based upon a by-law making a penalty for every day that a thing is done, while the Statutes upon which the by-law is framed do not clearly give authority to impose more than one penalty, will be quashed. *Ex parte Brown* v. *Sexton.*

Extradition.

1. Sub-section 2 of section 3, of the Imperial Extradition Act of 1870, is inconsistent with the subsisting Extradition Treaty between Great Britain and the United States, and is therefore, not in force, *quoad* any application under such treaty.

2. A copy of a Bill of Indictment found against a prisoner in the United States cannot be received as evidence.

3. The evidence adduced was sufficient to sustain the application.—*In re application of U. S. Government for extradition of Rosenbaum.*

Opening Letters.

The opening and reading of a private letter by a person to whom it was not addressed and for whom it was not intended, renders the person who thus violates the sanctity of private correspondence answerable in damages. *Cordingly* v. *Neild.*

Larceny—Partner.

An indictment for larceny will not lie against a partner under 32-33 Vict. cap. 21, sec. 38.—*Regina* v. *Lowenbruck.*

Restitution of Stolen Goods.

The Court will not give an order for the restitution of stolen goods, where the ownership is the subject of a dispute in the Civil Courts.—*Regina* v. *Atkin.*

Habeas Corpus.

A Writ of Habeas Corpus will be granted to liberate a prisoner charged with process in a civil suit (*contrainte par corps* against *Gardien*) issued out of a Court of inferior jurisdiction, when it appears on the face of the writ of arrest that the proceedings had are beyond