1 Hale P. C. 458.) Now in the present case there was no evidence that the prisoner knew that there was a warrant against him, or that the officer had any authority to arrest him. And it appears that there were two struggles, and that the prisoner used no deadly weapon, but struck two blows with the butt end of his gun, flying as soon as he could, leaving the officer alive and able to walk, and (as was admitted) having no idea that he had inflicted a mortal wound. On the whole, it is impossible not to see that according to the old law he would have been held justified.

There are, however, more modern authorities or *dicta* which require to be noticed, and to one of which—though not to the latest—the learned Judge referred. In one or two cases it has been said that it may have been so under the circumstances. In the case referred to by the learned Judge, where the man unlawfully arrested, without any attempt to resist by other means, stabbed the officer. Baron Parke said that it was manslaughter, and that if he had prepared the knife for the purpose it would have been murder: (*Reg.* v. *Patience*, 7 Car. & P.) But it is not easy to reconcile this with the older authorities, unless upon the ground suggested, that the use of the knife was not necessary for the purpose of resistance. It is to be observed, moreover, that in that case the officer did not die—the indictment was for cutting and wounding, and the very essence of the offence was the use of the knife, which, man against man, could hardly be necessary in the first instance.

There was, however, a very recent case, to which the learned Judge did not refer, and which appears to have put the question on a very sensible footing. In that case the Judge ruled that if the violence used to resist the unlawful arrest was no greater than was necessary for the purpose, it was justifiable; otherwise it was manslaughter (*Reg.* v. *Lockley*, 4 F. & F.). According to that ruling it ought to have been left to the jury whether the violence was greater than necessary to resist the arrest, and they ought to have been told that the man was entitled to resist the arrest by any means necessary for that purpose, and even to the extent of inflicting death, if the arrest could not otherwise be avoided. Whether in the case of a protracted struggle the infliction of two blows with the butt end of a gun was a wanton excess of violence, would have been for the jury to determine; but it is to be observed that a man engaged in such a struggle cannot measure very nicely the force of a blow, and it was admitted by the prosecution that the man did not think he had killed the officer. It appeared also that he ran away, as soon as he could. The question is whether, under these circumstances, it was a conclusion of law that the effect of striking those blows was manslaughter.

No doubt the sufficiency of provocation is a question for the Judge. And the learned Judge treated it as a question of provocation. But was it not according to the authorities a question of justification? If so, then unless there was wilful excess the man was entitled to an acquittal. As it was, he had a sentence of fifteen years' penal servitude for a homicide in self-defence, just the same sentence which the learned Judge inflicted at Maidstone in a case of deliberate homicide out of revenge. Both cases were treated as cases of mere provocation, and the distinction as to the use of a deadly weapon with intent to kill was apparently overlooked. In the poacher's case, however, according to the authorities, there was a question of justification arising out of self-defence against illegal violence. If so, it is manifest that there is an inconsistency in the judicial *dicta* on this most important subject.—*The Law Times.*

The County Court Judge of Norwich is entitled to the thanks of the Profession for his attempts to suppress the encroaching and objectional practices of non-professional persons issuing summonses in County Courts, and invoking the terrors of the law, as if they were duly qualified solicitors. At the last Norwich Court a Mons. Carlier was plaintiff in a case, and it turned out that the plaint had been taken out for him by a Mr. Samuel Dawson, jun., who was not an attorney, but one of the Registrar's assistants. Upon this, his Honour called the attention of the Registrar, Mr. T. H. Palmer, to the irregularity, which was aggravated by the fact of Mr. Dawson having written a notice to the plaintiff in connection with the cause as if he were a solicitor. Unless, the learned judge said, Mr. Palmer was prepared to give a direct assurance that such a thing would not occur again, he would feel it to be his duty to report the matter to the Lord Chancellor; and if Mr. Palmer was not able to prevent his assistants from granting plaints to individuals forbidden by Act of Parliament to take them out, those assistants must be dismissed. The irregularity complained of had long prevailed at Norwich; and while he held the position of Judge, he would endeavour that the business should be conducted in strict conformity with the rules of Court. Addressing Mr. Dawson, the learned judge cautioned him in similar terms not to attempt to act as an attorney, stating that if he ever heard of a similar proceeding as that which had been brought under his notice that day, he should certainly report the matter to the law officers of the Crown; and he would thank the professional gentlemen practising before him to keep him acquainted of any repetition of conduct so reprehensible as that upon which he had animadverted. He thereupon ordered Mr. Dawson to leave the table at which he was sitting, and to remove to some other part of the court, and struck out the case in which he had been concerned. Strong measures of this kind now and then will have a most salutary effect upon the conduct of County Court business.—*Eng. paper.*