

solicitor, undertook that no attempt should be made directly or indirectly by reason of the production of the wife before the examiner to discover her residence, or in any way molest her. The husband and his solicitor signed the registrar's book at the foot of the undertaking. When the wife attended before the examiner, the husband's solicitor, upon the conclusion of her examination, served her with a writ of *subpœna* to attend as a witness in another cause.

On motion to commit the solicitor to the Queen's prison for breach of the undertaking, the solicitor appearing in person and stating that he did not intend to commit any contempt of Court or any breach of the undertaking, the Court would not commit the solicitor, but made him pay the costs of the application:

*Semble*, the wife was not bound to obey the *subpœna*.

C. P., Ireland.] GRADY v. HUNT. Nov. 16, 17.

*Action against a Justice of the Peace—False imprisonment—Illegality—Warrant—Probable cause—Malice—Jurisdiction—Bail to keep the peace—12 Vic., cap. 16.*

To an action for false imprisonment, (against a Magistrate, but not so described in the summons and plaint) the defendant pleaded that he was a Justice of the Peace; that a certain person had sworn an information before him—that the plaintiff had struck him with a stone—and that he feared that the plaintiff would do him further bodily harm; that the defendant as such Justice, and "acting in the execution of his duty as such Justice, in respect of the premises being a matter within his jurisdiction," duly issued his warrant directing the police officers of, &c., to apprehend the plaintiff and bring him before the defendant, or some other justice, to answer the above charge; that the plaintiff was accordingly apprehended and brought before him, and was then required to find bail to keep the peace for three years; that he refused to do so, whereupon the defendant in execution of his duty as such justice in respect of a matter within his jurisdiction, duly made his warrant directing a constable to lodge the plaintiff in gaol, there to be detained until he should find two sufficient sureties to keep the peace for the space of three years; that the defendant committed the supposed trespass for the purpose of compelling the plaintiff to keep the peace, and not maliciously, nor without reasonable or probable cause.

*Held*, that a warrant by a justice of the peace authorizing the imprisonment of a party until he should find bail, without specifying the term of his imprisonment, is illegal.

*Held*, also, that the defendant having issued such a warrant, had not in so doing, acted "within his jurisdiction" under the provisions of 12 Vic., cap. 16.

[The sec. 1 of U. C. Act 16 Vic., cap. 179, is the same as the Irish Act 12 Vic., cap. 16.—Ed. L. J.]

## CORRESPONDENCE.

CAMPBELLFORD, April 29, 1856.

To the Editors of the U. C. Law Journal.

GENTLEMEN,—

Being a Bailiff, and also a subscriber to your Journal, I notice it mentioned that many of those Bailiffs to whom the first No. for the current year was sent, did not subscribe, but returned the number. For my part, I am at a loss to know why they should thus deprive themselves of a periodical containing so much useful information;—and at the same time affording counsel so cheap and ready obtained. I think that the *Journal*

is just what every officer connected with Division Courts requires. For my own part, during the past year I have had one or two very trying and difficult cases; and residing as I do at least 40 miles from Cobourg, and 30 from the nearest frontier—therefore, having no legal man near at hand on whom to call for advice, and yet desirous of committing no mistakes, I am aware I should have in several instances run into gross blunders, had it not have been for the *Journal* to guide me; but with it, I found I possessed a friend at hand with which to proceed without danger: that is comparatively, for I think no matter how much caution we use, with so many eyes upon us, we are never free from either danger or misrepresentation. I frankly confess, however, I found and still find the *Journal* to be my right hand man; and I do confess, without it I should not know what to do, or where to look frequently for information.

I admire the "Manual" you have commenced; in judging from the first and second numbers, I think it will save us from asking a great many questions of attorneys, or taking the almost necessary alternative of running into mistakes; had it not been for it, (the Manual) I, no doubt, should have annoyed you with several enquiries: but I doubt not they will be all answered in the same.

Hoping, for the sake of the better enlightenment of the public men of our Canada, as well for the encouragement of those who spare no trouble or counsel in effecting this purpose, that every Bailiff, as well as every other officer connected with the carrying the purposes of law into just and proper effect—your *Journal* will receive and retain all the encouragement and support it justly deserves,

I am, Gentlemen, respectfully yours,

CHARLES JONES,

Bailiff First Division Court,  
Northumberland & Durham.

## NOTICES OF NEW LAW BOOKS.

COMMENTARIES ON THE CRIM. LAW—by JOEL PRENTIS BISHOP.  
*Little, Brown & Co., Boston, U. S.*

We again revert to this work, subjoining according to our promise further extracts, the better to inform our readers of the character of the Commentaries. Having gone over the whole book, we again repeat, the work is one from the perusal of which much pleasure, as well as much information may be derived; every lawyer here and in the United States should possess it: as a book of reference merely, apart from its intrinsic excellence, it cannot be too highly spoken of.

MEANING OF PARTICULAR WORDS AND PHRASES.—No reflecting person ever arrived at years of maturity in judgment without being impressed with the vague and uncertain character of all human language. We are a part of the universe, a law of which is, that no two things, relating either to matter or spirit, are precisely alike; and so, no two thoughts, ever mirrored in the minds of different individuals, or of the same individual at different times, were exactly identical. The shades, therefore, of human apprehension, to be pencilled in articulations, are