

the United States Courts which have a special bearing on questions not authoritatively determined by our courts, and also to the English jurisprudence where the cases were decided under statutes similar to our own. The Canadian cases, of course, receive special attention. About fifteen hundred decisions in all are cited.

As to the manner in which the work has been executed it is hardly necessary to say much. Mr. Abbott has so long been occupied as a counsel with the most important cases before our courts that the work could not have fallen into better hands. We are convinced that this book will prove of the greatest service to the bench as well as to the bar, and we trust that so promising a beginning having been made, the work will be kept up, and that many future editions may appear of the *Railway Law of Canada*.

It must be added that the book has been issued from the house of Mr. C. Theoret, in a form which does credit to the publisher.

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#### SUPREME COURT OF CANADA.

OTTAWA, 24 March, 1896.

Quebec.]

O'NEILL V. ATTORNEY GENERAL OF CANADA.

*The Criminal Code, sec. 575—Persona designata—Officers de facto and de jure—"Chief Constable"—Appointment of deputy—Common gaming house—Confiscation of gaming instruments, moneys, &c.—Evidence—The Canada Evidence Act, 1893, secs. 2, 3, 20 & 21—Judgment in rem—Res judicata.*

The High Constable of the district of Montreal (which includes the city of Montreal, as well as a large territory adjacent thereto) was appointed under a Commission from the Crown in the year 1866, and has ever since then continued to hold that office. In 1885 he appointed a deputy, who thereupon took the oath of office, the attesting magistrate adding in the record of the oath the words "jusqu'au 1er mai, 1886." The deputy was never re-sworn, but has continued to act as such ever since then, and on the 14th October, 1893, in execution of a warrant issued by a Police Magistrate under the 575th section of the Criminal Code, and addressed to him by name as "Deputy High Constable of the City of Montreal," he seized certain moneys and instruments