The Legal News.

Vol. XI. OCTOBER 20, 1888. No. 42.

An *Extra* of the *Quebec Official Gazette*, issued on the 17th instant, contains a proclamation offering a reward of $1200 for the apprehension of Donald Morrison, whose case was referred to in our last issue. It is to be hoped that no part of this reward will have to be paid to any officer through whose remissness the accused has so long been allowed to evade arrest. The policy of offering rewards for the apprehension of criminals, it can hardly be doubted, is unsound. The *Law Journal*, of London, has some remarks, in reference to the Whitechapel case, which are pertinent here: "By slightly widening the circle of his crimes, he (the murderer) has had brought to bear upon him a resource of barbarism, of late years relegated to the past. The Home Secretary, in spite of clamour, has been steadfast in maintaining the practice, inherited from his predecessors, of refusing to try to catch criminals by offering large rewards. This is a policy which has now been adopted for the whole country, and it is obvious that once broken in upon, the whole mischief of information being held back by those who are waiting for the offer of a reward is revived. Unfortunately, the understanding which has prevailed has only the sanction of the comity of the police authorities throughout the country, and it has no legal force. The City authorities, having the control of their own police, can revert to exploded expedients by dealing with crime from the commercial point of view with some show of right, but in point of law, every private person may offer a reward for information leading to the detection of crime, and would be held to his promise in a Court of law. An Act of Parliament is necessary to save the administration of the law from the periodical reversion to quack remedies to which it is exposed."

In the case of Debaun, prominent counsel represented the prosecution and the prisoner. Numerous points were raised, and fully and ably argued. The judgment of Judge Rioux, concluded in the present issue, has been carefully considered, and is worthy of being put on record.

COUR SUPÉRIEURE.

QUEBEC, 7 oct. 1888.

Coram CARON, J.

FRADETTE v. FORTIER.

Procédure—Bref d'assignation—Changement du jour fixé pour le rapport.

Le défendeur plaide, par exception à la forme, que, après l'émanation du bref, mais avant le service de l'action, le jour fixé pour l'entrée de l'action a été changé sur le bref par le protonotaire. Il prétend que le bref étant une fois sorti des mains du protonotaire, personne ne peut y faire aucun changement: pas même le protonotaire: il cite à l'appui de ses prétentions plusieurs jugements rendus dans ce sens, et il demande le renvoi de l'action.

La cour renvoie l'exception à la forme avec dépens. Si le défendeur n'est pas lié par le bref avant le service, il ne peut se plaindre des changements qu'on y a faits alors qu'il n'y était pas intéressé. Le code donne l'exception à la forme pour remédier aux défauts de l'action, mais il faut prendre l'action telle que servie, parce qu'alors elle a force de contrat entre les parties. Et le protonotaire a bien le droit, du consentement de la partie qui l'a demandé, de changer le bref avant le service de l'action.

P. Aug. Choquette, procureur du Demandeur.
Hamel & Tessier, procureurs du Défendeur.
(P. A C.)

EXTRADITION CASE.

SHERBROOKE, Oct. 4, 1888.

Before GEORGE E. RIOUX, Esq., [*a Judge under the Extradition Act.*]

In re CHARLES I. DEBAUN, accused of forgery.

Extradition—Forgery—"Accountable Receipt"—R. S., ch. 165, s. 29—Alteration—Confession, Admissibility of—Informalities—Evidence for defence.

[Concluded from p. 327.]

Here we come to a very important part of the evidence and one which, if admitted,