The Legal News.

Vol. XIII. DECEMBER 20, 1890. No. 51.

The practice of giving a long *congé* to judges who become indisposed does not appear to meet with favor in England. In the case of Lord Justice Cotton, for example, the intimation of his illness was almost immediately followed by the announcement that he had retired from the bench. Baron Huddleston, another very energetic judge, fell ill last August while on Circuit, but declined to take rest, and charged the grand jury from his bed. (See *ante*, p. 273). His lordship almost immediately resumed work, and went on trying cases during the hot weeks of August. Now comes the announcement that he is no more. Chief Justice Coleridge was also taken ill last month while hearing a case in Court, but his lordship has recovered sufficiently to permit him to resume his judicial duties. The work in England is so continuous and severe that the absence of a single judge deranges the machinery, and imposes an undue strain upon his colleagues. For example, when the autumn assizes commenced last month, only five out of the fifteen judges of the Queen's Bench Division were left in London, to dispose of the long lists of common law actions.

In the action of damages brought by Edith Sessions Tupper against Morin, superintendent of police at Buffalo, for the arrest which recently caused some stir, Daniels, J., of the Supreme Court of New York, in rejecting the defendant's motion to vacate the order of arrest in the suit against him, said:—"The plaintiff was arrested in the city of Toronto for felony committed in the city of Buffalo. The arrest was made without process and wholly upon information proceeding from the defendant. The orders to arrest her were sent by telegraph and were positive in their nature. And those positive orders were repeated after some evidence of the identity of the person had disappeared. She was not the felon, but in a strange city, alone, and in the night time, she was arrested for the crime of another, in which she was not only not a participant, but knew nothing whatever of its commission, or the person who committed it. This was an unwarrantable interference with her personal liberty, and should not have been ordered without very satisfactory evidence against her. The defendant claims to have been supplied with that degree of evidence. But the fact that he was, or that he acted with that degree of caution which is due to the liberty and security of an innocent person, is not so clearly established as to justify an order vacating the order for his arrest in this action for damages. An officer may make, or direct, the arrest of a person for a felony without a warrant. But to escape liability for making an unfounded arrest he must be able to excuse himself by proof that he had reasonable cause for believing that the person arrested had committed the crime."

NEW PUBLICATIONS.

The Bills of Exchange Act, 1890: by Thos. Hodgins, Q.C. — Publishers, Rowsell & Hutchison, Toronto.

It seems probable that the Act passed last session, relating to Bills of Exchange, Cheques and Promissory Notes, will be elaborately commented, as announcements were some time ago issued by three Toronto publishers, intimating the early publication of works by three several Queen's Counsel treating of the new law. A fourth work, by a Montreal Q. C., has also been announced. The first in the field is Mr. Hodgins' book which is now before us. Prepared necessarily in some haste, it seems to embody a tolerably full collection of decisions, carefully classified under the several sections of the Act. An introduction covering twenty-four pages will be found interesting. From it we learn that bills of exchange were known in England as early as A.D. 1307, since Edward I. in that year, ordered certain moneys, collected in England for the Pope, not to be remitted to him in coin or bullion, but by way of exchange—*per viam cambii*. About the commencement of the seventeenth century the practice of making bills payable to order, took its rise. Some writers state that the first known mention of