

places urinals which would prevent unseemly spectacles. The arrest was made without a warrant on a Saturday afternoon and the plaintiff was in custody nearly 24 hours before he was bailed out. Do the circumstances entitle him to damages, and is the claim good against the city and also against the policeman? The Vagrant Act, 32-33 Victoria (1869) (Canada) Cap. 28, has been cited. It provides for the punishment of persons openly or indecently exposing their persons. So also, the City Charter 14 & 15 Vic. Cap. 128, Sect. 87, makes it lawful for a constable of the police force to arrest on view any person offending against any of the by-laws, Rules, and Regulations of the City, the violation of which is punishable with imprisonment, and it may and shall be lawful also for any such officer or constable to arrest any such offender against any such by-law, Rule or Regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence and the parties by whom committed.

We see here that the Vagrant Act provides for the punishment of persons openly or indecently exposing their persons, but it has no application to the present case; it does not provide for arrest without warrant after an interval of time following the offence. The City charter allows of the arrest by a constable of a person violating the City by-laws, rules and regulations immediately or very soon after the commission of the offence, but there is here no City by-law which has been violated, so far as I have seen. The policeman was to blame for what he did without a warrant, and he should answer for it in damages, and the City should also answer for him, for he acted on the order of his sergeant. Both will therefore be condemned. I would also add that plaintiff is to blame for responding to a call of nature in a way to offend a sense of propriety, though the offence is of every day occurrence, and the City is to blame further in this that it has not provided in convenient localities, urinals or places of retirement to be found in most of civilized countries in large cities. The damages are assessed at \$50 which will cover the loss of 10 days' pay, of which plaintiff complains among other things.

The costs will be those of an action over \$100.

Greenshields & Busted for plaintiff.
Roy, Q.C., and Ethier for the City.

RECENT U. S. DECISIONS.

Negligence—Injury to person stopping upon street from fall of defective wall.—A person lawfully passing along a street, who stops on the door sill of a house fronting on the street, for the purpose of adjusting his shoe, and while thus occupied, his head being within the lines of the street, without any negligence on his part, is injured by a brick falling on his head, in consequence of the dilapidated condition of the wall of the house, has a right of action against the owner of the house for the injury inflicted. *Deford v. State*, 30 Md. 205; *Irwin v. Sprigg*, 6 Gill, 200; *Copeland v. Hardengham*, 3 Campb. 348; *Maenner v. Carroll*, 46 Md. 212; *Butterfield v. Forrester*, 11 East, 60; *Bridge v. G. J. R. Co.*, 3 M. & W. 244. *Angell on Highw.* 347. Travellers on a street have not only the right to pass, but to stop and rest on necessary and reasonable occasions, so that they do not obstruct the street, or doorways, or wantonly injure them. *Douglas*, 745; 3 Steph. N. P. 2768; 2 Bl. Com., note 26, by Christ.; *Adams v. Rivers*, 11 Barb. 390. A ruined or dilapidated wall is as much a nuisance, if it imperils the safety of passengers or travellers on a public highway, as a ditch or a pit-fall dug by its side.—*Murray v. McShane*, Maryland Court of Appeals, 52 Maryland Rep.

GENERAL NOTES.

Were the verdict to stand which was given the other day at the Guildhall in the case of *Bartlett v. Eyre*, the legal obligations of the fashionable world of London would be very largely increased. A roll of carpet, such as is in universal use for such purposes, had been laid down from the door of the defendant's house to the door of his carriage. The plaintiff, in passing along the street, caught his foot in the carpet and fell, sustaining severe injuries. There was no suggestion, apparently, on the part of the plaintiff that there was any negligence on the part of the defendant or his servants in the way in which the carpet was laid down. The place where the accident occurred was lighted in the ordinary way, and the only complaint was that no one was stationed by the carpet to warn passers-by of its presence. We venture to think that the case was lost because no witnesses were called for the defence to prove that the carpet was laid in the ordinary way and without negligence.—*London Law Times*.