

DIARY FOR MAY.

- 2 Saturday Battle of Cut Knife Creek, 1885. J. A. Boyd, 4th
Chancellor, 1881.
3 Sunday *Fourth Sunday after Easter.*
4 Monday Wm. A. Henry, J. of S.C., died, 1888.
5 Tuesday Supreme Court of Canada sits.
6 Wednesday Lord Brougham died, 1868, aged 90.
10 Sunday *Rogation Sunday.*
12 Tuesday Court of Appeal for Ontario sits. Battle of Batoche,
1885.
14 Thursday Ascension Day.
17 Sunday *Sunday after Ascension.*
18 Monday Law Society of U.C. Convocation meets. Montreal
founded, 1642.
21 Thursday Confederation proclaimed, 1867.
22 Friday Earl of Dufferin, Governor-General, 1872.
24 Sunday *Whit Sunday.* Queen's Birthday; born 1819.
25 Monday Princess Helena born, 1846.
27 Wednesday Habeas Corpus Act passed, 1679.
28 Thursday Hon. G. A. Kirkpatrick, Lieut.-Gov. of Ontario, 1892.
29 Friday Battle of Sackett's Harbor, 1813.
31 Sunday *Trinity Sunday.*

REPORTS AND NOTES OF CASES

Dominion of Canada.

SUPREME COURT.

Quebec.]

[March 24.

O'NEILL v. ATTORNEY-GENERAL OF CANADA.

The Criminal Code, sec. 575—Persona designata—Officers de facto and de jure—"Chief Constable"—Appointment of deputy—Common gaming house—Confiscation of gaming instruments, moneys, etc.—Evidence—The Canada Evidence Act, 1893, secs. 2, 3, 20, 21—Judgment in rem—Res judicata.

The High Constable of the District of Montreal (which includes the city of Montreal, as well as a large territory adjacent thereto), was appointed under a Commission from the Crown in the year 1866, and has ever since then continued to hold that office. In 1885 he appointed a deputy, who thereupon took the oath of office, the attesting magistrate adding in the record of the oath the words "jusqu' au ler., Mai, 1886." The deputy was never re-sworn, but has continued to act as such ever since then, and on the 14th October, 1893, in execution of a warrant issued by a Police Magistrate under the 575th section of the Criminal Code, and addressed to him by name as "Deputy High Constable of the City of Montreal," he seized certain moneys and instruments in a common gaming house within the limits of the city of Montreal. The section referred to empowers "the Chief Constable or Deputy Chief Constable of any city or town, or other officer authorized to act in his absence," to make the reports and seizures provided for therein.