

section is principally in point in connection with the case put by our correspondent. The words used are, "refuses to deliver them up to the *proper owner* thereof," &c., but it cannot be said from this that the finder is bound to give them up to the first person that asks for them; on the contrary, he should refuse to give them up until he has reasonable grounds for supposing that it is the *proper owner* who is demanding them; and a *bona fide* refusal in such a case would not, we conceive, bring the finder within the meaning of the statute.

APPOINTMENT OF OFFICIAL ASSIGNEES.

An important decision has lately been given on this subject which it is advisable to make known to those interested as soon as possible. It came up in Chambers in a case of *Hingston v. Campbell* 'before the Chief Justice of Upper Canada.

Under the Act of 1864 it was necessary that the official assignee to be appointed under a voluntary assignment should be "resident within the district or county within which the insolvent has his place of business." In 1865 an Act to amend the first Act was passed, which by its second section enacts, that "a voluntary assignment may be made to any official assignee appointed under the Act without the performance of any of the formalities or the publication of any of the notices required by sections one, two, three and four of section two of said Act." Now it was thought by most persons that the words "*any official assignee*" enabled an assignment to be made to any assignee no matter in what county he might reside, and numerous assignments were made on this impression.

There are doubtless many good reasons why the Act should bear this wide interpretation, and as is usual in most cases, many against it; but the learned Chief Justice in the case referred to has decided against this view, not being, as he stated, able to satisfy himself that an assignment could be made to the official assignee of another county than that in which the insolvent resided and carried on his business.

This ruling on the part of so careful a judge will, we think, have a very decided effect in putting a stop to the practice that has been alluded to. This has gone so far, we are told, that assignments have been made by in-

solvents in Upper Canada to assignees in Montreal. Such a course of proceeding is objectionable in many ways, and it is well that this excess, even of the supposed authority given by the last Act should be restrained.

We shall give a full report of the case of *Hingston v. Campbell* in our next issue.

When disgusted with the stupidity or carelessness which we have often to complain of in this country, with reference to the trial of cases by jury, it is sometimes refreshing to turn to the pages of English law periodicals, and find that the people of this country, from which jurors are selected, are, as a rule, much more advanced in intelligence than the same class in England. Most of us have heard the story of the Suffolk jury which found a prisoner "not guilty, but he must not do it again." This was a petit jury, but grand jurors occasionally do curious things, of which the following, taken from the columns of the *Law Times*, is an amusing example:—

"A prisoner with rather a remarkable name had just been called up to receive sentence at quarter sessions for a felony to which he had pleaded 'Guilty.' Upon this a grand jurymen, by mere accident standing in the court (for the grand jurymen were already discharged) exclaimed aloud, "We threw out the bill against that man, I remember his name!" Upon this the clerk of the peace referred to the bill of indictment and found it really was indorsed 'No bill;' the prisoner, therefore, to his great surprise, was forthwith discharged, instead of receiving his well-merited sentence. But the best is to follow, and here we see the admirable working of the grand jury system. The jurymen, evidently gratified by his successful intervention, now added, 'I remember well the man's case, for we threw out the bill'—not because they thought there was not even *prima facie* evidence against him, but 'because we thought he had already suffered punishment enough!'"

The trials of those who were taken prisoner in June last, as being implicated in the Fenian raid on this Province, have commenced, and so far as they have gone, have resulted in the conviction of Lynch and McMahon. The trials were conducted throughout in the most impartial and dignified manner. So much so that even Lynch himself publicly testified to the fact.