

laquelle l'huissier fait subir des dommages par sa négligence coupable ou sa mauvaise conduite, dans l'exécution de ses devoirs, et que le recours existe contre les cautions sans cession de cautionnement.

L'honorable juge Würtele, bien que paraissant incliné à déclarer que le cautionnement, n'étant pas un de ceux indiqués par le statut ne pouvait donner lieu à l'action du demandeur, ne prononça pas sur ce point, et ayant déclaré dans ses remarques que tout en respectant l'opinion du juge Casault, il se croyait tenu d'appliquer les dispositions des sections 14 et 15 du Statut 32 Vict., chap. 9, (Q. 1869), il rédigea au dossier le jugement suivant:—

“Action déboutée avec dépens, etc., vu qu'elle aurait dû être portée au nom du Trésorier de la province et sur son autorisation spéciale.”

A. McMahon, avocat du demandeur.

Rochon & Champagne, avocats du défendeur.

(A. M.)

CROWN CASE RESERVED.

LONDON, NOV. 24, 1888.

REGINA V. ADAMS.

Libel—Indictment—Obscene Letter—Defamatory Libel calculated to provoke Breach of Peace.

This was a case reserved by the Recorder of London.

The indictment charged the prisoner in the first count with writing and sending to Emily Susan Yuill an indecent letter and so endeavouring to corrupt her morals and to incite her to commit immoral acts with him; in the second count, with writing an indecent and obscene letter with intent to incite the said E. S. Yuill to commit immoral acts, and afterwards uttering and publishing the said letter to her and others; in the third count, with making and publishing a defamatory writing in the form of a letter concerning the said E. S. Yuill; in the fourth count, with writing and publishing an indecent and obscene libel concerning the said E. S. Yuill, in the form of a letter directed to her; the fifth and sixth counts were similar in form to the first and second, but related to another letter.

The evidence was that E. S. Yuill, the

younger, inserted an advertisement for a situation in the *Daily Telegraph*, and that it was stated in it that replies were to be addressed to K. S., 21 Radnor Street, E.C.; that prisoner wrote and posted the letter set out in the first four counts of the indictment; and that it was received by E. S. Yuill the elder, who read it and handed it to her husband, who handed it to the police, and that it was never seen by E. S. Yuill the younger.

At the close of the case for the prosecution, counsel for the prisoner submitted there was no case to go to the jury on the grounds: First, that to invite, and send to a person, letters in the form of those set out in the indictment, was not an indictable offence; secondly, that the letter set out in the third and fourth counts was neither a defamatory libel nor an obscene libel; and, thirdly, there had been no publication of the letter. The Recorder, however, declined to stop the case, and left it to the jury, who convicted the prisoner on all the counts.

The question for the opinion of the Court was, whether upon all the facts stated, the prisoner could be properly convicted on all or any of the counts of the indictment.

The COURT (LORD COLERIDGE, C.J., MANISTY, J., HAWKINS, J., DAY, J., and SMITH, J.) held that the short and simple ground upon which the conviction should be sustained was that it was a conviction upon an indictment one count of which was that the letter contained a defamatory libel tending to bring the person written to into contempt and to provoke a breach of the peace. It must be taken that the jury had found there was a defamatory libel, and upon that ground the conviction could be sustained.

Conviction sustained.

COURT OF QUEEN'S BENCH— MONTREAL.*

Jury trial—Assignment of facts.

Held:—The object of the assignment of facts is that the jury may determine all the finite facts in dispute between the parties, and respecting which the Court requires to be informed, in order to decide the question of law in issue between them. It must be so

*To appear in Montreal Law Reports, 4 Q.B.