counsel could not agree. There can be no doubt that Mr. Robertson is in error, and I will presently establish that Mr. Kerr commits the mistake of carrying his proposition to an extent which his authorities do not justify.

MONK J., addressing Mr. Robertson—Do you deny the right of the plaintiffs to exercise their civil remedy?

Mr. *Robertson.* I do.

*Mr. Kerr.* I do not; I admit that the civil remedy exists.

*Mr. Carter.* We may, then, take it for granted Mr. Robertson remains alone in his opinion. It is a question that can admit of no doubt. It is a remedy recognized in Criminal Courts, as well as at other tribunals, as your Honor must be aware, that even in criminal cases power is given to a Judge, after conviction, to order restitution. Then as to the other point, it is urged that the cause of action depends upon the place where the wrong was first committed. This I deny, as the real cause of action in this case is the fact that the defendants are here in Canada in possession of plaintiffs' property, and withhold it, refusing to restore it. It is a principle of the common law that the owner may follow his property, and every new jurisdiction into which the thief carries it is a fresh caption. This doctrine is applied even to criminal cases, so that the offence is regarded as repeated—as a new taking (*cepit*), and a new cause of prosecution established, altogether independent of the original taking. Mr. Carter cited, in support of this proposition, 1 Hawk. ch. 49, sec. 52, Rex *vs.* Parkin, 1 Moody C. C., and authorities cited in the note. In this case the plaintiffs complain that the defendants hold their bonds, and are converting them to their own use. It is the conversion which is the gist of the action. In support of the latter proposition, Mr. Carter cited 2 Selwyn, Nisi Prius, p. 1389.

As regards the remedy, we are to be governed by our law, which recognizes the right of arrest in civil cases. This is the general rule. There are exceptions, and it is for the defendants to show that they come within the operation of one of them. This brings us to the consideration of what cases the statute was intended to except from its operation. The only reasonable interpretation of the statute is to hold that foreign debts mean such liabilities resulting from contracts where the implied assent of both parties may be invoked, as controlling their engagements, and the consequences resulting from them. But no such construction could be put upon our statute as that contended for by defendants' counsel to cover the case in question, so as to afford immunity to thieves stealing in New York and seeking safety with their booty by sudden flight into Canada, and then withholding the property from the real owner, and refusing to restore it. The true doctrine is, that the withholding and conversion of the bonds was a continuance of the injury, giving rise each day to a fresh cause of action. There was here a marked distinction to be made between those *délits* which, being of a personal nature, received their consummation and completion where the injury was inflicted, and the larceny of property, to which the common law applied another rule which is recognized by all systems of jurisprudence, viz: the right of the owner to claim his property or its value wherever he finds it.

Mr. *Kerr*, in reply. 2 Selwyn, 1389, cited by Mr. Carter, although it cannot be regarded as bearing upon the present case, has been referred to as proving the position taken that in cases of trover, the original finding is matter of inducement, the conversion being the gist of the case. From that authority Mr. Carter argues that the conversion only took place at Montreal, where the demand to restore was made and refused. Can it be pretended that, in opposition to the citations from Savigny and the other commentators upon the civil law, which all prove conclusively that the *délit*, in this case the wrongful taking or larceny of the bonds, is the source of the obligation of the defendants, this citation from Selwyn, writing on the common law upon trover, is to prevail, and the original taking is to be looked upon as mere matter of inducement?

But taking it for granted that my learned friend is serious in referring to Selwyn, I am prepared to show that the quotation he has given has really no reference to this case, no bearing upon its merits. My learned friend says, in this case the conversion took place in