office of the prospectus was over—all the shares having been allotted;—in other respects the principle of liability and the duration of it were the same as in the present case. Lord Cairns' language was this: "Now, my lords, I ask the question, how can the directors of a company be liable after the full original allotment of shares for all the subsequent dealings that may take place with regard to those shares upon the *Stock Exchange*? If the argument of the appellant is right, they must be liable *ad infinitum*, for I know no means of pointing out any time at which the liability would, in point of fact, cease. Not only so, but if the argument be right, they must be liable, no matter what the premium may be at which the shares may be sold. That premium may rise from time to time from circumstances altogether unconnected with the prospectus"—and so I would observe it might rise or fall here from circumstances altogether unconnected with the report—"and yet, the appellant would be entitled to call upon the directors to indemnify him up to the highest point at which the shares may be sold for all that may be expended in buying the shares. My lords, I ask, is there any authority for this? I am aware of none." It must be allowed, of course, that Lord Cairns asked and answered this question in a case where liability had ceased, because the office of the prospectus in which the statement had been made was over, and the plaintiff had bought afterwards in open market. As far as responsibility for misrepresentation is concerned, there was that difference between that case and this one, and there was no other difference: it was a difference as to the existence of responsibility; not as to the duration of responsibility, if it existed. Therefore as to the duration of existing responsibility, that case and this one are on the same footing; and it was as to the injustice of the duration of this responsibility, if it existed at all, that Lord Cairns was speaking.

The plaintiff's action must be dismissed; but as to costs, it is entirely owing to the fault of the defendants that the plaintiff has taken these steps; and though they made no intentional misstatement; and therefore no action can be maintained against them for it, they will get no costs from the plaintiff; and the action is under the circumstances dismissed without costs.

Abbott & Co. for plaintiff.

Judah, Wurtele & Branchaud, for defendants.

CIRCUIT COURT.

Montreal, May 22, 1878.

DORION, J.

LEPAGE v. WATZO, and WATZO, Opposant.

Property of Indians—39 Vict. (Canada) C. 18.

Held, that under the Indian Act of 1876 (39 Vict. c. 18), the moveable effects of Indians are exempt from seizure, and the fact that an Indian is a trader and trades with whites does not render his effects liable to seizure.

2. That the word "property," used alone in a statute, includes both moveables and immoveables.

Opposition maintained.

J. G. D'Amour for opposant.

Duhamel & Co. for plaintiff contesting.

DISPUTED QUESTIONS OF CRIMINAL LAW.

(*Continued from page* 307.)

III. Uncommunicated Threats.—Two new cases are reported on the question of the admissibility, on trials for homicide, of evidence of utterances by the deceased, threatening the life of the defendant, such utterances not having been reported to the deceased. One of these cases, decided in 1877 (The State v. Taylor, 63 Mo. 358), has a head-note which states explicitly that uncommunicated threats by the deceased are inadmissible when offered by the defendant. When we examine the opinion of the court however, we find that the ruling is limited to cases where the defendant makes no claim to have been acting in self-defence. "The court," says Henry, J., "properly refused to admit evidence of threats by Ghenn against defendant. *It is not pretended that defendant, when he killed Ghenn, was acting in self-defence.* Defendant was aggressor in the difficulty in the forenoon, and when shot by defendant, Ghenn was not only making no attempt to injnre defendant, but was unarmed and endeavoring to escape from him."

The other case is The State v. Turpin, 77 N. C. 473, also decided in 1877. In this case a "*per curiam*" opinion was given by Bynum, J., who says:

"1. The uncommunicated threats were admissible for the purpose of corroborating