

They were originally arrested on the verbal complaint of the New York detectives, and remanded by Mr. Brehaut, the Police Magistrate, until two o'clock in the afternoon of a given day. Whilst in custody, they conversed freely with Paxton and their fellow prisoners in the same ward, and boasted that they knew all about the law, and that they could not be held under the Ashburton Treaty, as the offence was only larceny and not robbery. They got out, and then to their amazement they came back again. The other debtors are surprised to see them return, and then occurs the conversation as to what brought them back. In that conversation they say "Oh! this will be only for a short time. But we were afraid they were going to kidnap us, as somebody else had been kidnapped;"—evidently referring to the case of Lamirande. I only mention these points to show that these men were under the apprehension of being kidnapped, and fully intended, should they have been released, to leave Canada, and thus prevent the possibility of such an occurrence. This makes the case of the plaintiffs in this respect as complete as can be, and, in the absence of any kind of evidence on the other side, to refute it, makes out much more than a mere *prima facie* case on the side of the plaintiffs. In this way I get rid of the two points, which were raised by one only of the defendants' counsel, and which are not really those on which the defendants mainly rely. The true turning point of the present discussion I take to be, whether or not the cause of action arose in a foreign country, and the solution of that question must depend upon the fact whether or not, when Mr. Routh made his affidavit, the bonds and other securities were really here in Montreal. There is to my mind very satisfactory evidence that the defendants are the men who really took the bonds from New York, and that they had them here in Montreal. If I make out this, I make out my case. The pretension of the plaintiffs here, is simply this: you, Knapp & Griffin, have here certain bonds, my property, which you refuse to restore to me, and to which I say you never had any legal title. Supposing you stole them, what does that matter? If you bring them here into Ca-

nada, that is a new caption. If the theft is committed in one place, and the thief goes to another, he can be indicted there. This is undoubtedly the law, where the places are within the same sovereignty or government. But the principle of the mere caption is the same, whether the place be or be not under the same sovereignty. Mr. Carter has looked up the authorities on this point, and will cite them to the Court. My simple charge here is, you have got my property, and you have no title to it. I ask you to restore it, and you won't do so. The cause of action, then, is not the stealing of the bonds in New York, but the illegal detention of them here in Montreal. It matters not where the defendants originally got possession of the bonds, it is enough that they have them here; that they have no legal title to them; and that they refuse to restore them. Therefore, all the authorities of my learned friend, Mr. Kerr, as to a foreign debt, fall to the ground. The case is reduced to a mere question of evidence, as to whether or not the defendants really brought the bonds into Montreal. On that point I apprehend there can be no kind of difficulty. The facts as they are proved are these. It is in evidence and proved to a demonstration that on the 10th December last the Royal Insurance Company owned and possessed these bonds; that they were contained in a tin box which was deposited in the vault of the Company at New-York, and that the New York agent, Mr. Macdonald, had the key of the box in his pocket. Knapp and Griffin came into the office; one of them, it matters little which, engaged the manager in conversation about a life insurance, while the other walked backwards and forwards in the office. Finally these two men went out,—nobody else came in,—and after they went out the bonds were found to have disappeared. The presumption is certainly very strong that these were the men who took them. One of them immediately takes flight the same day to Canada, the other leaves the next day. In a day or two they are followed by their wives. They all take up their quarters at the Ottawa Hotel in Montreal, and a New York detective who is here looking after other bond thieves—for unfortunately bond robberies have been pretty