

viduals, he was led into error, and by the failure of defendant to defend plaintiff from trouble, he suffered to the amount of \$84.

The defendant by a demurrer denied the right of the plaintiff to claim any damage from the Municipality of Hereford under the circumstances. Two questions are raised by the demurrer, both having an important bearing upon the working of the municipal system. It is pretended that the Municipal Councils are not responsible for the acts of the different officers they appoint, in all cases where the duties of the officers are ordained and prescribed by the Statute, and independent of the municipal bodies. . . . Has the Statute declared that municipalities are liable to damages for the fact that lands have been valued by the valutors as in the occupation of one party named, and have been assessed, upon this return, for municipal purposes? No: but the Statute directed the Councils to appoint valutors, and prescribed the duties of the latter in a very imperative manner, independent of any orders and instructions of the municipalities. The valutors are, for the purpose of valuation, the officers of the law, which is superior to the body directed to appoint. . . . Purchasers must ascertain for themselves if all the requirements of the law have been complied with, and if the land can be sold; all is at their risk. This is the condition of purchasing acres for cents. . . . The letter of the law as well as the general principles are decidedly against the right of action as claimed by the plaintiff. The action is therefore dismissed with costs."

Sanborn & Brooks, for plaintiff; Felton & Felton, for defendant.

THE CASE OF THE KIDNAPPERS.

A short summary of this memorable case, with an abstract of the remarks of Mr. Justice Meredith at the time final judgment was rendered by the Court of Appeals at Quebec, will be found in the present issue. Few cases that have occupied so large a share of the attention of our tribunals have created so little public excitement. It is hardly going too far to say that the decision at Quebec was received by the public with profound indifference. This lack of interest may no doubt be attributed in a great measure to the conflicting feelings excited by the case. Though any decision which had the semblance of infringing upon the liberty

of the subject would instantly kindle the utmost indignation throughout the community, yet in this instance the prisoners being mere mercenary conspirators, who had themselves sought to deprive a refugee of liberty and asylum, no one felt much disposition to see the law strained in their favour, if the law said that they were not entitled to be admitted to bail. On the other hand, the crime of the prisoners was perhaps not viewed with the detestation it deserved, because the refugee himself was not regarded with any of that popular admiration and esteem which some political exiles have attracted. Thus the public mind was to some extent prepared to accept without cavil the decision of a competent Court, whichever side it favoured.

In a legal point of view, however, the case is one of absorbing interest. Able and astute lawyers on the bench and at the bar have taken opposite sides on the questions raised; and the learned counsel by whom the case was conducted, displayed great ability and research in the support of their views. The arguments and judgments, investigating as they did all the cases and authorities on the subject, will throw much light upon the law of bail in all time to come.

But, unfortunately, the value of the final judgment at Quebec as a leading case, has been greatly lessened owing to the diversity of opinion among the members of the Court on the questions submitted for decision. A majority of one in the Court of Appeals is not as satisfactory as could be desired, and might be reversed by a slight change in the members of the Court.

It is not improbable, however, that some change in the law may be made by the Legislature, which will remove the difficulty. The Statutes relating to bail, like too many other parts of our Statute law, are not without serious ambiguities; and it may be deemed advisable, either to remove some of what were anciently called enormous misdemeanors into the class of felonies, or to make exceptions of certain misdemeanors, so as to leave it discretionary with judges to bail persons charged with them.