

a search warrant of a Justice of the Peace of the county of Haldimand, for a horse suspected of being stolen and concealed, which required the bringing of the property, together with its harbinger, before him—on its discovery, seized and conveyed it into the adjoining county of Brant, where the informant (his co-defendant) lived. The action being one of replevin, to determine the jurisdiction of the County Court of the county of Haldimand to try the case it became necessary for the Courts to pass upon the validity of the original taking. This they concluded had been tortious; and, having been so branded, it was further declared on the authority of the *Six Carpenters' Case*, that the constable was a trespasser ab initio, and could neither justify the detention, nor resist replevin, of the animal in Brant.

In *Jones v. Grace*, 17 O.R. 681, the Court applied the reasoning of *Hoover v. Craig* to disclosures there relating to a personal arrest; and emphasized the conclusions of the higher Court in an exceedingly strong judgment. The case under of *Re Hendry* (reported ante p. 241), while in this respect an extension, is none the less an affirmance of *Jones v. Grace*.

In *Friel v. Ferguson*, 15 C.P. 584, where a party had been arrested under a backed warrant, in another jurisdiction, on a charge of felony, without a complaint in writing, and upon oath having been first made, the justice issuing it was found liable for the imprisonment. The sole derivative of authority for founding the warrant, viz., a sworn information, being wanting, this, doubtless, will appeal to the mind as an extreme case; but the Court, meeting the defendant's contention that the act of the endorsing magistrate exonerated him (the initiating justice), enforced the principle that the detention was indefensible by reason of the latter's previous action.