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Constable, Mr.
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I. Armstrong,
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who although

he was "earnestly" requested by George Murison, one of our City Councillors, and might therefore fear the consequences of refusal, yet ought not to have done an illegal act.

That such sending of the constables was wholly illegal, will be clearly seen by the following extract from the Consolidated Statutes of Upper Canada, page 642; being section No. 393 of the Act regulating Municipal Institutions, pointing out the duties of the High Baliff and Constables of Cities, namely:

"In case any person complains to a Chief of Police, or to a Constable or Baliff in a town or city, of a *breach of the peace having been committed*, and in case such officer has *reason to believe that a breach of the Peace has been committed*, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape, or to prevent a *renewal of the breach of the Peace*, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate, such officer may without a warrant arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Magistrate to be dealt with according to law."

These are the only cases in which a constable is allowed by law to arrest a person without a warrant when a breach of the Peace or a theft has not been committed in his presence.

If a riot or a breach of the Peace is only apprehended, the Police Magistrate must be applied to, who takes the information *under oath*, as to such apprehended violence, before he can act thereon; and the authority in that case to preserve the Peace *alone* proceeds from him. That legal course was not taken because Murison and Davidson would have had to have *sworn* (as a breach of the peace had not been committed) to the *reasons* of their belief for such apprehended violence, and to the *facts upon which they grounded such their belief*, which they could not do, as they had not the slightest grounds so far as I was concerned, or any one belonging to me. I being wholly ignorant of their preconcerted proceedings for that Sabbath; and this is *proved* by the fact *that*, that not one of these persons has dared to allege in his defence to my Action against them for said assault, that I was guilty of a breach of the Peace. Hence George Murison takes advantage of his position as a Councillor, and procures the Chief Constable to assist him in the gross violation of that law, which both were in a special manner bound to maintain.

Even had I been guilty of a breach of the Peace, the duty of these Constables as they well knew, was to have arrested me, and taken me before a Magistrate, and not to have thrown me out like